



Written by [Annalisa Pesek](#) on December 24, 2022

## Verdict Expected Soon in Kari Lake's Election Day Lawsuit

The two-day trial of Kari Lake's lawsuit challenging the results of the Arizona governor's race wrapped up this week with the judge expected to rule on the case before Christmas. On Thursday, the Republican gubernatorial candidate and former TV anchor, who filed the lawsuit against her Democrat rival Katie Hobbs and the Maricopa County Board of Supervisors, told the press she was proud of the work of her attorneys and that she will never stop fighting for "fair, honest, and transparent elections."



ftwitty/E+/Getty Images

"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," said Lake, standing outside the Maricopa County Superior Court. "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."

Judge Peter Thompson of the Maricopa County Superior Court presided over the two-day trial proceedings that considered the "intentional misconduct" of county election officials in regards to malfunctioning voting tabulators and rejections that occurred on November 8, as well as broken chain of custody issues that resulted in "mass chaos" and impacted the outcome of the midterm election.

The defense team for Secretary of State Katie Hobbs and the Maricopa County Board of Supervisors initially filed two motions to exclude expert witness testimony in the case, which Judge Thompson argued could have a "foundation" and "relevance," ruling that "the experts do have some expertise that I will allow."

Thompson went on to acknowledge that there were "many, many affidavits" in the case, and that he had read them, and that "this is a case for the court... [and] I have no reason to believe there is any unreliable information in the affidavits."

The evidentiary trial dealt that Lake hopes will overturn the results of the governor's race considered two of ten counts brought by Lake's lawsuit, which alleges the disenfranchisement of thousands of Arizonan voters caused by the breakdown of voting machines in roughly half of Maricopa County's polling centers on Election Day. The suit also claims interference in the counting of ballots and the ballot chain of custody processing that illegally caused Lake to lose votes.

Whistleblowers from the Phoenix-based election services company Runbeck Election Services are a significant part of the lawsuit. Their sworn testimony claims thousands of illegal ballots were counted in violation of Arizona State election laws. Additional whistleblower testimonies of poll workers, observers,



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and voters were also entered into the record

On Day One of the trial, Maricopa County Recorder Stephen Richer took the stand. Richer's role in Arizona elections includes oversight of the voting operations, voter registrations, and early voting. When asked about his duties including ballot chain of custody documents, Richer refused to answer directly, stating his work had mostly to do with "real estate documents, such as titles and deeds." Pressed again on the issue, with Lake's attorney asking 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.

Richer went on to say that out of the roughly 2.4 million registered voters in Arizona, approximately 1.3 registered voters participated in the November 8 midterm elections and that his office was not responsible for election day voting operations, emergency voting, or voting tabulations. Those responsibilities lie with the Maricopa County Board of Supervisors office. Richer further said ballots never leave the county's chain of custody, as they are "with county personal at all times," but that ballots are transported and outsourced to the third-party vendor Runbeck Election Services.

Lake's lawyers argued that on election day, when the ballots were taken to Runbeck, the ballot seals were broken and that a count of the ballots was not completed before transport to Runbeck, thus the count was insecure.

"They didn't follow the law and we have a manifestation that is still unexplained. On November 9, the reported count is still 29,000 ballots less than on November 10. On the day of the election, they put out what the count is and then the day after the election, magically 20,000 plus ballots appear? The law is there for a reason," said Lake's attorney Kurt Olsen.

Rich Baris, director of Big Poll Data, testified on Thursday. Baris has never worked for Lake, but said that he found himself in a position where he conducted an exit voting poll in Arizona, and after more than six years of doing this job, had seen things he had never seen before.

"Pre-election day polling is very different from Election Day polling," said Baris. "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 continued, "the lines were too long. 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's research of the exit polls, it could have been more than 16 percent who did not vote, more likely a higher count, possibly up to 20 percent. "I err on the side of believing the American voter when I hear from so many," said Baris. "Tens of thousands of voters were disenfranchised."

The defense team called Baris's testimony pure speculation and called their expert witness, a University of Wisconsin political science professor named Kenneth Mayer to destroy his case. Yet as Baris repeatedly pointed out during his testimony, "a range of issues occurred on Election Day, and that is enough to have changed the outcome of the election."

In his closing argument, Olsen argued that his team had put forth "evidence sufficient to show that the outcome [of the election] is wrong or at least uncertain."

Olsen explained that with only 17,000 votes out of 1.6 million separating candidates Hobbs and Lake,



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through startling witness testimony and a random inspection of ballots from six random voting centers, plus the discovery of a modification of ballot images, the narrative of the defense simply does not make sense.

Apparently 19-inch images on 20-inch paper were discovered in all six voting centers that the court's review had allowed the plaintiff's team to select randomly. A witness for the defense, Maricopa County Elections Director Scott Jarret, testified under oath, when asked if it could happen that a 19-inch image could be printed on a 20-inch paper, that the county had known about this shortly after the election and was in search of the root cause. He said the shrink to fit issue arose in three prior elections.

"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. In her last address to the media, Lake noted that the defendants' attorney said in his closing statement that "'we choose our rulers,' Isn't that telling? This was a selection, not an election, and we in America choose who represents us and we will restore honest elections and I will never stop fighting."

**Update:** *Shortly after the above was written, Judge Peter Thompson dismissed Kari Lake's lawsuit, and Lake announced that she will appeal the decision. "My Election Case provided the world with evidence that proves our elections are run outside of the law," Lake [tweeted](#) Saturday. "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." The New American will continue to follow this story. (The update article, published later Saturday, is [here](#).)*



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