

Exhibit A

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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.

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Scott Jarrett