

## **Declaration of Clay U. Parikh**

I, CLAY U. PARIKH, declare under penalty of perjury that the following is true and correct:

1. I have personal knowledge of the matters set forth below and would testify competently to them if called upon to do so.

2. I have a Master of Science in Cyber Security, Computer Science from the University of Alabama in Huntsville. I have a Bachelor of Science in Computer Science, Systems Major from the University of North Carolina at Wilmington. In February 2007 I obtained the Certified Information Systems Security Professional (CISSP) certification and continually maintained good standing, until I released it on 28 February 2024. I also held the following certifications: Certified Ethical Hacker (CEH) and Certified Hacking Forensic Investigator (CHFI).

3. Since December of 2003, I have continually worked in the areas of Information Assurance (IA), Information Security and Cyber Security. I have performed and led teams in Vulnerability Management, Security Test and Evaluation (ST&E) and system accreditation. I have supported both civil and Department of Defense agencies within the U.S. government as well as international customers, such as NATO. I have served as the Information Security Manager for enterprise operations at Marshall Space Flight Center, where I ensured all NASA programs and projects aboard the center met NASA enterprise security standards. I was also responsible in part for ensuring the Marshall Space Flight Center maintained its Authority to Operate (ATO) within the NASA agency. I have also served as the Deputy Cyber Manager for the Army Corps of Engineers where I led and managed several teams directly in: Vulnerability Management, Assessment and Authorization (A&A), Vulnerability Scanning, Host Based Security System (HBSS), Ports Protocols and Service Management, and an Information System Security Manager (ISSM) team for cloud projects. I also have performed numerous internal digital forensic

audits. During this time span, I also worked at the Army Threat Systems Management Office (TSMO) as a member of the Threat Computer Network Operations Team (TCNOT). I provided key Computer Network Operations (CNO) support by performing validated threat CNO penetration testing and systems security analysis. TCNOT is the highest level of implementation of the CNO Team concept.

4. From 2008 to 2017, I also worked through a professional staffing company for several testing laboratories that tested electronic voting machines. These laboratories included Wyle Laboratories, which later turned into National Technical Systems (NTS) and Pro V&V. My duties were to perform security tests on vendor voting systems for the certification of those systems by either the Election Assistance Commission (EAC), or to a state's specific Secretary of State's requirements.

5. I have submitted four declarations in connection with Kari Lake's election contest challenging the results of Arizona's gubernatorial race in 2022 *Lake v. Hobbs*, No. CV2022-095403, filed in Maricopa County Superior Court, related to wrongdoing and violations of Arizona law in connection with Maricopa County's use of electronic voting machines in that election.

6. In mid-August 2023, after I submitted my last declaration, the system log files for Maricopa County's vote center tabulators used in the 2020 General Election were made available to me and to others working the 2022 case. In early January of 2024 we also received a copy of Maricopa County's election systems database and the forensic images of the vote center tabulator memory cards used in the 2020 General Election. The images of the tabulator memory cards contain system configuration settings, election data, and the tabulator system log files. A thorough, months-long analysis of this data was conducted as part of our investigation and compared to the electronic voting system data related to the 2022 General Election. The meticulous data model design and intelligence isolation exercises included over 70 million lines of system log entries, and 558 gigabytes of data.

7. I also reviewed the February 23, 2021, Audit Reports by Pro V&V<sup>1</sup> and SLI

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<sup>1</sup> <https://www.maricopa.gov/DocumentCenter/View/66844/Post-Audit-Report>

Compliance<sup>2</sup>, the Maricopa County Forensic Election Audit Report conducted by Cyber Ninjas at the request of the Arizona Senate and related follow-on reports by Maricopa and responses thereto, and other documents relevant to my analysis as noted herein.

8. The scope of this effort and comparing the 2020 data to the 2022 tabulator system log files acquired in December 2022 in total, encompassed several thousand man-hours in research, data analysis, interviews, testing and collaboration. I make the following observations and conclusions based on this new information and provide this declaration to supplement the previous declarations that have been submitted in *Lake v. Hobbs*, No. CV2022-095403, filed in the Maricopa County Superior Court, and my testimony in *Lake et al. v. Hobbs et al.*, No. 2:22-cv-00677-JJT filed in the United States District Court for the District of Arizona.

### EXECUTIVE SUMMARY

9. Given my education, experience as a security professional and years of experience working with Voting System Testing Laboratories (VSTL), and the thorough analysis of the systems, processes, and the electronic records detailed above, the facts have led to the conclusion that the voters of Maricopa County should have no confidence that their votes have been accurately counted, if they were even counted at all. The **egregious** security violation discovered, concerning the encryption keys utilized by the voting system only reinforces this conclusion.

10. Maricopa County uses a vote center model to conduct elections. This model includes a central facility (MCTEC) where the Election Management System (EMS) and high-speed tabulator/scanners are located. There are also more than two hundred vote centers (i.e., polling locations) throughout the county each with two ImageCast Precinct-2 (ICP2) tabulators to scan and process ballots. Tabulator memory cards contain the election software programming for each election and are inserted into every tabulator/scanner allowing them to read and tabulate the ballots for that election.

11. Upon analysis and review of the vote center ICP2 tabulator system log files from the

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<sup>2</sup> Case 2:22-cv-00677-JJT Document 29-8 Filed 06/07/22 "Exhibit 7"

2020 and 2022 General Elections, I make the following observations:

- a. The vote center tabulator system log files and other electronic data show conclusively that, Maricopa used election software cobbled together with components from versions of Democracy Suite 5.5B and 5.10. Democracy Suite 5.10 is not approved for use in Arizona by the Secretary of State or by the EAC in any capacity. The use of any software not included in the specific configuration as tested for certification renders the entire voting system uncertified. Maricopa County election officials acknowledge that any change to the voting system software would violate the official certification and testified that was the reason for not having installed antivirus and operating system security patches.<sup>3</sup>
- b. One of the components that has been grafted onto Maricopa's election software is the Machine Behavioral Settings (MBS) of California's Democracy Suite 5.10, to include the election counting rules which govern how ballots are read and votes are tabulated. Because of this use of uncertified software, any election results from these voting systems cannot be relied upon.
- c. The SLI Compliance audit report<sup>2</sup> solicited to among other things, "[v]erify[] that the software installed on the tabulation equipment is the same software certified by the U.S. Election Assistance Commission and the Arizona Secretary of State" either did not assess the same election software as that used in the 2020 General Election or falsely claimed that they had.
- d. Following the post-election 2020 senate audit, Secretary of State Katie Hobbs purportedly decertified Maricopa County's vote center tabulators for fear that they could have been compromised during the audit. Maricopa County then purchased replacement vote center tabulators. The system logs for 2022 reveal that the uncertified software detailed above was used again for the 2022 General Election.

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<sup>3</sup> Transcript 2:22-cv-00677-JJT (pg. 180, Lines 15-19) Testimony of Scott Jarrett "if we were to install or update or implement patches on any piece of that equipment, it would immediately then be decertified at the federal level. So we don't do that because it would violate federal statute and then violate state statute."

e. Maricopa County falsely certified that it conducted statutorily required logic and accuracy (L&A) testing on the vote center tabulators before each of the 2020 and 2022 General Elections. In fact, the system log files, test results, and/or video evidence show none of the vote center tabulators (including the election software installed on them) used in the 2020 and 2022 General Elections were subjected to statutorily required L&A testing.

12. Analysis of the 2020 election database revealed the most egregious security violation. The secret encryption key and x509 certificate used to encrypt, decrypt, the election data, and used for authentication when transferring files and communication are stored in plaintext, unprotected within the election database. Compounding this, the database is not configured to standard security configurations used for a database dealing with sensitive information.

## **DETAILED FINDINGS AND CONCLUSIONS**

### **Certification of Democracy Suite 5.5B Election Software Under Arizona Law**

13. A.R.S. § 16-442(A) states in part that a committee of three persons appointed by the Secretary of State “shall investigate and test the various types of vote recording or tabulating machines or devices that may be used under this article. ... [and] submit its recommendations to the secretary of state who shall make final adoption of the type or types, make or makes, model or models to be certified for use in this state.”

14. A.R.S. § 16-442(B) states further that an electronic voting machines “may only be certified for use in this state and may only be used in this state if they comply with the Help America Vote Act (HAVA) of 2002 and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002.”

15. Maricopa acknowledges these requirements on its website<sup>4</sup>, stating further that: “Maricopa County’s tabulation equipment went through extensive testing and received federally accredited Election Assistance Commission certification.” “The Dominion Democracy Suite

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<sup>4</sup> <https://www.maricopa.gov/5539/Voting-Equipment-Facts>

5.5B is both federally and state certified.” “The U.S. Election Assistance Commission certification is an official recognition that a voting system has been tested and has met an identified set of Federal voting system standards.”

16. As shown in the chart entitled 2022 Election Cycle/Voting Equipment posted on the Arizona Secretary of State’s website<sup>5</sup>, Democracy Suite 5.5B was the only version of Dominion election software certified for use in Arizona and includes version 5.5.1.8 for the firmware used in Maricopa’s ICP2 vote center tabulators, see Exhibit B.

17. The EAC’s DVS 5.5B certification is attached as Exhibit A. The EAC Certification *Scope of Conformance* defines the specific software and firmware component versions tested and certified by both the EAC and the state of Arizona. The EAC Certificate of Conformance for Democracy Suite 5.5B states: “Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate ***applies only to the specific version and release of the product in its evaluated configuration.***” The EAC’s Scope of Certification also states “[a]ny use, configuration changes, revision changes, additions or subtractions from the described system are ***not included*** in this evaluation.”

18. Dominion’s Democracy Suite election software includes a component called Machine Behavior Settings (MBS) which govern how ballots are read and tabulated by the tabulators. According to Dominion’s manual<sup>6</sup>, MBS are “[t]he settings that hold configuration parameters as defined by EMS applications and passed onto the ICE and ICP2 tabulators. These settings define and determine the behavior of the ICE and ICP2 during an election.” The MBS “are configured prior to the election to detect for particular ballot scenarios and elicit various responses based on the type of ballot scenario detected<sup>6</sup>” with respect to accepting, reading, and tabulating ballots. In short, through the MBS, one can control the outcome of an election.

19. The ***only*** version of Dominion’s tested, certified, and authorized for use in the state of Arizona, during the 2020 and 2022 elections, was Democracy Suite 5.5B. The ICP2 tabulator (vote center) MBS version 5.5.1.4 is shown highlighted in the screenshot from the Scope of

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<sup>5</sup> [https://apps.azsos.gov/election/files/ve/ve\\_2022\\_election\\_cycle\\_voting\\_equipment\\_aug.pdf](https://apps.azsos.gov/election/files/ve/ve_2022_election_cycle_voting_equipment_aug.pdf)

<sup>6</sup> Democracy Suite Use Procedures Version: 5.10-A::5 September 9, 2021 pg. 15, pg. 188

Certification below:<sup>7</sup>

Machine Configuration File (MCF)	5.5.12.1_20190510	Proprietary	ICX Configuration File
Device Configuration File (DCF)	5.5.31_20190423	Proprietary	ICP and ICC Configuration File
ICE Machine Behavior Settings	5.5.6.3 20190512	Proprietary	ICE Configuration
ICP2 Machine Behavior Settings	5.5.1.4 20190510	Proprietary	ICP2 Configuration

### Hardware Components:

## Maricopa County's Election Software Has Been Altered and Is Not Certified

20. The tabulator system log files reveal that the Dominion election software Maricopa County used in the 2020 and 2022 General Elections is an uncertified home-brew version that inserts Democracy Suite software version 5.10 MBS into the approved and certified Democracy Suite 5.5B. This configuration has *not* been tested by the VSTL Pro V&V, nor been certified by the EAC, and has not been certified for use in Arizona by the Secretary of State. Specifically, the tabulator system log files for all vote center tabulators used in the 2020 and 2022 elections reveal that Maricopa is using an MBS version (5.10.9.4) from California's 5.10 system, not the proper 5.5B version 5.5.1.4. Representative exemplars of the vote center tabulator system log files for the 2020 and 2022 General Elections, respectively, are shown below:

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PCOS_Tab_Logs15707-B TURF PARADISE.log  PCOS_Tab_Logs15682-A ENVISON COMMUNITY CENTER.log X
> Users > kmonc > Downloads > Precinct Scanner (ICP2) (1) > Precinct Scanner (ICP2) > PCOS_Tab_Logs15682-A ENVISON COMMUNITY CENTER.log
94 07 Oct 2020 21:23:22 [ProjectVerifier] WARN : [Verification] Election database version: 1.24 is not same as election domain version
95 07 Oct 2020 21:23:22 [ProjectVerifier] INFO : [Verification] Connecting to election database finished
96 07 Oct 2020 21:23:22 [ProjectVerifier] INFO : [Verification] Loading MBS
97 07 Oct 2020 21:23:22 [ProjectVerifier] INFO : [File Access] Reading from file: /media/primary-card/mbs/behaviorsettings.mbs
98 07 Oct 2020 21:23:22 [ProjectVerifier] INFO : [Verification] Loading machine configuration to runtime settings started
99 07 Oct 2020 21:23:22 [ProjectVerifier] WARN : [Verification] Wrong mbs version: 5.10.9.4 Expecting: 5.10.3.4
100 07 Oct 2020 21:23:22 [ProjectVerifier] INFO : [Verification] Loading conditional points from alternative selectors
```

<sup>7</sup> Exhibit A, pg.5

```
10248_A_SLOG.TXT X
C: > Users > kmonc > OneDrive > Central Count ICC and 179 VC > 10248_A_SLOG.TXT
runtime settings started
88 14 Oct 2022 11:37:30 [ProjectVerifier] WARN : [Verification] Wrong mbs version: 5.10.9.4
    Expecting: 5.10.3.4
89 14 Oct 2022 11:37:30 [ProjectVerifier] INFO : [Verification] Loading conditional points from
    alternative selectors
```

21. All the system log files for the vote center tabulators used in the 2020 and 2022 General Elections show that Maricopa installed MBS version 5.10.9.4 and that the vote center tabulators were programmed to “expect” MBS version 5.10.3.4. Both versions are not certified for use with Democracy Suite 5.5B.

22. The “WARN[ING]” described in the tabulator system log files establishes the fact the vote center tabulators were programmed to expect a version of the California’s 5.10 system is separate and apart from the fact that Maricopa County’s use of version 5.10 MBS Dominion software is not authorized by the Arizona Secretary of State or certified by the EAC. California is the only state that uses Dominion Democracy Suite version 5.10.

23. In the California Secretary of State’s Staff Report dated August 19, 2019, evaluating this election software, the Staff Report states: “Validating the software often, and on every system component is crucial to a secure system. Finally, *Democracy Suite does not support mixing and matching of versions between components.*”<sup>8</sup> [p.25, emphasis added]

24. The system log files for all vote center tabulators used in the 2020 and 2022 General Elections also show another warning that of a database version and domain conflict. Representative exemplars of the vote center tabulator system log files for the 2020 and 2022 General Elections, respectively, are shown below:

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<sup>8</sup> <https://votingsystems.cdn.sos.ca.gov/vendors/dominion/dvs510staff-report.pdf>



```
PCOS_Tab_Logs15682-A ENVISION COMMUNITY CENTER.log X
C:\Users\kmonc\Downloads\Precinct Scanner (ICP2) (1)\Precinct Scanner (ICP2) > PCOS_Tab_Logs15682-A ENVISION COMMUNITY CENTER.log
5553 08 Oct 2020 09:01:31 [CentralSupervisor] INFO : [Supervision] Motherboard temperature is 31 C
5554 08 Oct 2020 09:01:31 [CentralSupervisor] INFO : [Supervision] Temperature inside normal range
5555 08 Oct 2020 09:01:59 [ProjectVerifier] INFO : [Verification] Election domain version: 1.29
5556 08 Oct 2020 09:01:59 [ProjectVerifier] WARN : [Verification] Election database version: 1.24 is not same as election domain version
5557 08 Oct 2020 09:01:59 [ProjectVerifier] INFO : [Verification] Connecting to election database finished
5558 08 Oct 2020 09:01:59 [ProjectVerifier] INFO : [Verification] Loading MBS
5559 08 Oct 2020 09:01:59 [ProjectVerifier] INFO : [File Access] Reading from file: /media/primary-card/mbs/currentbehaviorsettings.mbs
```

```
10248_A_SLOG.TXT X
C:\Users\kmonc\OneDrive\Central Count ICC and 179 VC > 10248_A_SLOG.TXT
VerificationView
82 14 Oct 2022 11:37:30 [ProjectVerifier] INFO : [Verification] Election domain version: 1.29
83 14 Oct 2022 11:37:30 [ProjectVerifier] WARN : [Verification] Election database version: 1.24
is not same as election domain version
84 14 Oct 2022 11:37:30 [ProjectVerifier] INFO : [Verification] Connecting to election database
finished
```

25. In computer programming, functions that check and compare component or sub-component versions--such as the two warnings noted above--serve a vital purpose in ensuring system functionality. Event logs are the standard way to record system checks. “Warnings” are a specific category of an event log in software programming. A warning indicates that there could be multiple, if not hundreds, of issues and that errors could occur. Critically, when a warning is issued, the system could have a resulting consequence or error occur that is not detectable by the system.

26. Candidates, contests, corresponding ballot bubbles, ballot styles, types and the relationship between those variables are only a fraction of the potential material adverse events that such a conflict gives rise to. Which could mean a ballot is not recorded correctly or the vote results are not accurately tabulated. The MBS and database version conflicts are a serious matter which can affect whether the tabulator accurately reads or records a voter’s ballot.

27. This is especially significant in this instance due to the complex relational database architecture of the voting system. Notably, the warnings with respect to the MBS and Election

database/domain conflict are exactly the same for 2020 and 2022. Maricopa purchased new tabulators after the completion of the Arizona Senate audit in September 2021. Thus, Maricopa had to reload its unlawfully modified software onto the vote center tabulators used in the 2022 General Election.

28. The result of these critical faults, individually or collectively, means there is no way to know if votes cast in the 2020 and 2022 General Elections were correctly recorded or tabulated. The only way to verify the correct vote would be to conduct a full analysis of the Election Management Server (EMS), tabulator memory cards, and paper ballots. The senate audit did not compare the 2020 paper ballots to the ballot images created during the tabulation process and the tabulator's interpretation of each ballot (AuditMark).

### **Maricopa County Did Not Perform L&A Testing in Accordance with A.R.S. §16-449**

29. L&A testing is designed to test the voting systems before an election, establish and preserve a successful state or baseline, and give the public confidence that the electronic voting machines will accurately record and tabulate votes. The procedures for L&A testing are set forth at A.R.S. §16-449 and in the Election Procedure Manual (EPM). A.R.S. §16-449(A) states in part that “[w]ithin the period of time before the election day prescribed [by the EPM] adopted pursuant to section 16-452...the automatic tabulating equipment and programs [shall be] tested to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures.”

30. The 2019 EPM and 2023 EPM expressly state that:

The Board of Supervisors or officer in charge of elections is responsible for performing an L&A test *on all voting equipment prior to each election*. The conduct of the test must be overseen by at least two elections staff or inspectors (of different political parties) and shall be open to observation by representatives of the political parties, candidates, the press, and the public.

31. For any election that includes a federal, statewide, or legislative office, the Secretary of State is responsible for conducting an L&A test on *selected voting equipment*. A.R.S. § 16-

449.<sup>9</sup> The 2019 and 2023 EPM also expressly state that while the Secretary of State’s L&A testing may be of selected voting equipment, “all of the county’s deployable voting equipment must be tested.”<sup>10</sup>

32. On October 03, 2020, Maricopa County issued a statutorily required public notice that L&A testing for the 2020 General Election would be conducted on October 06, 2020. Maricopa County and the Secretary of State each officially certified that the electronic voting systems had been successfully tested for Logic and Accuracy on October 6, 2020, in accordance with Ariz. Rev. Stat. § 16-449, see Exhibit C.

33. Maricopa County and the Secretary of State each conducted statutorily announced L&A testing for the 2022 General Election on October 11, 2022, and each certified separately that pursuant to A.R.S. §16-449, the electronic voting systems had been successfully tested for Logic & Accuracy, see Exhibit C.

34. Prior to both elections only five spare tabulators were L&A tested. None of the tabulators that were used on either election day were L&A tested. The 2020 systems logs show five tabulators only having activity during the L&A test period. The 2022 records show five systems tested and those were the only tabulator logs we did not receive. The 2020 General Election tabulator system log files all show the vote center tabulators have initialization dates of October 7-13, i.e., after the October 6, 2020, L&A test. With respect to the 2022 General Election, tabulator system log files all show the vote center tabulators all have initialization dates of October 14, 17, or 18, i.e., after the October 11, 2022, L&A test.

35. The fact that the vote center tabulators all have initialization dates after the official L&A test date of October 6, 2020, and October 11, 2022, makes it impossible for any of these tabulators to have been L&A tested in accordance with A.R.S. §16-449. Maricopa thus, falsely certified that it successfully completed L&A testing on October 6, 2020, and October 11, 2022, in accordance with A.R.S. §16-449—which mandates L&A testing of all deployable voting

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<sup>9</sup> 2019 EPM p.86; 2023 EPM p. 91.

[https://apps.azsos.gov/election/files/epm/2019\\_elections\\_procedures\\_manual\\_approved.pdf](https://apps.azsos.gov/election/files/epm/2019_elections_procedures_manual_approved.pdf)

<sup>10</sup>2019 EPM p. 94-95; 2023 EPM p. 100.

[https://apps.azsos.gov/election/files/epm/2023/EPM\\_20231231\\_Final\\_Edits\\_to\\_Cal\\_1\\_11\\_2024.pdf](https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf)

equipment (i.e., including all vote center tabulators), with advance public notice and required observers.

36. Before I had access to the tabulator system log files for the 2020 General Election, I raised the issue of Maricopa's falsely certifying it conducted L&A testing in connection with the 2022 General Election in my declaration dated May 8, 2023 filed in connection with Lake's Motion for Relief From Judgment in which I concluded that Maricopa County could not have performed statutorily required L&A testing on the vote center tabulators used in the 2022 General Election because, among other things, the vote center tabulators all have initialization dates of October 14, 17, or 18, i.e., after the October 11, 2022 L&A test.

37. In response to Lake's motion, Maricopa submitted the declaration of Scott Jarrett, Maricopa's Co-Director of Elections, as part of their response brief filed on May 10, 2023, in Maricopa Superior Court, Case No. CV2022-095403. In his declaration, Jarrett admitted, seven months after the statutorily mandated L&A testing on October 11, 2022, Maricopa spent three days: (1) cutting the seals on the 446 vote-center tabulators; (2) taking out all the memory cards containing the election program; and (3) reformatting and reinstalling those memory cards, purportedly with a copy of the previously certified election program. [Ex. D at 14, 15-25].

38. The tabulator system log files show Maricopa County also conducted unannounced testing of the 446 vote center tabulators on the same dates, and that 260 tabulators (i.e., 58%) rejected ballots with the same error codes that occurred on Election Day and at a shockingly similar percentage.

39. Jarrett also testified that the installation of these reformatted memory cards into the vote center tabulators on October 14, 17, or 18 came about because Maricopa County purportedly realized on October 10, 2022 (the day before the statutory L&A test), that they "had not programmed the Vote Center tabulators to reject early and provisional ballots" and thus "the reformatted cards needed to be reinserted into each of the tabulators." [Ex. D at 9, 14-15]. Jarrett testified further the new programming was "a security feature that Maricopa County has used since 2020...[and] [s]uch programming prevents a voter from being able to cast and have more than one ballot counted in a single election." [Ex. D at 9, 17-18].

40. However, after Jarrett testified to this excuse, and previously mentioned the 2020 tabulator system log files were obtained and those log files also reflect that Maricopa’s vote center tabulators used in the 2020 General Election have initialization dates after the statutory October 6, 2020, L&A test. Did Maricopa forget to properly program the tabulators to reject provisional and early ballots in the 2020 General Election as well?

41. Regardless, reformatting the vote center tabulators’ memory cards and installing the election program after the statutorily mandated L&A test means any prior L&A test is void. The testing must be rerun with the tabulators and election software installed to be compliant with the plain language of Arizona law and standard practices.

### **Pro V&V and SLI did not examine the Election Software or Programming**

42. Maricopa County contracted Pro V&V to conduct a field audit “to ensure the software and hardware certified for use in Maricopa County are the same as the software and hardware used in the conduction of the November 2020 General Election.” Pro V&V’s report details a process by which the tabulator memory cards, which are the sole repository for the software and election configuration files (MBS), were removed and set aside.<sup>11</sup> After Pro V&V finished separate firmware analysis, the report states that the memory cards were reinserted into the machine; therefore, the software and configuration files at issue were not validated by Pro V&V.

43. Shortly after the 2020 General Election, Maricopa requested SLI Compliance (SLI) to forensically audit “the voting system equipment used in the November 3rd, 2020, presidential election and records from that election, to extract facts about the use of the Dominion Voting Systems Democracy Suite 5.5B voting system” and generate a written report<sup>12</sup>.

44. SLI stated their first assigned tasks was to: “1. Verifying that the software installed on the tabulation equipment is the same as the software certified by the U.S. Election Assistance Commission and the Arizona Secretary of State. This item is applicable to ICP2 (precinct

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<sup>11</sup> <https://www.maricopa.gov/DocumentCenter/View/66844/Post-Audit-Report> pg. 4 Section 3.3

<sup>12</sup> <https://www.maricopa.gov/DocumentCenter/View/66843/SLI-Compliance-Forensic-Audit-Report>

scanner), EMS (election management system – workstations and servers), ICC (central count system) and Adjudicator (ballot resolver).”

45. As it pertains to number one of the assigned tasks, SLI’s report details the following:

To capture a full data set of the environments being examined, and to prevent contamination of the environments, SLI Compliance performed cloning operations on all workstations and all Administrator SD cards collected from the ICP2 devices.

Dominion voting system files were extracted from the 35 ICP2s to validate against EAC generated hash codes, which are used to validate that each file’s content has not been modified.

The files were then hashed and compared to the EAC generated hash codes and verified to match. This verified Item #1 for the 35 evaluated ICP2 components.

46. It is also important to note that the uncertified and unlawful tabulator programming for both the 2020 and 2022 General Elections straddle the SLI Compliance forensic audit which purportedly verified the tabulator programming at issue; therefore, either the audit was not true and correct as the MBS software that SLI’s audit verified was not that which was used for 2020- or the uncertified and unlawful software was surreptitiously reinstalled for 2022. There are no other possibilities.

47. Maricopa County Defendants falsely asserted that they had performed hash validation of the software of the tabulators and EMS before the Logic & Accuracy test for each election by comparing it to that which was certified by the EAC and the Arizona Secretary of State, when in fact they did not.<sup>13</sup>

### **Storing Encryption Keys in Plain Text and Unprotected Violates Basic Security Procedures**

48. Electronic voting systems overall are full of vulnerabilities with multiple exploits

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<sup>13</sup> Transcript 2:22-cv-00677-JJT (pg. 187, Lines 15-24) Mr. Jarrett also explained that Maricopa County performs “a hash code verification” prior to the Secretary’s logic and accuracy testing. (Tr. 187:15-24.)

available. The vulnerabilities range from outdated Operating Systems (OS), third party applications, to protocols and services. Adding to these weaknesses is system configuration. Nearly all aspects of the voting systems do not use standard security, let alone industry best practices when configuring their systems. Voting system vendors, like Dominion, lack basic configuration management of their systems.

49. The election database is a prime example of misconfiguration. It is standard practice for a database to not use OS authentication to access or modify the database. Democracy Suite versions use OS authentication, which increases the number of attack vectors on the database. Additionally, if a database is to hold sensitive data it should be configured to encrypt the table, column, or row to which the sensitive data is to reside. This prevents anyone with read only or unauthorized access from seeing the data.

50. Lastly, Democracy Suite systems use a combination of a Rijndael Key, a Rijndael Vector, a Hash-based Message Authentication Code (HMAC) and a x509 security certificate to encrypt, decrypt and to authenticate data. The encryption key is considered a secret key and should be hidden and protected. All the components listed above (security processes) should be stored encrypted, especially if stored within a database. In the Democracy Suite systems, they are not. They are left unprotected and out in the open easy to find. With these items anyone could manipulate system configuration files causing the tabulators to not function properly. They could create or duplicate election data and make it look authentic. The possibilities are endless.

51. Furthermore, the plaintext storage of passwords and encryption keys on **any** information system, let alone a voting system, is an **egregious, inexcusable** violation of long-standing, **basic** cybersecurity best practices. It destroys any type of security the system wishes to implement. Windows log-in is the only authentication needed to access the unprotected database where the keys are stored. Windows log-in can easily be bypassed.<sup>14</sup>

52. These keys being plaintext outside of the cryptographic module also **violates** FIPS 140-2. Section 4.7 of FIPS 140-2 “Cryptographic Key Management”<sup>15</sup> states "The security

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<sup>14</sup> [https://www.youtube.com/watch?v=2v-mGf4\\_9-A](https://www.youtube.com/watch?v=2v-mGf4_9-A)

<sup>15</sup> <https://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.140-2.pdf> pg.30

requirements for cryptographic key management encompass the entire lifecycle of cryptographic keys[.]” The section also states that “Secret keys, private keys, and CSPs shall be protected within the cryptographic module from unauthorized disclosure, modification, and substitution.” Section 4.7.5 “Key Storage” states “Plaintext secret and private keys shall not be accessible from outside the cryptographic module to unauthorized operators.” Additionally, the National Institute of Standards and Technology NIST SP 800-57<sup>16</sup> section 4.7 “Key Information Storage” states “The integrity of all key information **shall** be protected; the confidentiality of secret and private keys and secret metadata **shall** be protected. When stored outside a cryptographic module[.]”

### CONCLUSION

53. The version mismatches and uncertified software identified in the tabulator system logs indicate an uncertified voting system was used in both the 2020 and 2022 elections, in violation of Arizona law. Two independent audits and Maricopa County couldn’t properly verify the integrity of the voting system, via hash validation. The encryption mechanisms and security certificates are left totally unprotected in a highly vulnerable system. The result of these critical faults, individually or collectively, means there is no way to know if votes cast in either election were correctly recorded or tabulated.

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

Executed on this 18 day of March 2024.

*s/ Clay Parikh*  
\_\_\_\_\_  
Clay U. Parikh

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<sup>16</sup> <https://doi.org/10.6028/NIST.SP.800-57pt2r1>



# Exhibit A



United States Election Assistance Commission



Certificate of Conformance

**Dominion Voting Systems  
Democracy Suite 5.5-B**

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)*. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the *EAC Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: Democracy Suite

Model or Version: 5.5-B

Name of VSTL: Pro V&V

EAC Certification Number: DVS-DemSuite5.5-B

Date Issued: September 11, 2019

*Executive Director*  
*U.S. Election Assistance Commission*

Scope of Certification Attached

**Manufacturer:** Dominion Voting Systems (DVS)  
**System Name:** Democracy Suite 5.5-B  
**Certificate:** DVS-DemSuite5.5-B

**Laboratory:** Pro V&V  
**Standard:** VVSG 1.0 (2005)  
**Date:** September 11, 2019



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## Scope of Certification

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This document describes the scope of the validation and certification of the system defined above. Any use, configuration changes, revision changes, additions or subtractions from the described system are not included in this evaluation.

### Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is **not**:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

### Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer's suspension or other action pursuant to Federal civil and criminal law.

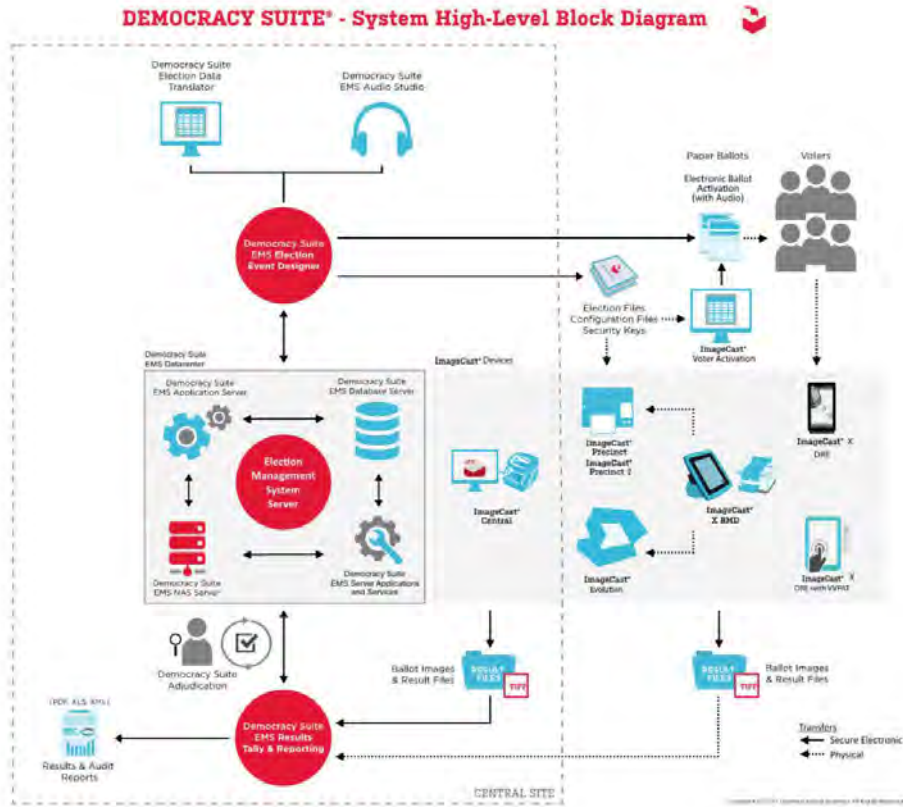
### System Overview:

The D-Suite 5.5-B Voting System is a paper-based optical scan voting system with a hybrid paper/DRE option consisting of the following major components: The Election Management System (EMS), the ImageCast Central (ICC), the ImageCast Precinct (ICP and ICP2), the ImageCast Evolution (ICE), the ImageCast X (ICX) DRE w/ Reports Printer, ImageCast X (ICX) DRE w/ voter-verifiable paper audit trail (VVPAT), and the ImageCast X ballot marking device (BMD). The D-Suite 5.5-B Voting System configuration is a modification from the EAC approved D-Suite 5.5 system configuration.

Language capability:

System supports Alaska Native, Apache, Bengali, Chinese, English, Eskimo, Filipino, French, Hindi, Japanese, Jicarilla, Keres, Khmer, Korean, Navajo, Seminole, Spanish, Thai, Towa, Ute, Vietnamese, and Yuman.

### Democracy Suite 5.5-B System Diagram





### Components Included:

This section provides information describing the components and revision level of the primary components included in this Certification.

#### Voting System Software Components:

System Component	Software or Firmware Version	Operating System or COTS	Comments
EMS Election Event Designer (EED)	5.5.32.4	Windows 10 Pro	EMS
EMS Results Tally and Reporting (RTR)	5.5.32.4	Windows 10 Pro	EMS
EMS Application Server	5.5.32.4	Windows Server 2012 R2 Windows 10 Pro	EMS
EMS File System Service (FSS)	5.5.32.4	Windows 10 Pro	EMS
EMS Audio Studio (AS)	5.5.32.4	Windows 10 Pro	EMS
EMS Data Center Manager (DCM)	5.5.32.4	Windows Server 2012 R2 Windows 10 Pro	EMS
EMS Election Data Translator (EDT)	5.5.32.4	Windows 10 Pro	EMS
ImageCast Voter Activation (ICVA)	5.5.32.4	Windows 10 Pro	EMS
EMS Adjudication (ADJ)	5.5.32.4	Windows 10 Pro	EMS
EMS Adjudication Services	5.5.32.4	Windows 10 Pro	EMS
Smart Card Helper Service (SCHS)	5.5.32.4	Windows 10 Pro	EMS
Election Firmware	5.5.31.1	uLinux	ICP
Firmware Updater	5.5.31.1	uLinux	ICP
Firmware Extractor	5.5.31.1	uLinux	ICP
Kernel (uLinux)	5.5.31.1	Modified COTS	ICP
Boot Loader (COLILO)	20040221	Modified COTS	ICP
Asymmetric Key Generator	5.5.31.1	uLinux	ICP
Asymmetric Key Exchange Utility	5.5.31.1	uLinux	ICP
Firmware Extractor (Technician Key)	5.5.31.1	uLinux	ICP
ICP2 Application	5.5.1.8	uLinux	ICP2
ICP2 Update Card	5.5.1.8	uLinux	ICP2
Voting Machine	5.5.6.5	Ubuntu Linux	ICE
Election Application	5.5.6.5	Ubuntu Linux	ICE
ImageCast Central Application	5.5.32.5	Windows 10 Pro	ICC
ICX Application	5.5.13.2	Android 5.1.1 (ICX Prime) Android 4.4.4 (ICX Classic)	ICX

#### Voting System Platform:

System Component	Version	Operating System or COTS	Comments
Microsoft Windows Server	2012 R2 Standard	Unmodified COTS	EMS Server SW Component
Microsoft Windows	10 Professional	Unmodified COTS	EMS Client/Server SW Component
.NET Framework	3.5	Unmodified COTS	EMS Client/Server SW Component
Microsoft Visual J#	2.0	Unmodified COTS	EMS Client/Server SW Component
Microsoft Visual C++ 2013 Redistributable	2013	Unmodified COTS	EMS Client/Server SW Component
Microsoft Visual C++ 2015 Redistributable	2015	Unmodified COTS	EMS Client/Server SW Component

System Component	Version	Operating System or COTS	Comments
Java Runtime Environment	7u80	Unmodified COTS	EMS Client/Server SW Component
Java Runtime Environment	8u144	Unmodified COTS	EMS Client/Server SW Component
Microsoft SQL Server 2016Standard	2016 Standard	Unmodified COTS	EMS Client/Server SW Component
Microsoft SQL Server 2016 Service Pack 1	2016 SP1	Unmodified COTS	EMS Client/Server SW Component
Microsoft SQL Server 2016 SP1 Express	2016 SP1	Unmodified COTS	EMS Client/Server SW Component
Cepstral Voices	6.2.3.801	Unmodified COTS	EMS Client/Server SW Component
Arial Narrow Fonts	2.37a	Unmodified COTS	EMS Client/Server SW Component
Maxim iButton Driver	4.05	Unmodified COTS	EMS Client/Server SW Component
Adobe Reader DC	AcrobatDC	Unmodified COTS	EMS Client/Server SW Component
Microsoft Access Database Engine	2010	Unmodified COTS	EMS Client/Server SW Component
Open XML SDK 2.0 for Microsoft Office	2.0	Unmodified COTS	EMS Client/Server SW Component
Infragistics NetAdvantage Win Forms 2011.1	2011 Vol. 1	Unmodified COTS	EMS SW Platform
Infragistics NetAdvantage WPF 2012.1	2012 Vol. 1	Unmodified COTS	EMS SW Platform
TX Text Control Library for .NET	16.0	Unmodified COTS	EMS SW Platform
SOX	14.3.1	Unmodified COTS	EMS SW Platform
NLog	1.0.0.505	Unmodified COTS	EMS SW Platform
iTextSharp	5.0.5	Unmodified COTS	EMS SW Platform
OpenSSL	1.0.2K	Unmodified COTS	EMS SW Platform
OpenSSL FIPS Object Module	2.0.14 (Cert 1747)	Unmodified COTS	EMS SW Platform
SQLite	1.0.103.0	Unmodified COTS	EMS SW Platform
Lame	3.99.4	Unmodified COTS	EMS SW Platform
Speex	1.0.4	Unmodified COTS	EMS SW Platform
Ghostscript	9.04	Unmodified COTS	EMS SW Platform
One Wire API for .NET	4.0.2.0	Unmodified COTS	EMS SW Platform
Avalon-framework-cvs-20020806	20020806	Unmodified COTS	EMS SW Platform
Batik	0.20-5	Unmodified COTS	EMS SW Platform
Fop	0.20-5	Unmodified COTS	EMS SW Platform
Microsoft Visual J# 2.0 Redistributable Package – Second Edition (x64)	2.0	Unmodified COTS	EMS SW Platform
Entity framework	6.1.3	Unmodified COTS	EMS SW Platform
Spreadsheetlight	3.4.3	Unmodified COTS	EMS SW Platform
Open XML SDK 2.0 for Microsoft Office	2.0.5022.0	Unmodified COTS	EMS SW Platform
Open SSL	1.0.2K	Unmodified COTS	ICP
OpenSSL FIPS Object Module	2.0.10 (Cert 1747)	Unmodified COTS	ICP
Zlib	1.2.3	Unmodified COTS	ICP
uClinux	20070130	Modified COTS	ICP
Kernel (Linux)	2.6.30.9-dvs-36	Modified COTS	ICE



System Component	Version	Operating System or COTS	Comments
U-Boot	1.3.4	Modified COTS	ICE
Google Text-to-Speech Engine	3.11.12	Unmodified COTS	ICX SW
Kernel	4.9.11	Modified COTS	ICP2
U-Boot	2017.03	Modified COTS	ICP2
Zxing Barcode Scanner	4.7.5	Modified COTS	ICX SW
Sound Touch	1.9.2	Modified COTS	ICX SW
ICX Prime Android 5.1.1 Image	0405	Modified COTS	ICX SW
ICX Classic Android 4.4.4 Image	0.0.98	Modified COTS	ICX SW
OpenSSL FIPS Object Module	2.0.10 (Cert 2473)	Unmodified COTS	ICX SW Build Library
OpenSSL	1.0.2K	Unmodified COTS	ICC SW Build Library
OpenSSL FIPS Object Module	2.0.10 (Cert 1747)	Unmodified COTS	ICC SW Build Library
1-Wire Driver (x86)	4.05	Unmodified COTS	ICC Runtime SW
1-Wire Driver (x64)	4.05	Unmodified COTS	ICC Runtime SW
Canon DR-G1130 TWAIN Driver	1.2 SP6	Unmodified COTS	ICC Runtime SW
Canon DR-G160II TWAIN Driver	1.2 SP6	Unmodified COTS	ICC Runtime SW
Canon DR-M260 TWAIN Driver,	1.1 SP2	Unmodified COTS	ICC Runtime SW
InoTec HiPro 821 TWAIN Driver	1.2.3.17	Unmodified COTS	ICC Runtime SW
Visual C++ 2013 Redistributable (x86)	12.0.30501	Unmodified COTS	ICC Runtime SW
Machine Configuration File (MCF)	5.5.12.1_20190510	Proprietary	ICX Configuration File
Device Configuration File (DCF)	5.5.31_20190423	Proprietary	ICP and ICC Configuration File
ICE Machine Behavior Settings	5.5.6.3 20190512	Proprietary	ICE Configuration
ICP2 Machine Behavior Settings	5.5.1.4 20190510	Proprietary	ICP2 Configuration

**Hardware Components:**

System Component	Hardware Version	Proprietary or COTS	Comments
ImageCast Precinct (ICP)	PCOS-320C	Proprietary	Precinct Scanner
ImageCast Precinct (ICP)	PCOS-320A	Proprietary	Precinct Scanner
ImageCast 2 Precinct (ICP2)	PCOS-330A	Proprietary	Precinct Scanner
ImageCast Evolution (ICE)	PCOS-410A	Proprietary	Precinct Scanner
ICP Ballot Box	BOX-330A	Proprietary	Ballot Box
ICP Ballot Box	BOX-340C	Proprietary	Ballot Box
ICP Ballot Box	BOX-341C	Proprietary	Ballot Box
ICP Ballot Box	ElectionSource IM-COLLAPSIBLE	Proprietary	Ballot Box
ICE Ballot Box	BOX-410A	Proprietary	Ballot Box
ICE Ballot Box	BOX-420A	Proprietary	Ballot Box
ICP2 Ballot Box	BOX-350A	Proprietary	Ballot Box
ICP2 Ballot Box	BOX-340C	Proprietary	Ballot Box
ICP2 Ballot Box	BOX-341C	Proprietary	Ballot Box
ICP2 Ballot Box	ElectionSource IM-COLLAPSIBLE	Proprietary	Ballot Box
ICX UPS Inline EMI Filter	1.0	Proprietary	EMI Filter
ICX Tablet (Classic)	aValue 15" Tablet (SID-15V)	COTS	Ballot Marking Device
ICX Tablet (Classic)	aValue 21" Tablet (SID-21V) (Steel or Aluminum chassis)	COTS	Ballot Marking Device
ICX Tablet (Prime)	aValue 21" Tablet (HID-21V) (Steel or Aluminum chassis)	COTS	Ballot Marking Device or Direct Recording Electronic
Thermal Printer	SII RP-D10	COTS	Report Printer

System Component	Hardware Version	Proprietary or COTS	Comments
Thermal Printer	KFI VRP3	COTS	Voter-verifiable paper audit trail (VVPAT)
Server	Dell PowerEdge R620	COTS	Standard Server
Server	Dell PowerEdge R630	COTS	Standard Server
Server	Dell PowerEdge R640	COTS	Standard Server
ICC Workstation HW	Dell OptiPlex 7440 All in One	COTS	
ICC Workstation HW	Dell OptiPlex 3050 All In One	COTS	
ICC Workstation HW	Dell OptiPlex 9030 All In One	COTS	
ICC Workstation HW	Dell OptiPlex 9020 All In One	COTS	
ICC Workstation HW	Dell OptiPlex 9010 All In One	COTS	
ICC Scanner	Canon imageFormula DR-G1130	COTS	Central Count Scanner
ICC Scanner	Canon imageFormula DR-M160II	COTS	Central Count Scanner
ICC Scanner	Canon imageFormula DR-M260	COTS	Central Count Scanner
ICC Scanner	InoTec HiPro 821	COTS	Central Count Scanner
ICC Scanner	Dell Optiplex 7050	COTS	
ICC Scanner	Dell 2418HT Monitor	COTS	
Client Workstation HW and Express Server	Dell Precision 3430	COTS	
Client Workstation HW and Express Server	Dell Precision 3431	COTS	
Client Workstation HW and Express Server	Dell Precision T3420	COTS	
Client Workstation HW	Dell Precision T1700	COTS	
Client Workstation HW	Dell Latitude 3400	COTS	
Client Workstation HW	Dell Latitude 3490	COTS	
Client Workstation HW	Dell Latitude E3480	COTS	
Client Workstation HW	Dell Latitude E3470	COTS	
Client Workstation HW	Dell Latitude E7450	COTS	
ICX Printer	HP LaserJet Pro Printer M402dn	COTS	
ICX Printer	HP LaserJet Pro Printer M402dne	COTS	
Monitor	Dell Monitor KM632	COTS	
Monitor	Dell Monitor P2414Hb	COTS	
Monitor	P2419H	COTS	
Monitor	P2417H	COTS	
Monitor	Dell Ultrasharp 24" Monitor U2414H	COTS	
CD/DVD Reader	Dell DVD Multi Recorder GP60NB60	COTS	
iButton Programmer	Maxim iButton Programmer DS9490R# with DS1402-RP8+	COTS	
UPS	Tripp Lite SMART1500RMXL2U	COTS	
UPS	APC SMT1500C Smart-UPS	COTS	
UPS	APC SMT1500 Smart-UPS	COTS	
UPS	APC BE600M1	COTS	
UPS	APC BR1000G	COTS	
Network Switch	Dell X1008	COTS	
Network Switch	Dell X1018	COTS	
Network Switch	Dell X1026	COTS	
Network Switch	Dell PowerConnect 2808	COTS	
Sip and Puff	Enabling Devices #972	COTS	
Headphones	Cyber Acoustics ACM-70 and ACM-70B	COTS	
4-way Joystick Controller	S26	Modified COTS	



System Component	Hardware Version	Proprietary or COTS	Comments
Rocker (Paddle) Switch	Enabling Device #971	COTS	
Rocker (Paddle) Switch	AbleNet 10033400 (2x)	COTS	
CF Card Reader	IOGEAR SDHC/microSDHC 0U51USC410	COTS	
CF Card Dual-Slot Reader	Lexar USB 3.0	COTS	
CF Card Reader	Hoodman Steel USB 3.0 102015	COTS	
CF Card Reader	Lexar Professional CFR1	COTS	
CF Card Reader	Kingston FCR-HS4	COTS	
ATI	ATI handset	Proprietary	
ATI	ATI-USB handset	Proprietary	
ACS PC-Linked Smart Card Reader	ACR38	COTS	
ACS PC-Linked Smart Card Reader	ACR39	COTS	

### System Limitations

This table depicts the limits the system has been tested and certified to meet.

Characteristic	Limiting Component	Limit	Comment
Ballot positions	Ballot	292*/462**	Landscape Ballot: 240 candidates + 24 write-ins + 28 Yes/No choices.
Precincts in an election	EMS	1000; 250	Standard; Express
Contests in an election	EMS	1000; 250	Standard; Express
Candidates/Counters in an election	EMS	10000; 2500	Standard; Express
Candidates/Counters in a precinct	Ballot	240*/462**	Both
Candidates/Counters in a tabulator	Tabulator	10000; 2500	Standard; Express
Ballot Styles in an election	Tabulator	3000; 750	Standard; Express
Ballot IDs in a tabulator	Tabulator	200	Both
Contests in a ballot style	Ballot	38*/156**	Both
Candidates in a contest	Ballot	240*/231**	Both
Ballot styles in a precinct	Tabulator	5	Both
Number of political parties	Tabulator	30	Both
"vote for" in a contest	Ballot	24*/30**	Both
Supported languages in an election	Tabulator	5	Both
Number of write-ins	Ballot	24*/462**	Both

\* Reflects the system limit for a ballot printed in landscape.

\*\* Reflects the system limit for a ballot printed in portrait.

## Functionality

### 2005 VVSG Supported Functionality Declaration

Feature/Characteristic	Yes/No	Comment
Voter Verified Paper Audit Trails		
VVPAT	YES	
Accessibility		
Forward Approach	YES	
Parallel (Side) Approach	YES	
Closed Primary		
Primary: Closed	YES	
Open Primary		
Primary: Open Standard (provide definition of how supported)	YES	
Primary: Open Blanket (provide definition of how supported)	YES	
Partisan & Non-Partisan:		
Partisan & Non-Partisan: Vote for 1 of N race	YES	
Partisan & Non-Partisan: Multi-member ("vote for N of M") board races	YES	
Partisan & Non-Partisan: "vote for 1" race with a single candidate and write-in voting	YES	
Partisan & Non-Partisan "vote for 1" race with no declared candidates and write-in voting	YES	
Write-In Voting:		
Write-in Voting: System default is a voting position identified for write-ins.	YES	
Write-in Voting: Without selecting a write in position.	NO	
Write-in: With No Declared Candidates	YES	
Write-in: Identification of write-ins for resolution at central count	YES	
Primary Presidential Delegation Nominations & Slates:		
Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party	YES	
Slate & Group Voting: one selection votes the slate.	YES	
Ballot Rotation:		
Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting	YES	Equal time rotation
Straight Party Voting:		
Straight Party: A single selection for partisan races in a general election	YES	
Straight Party: Vote for each candidate individually	YES	
Straight Party: Modify straight party selections with crossover votes	YES	
Straight Party: A race without a candidate for one party	YES	
Straight Party: "N of M race (where "N">1)	YES	
Straight Party: Excludes a partisan contest from the straight party selection.	YES	

Feature/Characteristic	Yes/No	Comment
<b>Cross-Party Endorsement:</b>		
Cross party endorsements, multiple parties endorse one candidate.	YES	
<b>Split Precincts:</b>		
Split Precincts: Multiple ballot styles	YES	
Split Precincts: P & M system support splits with correct contests and ballot identification of each split	YES	
Split Precincts: DRE matches voter to all applicable races.	YES	
Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level	YES	
<b>Vote N of M:</b>		
Vote for N of M: Counts each selected candidate, if the maximum is not exceeded.	YES	
Vote for N of M: Invalidates all candidates in an overvote (paper)	YES	
<b>Recall Issues, with options:</b>		
Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)	YES	
Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)	NO	
Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in 2nd contest.)	NO	
Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in 2nd contest.)	NO	
<b>Cumulative Voting</b>		
Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.	NO	
<b>Ranked Order Voting</b>		
Ranked Order Voting: Voters can write in a ranked vote.	NO	
Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated	NO	
Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.	NO	
Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote	NO	

Feature/Characteristic	Yes/No	Comment
Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.	NO	
Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.	NO	



Feature/Characteristic	Yes/No	Comment
<b>Provisional or Challenged Ballots</b>		
Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation, but can be added in the central count.	YES	
Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count	NO	
Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.	YES	
<b>Overvotes (must support for specific type of voting system)</b>		
Overvotes: P & M: Overvote invalidates the vote. Define how overvotes are counted.	YES	Overvotes cause a warning to the voter and can be configured to allow voter to override.
Overvotes: DRE: Prevented from or requires correction of overvoting.	YES	
Overvotes: If a system does not prevent overvotes, it must count them. Define how overvotes are counted.	YES	If allowed via voter override, overvotes are tallied separately.
Overvotes: DRE systems that provide a method to data enter absentee votes must account for overvotes.	N/A	
<b>Undervotes</b>		
Undervotes: System counts undervotes cast for accounting purposes	YES	
<b>Blank Ballots</b>		
Totally Blank Ballots: Any blank ballot alert is tested.	YES	Precinct voters receive a warning; both precinct and central scanners will warn on blank ballots.
Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them	YES	Blank ballots are flagged. These ballots can be manually examined and then be scanned and accepted as blank; or precinct voter can override and accept.
Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.	YES	Operators can examine a blank ballot, re-mark if needed and allowed, and then re-scan it.
<b>Networking</b>		
Wide Area Network – Use of Modems	NO	
Wide Area Network – Use of Wireless	NO	

Feature/Characteristic	Yes/No	Comment
Local Area Network – Use of TCP/IP	YES	Client/server only
Local Area Network – Use of Infrared	NO	
Local Area Network – Use of Wireless	NO	
FIPS 140-2 validated cryptographic module	YES	
Used as (if applicable):		
Precinct counting device	YES	ImageCast Precinct
Central counting device	YES	ImageCast Central

### Baseline Certification Engineering Change Orders (ECO)

ECO #	Component	Description
100503	ICP PCOS-320C & ICP PCOS-320A	Adding a COTS collapsible ballot box to AVL for use with the ICP
100521	Servers and Workstations	Added DELL P2419H monitor as a display device.
100527	EMS Workstations.	Added DELL Latitude 3490 computer with updated i3-8130U processor (Dual Core, 4MB Cache, 2.2GHz) to DVS PN 190-000061 (a client workstation).
100543	ICC Scanner	Update to the DR-G1130 Scanner LCD Panel User Interface.
100588	ICX Workstation	Added new models of VVPAT printer for use with the D-Suite ICX workstation due to previous model becoming commercially unavailable
100596	EMS Workstation	Added DELL Latitude 3400 computer as a client workstation due to the DELL Latitude 3490 computer becoming commercially unavailable for purchase
100597	EMS Server	Added DELL PowerEdge R640 computer with new processor and RAM as an AVL to the existing R640 server computer configurations
100602	EMS Server and Workstations	Added DELL Precision 3431 computer in an EMS Express Server and EMS Client Workstation configuration due to the DELL Precision 3430 computer becoming commercially unavailable for purchase
100603	ICC Scanner	Added DELL P2418HT monitor as a display device for ICC HiPro scanner workstation configuration due to the Lenovo 10QXPAR1US monitor becoming commercially unavailable for purchase

# Exhibit B



2022 Election Cycle / Voting Equipment\*

County	System Type	Manufacturer	Maintenance	Model	Firmware Type	Software Type
Apache	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.1	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS850	3.1.1.0	ElectionWare 6.0.4.0
Cochise	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.1	ElectionWare 6.0.4.0
	Digital Scan			DS200	2.17.4.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS850	3.1.1.0	ElectionWare 6.0.4.0
Coconino	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	2.4.5.1	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0
Gila	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.0	ElectionWare 5.0.4.0
	Central Count - Digital Scan			DS850	3.1.1.0	ElectionWare 5.0.4.0
Graham	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.1	ElectionWare 5.0.4.0
	Central Count - Digital Scan			DS850	3.1.1.0	ElectionWare 5.0.4.0
Greenlee	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.0	ElectionWare 5.0.4.0
	Digital Scan			DS200	2.17.4.0	ElectionWare 5.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 5.0.4.0
La Paz	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.1	ElectionWare 6.0.4.0
	Digital Scan			DS200	2.17.4.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0
Maricopa	Accessible Ballot Marking Device	Dominion	Dominion	ImageCast X (BMD)	5.5.13.2	Democracy Suite 5.5b
	Accessible Ballot Marking Device			ICX ATI Unit (BMD)	181-000036 Rev. A	Democracy Suite 5.5b
	Ballot Marking Device Printer			HP LaserJet Pro M402dne	Unmodified COTS	Democracy Suite 5.5b
	Digital Scan			Imagecast Precinct 2	5.5.18	Democracy Suite 5.5b
	Central Count - Digital Scan			ICC Cannon DR-G1130	Unmodified COTS	Democracy Suite 5.5b
	Central Count - Digital Scan			ICC Interscan HiPro 821	Unmodified COTS	Democracy Suite 5.5b
Mohave	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	2.4.5.1	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS850	3.1.1.0	ElectionWare 6.0.4.0
Navajo	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	2.4.5.1 / 1.5.2.1	ElectionWare 6.0.4.0
	Digital Scan			DS200	2.17.4.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS850	3.1.1.0	ElectionWare 6.0.4.0
Pima	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	2.4.5.1	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS850	2.4.0.0	ElectionWare 6.0.4.0
Pinal	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	2.1.10.0	ElectionWare 5.0.4.0
	Central Count - Digital Scan			DS850	1.0.0.0	ElectionWare 5.0.4.0
Santa Cruz	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.1	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0
Yavapai	Accessible Ballot Marking Device	Unisyn	Unisyn	FVT	OpenElect 2.2	OCS OpenElect 2.2
	Central Count - Digital Scan			OVCS	1.55	OCS OpenElect 2.2
Yuma	Accessible Ballot Marking Device	ES&S	ES&S	ExpressVote (BMD)	1.5.2.1	ElectionWare 6.0.4.0
	Digital Scan			DS200	2.17.4.0	ElectionWare 6.0.4.0
	Central Count - Digital Scan			DS450	3.1.1.0	ElectionWare 6.0.4.0

\*This list may be updated prior to the next election.  
Revised August 2022



# Exhibit C



MARICOPA COUNTY  
ELECTIONS DEPARTMENT

**Certificate of Accuracy**

**General Election  
November 3, 2020**

**Tested on October 6, 2020  
Optical Scan/Central Count  
Accessible BMD Touchscreen  
Precinct Tabulators**

We, the undersigned, do hereby certify that the Pre Logic and Accuracy Test was conducted in Maricopa County for the November 3, 2020, General Election in accordance with AZ Statute 16-449. We attest that the count produced by the equipment and programs used correctly matched the predetermined manual tally of votes provided by the Maricopa County Elections Department.

*Max Bryant*

*Quinn Strauss*

*a.c.*

*Christina*

*J. L.*

*Yvonne*

~~*Baronell*~~

~~*M. W. J.*~~

~~*Archie*~~

# State of Arizona

DEPARTMENT OF STATE  
Office of the Secretary of State



2022 Statewide General Election

## Logic & Accuracy Equipment Certificate

Pursuant to Arizona Revised Statute § 16-449, the Arizona Secretary of State's Office has completed the required logic and accuracy testing and certifies that the voting equipment, including accessible voting and tabulation equipment, in Maricopa County met the requirements for logic and accuracy testing standards on October 11, 2022.

Maricopa County will confirm that all early and provisional ballots from ICX accessible voting devices are duplicated prior to tabulation at central counting locations.

Secretary of State's Office Representatives:

*Kori Lonic* 10/19/22  
Signature and Date

*Christina D. P...* 10/19/22  
Signature and Date



## MARICOPA COUNTY ELECTIONS DEPARTMENT

### Certificate of Accuracy

General Election  
November 8, 2022

Tested on October 11, 2022  
Optical Scan/Central Count  
Accessible BMD Touchscreen  
Precinct Tabulator

We, the undersigned, do hereby certify that the Pre Logic and Accuracy Test was conducted in Maricopa County for the November 8, 2022, General Election in accordance with AZ Statute 16-449. We attest that the count produced by the equipment and programs used correctly matched the predetermined manual tally of votes provided by the Maricopa County Elections Department.

SIGNATURE	PRINT NAME	PARTY
<i>K. Gally</i>	KEVIN GALAGHER	REPUBLICAN
<i>Jeffrey Greason</i>	JEFFREY GREESON	DEMOCRAT
<i>Robin Greason</i>	Robin Greason	Democrat
<i>Jan D. Burt</i>	JANICE BURT	REPUBLICAN
<i>Nancy Schriber</i>	Nancy Schriber	Democrat
<i>Passarelli</i>	Kristi Passarelli	MCTEC
<i>Scott Jernsted</i>	Scott Jernsted	MCTEC
<i>Renée Snawson</i>	RENÉE SNAWSON	OFFICE
<i>Renée Snawson</i>	Renée Snawson	MCTEC

# Exhibit D

1 RACHEL H. MITCHELL  
MARICOPA COUNTY ATTORNEY

2 By: THOMAS P. LIDDY (Bar No. 019384)  
3 JOSEPH J. BRANCO (Bar No. 031474)  
4 JOSEPH E. LA RUE (Bar No. 031348)  
5 KAREN J. HARTMAN-TELLEZ (Bar No. 021121)  
6 JACK L. O'CONNOR (Bar No. 030660)  
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Phoenix, Arizona 85016  
Telephone: (602) 806-2100

19 *Attorneys for Maricopa County Defendants*

20 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
21 **IN AND FOR THE COUNTY OF MARICOPA**

22 KARI LAKE,  
23 Contestant/Petitioner,  
24 vs.  
25 KATIE HOBBS, et al.,  
26 Defendants.

No. CV2022-095403

**DECLARATION OF SCOTT JARRETT  
IN SUPPORT OF THE MARICOPA  
COUNTY DEFENDANTS' RESPONSE  
OPPOSING LAKE'S MOTION FOR  
RELIEF FROM JUDGMENT**

(Expedited Election Matter)

(Honorable Peter Thompson)



1 I, Scott Jarrett, declare as follows:

2 1. During the 2022 general election, I was the Co-Director of the Maricopa  
3 County Elections Department (the “Elections Department”). My official title was the  
4 Director of In-Person Voting and Tabulation.

5 2. I have first-hand knowledge of the events about which I testify in this  
6 Declaration, and if called upon to testify to these matters at trial I would provide competent  
7 testimony.

8 3. I am over the age of 18 and suffer from no impairments that would affect my  
9 testimony, either in this Declaration or at trial.

10 **LOGIC AND ACCURACY TESTING.**

11 4. I have reviewed the portion of Lake’s Motion for Relief from Judgment and  
12 the portion of Clay Parikh’s Declaration that allege that Maricopa County failed the  
13 November 2022 General Election Logic and Accuracy test and that the County conducted  
14 subsequent, “secret” logic and accuracy testing. [Motion at 14-15.] These allegations are  
15 false.

16 5. All Election Tabulation Programs used in the November 2022 General  
17 Election were tested as part of the statutorily required Logic and Accuracy Test that occurred  
18 on October 11, 2022.

19 6. This declaration describes Maricopa County’s testing process that was used  
20 for the 2022 General Election to ensure tabulators were accurate and that testing met  
21 statutory and operational requirements. The testing process described below is consistent  
22 with the testing that the County has completed for previous election cycles, with the  
23 following exceptions: (a) the County expanded the testing to include more testing before  
24 the statutorily required Logic and Accuracy testing and (b) the County now includes over  
25 13,000 ballot styles, which consists of early ballot, provisional and election day ballots, in  
26 its statutorily required Logic and Accuracy test. The inclusion of more than 13,000 ballot  
27 styles is more than thirteen times the amount of ballots that state law requires to be included  
28 in the Logic and Accuracy test.

1           7.     From October 4 through 10, 2022, the Elections Department thoroughly  
2 tested every Vote Center tabulator that would be used or that was prepared as a backup that  
3 could be used on Election Day at the 223 Vote Centers. This test included running more  
4 than 11,000 different Election Day ballot styles through the 446 Vote Center tabulators and  
5 the 54 backup tabulators. In addition to standard voted ballots, the testing included  
6 accessible voting device ballots, ballots with overvotes, and blank ballots. As the tabulator  
7 reads these ballots it creates a log of the inserting and reading of the ballot. The logs for  
8 these ballots could be interpreted as the ballot being “misread” or “returned” by the tabulator.  
9 However, the tabulator is operating as it is certified and programed to perform.

10           8.     This testing that occurred on October 4 through the 10 was in addition to the  
11 testing we performed on the Central Count Tabulators and the stress testing of the Ballot on  
12 Demand printers and tabulators that occurred during the months of September and early  
13 October of 2022. It was also in addition to the statutorily required Logic and Accuracy tests  
14 that occurred on October 11.

15           9.     During the testing from October 4 through 10, we recognized that we had not  
16 programmed the Vote Center tabulators to reject early and provisional ballots. It is not a  
17 statutory requirement that we do so. However, this is a security feature that Maricopa  
18 County has used since 2020. Such programming prevents a voter from being able to cast  
19 and have more than one ballot counted in a single election.

20           10.    Upon recognizing that we had inadvertently omitted this programming, we  
21 reprogrammed the Vote Center tabulators to reject early and provisional ballots. The  
22 tabulators were programed to accurately accept and count Election Day ballots. This  
23 reprogramming occurred on October 10, prior to the statutorily required Logic and Accuracy  
24 test.

25           11.    Because Maricopa County uses a Vote Center model, all of the Vote Center  
26 tabulators have the exact same programming. As a result, any tabulator deployed to any  
27 Vote Center could read any of the 4,312 Election Day ballot styles that were used during the  
28 2022 General Election.

1           12. As required by statute, the November 2022 General Election program that  
2 was installed on every Central Count and Vote Center tabulator and used to tabulate every  
3 ballot cast in the November 2022 General Election was tested at the statutorily required  
4 Logic and Accuracy tests performed by the Secretary of State and the County on October  
5 11, 2022. The Logic and Accuracy test was publicly advertised, and the County Political  
6 Parties were in attendance.

7           13. The County's October 11, 2022, statutorily required Logic and Accuracy test  
8 consisted of running 13,837 early and election day ballots through a combination of the  
9 Central Count and Vote Center tabulators. The Secretary of State's test consisted of running  
10 1,186 early and election day ballots through a combination of the Central Count and  
11 randomly-selected Vote Center tabulators. The County successfully passed both the  
12 Secretary of State's and the County's Logic and Accuracy tests on October 11, 2022, and  
13 the tabulation equipment and program were certified for use in the November 2022 General  
14 Election.

15           14. Because the County made a program change on October 10, 2022, prior to the  
16 Logic and Accuracy test, the encrypted pair of memory cards that were initially inserted in  
17 each of the Vote Center tabulators during the October 5 – 10 testing process needed to be  
18 reformatted with the certified election program that underwent the statutorily required Logic  
19 and Accuracy testing on October 11, 2022. The reformatted cards needed to be reinserted  
20 into each of the tabulators. As part of the certified build, this reformatting overwrites any  
21 subsequent recorded logs from the memory cards. Accordingly, any logs predating October  
22 14 are stored on the internal storage device located within the Vote Center tabulator. Those  
23 logs were not requested by Lake or included in Parikh's review. Beginning on October 14  
24 and occurring through October 18, Maricopa County installed the new memory cards that  
25 had the certified Election Program. Due to the reformatting, the logs from the memory cards  
26 would have a start date of either October 14, 17, or 18, the date they were reinserted into the  
27 Vote Center tabulators and they do not reflect the prior testing that occurred, as explained  
28 above. The process to reinsert the memory cards that had the certified program that



1 underwent logic and accuracy testing was conducted under the live video streaming cameras  
2 within the County's Ballot Tabulation Center. It was not completed in secret as implied by  
3 Plaintiff's court filing.

4 15. When installing the new memory cards, the County tabulated a small number  
5 of ballots through each tabulator to ensure that the memory cards were properly inserted and  
6 that the ballots would tabulate. Similar to the test that occurred on October 4 – 10, the test  
7 deck of ballots included accessible voting device ballots, ballots with overvotes, and blank  
8 ballots, which could appear in the log files as a misread ballot. After the running of the test  
9 ballots, the tabulators were zeroed to ensure no votes were stored on the memory cards. The  
10 tabulators were affixed with tamper evident seals and prepared for delivery to each Vote  
11 Center. Again, all of this was done under the live video streaming cameras, which were  
12 operational and streaming this event to anyone who wanted to watch it.

13 16. The Poll Workers working in the vote centers performed a verification to  
14 ensure that there are not ballots recorded on the tabulator and that all results equal zero. They  
15 performed this by running a zero report when opening the polls on election day.

16 17. Finally, a tabulator misreading a ballot does not necessarily indicate a  
17 tabulator is malfunctioning, accordingly a review of the tabulator logs for misread ballots is  
18 not an appropriate method for identifying if a tabulator failed a logic and accuracy test.  
19 There can be common situations for a ballot to be logged as being misread when being  
20 initially inserted into the tabulator. One situation is when a ballot is inserted slightly askew,  
21 which will result in an initial misread of the ballot. However, upon reinserting the ballot in  
22 a more aligned direction, the tabulator will accept and accurately count the ballot. This is not  
23 a failure or error of the tabulator, is a common occurrence during both testing and voting and  
24 would not result in a finding that a tabulator has failed a logic and accuracy test. Another  
25 common issue that can create a misread during testing is when running test ballots after the  
26 tabulators have been cleaned. In some instances the cleaning process may leave a small  
27 piece of material or lint on the tabulator. The first attempt(s) to insert a ballot after cleaning  
28 can result in the tabulator not accepting the ballot and a misread ballot being recorded in the

1 logs. When this occurs, it is not a failure or error created by the tabulator. Typically,  
2 inserting a ballot a second or third time resolves the issue, and any subsequent ballots are  
3 accepted normally. As part of the Elections Department’s pre-election testing procedures,  
4 we clean every tabulator.

5

6 **DUPLICATE BALLOTS.**

7 18. For the November 2022 General Election, Maricopa County duplicated a total  
8 of 11,918 ballots. Of the 11,918, there were a total of 2,656 Election Day ballots. Of the  
9 2,656 Election Day ballots, 1,282 came from three Vote Centers (999 - Gateway Fellowship,  
10 215 - Journey Church, 68 - LDS Church Lakeshore) that were identified as having a “fit-to-  
11 page” setting inadvertently turned on at a Vote Center. The duplication process was  
12 performed in accordance with state statute and the Elections Procedures Manual. This  
13 included the duplication process being completed by bi-partisan teams and the assigning of  
14 marrying numbers to match the duplicated ballots with the original ballots. Maricopa  
15 County segregates the storage of the original ballots and the storage of the duplicated ballots  
16 after they are tabulated. The combination of the marrying number and the segregated storage  
17 allows for the matching of the original ballot with the duplicated ballot. Every duplicated  
18 ballot was tabulated and the vote tallies included in the final results.

19 19. While preparing for the inspection of the ballots that was ordered by this  
20 Court in this matter in December, 2022, I recognized that there were over 1,562,000 ballots  
21 stored on 60 separate pallets. I offered, through the County’s attorneys, the opportunity for  
22 plaintiff’s inspector to pre-select the batches of ballots so on the date of the inspection  
23 (December 20, 2022), there would be more time to perform the inspection of ballots.  
24 Despite that offer, to my knowledge, the Plaintiff’s attorneys never provided a list of  
25 preselected batches.

26 20. On the date of the court ordered ballot inspection, I met with ballot inspectors  
27 and attorneys for both parties and the court appointed ballot inspector. The purpose of the  
28

1 meeting was to allow the ballot inspectors to select the ballots that they desired to inspect  
2 and to allow for the inspection to take place.

3 21. During the initial conversation about selecting the ballots to inspect, the  
4 Plaintiff's inspector wanted to use the cast vote record from the original count to select the  
5 ballots. I explained that, because there was a statutory recount of all the ballots, the cast vote  
6 record ("CVR") from the original count would not be useful in locating the batches of ballots.  
7 I stated it could be used, but we would have to create a "cross walk" between the old CVR  
8 from the original count and the new CVR from the recount, and it would take much more  
9 time than what was provided before the evidentiary hearing was scheduled to start at 8:00  
10 a.m. the next day.

11 22. The initial discussion and locating of ballots took a significant portion of the  
12 time allotted for inspection. Once the inspection progressed to reviewing the original ballots  
13 that were sent to be duplicated, it was already later in the day. We offered the inspector the  
14 option to choose how to proceed and if he wanted to continue with the inspection of the  
15 duplicated ballots. The plaintiff's inspector chose to inspect the spoiled ballots rather than  
16 the duplicated ballots. Since Maricopa County stores the original and duplicated ballots  
17 separately and segregated from other tabulated ballots, it would have been possible for the  
18 plaintiffs to inspect both if advanced notice had been provided.

19  
20 Pursuant to Rule 80(c), Ariz. R. Civ. P., I declare under penalty of perjury that the  
21 foregoing is true and correct.

22 Executed on May 10, 2023.

23  
24   
25 Scott Jarrett