



Written by [Annalisa Pesek](#) on January 10, 2023

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Arizona Election on Trial

While Secretary of State Katie Hobbs believed that Kari Lake's lawsuit would be quickly tossed out before it went to any type of trial, the judge overseeing the case saw Lake's challenge to the election as a genuine "case for the court."

In mid-December, Maricopa County Superior Court Judge Peter Thompson granted a two-day evidentiary trial to hear two of the 10 counts brought forth by Lake. The two claims cited "intentional misconduct" by county election officials in regard to malfunctioning voting tabulators and rejections that occurred on November 8, as well as chain-of-custody issues that resulted in "mass chaos" and impacted the outcome of the midterm election.

Despite Hobbs herself not being forced to testify, and her lawyers filing motions to block expert witness plaintiff testimony, Judge Thompson permitted them into the record, stating they could have a "foundation," "relevance," and "expertise" he would allow to be heard.

Thompson also acknowledged the "many, many affidavits" in the case, and that he had read them and had "no reason to believe there is any unreliable information in the affidavits."

Lake's lawyers presented hundreds of sworn affidavits testifying to the chaos that ensued on Election Day as a result of the printer/tabulator issues, which lasted from morning to evening in some polling centers. These bewildering events created extraordinarily long lines and frustration among thousands of voters. The Maricopa County Elections Office tweeted that more than 51,000 calls from Arizonans were received on Election Day by voters trying to navigate the system.

Attorneys for Lake also provided damning reports from whistleblowers who witnessed chain-of-custody violations at Runbeck Election Services, the third-party company hired by Maricopa County to handle the counting of Election Day ballots. For its part, the defense team, led by a team of lawyers at the Elias Law Group, a firm funded by Democratic lawyer Marc Elias, sought to destroy Lake's case by accusing witnesses of pure "speculation and conjecture" that voters had been disenfranchised.

Day 1 of the trial — Wednesday, December 22 — included testimony from Maricopa County Recorder Stephen Richer, who oversees the county's voting operations, voter registrations, and early voting. When asked about his duties, including ballot chain of custody, Richer responded vaguely that his work had mostly to do with "real estate documents, such as titles and deeds."

Asked about the legality of chain of custody, Richer acknowledged that chain-of-custody verification is a part of Arizona election law and under his jurisdiction when it comes to early voting. His office was not responsible for election-day voting operations, emergency voting, or voting tabulations. Those



[AP Images](#)

Wrong-size ballots: A troubling discovery during the Arizona election was the shrunken ballot images printed on ballots rejected at several vote centers, raising questions as to whether the ballots were counted.



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responsibilities lie with the Maricopa County Board of Supervisors office.

Asked how ballot chain of custody was protected when ballots were transported from the Maricopa County Elections Department to Runbeck, he claimed ballots never leave the county's chain of custody and are "with county personal at all times." Yet he could not account for who stayed with the ballots in transport or deny the claims of Runbeck whistleblowers who said ballot seals were broken and that a count of the ballots was not completed before transport to Runbeck, thus the count was insecure.

On Day 2, the court heard compelling testimony from Rich Baris, director of Big Poll Data, who testified that after more than six years of conducting exit voting polls, he had seen things in Arizona he had never seen before.

"Pre-election day polling is very different from Election Day polling. Election Day voters they go back to their polling stations. What we saw this time was such a disparity between early voting and election day voters. There was no good reason why voters who had been voting for decades did not complete the exit poll," he testified. "The lines were too long," he continued. "Many said they would return but many did not. These thousands of people did not get to vote based on the issues that arose in Maricopa County. The tabulator and printer issues and long lines."

According to Baris' research, more than 16 percent of voters, possibly as high as 20 percent, did not cast their ballots on Election Day because of the confusion. "I err on the side of believing the American voter when I hear from so many. Tens of thousands of voters were disenfranchised," he said.

The defense team's expert witness, University of Wisconsin Political Science Professor Kenneth Mayer, called Baris' research pure speculation that lacked statistical support. Yet, as Baris repeated, "a range of issues occurred on Election Day, and that is enough to have changed the outcome of the election."

Another startling discovery was the shrunken ballot images that were printed on too-small pieces of paper without explanation, though lawyers for the county argued that while these ballots were rejected at vote centers they were counted later. Lake's lawyers argued this was intentional and that ballots with the 19-inch images on 20-inch paper were found in all six voting centers randomly selected.

Maricopa County Elections Co-director Scott Jarrett admitted on the stand that it could happen that a 19-inch image could be printed on a 20-inch paper, and that his office found out about this shortly after the election. Scott also said the shrink-to-fit issue arose in three prior elections.

Lake's attorney Kurt Olsen blasted the admission, stating if the issue had arisen in prior elections it made no sense to be analyzing it now. "Why are we doing a root cause analysis now if the modification had arisen in three prior elections? It doesn't make sense," said Olsen. "The other thing that doesn't make sense, on this shrink to fit argument, are random techs doing things on their own."



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Defending “broken” elections: Maricopa County Recorder Stephen Richer, who oversees voting operations, vehemently denied the election in his county went anything but “smoothly.” (AP Images)

Surprise! Judge Finds No “Evidence” of Misconduct

On Christmas Eve, Judge Thompson ruled against the claims of Lake’s lawsuit, finding no “clear and convincing” evidence that printer and tabulator malfunctions or ballot chain-of-custody violations contributed to misconduct impacting the result of the election. He further ordered the “timely” confirmation of Hobbs as Arizona governor on January 2.

In a statement following the trial, Lake said “we proved without a shadow of a doubt that there was malicious intent that caused disruption so great it changed the result of the election.... Our elections in this country are a mess, and I am glad to stand up and say no longer will we put up with this. We demand fair, honest, transparent elections and we will get them.”

Shortly after the release of Thompson’s verdict, Lake announced on Twitter that she would appeal the decision, writing, “My Election Case provided the world with evidence that proves our elections are run outside of the law. This Judge did not rule in our favor. However, for the sake of restoring faith and honesty in our elections, I will appeal his ruling.”

Lake has said she will take the fight all the way to the Arizona Supreme Court.

Yet by Monday, December 26, Hobbs had requested that Thompson sanction Lake over “unfounded attacks” against election officials. Maricopa County officials and Hobbs cited a tweet by Lake suggesting the judge’s ruling was “ghostwritten” and that “top left-wing attorneys like Marc Elias emailed him what to say.”

Lake deleted the tweet and faces potential sanctions of half a million dollars in payment to Hobbs and Maricopa County. But Hobbs took her accusations even further, claiming Lake raised funds off her efforts to overturn the election and used the justice system to “harass political opponents and sow completely unfounded doubts about the integrity of elections.”

As Lake faces orders to compensate the legal fees of Hobbs’ defense team, the GOP firebrand has refused to concede the race and has filed an appeal to Judge Thompson’s decision, requesting that her case be heard by the Arizona Supreme Court. As of this writing, Lake’s appeal had been denied by the



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Supreme Court, but will be heard by an Appeals Court on January 24. *The New American* will be following the story and will provide updates as events develop.



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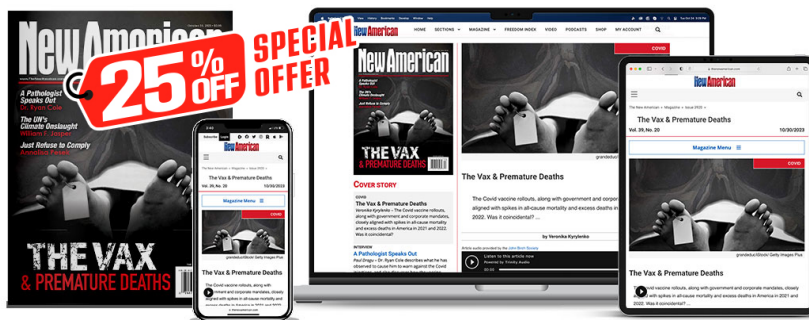
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