

IN THE SUPREME COURT OF ARIZONA

**The people.**

Rayana B. Eldan

Brian Steiner

Daniel Wood

Affiants/Petitioners

CASE NUMBER:

Affidavit of Complaint  
Petition for Redress by Writs of Mandamus

v.

**Arizona SECRETARY OF STATE**

Katie Hobbs

(In her official capacity)

RESPONDENT

**Pima County Board of Supervisors:**

Rex Scott, Matt Heinz, Sharon Bronson, Steve Christy, Adelita Grijalva

**Pima County Clerk:** Julie Castañeda

**Maricopa County Board of Supervisors:**

Jack Sellers, Steve Chucri, Bill Gates, Clint Hickman, Steve Gallardo

**Maricopa County Clerk:** Juanita Garza

**Pinal County Board of Supervisors:**

Kevin Cavanaugh, Mike Goodman, Stephen Q. Miller, Jeffrey McClure, Jeff Serdy

**Pinal County Clerk:** Natasha Kennedy

(All in their official capacity)

CO-RESPONDENTS

### **The people bringing the complaint.**

Affiants/Petitioners Rayana B. Eldan, Brian Steiner and Daniel Wood are each one of the people with all political power as written in the Arizona Constitution Article 2 Section 2. We come Sui Juris, in this court of record to bring our affidavit of complaint and claims for a redress of grievances by mandamus action. The people bring officially published, undisputed, *prima facie* evidence forward that establishes more than enough probable cause to afford us the due process of being heard. (5th Amendment) We assert that our fundamental rights declared in the Constitution have been breached and that redress by mandamus order is necessary and fitting for justice to be done.

Arizona Constitution Article 2 Section 4 further declares and guarantees the people that we shall not be “deprived of life, liberty, or property, without due process of law”. We have been deprived of our rights due to laws being broken, and demand to be heard.

### **Theme and brief outline of the complaint of the people.**

The people assert that ARS 16-442(B) was broken prior to and during the 2020 elections. The people will prove this in the FACTS section. This law alone is of massive importance to the Constitutional rights of the people regarding elections due to the addition of machines, scanners and digital tallying of votes to the election process. In this complaint, we connect this statute as one specifically tied to 4 articles in the Arizona Constitution that protect the people’s elections and keep

them trustworthy, equal, and secure. Here is the text of ARS 16-442(B):

“Machines or devices used at any election for federal, state or county offices 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 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.” The people also assert that because this law was broken, the 2020 elections are illegal, and no declaration, signature, certification or seal under the illegal acts can be valid. ARS 16-609(A) “Only ballots that are provided in accordance with the provisions of law shall be counted.” This aligns with Arizona Constitution Article 7 Section 7<sup>1</sup> which says that it is legal votes that are to be counted. The act of using uncertified machines in violation of law, for our elections, makes every vote processed by those machines, an illegal vote. Thus, no certificate of election is legally or Constitutionally valid.

“Where form is not observed, a nullity of the act is inferred. Where the law prescribes a form, the non observance of it is fatal to the proceeding, and the whole becomes a nullity.”<sup>2</sup>

### **Constitutional identity of the people.**

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<sup>1</sup> Arizona Const 7:7 In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected.

<sup>2</sup> *Forma non observata, infertur adnullatio actus* -- Black's Law 5th Edition

We, the people, petitioners Rayana B. Eldan, Brian Steiner and Daniel Wood, hold the same Truths our founders did, to be self-evident. “That all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.” (Declaration of Independence)

Article 4 Section 4 of the United States Constitution guarantees “to every State in this Union, a Republican form of government”. The people agree that the form of government we inherited, and strive to maintain, is to be by the people electing representatives, and that is the reason we find these matters of such importance to the fundamentals we must return to. James Madison, in Federalist 39 said: “...we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.” The people understand this court will not rule as to whether this State is actually a republican form of government. The people bring it up, because Article 4 Section 4 and its main point of representative government is foundational to this complaint. It establishes the Constitutional and fundamental importance of electing our representatives according to equal and just processes, so that representation of our voice and intent is in place. The preamble

to the Arizona Constitution says that “We the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution.”

The people are who declared the need to institute government, and what form it would be in, through the Constitution. The rightful flow of government is declared in Arizona Constitution Article 2 Section 2. “All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.” We, the people have inherent powers not derived from or given to us by the court or the executive or legislative branch. These inherent powers existed before the establishment of government. The positions of public office were established by the people and derive any powers they have from the consent of the people. This is why elections are so fundamental to our existence as a sovereign state and a nation.

Our vote is our precious voice, our right of free speech, and our privilege of expressing our choice for representative government. The elections are to be *by the people* to choose who will serve as trustees over our business. The people assert that this petition is essential to be heard, to secure individual rights and the perpetuity of free government. As declared in Arizona Constitution Article 2 Section 1: “A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.”

**Respondent’s official identity and capacity for mandamus order.**

Respondent Secretary of State Katie Hobbs serves as the Chief Elections Officer for Arizona and, as a person of government, she is compelled and duty bound to obey all Constitutional and statutory laws especially with regards to elections. The Secretary's website points out some of her duties: "One duty of the office is trustworthy, secure elections. The office also certifies: voting devices, election results, candidates and measures to the ballot, as well as the results of statewide elections...grant or deny use of the Great Seal of the state of Arizona, attest to all official acts of the Governor and affix the Seal on all official documents."<sup>3</sup> The Arizona Constitution and statutes also inform us of her official capacity ministerial duties. Arizona Constitution Article 5 Section 9 states that "The powers and duties of secretary of state... shall be as prescribed by law." Arizona Constitution Article 5 Section 10 states: "The returns of the election for all state officers shall be canvassed, and certificates of election issued by the secretary of state, in such manner as may be provided by law." The constitution points to the law, and the people bring forth this statute with regards to mandamus action. ARS 16-650 is entitled: Declaration of election to office; delivery of certificate of election. "The secretary of state shall **declare** elected the person receiving the highest number of votes cast for each office for which the nominees filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection B and shall, unless enjoined from so doing by an order of court, **deliver** to each such

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<sup>3</sup> <https://azsos.gov/about-office>

person, upon compliance with the provisions imposed by law upon candidates for office as conditions precedent to the issuance of the certificates, a **certificate of election**, **signed** by the secretary of state and authenticated with the great **seal of the state.**" [Emphasis added] The people point here to ministerial duties important to this complaint: Declaration, Delivery, Signature, Certification and Seal, regarding certificates of election; and this law includes the possibility of an order of the court to keep her from delivering the certificates. Article 7 Section 7 further clarifies that it is only the highest number of *legal* votes that can be counted. There is also: ARS 16-648 B. "The secretary of state, in the presence of the governor and the chief justice of the supreme court, shall canvass all proposed constitutional amendments and initiated or referred measures, as shown by the certified copies of official canvass received from the several counties, and forthwith certify the result to the governor."

The Secretary certifies results. If the results given by illegal machines are not legal, then the certification and seals are void. The Secretary took an oath<sup>4</sup> that had her solemnly swear that she will support and uphold the Constitution of the United States and the Constitution and laws of Arizona. She is bound to the people by swearing the oath to protect and maintain our individual rights we declared in the Constitution. Also in the Secretary's express responsibility, as she oversees and executes the duty of trustworthy and secure elections, are the machines used in this

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<sup>4</sup> <https://www.azleg.gov/ars/38/00231.htm>

state, and the laws that tell her how to proceed in that regard.<sup>5</sup> There are several constitutional articles regarding elections and Arizona laws that flow directly from the Constitution, regarding oversight of elections, that are key to this complaint. The Secretary is bound by oath to the people and the written laws. The people will further outline those in another section.

**Co-Respondent's official identity and capacity for mandamus order.**

Co-Respondents are 3 County Boards of Supervisors and Clerks. These counties are where the petitioners, the people bringing this complaint, reside. Rayana B. Eldan lives in Pima County, Brian Steiner lives in Maricopa County and Daniel Wood lives in Pinal County.

Pima County Respondents: Clerk: Julie Castañeda. Pima County Board of Supervisors: Rex Scott, Matt Heinz, Sharon Bronson, Steve Christy, Adelita Grijalva

Maricopa County Respondents: Clerk: Juanita Garza. Maricopa County Board of Supervisors: Jack Sellers, Steve Chucri, Bill Gates, Clint Hickman, Steve Gallardo

Pinal County Respondents: Clerk: Natasha Kennedy. Pinal County Board of Supervisors: Kevin Cavanaugh, Mike Goodman, Stephen Q. Miller, Jeffrey McClure, Jeff Serdy

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<sup>5</sup> ARS 16-625 “The officer in charge of elections shall ensure that electronic data from and electronic or digital images of ballots are protected from physical and electronic access, including unauthorized copying or transfer, and that all security measures are at least as protective as those prescribed for paper ballots.”

The people bring forth this statute with regards to mandamus action for Co-Respondents: ARS 16-647 is entitled: Declaration of election to office; delivery of certificate of election.

“The board of supervisors shall **declare** elected the person receiving the highest number of votes cast for each office to be filled by the electors of the county or a subdivision thereof, and the clerk of the board shall, unless enjoined from so doing by an order of the court, **deliver** to each such person, upon compliance with the provisions imposed by law upon candidates for office as conditions precedent to the issuance of such certificates, a **certificate** of election, **signed** by the clerk and authenticated with the **seal** of office of the board of supervisors.” Once again we see the important ministerial duties regarding mandamus action: Declaration, Delivery, Signature, Certification, and Seal of the Boards, regarding certificates of election. We also see again the express mention of the court regarding the possibility of stopping delivery of the certificates. The Boards of Supervisors and Clerks also took an oath<sup>6</sup> that had them solemnly swear that they will support and uphold the Constitution of the United States and the Constitution and laws of Arizona. They are bound to the people by swearing the oath to protect and maintain our individual rights we declared in the Constitution.

### **Jurisdiction of this court, precedence and law.**

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<sup>6</sup> <https://www.azleg.gov/ars/38/00231.htm>

Jurisdiction in this Supreme Court is proper not only because of Constitutionally stated original jurisdiction of mandamus to state officers, with power to issue writs of mandamus,<sup>7</sup> but also due to this court's past discretionary opinion of when to accept jurisdiction. Arizona Constitution Article 6 Section 1 grants the court original jurisdiction: "The supreme court shall have: Original jurisdiction of habeas corpus, and quo warranto, mandamus, injunction and other extraordinary writs to state officers." Section 4 grants the supreme court not only the jurisdiction but the power to issue the writ of mandamus: "Power to issue injunctions and writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction." Consider that if the court makes the choice to ignore or easily dismiss this matter, that choice mixes the court with the injustice and would make the court further responsible for continuing the injustice. University of Virginia law professor Deborah Hellman points out in her work on morality, algorithms and injustice: "if the actor engages with the prior injustice sufficiently, and also augments or entrenches that injustice, then the actor compounds the injustice and thus bears some responsibility for this worsening of the harm that the prior injustice now gives rise to..."<sup>8</sup> Her work includes an unpublished paper<sup>9</sup> on the

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<sup>7</sup> Arizona Const 6:5 1 & 4

<sup>8</sup> <https://srinstitute.utoronto.ca/news/hellman-big-data-compounding-injustice>

<sup>9</sup> <https://static1.squarespace.com/static/5ef0b24bc96ec4739e7275d3/t/5f7ca109ca529b0b2269adef/1602003209941/Big+Data+and+Compounding+Injustice2.pdf>

topic as well as published law review articles. The nuanced and moral points she makes regarding interacting with injustice and the obligations it creates, are fitting here although ours is not a situation she directly mentions. Her focus is the equal protections clause of the 14th amendment and how algorithms and then people compound the injustices.

As to the matter of jurisdiction regarding discretion, the people bring 3 cases forward as examples of special actions that this supreme court has accepted before, for comparison. The people think these cases are similar enough to the key components of this complaint to warrant jurisdiction in this supreme court and not a lower court. This court has accepted jurisdiction before when “the dispute involves a matter of substantial public importance, raises only issues of law, and requires the interpretation of a provision of the Arizona Constitution.”<sup>10</sup> Such was the reasoning in *Randolph v. Groscost*. This court has also accepted jurisdiction “to test the constitutionality of executive conduct. Because this case involves a dispute at the highest levels of state government, the issues are substantial and present matters of first impression in this state, and a prompt determination is required...”<sup>11</sup> This was the reasoning in *Rios v. Symington*. And again this court accepted jurisdiction saying that: “Special action jurisdiction is appropriate here because the petition presents purely legal questions of statewide importance that

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<sup>10</sup> <https://www.courtlistener.com/opinion/1253411/randolph-v-groscost/>

<sup>11</sup> <https://law.justia.com/cases/arizona/supreme-court/1992/cv-92-0129-sa-2.html>

turn on interpreting Arizona's Constitution.”<sup>12</sup> Such was the reasoning in Dobson v. Arizona. Consider the similarities: ‘a matter of substantial public importance’; issues of law that require interpreting the constitution; involving the ‘highest levels of state government’; substantial issues that ‘present matters of first impression in this state’; ‘legal questions of statewide importance that turn on interpreting Arizona’s Constitution’. If this court will not accept jurisdiction, despite precedent, Petitioners ask this court to transfer this matter to the proper court per ARS 12-120.22(B)

“No case, appeal or petition for a writ brought in the supreme court or court of appeals shall be dismissed for the reason only that it was not brought in the proper court or division, but it shall be transferred to the proper court or division.”

Justice Bolick expressed the need for a fresh review by the court when hearing a case of homeowners seeking justice regarding matters of government power in concert with private interests. Below, his quote is from Sun City Home Owners Assoc. v. AZ Corp. Commission et al. “Our review of the constitutionality... is not really *de novo* if we begin with the presumption that the Commission will prevail. The presumption is especially discordant in a state whose constitution endeavors relentlessly to prevent abuses of government power, especially when exercised in concert with private interests. Fighting city hall, much less a powerful state agency

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<sup>12</sup> [https://www.omlaw.com/uploads/docs/Blog\\_Cases/Dobson\\_v.\\_Arizona.pdf](https://www.omlaw.com/uploads/docs/Blog_Cases/Dobson_v._Arizona.pdf)

whose regulatory sweep touches the lives of every Arizonan, is tough enough without judicially created doctrines that make the burden more onerous.”<sup>13</sup>

**First amendment rights and rights of suffrage.**

Our rights to free speech and to redress a grievance are far more than the right to write up a complaint and submit it, or to only speak. The fundamental principle of free speech and redress include the right to be heard. If one is restricted from being heard in the halls of government then we have only a hypothetical right to petition for redress. Simple voices of non-expert people deserve to be heard and our grievances decided on the merits. Later in this filing, the people detail close to 20 examples of times we have reached out to all branches with this issue that no machines were certified for the 2020 election. Not one government official has reached out to us for further clarification or has done anything about it.

The people assert deprivation of rights due to not being afforded free, secure, trustworthy, legal and equal suffrage and due to being ignored when bringing forth a most serious grievance and violation of law. Exercising our right to vote goes way beyond the ease or fairness of registering or filling out a ballot. We have a 500 plus page elections procedures manual and pages of statutes, that detail state, precinct and polling place level rules for caring for and counting our votes. Yet the people don’t count the votes. The people ‘observe’ the voice of the people getting

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<sup>13</sup> <https://law.justia.com/cases/arizona/supreme-court/2021/cv-20-0047-pr.html> Opinion ¶ 39

fed into machines and are ‘assured’ by corporations that the result is valid. The people verify a process that cannot be internally observed, as the machine does the job of ‘looking at’ and ‘counting’ the ballots and votes. The ballots are put inside a virtual polling place and virtual tabulation center which may or may not have ‘windows’ and back doors and algorithms that allow bad actors to intrude. Only the experts know the secrets of what is inside. We are told that one vote is counted as one vote and that no vote is left behind. We must exercise considerable faith in technology and corporations and unelected commissions to assure our foundations of representative government. The tabulator printed ‘tally’ purports to reflect the ballots and votes that got fed into the machine. We are left to assume that the experts we depend on are correct. Where then are the people answerable or in charge of our elections process? This falls in large part, not to the people but to the Secretary of State and the technology. The following 2 Statutes are not the main focus of this complaint but nevertheless show that technology counts our votes and that the Secretary of State is the one fully responsible for the technology that ‘secures’ the ballots.

ARS 16-622. A. “At any time following the close of the polls, except as provided in section 16-551, subsection C, unofficial returns may be released during the **counting of the ballots by vote tabulating equipment**, and upon completion of the count the unofficial results shall be open to the public. The **result printed by**

**the vote tabulating equipment**, to which have been added write-in and early votes, shall, when certified by the board of supervisors or other officer in charge, constitute the official canvass of each precinct or election district.” [Emphasis added]

The people note that in the above statute, the tabulators, and not people are responsible for the ‘result’. Yet the people certify an electronically generated tally by trusting the experts that what goes on inside the machine will yield an accurate result. No observers are inside the tabulators to check the math and to see if there is any legal or illegal encrypted algorithmic formula used to process the ballots.

ARS 16-625 “The officer in charge of elections shall ensure that electronic data from and electronic or digital images of ballots are protected from physical and electronic access, including unauthorized copying or transfer, and that all security measures are at least as protective as those prescribed for paper ballots.”

We assert that the electronic security was so sub-par as to be nowhere near the realm of reasonable care to ensure that electronic data and ballot images were ‘at least as protective as those prescribed for paper ballots.’ Since the Secretary is not a forensic computer expert, to ensure the above statute is followed, ARS 16-442(B) was put in place as mandatory in Arizona to keep elections secure and trustworthy.

ARS 16-442(B) is necessary to go with ARS 16-625, 16-609(A)<sup>14</sup> and several Constitutional articles. Regarding ARS 16-609A: is a ballot considered ‘provided in accordance with provisions of law’ once it has been fed into an illegal to use tabulator?

As we seek justice in these matters, Arizona Constitution Article 2 Section 11 guarantees us that: “Justice in all cases shall be administered openly, and without unnecessary delay.”

### **Marbury v. Madison.**

The people are not legal scholars, but understand Marbury v. Madison as a textbook case regarding delivery of a certificate (commission) granting position. Mandamus, jurisdiction, and the power of the court to say what the law is are also foundational in that case. That is why the people bring it forward here. In Marbury v. Madison it seems it was debated whether the statutory requirement to deliver Marbury’s commission was significant. The importance of each statutory step toward him receiving the commission as being what the law said, was recognized. In this complaint, we look to the court to weigh the law and constitution regarding what constitutes a legal and Constitutional elections process. If laws were broken in such a widespread way, what is the appropriate remedy, and what legal steps are

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<sup>14</sup> 16-609 A. Only ballots that are provided in accordance with the provisions of law shall be counted.

necessary to receive a true, legal certificate of election. Our laws were written for the court to see and evaluate. Can any vote cast or counted on illegal equipment be a legal vote? The people contend that if an entire State used illegal voting machines, no vote can therefore be a legal vote. Can any vote count or tally tabulated on such a machine be considered a certified result? If there was no legally certifiable result, then can the next steps of certification and seal be considered valid? Is it the seal and signature and existence of a certificate that makes a thing valid? Or is it the law and process followed that guarantees validity? What steps must be followed to allow for such important matters to be signed, sealed, certified and delivered? If those steps were not followed, can any certificate issuing from an invalid or illegal process be considered binding? In Marbury it was the President's discretion to issue the commission, and his decision to do so made it valid. Next, the law prescribed the steps to be taken following the decision, including for delivery of the commission. In the 2020 elections, the entire process of getting *to* a decision or 'result' showing the will of the people, was codified into law since it is the decision of many and not the simple appointment of one person issued by an executive. The process is in question here. If the broadest and most important elections laws regarding election equipment were not followed, can the next steps of declaration, certification, seal and delivery, which depend on a legal result, be valid? The people frame this in several ways since we are not aware of any precedent besides Marbury, where any similar cases

exist to cite. Since this nation was birthed by declaring independence from a monarchy, a comparison to a monarchy makes sense. In a monarchy, a King's seal IS law and not subject to revocation. In a Constitutional Republic, the written rule of law dictates form, process, and the lawful procedures that handle the precious voice of the people. Rule of law dictates validity and authenticity of a seal signature and certificate. The will of the people through elections and the written words and procedures in the law govern us. Precisely because of Marbury v. Madison, the power of this court to review this case was instituted. "It is emphatically the province and duty of the judicial department to say what the law is." Chief Justice John Marshall in Marbury v. Madison, 1803

The people assert that our consideration and weighing of these matters is as important as the court's in saying what the law is.

**Not an election contest or partisan complaint.**

It is important to address the elephant in the room. This is not a pro-Trump, pro-Biden or any other partisan or political issue or complaint. Nor are we using any findings from the recent audit as that has not been our focus. We have studied these compliance issues since February and began to petition all branches of government in May and continually since then, with no response. We recur to fundamental principles regarding the written Constitution and laws and the declared rights of

the people. The written word guarantees us a legal elections process that represents the will of the people, without incurable uncertainty or widespread illegality. The elections are supposed to be, as we see in the Constitution, by the people, and not by corporations or machines. We do not seek to ‘overturn’ or ‘contest’ an election. The people simply set forth the Constitution as the foundation, and the laws in alignment with it as the form to observe and follow. If the law was broken, legal rights guaranteed by the Constitution were violated, and certain actions were voided by rule of law. We seek the full accounting of every certificate of election and the rule of law to be followed without respect to party. Several quotes attributed to James Otis are material to this case and we share them here as founding fundamental principles:

“An act against the Constitution is void; an act against natural equity is void.”

The people “cannot live together without contests...The necessity of a common, indifferent and impartial judge, makes all men seek one; though few find him in the sovereign power of their respective states...”

“Whenever the administrators, in any [government], deviate from truth, justice and equity, they verge towards tyranny, and are to be opposed...”

“If we are not represented, we are slaves.”

**Arizona State Constitution and laws that connect to it directly.**

In general, the 2 articles below amplify the importance of and mandatory nature of the written Constitution and the declared, pre-existent rights of the people:

Arizona Constitution Article 2 Section 32: “The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.”

Arizona Constitution Article 2 Section 33: “The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.”

Specifically, the 4 Articles below are directly relevant to elections in this State:

Arizona Constitution Article 2 Section 21: “All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”

Arizona Constitution Article 7 Section 1: “All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be preserved.”

Arizona Constitution Article 7 Section 7: “In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected.”

Arizona Constitution Article 7 Section 12: “There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.”

First, the people notice that elections shall be free and equal and that nothing shall interfere to prevent the full right of suffrage. Suffrage includes the right to have a legal and equal *count* of all votes. Second the people notice that the elections are by the people. Thirdly, methods prescribed by law and laws enacted to secure purity and guard against abuses are Constitutional and were put in place by the legislature to be obeyed and were instituted to protect the people.

These written words make ARS 16-442(B) a weighty and important law. It became mandatory to follow the federal help America vote act of 2002 (HAVA) once it was prescribed by the Arizona legislature and passed into law. The federal HAVA law was instituted regarding the use of machines in elections due to the Bush/Gore era problems with punch card voting processes. HAVA set in place the Election Assistance Commission (EAC, the commission). The EAC was tasked to implement technical standards and voting system test laboratory (VSTL) accreditation processes to ensure oversight and regulation were available to States in the new landscape of using complex equipment for the elective franchise.

### **Secretary of State's role and the importance of the law.**

As chief elections officer for Arizona, the Secretary is bound to obey the law. She is responsible for trustworthy and secure elections. In the case of ARS 16-442(B) it was her express duty to make sure it was followed and that all machines in Arizona were certified by accredited laboratories. The people will prove that machines and

devices used for the 2020 election were used without the required certification by accredited labs.

Here is a portion of a letter from the Secretary to Ken Bennett on May 5th, 2021, regarding the accreditation of Labs (VSTLs) and the risks and vulnerabilities from COTS (commercial off-the-shelf components) used by contractors: “While Arizona law requires that voting systems, including components that capture ballot images, must be tested by a federal Voting System Testing Laboratory (VSTL), including for accuracy, reliability, and security, and certified by the federal Election Assistance Commission (EAC) and my Office, the hardware and software supplied by Cyber Ninjas to capture and display the ballot images in this counting process are untested and uncertified. This fact raises serious concerns because it means the systems used have not been tested or certified to ensure, for example, that the system is not preloaded with inaccurate ballot images or that the system’s software is not written to manipulate specific images of scanned ballots. Testing and certification by federal and state authorities is designed specifically to protect against such risks, including through a thorough source code review to ensure these risks cannot occur.”<sup>15</sup> The same concern about COTS used by VSTLs to ‘check’ the machines is mentioned here in a sworn, un-rebutted whistleblower affidavit: “VSTLs are the most important component of the election machines as they

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<sup>15</sup> [https://azsos.gov/sites/default/files/5.5.21\\_Letter\\_to\\_Ken\\_Bennett.pdf](https://azsos.gov/sites/default/files/5.5.21_Letter_to_Ken_Bennett.pdf)

examine the use of COTS (Commercial Off-The-Shelf)”<sup>16</sup> “The concern is the HARDWARE and the NON – ACCREDITED VSTLs as by their own admittance use COTS. The purpose of VSTL’s being accredited and their importance in ensuring that there is no foreign interference/ bad actors accessing the tally data via backdoors in equipment software.”<sup>17</sup>

At the state level, the Equipment Certification Advisory Committee does not do any in depth technical due diligence. Meeting minutes<sup>18</sup> show that the Committee asks questions of machine manufacturers and are assured the machines are ‘certified’. They then typically vote to further certify or not. Machine manufacturer representatives were present at all meetings in 2019 and 2020 to ‘help’ the committee. The manufacturers are necessarily biased toward keeping the machines in service and assuring the committee members that all is fine. The machine manufacturers will often do a demonstration ‘test’ in front of the committee to show that, in a test environment, the machines ‘count’ ballots accurately.<sup>19</sup> The top-tier technical due diligence by accredited labs the Secretary said is so important, is even more so due to no true experts within the state going over the machines.

### **Importance of compliance regarding government contractors**

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<sup>16</sup> Exhibit F page 10 point number 20

<sup>17</sup> Exhibit F page 16 points 36 & 37

<sup>18</sup> Exhibit K - pick any date’s minutes - the machine corporations were present at each one

<sup>19</sup> <https://azsos.gov/elections/voting-election/voting-equipment> also incorporated as Exhibit K

From the Secretary's previous comments alone, we know that the risks regarding our ballots and the scanners and software, were great for the 2020 elections, given that the labs were not accredited. Any certification actions done purely at the State level after not following ARS 16-442(B) do not make up for not following the law. No matter any audit, our 2020 elections were put at risk due to the law not being followed and no 'result' or 'tally' can be verified as authentic, as no machine was legal to be used. If the following assertion by a government whistleblower who worked in depth on elections, has even the possibility of being true, these matters are heavier and more dire than may be understood or litigated in this filing. It is nevertheless worth quoting her assertion regarding algorithms contained in each machine from all companies: "you can't prove anyone manipulated anything. The TRAP DOOR KEY HOLDERS can offer you enough to verify to you what you need to see without revealing anything and once again indicating the inability to detect manipulation. **ZERO PROOF of INTEGRITY OF THE VOTE.**"<sup>20</sup> Even if the court considers the whistleblower affidavit to be disputable, it is an unrebutted sworn affidavit, and it serves to highlight that we are not just talking about silly errors and omissions, but matters of great importance that move toward matters of national security. National security is not appropriate to consider here, but these matters are important as a frame for the facts regarding our State laws and processes and the extreme importance of these matters.

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<sup>20</sup> Exhibit F page 22 item 61

These serious issues bring us to the next section: the proof that the labs were not accredited to certify anything and that makes Arizona's 2020 elections not in compliance with state and federal law.

**FACTS: Election Assistance Commission official publications show no valid lab accreditations.**

The Help America Vote Act of 2002 (HAVA) established the Election Assistance Commission (referred to as the Commission) as the entity that would create compliance standards and oversight regarding testing, certification, decertification, and recertification of voting systems (hardware and software) by accredited laboratories. 52 USC §20971(a) “(a) CERTIFICATION AND TESTING.—(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories. (2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.” Arizona chose to opt-in to have voting machines tested and approved by Election Assistance Commission accredited laboratories and made it mandatory in the state as per ARS §16-442(B)<sup>21</sup> The commission created the Voting System Test Laboratory Program

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<sup>21</sup> “Machines or devices used at any election for federal, state or county offices 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 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.”

Manual as its guide to ensure the government contracted labs were vetted and complied with both technical and business standards to be under new contract every 2 years. (Manual is Exhibit E)<sup>22</sup>

The manual is an official government publication and is self-authenticating. The manual gives clear guidance, rule and contract bond requirements for the accreditation process. “Section 231(b) of the Help America Vote Act (HAVA) of 2002 (42 U.S.C. §15371(b)) requires that the EAC provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards. Generally, the EAC considers for accreditation those laboratories evaluated and recommended by the National Institute of Standards and Technology (NIST) pursuant to HAVA Section 231(b) (1). However, consistent with HAVA Section 231(b)(2)(B), the Commission may also vote to accredit laboratories outside of those recommended by NIST upon publication of an explanation of the reason for any such accreditation.”<sup>23</sup>

“VSTL’s are VERY important because equipment vulnerabilities allow for deployment of algorithms and scripts to intercept, alter and adjust voting tallies...

In order to meet its statutory requirements under HAVA §15371(b), the EAC has developed the EAC’s Voting System Test Laboratory Accreditation Program

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<sup>22</sup> [https://www.eac.gov/sites/default/files/eac\\_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/28/VSTLManual%207%208%2015%20FINAL.pdf)

<sup>23</sup> Section 9 page 2 Affidavit Exhibit F Case 2:20-cv-01771-PP

VSTLs are the most important component of the election machines as they

examine the use of COTS (Commercial Off-The-Shelf) ”<sup>24</sup>.

The VSTLs themselves use COTS,<sup>25</sup> which was also a concern for the Secretary of

State with regards to Cyber Ninjas: “the hardware and software supplied by Cyber

Ninjas to capture and display the ballot images in this counting process are

untested and uncertified.”<sup>26</sup> The risks involved require extreme due care from labs.

SLI Compliance lab’s purported certificate of accreditation<sup>27</sup> shows an issue date

of 1/10/18 with a 3 year “effective through” date which is not allowed by

regulation. This certificate should have had an expiration date of 1/10/20 as per

the Commission’s own rules and procedures manual.<sup>28</sup> Furthermore, the certificate

was not posted on the Commission’s website until December 2020 after an

affidavit<sup>29</sup> was filed on December 3, 2020 pointing out the certificate did not exist

for SLI Compliance and the other labs had expired accreditations. The SLI

Compliance certificate was not only uploaded to the EAC website in December

2020, but upon close inspection of the document properties, the certificate appears

to have been edited on December 22, 2020.<sup>30</sup> There is no apparent reason as to why

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<sup>24</sup> Sections 11 & 12 page 3 & Section 20 page 10 Affidavit Exhibit F Case 2:20-cv-01771-PP

<sup>25</sup> Section 36 & 37 page 16 Exhibit F Case 2:20-cv-01771-PP

<sup>26</sup> [https://azsos.gov/sites/default/files/5.5.21\\_Letter\\_to\\_Ken\\_Bennett.pdf](https://azsos.gov/sites/default/files/5.5.21_Letter_to_Ken_Bennett.pdf)

<sup>27</sup> Exhibit B page 5

<sup>28</sup> Section 3.6.1.3 on page 38 Exhibit E

<sup>29</sup> Source: Case 2:20-cv-01771-PP Exhibit F **Section 113 page 30**; see also Sections 9-12 p.3 and 18-20 p. 8-10

<sup>30</sup> Exhibit B page 4

a certificate that was purportedly issued in January of 2018 was modified almost 3 years later and after an affidavit makes mention of it missing from the Commission's website. It should have expired in January of 2020. Once attention began to be focused on lab certification failures, a 'new' and extended accreditation for SLI Compliance was posted on the Commission's website dated February 2021, well after the 2020 elections were held. On May 4th of 2021, this 'new' accreditation purportedly uploaded in February, did not exist. (See Exhibit B page 1) There were not any vetting packages, signatures, proof of insurance bonds,<sup>31</sup> nor any contract to do business on behalf of the people to be found. Only recently was a new letter of agreement from SLI put on the website purporting to meet standards from February, 2021 going forward.<sup>32</sup> No vote, decision, signature or certificate from the commission exists currently. The lab was not in compliance for 2020, and is still not in compliance. If the Commission had those items at the time these matters were gaining publicity, they could have been published to show due diligence. They were not. Instead an altered accreditation was published concurrent with a 'Covid memo'(Exhibit B Page 6). This memo utilizes the imperative section of the manual (3.8) that expressly forbids arbitrary extensions of accreditation - as an excuse to extend them indefinitely. (Section 3.8 found on Page 39 Exhibit E)

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<sup>31</sup> Exhibit E Section 3.4.1 pages 33-34

<sup>32</sup> Exhibit B pages 8-10

The newly issued certificate<sup>33</sup> contains the original accreditation date of 2/28/2007 with an added irrelevant code citation as an excuse to extend accreditation which is not allowed per regulation. This ‘new’ SLI Compliance ‘accreditation certificate’ purportedly issued on 2/1/2021, (but not on website until after May 4th - Exhibit B Page 1) references the US Code (below) as the express legal reasoning for said extension. It is clear that the below citation requires a vote to REVOKE an accreditation, but was used as an excuse to claim they may violate regulations at any time and continue to re-date and re-issue accreditation certificates as many times as they would like to without following due diligence and compliance rules. This issuance proves the inauthenticity of this and the prior accreditation.

52 USC 20971 C 2<sup>34</sup>

(c) Continuing review by National Institute of Standards and Technology

(1) In general

In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the

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<sup>33</sup> Exhibit B Page 7

<sup>34</sup> [https://uscode.house.gov/view.xhtml?req=\(title:52%20section:20971%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:52%20section:20971%20edition:prelim))

continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) Approval by Commission required for revocation

The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

In the above cited code, section C 2 is in the context of section C 1 – it does not indicate anywhere that it allows for an extension without following the regulations set forth to vet the lab as a company every 2 years and receive the binding signature and documentation to do business. The above does allow for revoking accreditation *only* by vote IF the National Institute for Standards and Technology (NIST) recommends it. The very fact that the Commission published this proves that the lab accreditation certificate has serious problems they were trying to cover over. It shows a pattern of unreasonable and dangerous behavior that is without requisite rule or compliance with set forth standards.

The memo that accompanied this certification utilized Covid as an excuse.

(Exhibit B Page 6) To remain in good standing by timely package submittal, SLI Compliance was due to submit the re-application package 30 days before expiration which would be in December of 2019, before Covid. No package exists. That alone has this lab ‘unaccredited’ which breaks Arizona’s law. In addition the signature on the certificate that expired in January of 2020 was *never* valid as it is

not the binding signature of the Chair of the Commission. (Section 3.6.1 Page 38 Exhibit E)

The testing laboratory Pro V&V, Inc.'s certificate<sup>35</sup> has a date of expiration in 2017, along with an invalid signature. Once again the Manual Section 3.6.1 points out the need for the Chair of the Commission to sign. The accreditation certificate expired in 2017<sup>36</sup> and the Commission issued a new certificate after the 2020 elections and noted Covid as the reason, by memo, (Exhibit A Page 15) much as they did for SLI Compliance. As issued, even before expiration in 2017, the accreditation was invalid.

In February 2021, the Commission purportedly 'issued' this new certificate of accreditation to Pro V & V <sup>37</sup> and much as they did with SLI Compliance, the Commission added a US code citation to explain away the reason for the lapse. Covid once again is utilized as an excuse with the same 'memo' published on the Commission's website. Of serious concern are the newly added documents. For both the SLI and Pro V & V profile page, Petitioner Rayana B. Eldan had printed the list of dated documents that were present on days in late April and May. Note that on each,<sup>38</sup> the most recent document was listed as being posted on 1/27/21. It

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<sup>35</sup> Exhibit A page 14

<sup>36</sup> Source: <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

<sup>37</sup> [https://www.eac.gov/sites/default/files/voting\\_system\\_test\\_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf](https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf) and also in Exhibit A PAGE 16

<sup>38</sup> Exhibit A page 1 and Exhibit B Page 1

is interesting to note that currently, documents exist on both profile pages that purport to have been added in February and March of 2021. (Date of posting shows on the EAC website next to each document.) Back dating documents and manufacturing posting dates and adding documents that cannot be date verified, that have no ‘received on’ date stamp as required by section 1.10 <sup>39</sup> is deeply concerning. How can we validate anything not done by standard and rule and with no valid date stamp. Almost no due care was exercised in the attempts to correct the egregious compliance errors.

A new memo also exists which cites the same irrelevant code place on the re-dated certificates of accreditation.<sup>40</sup> This new undated memo seems to have been posted on 7/22/21, for both labs. In paragraph 3 the Commission mentions a lab visit being postponed in 2020 due to Covid. Section 4, is where the continuing “Compliance Management” rules are.<sup>41</sup> Compliance management can only occur if a lab has been accredited and is in contract and bonded to do business. This portion of the Manual outlines live laboratory facility visits as a part of the responsibility of the Commission after each 2 year accreditation, and as a due diligence ‘after the fact’ right of the contract. They say that administrative errors and Covid are reasons for wrong dates and for not being able to visit facilities. The

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<sup>39</sup> Exhibit E page 7 - the Manual

<sup>40</sup> Exhibit A page 17 and Exhibit B page 11

<sup>41</sup> Exhibit E beginning on page 42

facility visit is one small part of continuing compliance the EAC must manage for its accredited labs, and is not a condition to a grant of accreditation. Nowhere is there any valid reason to abrogate the accreditation process altogether. If Covid kept the EAC from visiting lab facilities, it could have been noted that once the labs were fully accredited. Neither lab was. Covid could not have kept the labs from submitting paperwork with electronic signatures by email. According to its own recent undated memo “The Testing and Certification program has been fully staffed since May 2019...”<sup>42</sup> There are no excuses for not having the basic accreditation requirements in place and having no valid, fully ratified contract to do business in place. In addition, the last sentence of the same Memo says that Pro V & V was issued a ‘new’ accreditation certificate on February 1, 2021. No such certificate exists. Meanwhile 2 documents purporting to have been signed on March 10, 2020 by Pro V & V’s Jack Cobb, should have given the Commission much of what it needed to vote and fill out a certificate to issue it then, in 2020, prior to the elections. Those documents did not exist at that time. They only recently appeared. This is suspicious and unverifiable. Covid did not keep people from buying houses and cars in 2020, as one of the petitioners can attest since she worked for a car dealership and bought a home in 2020. Digital signatures are allowed per EAC rule. Still, those documents from Jack Cobb that appeared sometime after May of 2021 when Rayana printed the list, with a supposed upload

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<sup>42</sup> Exhibit A page 17

date of March 2021 and purportedly signed on March 10, 2020, are unable to be verified as legitimately dated or ever timely received by the EAC.

Viewing SLI's prior company name 'Systest' list of documents,<sup>43</sup> one can see the consistent posting of communications, agreements, and 2 year delta of accreditation certificates. Viewing Pro V & V prior company name NTS also known as Wyle Laboratories,<sup>44</sup> one can also see the standard operating procedure being followed, including the full contract process and issuance of certificates every 2 years per Rules of Compliance. A Letter from the EAC's Director of Certification Brian Hancock on February 24th, 2015 to Pro V&V (Exhibit A page 4 last 2 paragraphs) explains the need to re-accredit every 2 years: "Upon an affirmative Commission vote on this accreditation, I will inform the VSTL of the decision, issue a Certificate of Accreditation, update the EAC website, and inform stakeholders of the Commissions decision. An EAC grant of accreditation is valid for a period of 2 years. VSTLs renew their accreditation by submitting an application package, consistent with the procedures in §3.4 of the EAC Laboratory Accreditation Manual (v.1.0)." That is the Commission's own words on expectation of reasonable care for standards. The accreditation for SLI, should have been applied for in December of 2019, 30 days prior to its expiration. No Covid was present at that time. That compliance would have produced a valid

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<sup>43</sup> Exhibit D page 1 - and view table of contents for continuity of compliance story to contrast with now

<sup>44</sup> Exhibit C page 1 - and view table of contents for continuity of compliance story to contrast with now

accreditation that would have been effective from January of 2020, thru January of 2022. Per section 3.8, it is important that laboratories ‘timely file’ to remain in good standing.

The accreditation for Pro V & V should have been applied for in January of 2017, which could have easily had an effective through date of February of 2019 and a re-submission again in January of 2019, for an expiration of February of 2021.

Again, Covid was not an issue for either one of these labs. They lose their good standing status by not timely filing per section 3.8 of the manual. The offer to do business, consideration and acceptance of the lab through terms and conditions set forth, is a contract. All parts of the contract being in place is what produces the certificate of accreditation. None existed for 2020 and even the 2018 time frame had serious problems. There are no valid lab accreditations even now.

### **Facts prove the law was broken**

The above facts prove the entire state was not in compliance with law for the 2020 elections. The Petitioners are the beneficiaries of the risks taken on due to these compliance failures and lack of due care by the Secretary. These are egregious compliance failures not mere errors or omissions. Only accredited labs should ever be allowed to touch the machines as the Secretary has clearly pointed out. Her duty to guard and oversee these matters was vitally important. Maricopa County Attorney Allister Adel also echoed these concerns in a Notice of Claim to the Arizona Senate: “After the County produced its election equipment to the Senate,

the Senate allowed Cyber Ninjas and other firms to handle, examine, and test the County's election equipment. None of these firms were accredited by the U.S. Elections Assistance Commission to test or "audit" elections equipment..." and that "negligence in protecting the County's equipment" was "serious injustice".<sup>45</sup> The people agree. Serious injustice has occurred on a massive scale across Arizona.

**The people tried over a period of 6 months to get anyone to listen**

Petitioners Rayana B. Eldan, Brian Steiner, and Daniel Wood have directly attempted to bring this matter to the attention of every branch of the government in Arizona on multiple occasions over several months and nothing has been done by any branch.

a. On May 7th, 2021 a Quo Warranto Special Action was brought before this court outlining in full the lack of certification of machines by accredited labs. Case #CV-21-0114-SA. Brian Steiner and Rayana B. Eldan were 2 of 20 Petitioners in that case and Daniel Wood was the witness. Case was dismissed.

b. On May 23rd, 2021, Petitioner Rayana B. Eldan emailed each State Representative and Senator individually, informing them of the breach and lack of

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<sup>45</sup> <https://s3.documentcloud.org/documents/21045345/maricopa-notice-of-claim-vs-senate-8-18-21.pdf> page 4 & page 7

certification of machines by accredited labs - and provided video links with proof,<sup>46</sup> with no response at all from any of them.

- c. On June 4th, 2021 Secretary Hobbs had hand delivered to her agent, with all 3 Petitioners present, an affidavit that contained video links to evidence of labs not being accredited as well as a thumb drive containing the same evidence, and in plain language on the affidavit, let her know that machines were not certified due to no lab accreditation. There was no response at all from her. The affidavit of Quo Warranto demanded a response as to why she was not doing her job duties with regard to machine certification. (Appendix G page 1 shows proof of delivery)
- d. On June 4th, 2021 this Supreme court was also made aware for a second time of the lack of legal certification of machines due to no lab accreditation through submittal of the Affidavit of Quo Warranto given to Secretary Hobbs mentioned above. Case number CV-21-0149-SA. Case was dismissed.
- e. On June 4th, 2021 Governor Ducey's lead counsel, was hand delivered the same affidavit, which in plain language pointed out the lack of machine certification due to no lab accreditation. Affidavit contained video links with the proof, and she was also handed a thumb drive with the same documented proof in video format. No response from the Governors office. (Appendix G page 3 shows proof of delivery)

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<sup>46</sup> <https://www.bitchute.com/video/1jHf94p7mob0/>  
<https://www.bitchute.com/video/Jb7qnKdORVDB/>  
<https://www.bitchute.com/video/WffdःpkUcjWHZ/>

f. On June 4th, 2021 Attorney General Brnovich's front desk staff was hand delivered, the same Affidavit with proof of the lack of valid machine certifications in this State, due to labs not being accredited, and there was no response.

(Appendix G page 2 shows proof of delivery)

g. On June 4th, 2021 the same Affidavit regarding no lab accreditation and therefore no machine certification was taken to both houses of the State Legislature and hand delivered. Security Guard Aaron for the Senate and Dave for the House received these on behalf of President Karen Fann and Speaker Russell Bowers.

(See dated journal page Exhibit G page 11)

h. On or around June 28th, a Notice to Demand Procurement of Evidence from Petitioner Rayana B. Eldan was delivered certified mail showing received by Governor Ducey, Attorney General Brnovich, and both houses of the Legislature. The Notice was created and sent by Rayana B. Eldan.<sup>47</sup> The Notice let them all know clearly the evidence of the lack of machine certification due to no lab accreditation and provided the links to the proof on video yet again. It also let them all know about the dangerous FROG algorithm and gave them the Affidavit by a whistleblower which explains it in detail. Rayana demanded that the Senate immediately get the escrowed software for ALL machines used in this State, from the Secretary of State, due to the fact that soon, she will be free to destroy it and

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<sup>47</sup> (Exhibit G pages 4-5 shows proof of delivery, pages 6-10 is a copy of Notice)

the people deserve to know the truth about the algorithms contained within. To petitioner Rayana B. Eldan's knowledge nothing was done.

i. On September 17th, a petition for mandamus to Secretary of State Hobbs was filed with this court Case CV-21-0221-SA, which for the 3rd time before this court, outlined the lack of valid and legal machine certification all across this state due to no valid lab accreditation. The complaint was dismissed.

## **Conclusion**

**Laws broken:** ARS 16-625 <sup>48</sup> The Secretary of State did not make sure that for electronic and digital ballots, "all security measures are at least as protective as those prescribed for paper ballots." This is proven by the fact that ARS 16-442(B) was broken since there were no accredited labs, and therefore digital ballots were put at serious risk. Maricopa County Attorney and the Secretary both agree that security cannot be hoped for if the labs are not accredited. (See earlier quotes on pages 22 & 35) Given that the above 2 laws were broken, ARS 16-609(B) was also broken<sup>49</sup> since only ballots provided in accordance with law shall be counted.

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<sup>48</sup> ARS 16-625 "The officer in charge of elections shall ensure that electronic data from and electronic or digital images of ballots are protected from physical and electronic access, including unauthorized copying or transfer, and that all security measures are at least as protective as those prescribed for paper ballots."

<sup>49</sup> 16-609(A) "Only ballots that are provided in accordance with the provisions of law shall be counted."

**Constitutional Articles broken:** Article 2 Section 21, Article 7 Section 1, Article 7 Section 7, and Article 7 Section 12.

**Scope:** Due to the labs not being accredited, no machine in Arizona was certified for the 2020 elections. Therefore no machine was lawful to be used. Therefore every ballot cast was not in accordance with law and there were no legal votes.

Questions of law, justice and morality arise in the face of unprecedented illegality that affects the Constitutional and legal foundations of an entire Sovereign State.

As the court of last resort, this court is well suited to rule on these matters and provide the relief sought by Petitioners. Simple relief is most easily provided for in ARS 16-650 and ARS 16-647, given that a potential court order is expressly written in to the process of issuing Certificates of Election. Echoes of Marbury v. Madison remind us that interesting and contentious times require solutions that are based on adherence to foundations of the rule of law. The court rules based on weighing what is written, and not on what is comfortable or expedient. As an appellate court with great influence as to precedent, the rule of law must be vindicated. To do otherwise would create confusion and instability in this State and in lower courts. This matter is clearly one of written law and Constitution only.

### **Mandamus Relief Requested**

Petitioners ask that the Secretary of State be ordered by this Court of Record to rescind the Certificates of Election issued by her to all State Candidates, since they are invalid and void, and remove the State Seal from them. Such were not issued Constitutionally or lawfully and are void. Article 5 Section 10 and ARS 16-650, set forth her express duty to issue such Certificates and place the State Seal on them as authentication.

Petitioners also ask that the Co-Respondents, the Pima, Maricopa and Pinal County Board of Supervisors and Clerks, be ordered by this Court of Record to rescind the Certificates of Election issued by them to all County Candidates, since they are invalid and void, and remove the County Seals from them. These were issued pursuant to ARS 16-647 by them to county candidates as their express duties. Such candidate Certificates of election were not issued Constitutionally nor lawfully and are unauthentic, void documents.

Petitioners ask that the Secretary of State be ordered by this court of Record to rescind the State Seal from the Ascertainment of election for final determination of Presidential Electors.

That this court would serve the Secretary of State, Mandamus order demanding the above duties be performed within 10 days.

That this court would serve the Pima, Maricopa and Pinal County Boards of Supervisors and Clerks, Mandamus orders demanding the above duties be performed within 10 days.

That this court would rule on each request individually and not arbitrarily dismiss this case without a hearing according to due process. This is our sworn affidavit of Petition, and prima facie evidence has been submitted that shows clearly the trespasses that have occurred.

That this court would act in an urgent manner.

That if the Secretary or the County Boards and Clerks refuse to comply within the 10 days, the court order each to show cause as to why they should not need to follow an order of the court or law.

Petitioners are well versed in the prima facie evidence and facts and will be pleased to appear before this honorable court to answer questions or for further clarification in a hearing.<sup>50</sup>

Respectfully Submitted this \_\_ day of October, 2021. Verification by Jurats follow.

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<sup>50</sup> ARS 12-2022 B. "The alternative writ shall state generally the allegations of the complaint against the party to whom it is directed, and command such party, immediately after receipt of the writ, or at some other specified time, to do the act required to be performed, or to show cause before the court at a specified time and place why he has not done so."

ARS 12-2023 C. "The writ shall not be granted by default, but the action shall be heard by the court though the adverse party does not appear."

## Verification

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in \_\_\_\_\_, Arizona on this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord Two Thousand and Twenty One .

\_\_\_\_\_

Autograph of Affiant:

Rayana B. Eldan  
9119 E. Rainsage St.  
Tucson, Arizona 85747

## Notary as JURAT CERTIFICATE

\_\_\_\_\_ State }

\_\_\_\_\_ County }

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021 (date) before me,

\_\_\_\_\_, a Notary Public, personally appeared

\_\_\_\_\_  
Name of Affiant, who proved to me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her autograph(s) on the instrument the man/woman executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of the State of Arizona and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary / Jurat \_\_\_\_\_  
seal

**Verification**

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in \_\_\_\_\_, Arizona on this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord Two Thousand and Twenty One .

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Autograph of Affiant:

Brian Steiner  
P.O. Box 50631  
Phoenix, Arizona 85076

**Notary as JURAT CERTIFICATE**

\_\_\_\_\_ State }

\_\_\_\_\_ County }

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021 (date) before me,

\_\_\_\_\_, a Notary Public, personally appeared

\_\_\_\_\_  
Name of Affiant, who proved to me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her autograph(s) on the instrument the man/woman executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of the State of Arizona and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary / Jurat \_\_\_\_\_  
seal

## Verification

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in \_\_\_\_\_, Arizona on this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord Two Thousand and Twenty One .

\_\_\_\_\_

Autograph of Affiant:

Daniel Wood  
17253 North Rosemont Street  
Maricopa, Arizona 85138

## Notary as JURAT CERTIFICATE

\_\_\_\_\_ State }

\_\_\_\_\_ County }

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021 (date) before me,

\_\_\_\_\_, a Notary Public, personally appeared

\_\_\_\_\_ Name of Affiant, who proved to me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her autograph(s) on the instrument the man/woman executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of the State of Arizona and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary / Jurat \_\_\_\_\_

seal