



649 North Fourth Avenue, First Floor  
Phoenix, Arizona 85003  
(602) 382-4078

Kory Langhofer, Ariz. Bar No. 024722  
[kory@statecraftlaw.com](mailto:kory@statecraftlaw.com)  
Thomas Basile, Ariz. Bar. No. 031150  
[tom@statecraftlaw.com](mailto:tom@statecraftlaw.com)

*Attorneys for Petitioners*

**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

KAREN FANN, in her official capacity as  
President of the Arizona Senate; EDDIE  
FARNSWORTH, in his official capacity as  
Chairman of the Arizona Senate Judiciary  
Committee,

Petitioners,

v.

MARICOPA COUNTY BOARD OF  
SUPERVISORS, the governing body of  
Maricopa County, Arizona; JACK SELLERS,  
in his official capacity as a member of the  
Maricopa County Board of Supervisors;  
STEVE CHUCRI, in his official capacity as a  
member of the Maricopa County Board of  
Supervisors; BILL GATES, in his official  
capacity as a member of the Maricopa County  
Board of Supervisors; CLINT HICKMAN, in  
his official capacity as a member of the  
Maricopa County Board of Supervisors; and  
STEVE GALLARDO, in his official capacity  
as a member of the Maricopa County Board of  
Supervisors,

Respondents.

Petitioners Karen Fann, in her official capacity as the President of the Arizona  
Senate, and Eddie Farnsworth, in his official capacity as Chairman of the Senate Judiciary

JEFF FINE  
Clerk of the Superior Court  
By Bianca Barrett, Deputy  
Date 12/21/2020 Time 15:32:08

Description	Amount
CASE# CV2020-016904	
CIVIL NEW COMPLAINT	333.00
TOTAL AMOUNT	333.00
Receipt# 28063980	

No. CV 2020-016904

**VERIFIED SPECIAL ACTION  
COMPLAINT**

1 Committee, bring this special action for a writ of mandamus pursuant to Arizona Rule of  
2 Procedure for Special Action 3(a) and A.R.S. § 12-2021, *et seq.*, and hereby allege as  
3 follows:

4 **SUMMARY OF THE CASE**

5 1. As the locus of the sovereign lawmaking power in the State of Arizona, the  
6 Legislature is invested with expansive authority to issue compulsory process in furtherance  
7 of its investigatory functions. The presiding officer of either house of the Legislature, or  
8 the chairman of any committee of the Legislature, may issue to any person a subpoena  
9 requiring testimony or the production of documents and records. *See* A.R.S. §§ 41-1151,  
10 *et seq.*

11 2. Pursuant to this authority, the Petitioners have issued and served upon the  
12 Respondents two subpoenas *duces tecum* (hereafter, the “Subpoenas”) demanding that  
13 Respondents produce or make available for inspection certain physical and electronic  
14 records relating to the casting and tabulation of ballots in the November 3, 2020 general  
15 election.

16 3. To date, the Respondents have refused to furnish any of the requested  
17 documents or materials.

18 4. Mandamus relief is necessary to ensure that the Respondents fully and  
19 effectively discharge their nondiscretionary duty to comply in full with valid and lawfully  
20 issued legislative subpoenas.

21 **JURISDICTION**

22 5. The Court has jurisdiction over this action pursuant to Article 6, § 14 of the  
23 Arizona Constitution, Arizona Rules for Special Actions 4(a), and A.R.S. §§ 12-2021, *et*  
24 *seq.*

25 6. Venue lies in Maricopa County pursuant to A.R.S. § 12-401(16) because the  
26 Respondents hold office in this county, and pursuant to Ariz. R. Special Action Proc. 4(b).

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**PARTIES**

1  
2 7. Petitioner Karen Fann is the senator from Legislative District 1 and is the  
3 President of the Arizona Senate. She brings this action in her official capacity only.

4 8. Petitioner Eddie Farnsworth is the senator from Legislative District 12 and is  
5 the Chairman of the Judiciary Committee, a standing committee of the Arizona Senate. He  
6 brings this action in his official capacity only.

7 9. Respondent Maricopa County Board of Supervisors is the governing body of  
8 Maricopa County, a political subdivision of the State of Arizona. See A.R.S. § 11-201(A).

9 10. Respondents Jack Sellers, Steve Chucuri, Bill Gates, Clint Hickman, and Steve  
10 Gallardo comprise the Maricopa County Board of Supervisors and are named in this action  
11 in their respective official capacities only.

12 11. The Maricopa County Board of Supervisors is charged by law with  
13 conducting elections within its jurisdictional boundaries, to include establishing election  
14 precincts, appointing election boards, preparing ballots, furnishing election supplies,  
15 canvassing returns, and certifying election results. See A.R.S. § 11-251(3), 16-411, -447,  
16 -503, -511, -531, -642, -647.

**GENERAL ALLEGATIONS**

***The November 2020 General Election***

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18  
19 12. On November 3, 2020, the State of Arizona held a general election for an  
20 array of federal, state and local offices, to include Electors for President of the United States,  
21 United States Senator, all statewide legislative offices, and all countywide offices in  
22 Maricopa County.

23 13. On or around November 20, 2020, the Respondents canvassed the election  
24 returns from Maricopa County.

25 14. On or around November 30, 2020, the Secretary of State, in the presence of  
26 the Governor and the Attorney General, canvassed the statewide election returns and issued  
27 certificates of election to the candidates who ostensibly received the highest number of  
28 votes in their respective races.



1           23. Irrespective of their ultimate findings, the completion of a comprehensive  
2 independent investigation and audit will increase public confidence in the transparency of  
3 Arizona's electoral process.

4           24. The Petitioners issued the Subpoenas to the Maricopa County Board of  
5 Supervisors on or around December 15, 2020.

6           25. Pursuant to A.R.S. § 41-1151, the Subpoenas were duly executed by President  
7 Fann and Chairman Farnsworth. No other members of the Judiciary Committee authorized  
8 or signed, or were required to authorize or sign, the Subpoenas.

9           26. Both Subpoenas were properly served in the manner required for civil  
10 process.

11           27. The first Subpoena demanded that the Respondents make available by  
12 December 18, 2020 for forensic analysis ballot tabulation equipment (together with related  
13 software, hardware and removable media), voter rolls, voter records, paper ballots, and  
14 other materials and records reflecting the casting and tabulation of ballots in the November  
15 3, 2020 general election.

16           28. A true and correct copy of the first Subpoena is attached hereto as Exhibit A.

17           29. The second Subpoena demanded that the Respondents produce by December  
18 18, 2020 certain electronic data and files, to include images of all ballots cast in Maricopa  
19 County in the November 3, 2020 general election.

20           30. A true and correct copy of the second Subpoena is attached hereto as Exhibit  
21 B.

22           31. Upon information and belief, the Respondents could reasonably have  
23 produced or made available by December 18, 2020 all or a substantial proportion of the  
24 documents, information and materials sought by the Subpoenas.

25           32. To date, the Respondents have not produced or made available any  
26 documents, information or materials in response to the Subpoenas.

27           33. Upon information and belief, the Respondents do not intend to comply with  
28 the Subpoenas unless and until they are ordered to do so by this Court.





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**Verification**

State of Arizona                    )  
County of Maricopa                ) ss.

I, KAREN FANN, being first duly sworn upon his oath, deposes and says:

I have read the foregoing Verified Special Action Complaint and know the contents thereof by personal knowledge. I know the allegations of the Verified Special Action Complaint to be true, except the matters stated therein on information and belief, which I believe to be true.

Karen Fann  
President, ARIZONA Senate

Subscribed and sworn to before me this 21<sup>st</sup> day of December, 2020.

Susan Aceves  
Notary Public

My Commission Expires:

October 31, 2024



## **Exhibit A**

ARIZONA SENATE  
Senate Judiciary Committee

SUBPOENA

TO: Maricopa County Board of Supervisors

YOU ARE COMMANDED to produce, and permit inspection, testing or sampling of the items identified in the attached Exhibit I on or before 5:00 p.m. on December 18, 2020 to the Chairman of the Senate Judiciary Committee for inspection, testing or sampling thereafter.

**YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED CONTEMPT OF THE LEGISLATURE.**

SIGNED this 15th day of December, 2020.

Eddie Farnsworth /s/  
Eddie Farnsworth, Chairman  
Senate Judiciary Committee

President Karen Fann  
Karen Fann, President  
Arizona State Senate

2020 DEC 15 PM 3:08

CLERK  
BOARD OF SUPERVISOR'S  
MARICOPA COUNTY

*Handwritten notes:*  
1-11-20  
Handwritten signature  
Sgt. [unclear]

## **EXHIBIT 1 - Full Forensic Audit**

For the November 2020 general election in Maricopa County, Arizona, access to the following equipment or materiel for forensic analysis:

1. The ballot tabulation equipment from the vote centers and the central counting center used in the 2020 general election.
2. The software for the equipment described above and the election management system used in the 2020 general election.
3. Hardware Forensic Images of Election Servers, Desktops, Removable Media (such as thumb drives, USB, memory cards, PCMCIA cards, Compact Flash, CD/DVD etc.) used to transfer ballots to central counting from voting locations and to load software/programming.
4. Election Log Files XML, EML, JSON, DVD and XSLT other election files and logs for the:
  - Tabulators
  - Result Pair Resolution
  - Result Files
  - Provisional Votes
  - RTM Logs
  - SQL Database Files
  - Signature Checking & Sorting Machine
5. Election Settings
  - Ranked Profiles and entire change history Audit Trail logs
  - Ranked Contests and entire change history Audit Trail logs
  - Rejected Ballots Report by Reason Code
6. Accounts and Tokens
  - Username & Passwords (Applications, Operation Systems)
  - Encryption Passwords (Bitlocker, Veracrypt, Etc)
  - Security Tokens (iButton, Yubikey, SmartCard, Etc)
7. Windows Server & Desktop
  - Windows software log
  - Windows event log and Access logs
  - Network logs
  - FTP Transfer Points Log
  - Username & Password
  - Application specific username and password (Election Software, Database Access)
8. Dominion Specific  
The Administrator & Audit logs for the EMS Election Event Designer (EED) and EMS Results Tally & Reporting (RTR) Client Applications.

9. Dominion Network

- Identity of everyone accessing the domain name Admin.enr.dominionvoting.com and \*.dominionvoting.com domains.
- Windows security log of the server itself that is hosted at Admin.enr.dominionvoting.com.
- Internal admin.enr.dominionvoting.com logs

10. Election Systems & Software (ESS) Specific

The Administrator & Audit logs for the Electionware election management system, Ballot on Demand – BOD printing system, DS200 scanner and tabulator, DS450 scanner and tabulator, DS850 scanner and tabulator, and Voting Systems (ExpressPoll, ExpressVote, ExpressVote XL).

11. Voter Rolls

- Database of Voter Rolls
- Forensic Image of Computer/Device used to work with voter rolls
- Copy of media device used to transfer voter rolls

12. The following records shall be required from the voting system.

Daily and Cumulative Voter Records for those who voted with sufficient definition to determine:

- Voters name and Registered Voting address
- Address to for correspondence
- D.O.B.
- Voter ID number
- How Voted (mail, in-person early, in person Election Day)
- Where Voted (if applicable)
- Date voted (if applicable)
- Party affiliation (if recorded)
- Ballot by mail Request Date
- Ballot by mail sent date
- Ballot by mail voted date (if applicable)
- Ballot cancelled date (if applicable)
- .RAW, HTML, XHTML and SVG files (Ballot Images)

13. Access or control of ALL routers, tabulators or combinations thereof (some routers are inside the tabulator case) in order to garner the system logs. At the same time, the public IP of the router should be obtained.

14. Access to physically and forensically examine date and time-stamped all stored paper ballots as required. Voter Tally Paper Rolls, Test Ballots, Ballot Test Matrix.

15. Access to full detailed absentee votes, provisional votes, mail-in, and election day votes.

## **Exhibit B**

ARIZONA SENATE

Senate Judiciary Committee

SUBPOENA

TO: Maricopa County Board of Supervisors

YOU ARE COMMANDED to produce and permit inspection, copying, testing or sampling of the items identified in the attached Exhibit 1 on or before 5:00 p.m. on December 18, 2020 to the Chairman of the Senate Judiciary Committee for inspection, copying, testing or sampling thereafter.

**YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED CONTEMPT OF THE LEGISLATURE.**

SIGNED this 15th day of December, 2020.

Eddie Farnsworth /s/  
Eddie Farnsworth, Chairman  
Senate Judiciary Committee

President Karen Fann  
Karen Fann, President  
Arizona State Senate

2020 DEC 15 PM 3:08

CLERK  
BOARD OF SUPERVISORS  
MARICOPA COUNTY

*Handwritten notes:*  
FIVE  
Jared Robinson  
Sgt. at Arms

## **EXHIBIT 1 – Scanned Ballot Audit**

The following electronically stored election information shall be electronically produced from the November 2020 general election as follows:

(1) separately and distinctively each original unique native electronic ballot image cast for all mail-in and absentee ballots which were counted in the November 2020 general election in Maricopa County, Arizona containing the original metadata of the original electronic ballot image with:

- (a) a resolution of at least 300 DPI in TIFF image, and also
- (b) a resolution of at least 300 DPI in PDF image, and also
- (c) a resolution of at least 300 DPI in JPG image.
- (2) from the Dominion electronic election management system, the:
  - a) Dominion Electronic Cast Vote Record
  - b) Ballot Images - Raw Images
  - c) Ballot Images - Ballot Audit and Review
  - d) Vote-by-Mail Ballot Report
  - e) Provisional Ballot Report
  - f) Conditional Voter Registration Ballot Report
  - g) Cast Vote Record (Raw data) - JSON
  - h) ImageCast Central Logs
  - i) Ballot Scanning/Tabulation Machine Logs
  - j) Ballot Scanning/Tabulation Machine Tape
  - k) Ranked-Choice Voting: Board of Supervisors, Final Detailed Report

-These system generated reports should be provided as (a) an XML file, and (b) a JSON file, and also (c) a TXT file.

(3) The native electronic ballot images cast for all mail-in and absentee ballots shall be produced as native original separate electronic ballots and shall not combine ballots into a single file or change the metadata of the original electronic ballot.

(4) The electronically stored information required to be produced herein shall be electronically uploaded to a computer drive supplied by the Senate Judiciary Committee or its agents.