1 IN THE ARKANSAS SUPREME COURT

2 BONNIE MILLER, Individually and on)
behalf of ARKANSAS VOTERS FIRST and)
3 OPEN PRIMARIES ARKANSAS, BALLOT)
QUESTION COMMITTEES,)
4 PETITIONERS,)
) CASE NO.
5 VS.) CV-20-454
)
6 JOHN THURSTON, IN HIS CAPACITY AS)
ARKANSAS SECRETARY OF STATE,)
7 RESPONDENT,)
)
8 ARKANSANS FOR TRANSPARENCY, A BALLOT)
QUESTION COMMITTEE, and JONELLE)
9 FULMER, individually and on behalf)
of ARKANSANS FOR TRANSPARENCY,)
10 INTERVENORS.

11 ----------

12 REPORTER'S RECORD

13 SPECIAL MASTER HEARING

14 VOLUME 2

15 JULY 29, 2020

16 625 MARSHALL STREET, SUITE 101, LITTLE ROCK, ARKANSAS

17 BEFORE THE HONORABLE JOHN FOGLEMAN

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22 Before Dana Hayden, CCR in and for the State of

23 Arkansas, RMR, CRR, CRC, and Tammie L. Foreman,

24 CCR in and for the State of Arkansas, RPR, CRR,

25 Reported in realtime by machine shorthand

APPEARANCES

FOR THE PETITIONERS:

Messrs. Adam Butler and Robert F. Thompson
Branch, Thompson, Warmath & Dale
414 West Court Street
Paragould, Arkansas 72450
Abutler@paragouldlawyer.com
Rft3@paragould.net

Messrs. Ryan Owsley, Alex Gray and Nate Steel
Steel, Wright, Gray, PLLC
400 West Capitol Avenue, Suite 2910
Little Rock, Arkansas 72201
Ryan@capitollaw.com
Alex@capitollaw.com
Nate@capitollaw.com

FOR THE RESPONDENT:

Mr. Gary L. Sullivan
Arkansas Secretary of State's Office
500 Woodlane Street, Suite 256
Little Rock, Arkansas 72201
gary.sullivan@sos.gov

FOR THE INTERVENOR:

Ms. Elizabeth (Betsy) Robben Murray
Mr. Kevin A. Crass
Ms. Kathy McCarroll
Friday, Eldredge & Clark, LLP
400 W Capitol, Suite 2000
Little Rock, Arkansas 72201
(501) 370.1534
Murray@FridayFirm.com
Crass@FridayFirm.com
MMcCarroll@FridayFirm.com

Mr. A.J. Kelly
Kelly Law Firm, PLC
PO Box 251570
Little Rock, Arkansas 72225-1570
(501) 374-0400
Kellylawfedecf@aol.com

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*** PROCEEDINGS *****

THE COURT: All right. I will remind you to provide the court reporter with a digital copy of the exhibits.

And in regard to this one that we've been going through, the court reporter said that she's been supplied with a digital copy but they're not in the same order we've been going through them, and for the record, it has to be in the same order. So if y'all can supply the court reporter with that as well.

MR. GRAY: Okay.

THE COURT: All right. Are we ready for begin?

MR. GRAY: Yes, Your Honor.

And as kind of a housekeeping matter, yesterday Your Honor requested basically a list of the petition page numbers and a blank. So the Secretary of State keeps a running list, and I'll get into this with Mr. Bridges, but they keep an Excel document that's got all the culled petitions and the reason for the cull and then kind of all the rest of the petitions that they're going to

1 look at.
2 THE COURT: Okay.
3 MR. GRAY: And so it's an Excel
4 document, so what I have done is I have
5 arranged the culled petitions by
6 chronological order because when they were
7 scanned in to us, like yesterday we were
8 bouncing around. The numbers weren't in
9 chronological order.
10 So I have a document I've provided to
11 counsel for the Secretary of State and for
12 the Intervenors that has this. I am going
13 to hand this to you so that you at least
14 have the document to work from.
15 THE COURT: Mr. Sullivan, any objection
16 to me having this document?
17 MR. SULLIVAN: I don't object to you
18 having it at this time. We have not
19 verified that the numbers match our
20 documents, though.
21 THE COURT: Well --
22 MR. SULLIVAN: He created this off of
23 our documents.
24 THE COURT: Right. I am not relying on
25 anything that's in there other than to give

me something to work from.

Ms. Murray, any objection to me having this?

MS. MURRAY: Your Honor, only that it covers all culled petitions. It's not going to segregate out those that you are looking at currently in their exhibit.

THE COURT: Right.

MS. MURRAY: That's it. I don't have any way to really check the way that the Secretary of State would check on its accuracy.

THE COURT: Well, I can assure you I will not rely on any information in it. I just want it as kind of a worksheet.

MR. GRAY: Yeah. Your Honor, and I'm not trying to get you to rely on anything, so you can disregard any information here that you want to. Because --

THE COURT: I won't disregard it all.

MR. GRAY: But the petition page numbers, I know we're going to have new petition page numbers and I don't -- I can't look into the future and see exactly what those are going to be, so I just included

them all. Obviously there are going to be some we'll talk about. But with that being said, may I approach?

THE COURT: All right. Thank you.

All right. Ms. Murray?

MS. MURRAY: Your Honor, this is not relating to his culled petitions, but last night sometime, we received a notice and I assume the Court did, too --

THE COURT: I did.

MS. MURRAY: -- of a letter to Attorney General Leslie Rutledge giving notice pursuant to the statute about challenging the constitutionality of some batch sheets. I haven't looked at those.

We want to make clear on the record here. We're in the first full day of this hearing and that constitutionality is not a part of the original petition filed with the Supreme Court, nor the second petition amended petition, and that it is giving notice to the Attorney General assumes a case or controversy pending in a court where that has been raised.

That is not the case here and,

1 importantly, the Arkansas Supreme Court is a
2 court of limited jurisdiction. An original
3 action is one of those to, limited,
4 determine the sufficiency of initiative
5 petition such as here.
6 Cases involving constitutionality of
7 statutes is vested in the circuit court of
8 Arkansas, as you are probably well aware.
9 And so for them to give notice of something
10 that's not even in a case or controversy and
11 not within the jurisdiction of the Supreme
12 Court, we've had this before. The Court did
13 not reach the issue, although I think in
14 *Zook* v. Martin, the dissenters had some
15 questions about some statutes.
16 So I just want to make that clear. As
17 in *McDaniel v. Spencer* where Act 1413 was
18 reviewed and enjoined, started in Pulaski
19 County circuit court.
20 So I object to anything before you
21 because nothing has been sent to you
22 concerning constitutionality or factfinding
23 about constitutionality, and we want our
24 objection to not only you but the Supreme
25 Court on this issue proceeding.

It's not before the Court, so I'm at a loss to -- I know the attorney general, I understand, has been given notice. But I don't know that they have -- I haven't seen anything filed with the Supreme Court or with --

THE COURT: And I am going to treat your objection as a continuing objection to -- it hadn't been introduced as an exhibit yet, but all these pages we've been going through. And I am going to assume that Mr. Sullivan adopts your objection, and I'll have his objection be a standing objection, too, if Mr. Sullivan does object.

MR. SULLIVAN: This is hard, Your Honor. I believe that what Ms. Murray said is true but I feel like I should point out that in *Safe Surgery* case, I made the same argument, and the Supreme Court did not agree with me.

MS. MURRAY: I think that was on the emergency clause application, I believe.

MR. SULLIVAN: I specifically made the argument that the challenge to the constitutionality should have to start in circuit court. *Safe Surgery* disagreed, and

the Supreme Court agreed with *Safe Surgery*.

THE COURT: Okay. At least to my knowledge, there hadn't been a challenge yet to the constitutionality of the statute here.

MR. OWSLEY: Your Honor, we intend to file a 15(c) supplement to the Second Amended Original Complaint today to make sure that that's part of the record. We can move to amend the pleadings to conform to the proof.

I understand there are some strenuous objections on that move, so I thought it would just be cleaner to move to supplement, especially in light of how, you know, it's --

THE COURT: That will be a decision or the higher people than me.

MR. OWSLEY: Thank you, Your Honor.

THE COURT: All right. Anything else before we continue with Mr. Bridges?

MS. MURRAY: No, Your Honor.

THE COURT: All right. Proceed, Mr. Gray.

MR. GRAY: Yes, Your Honor.

JOSH BRIDGES (cont'd),
having been previously duly sworn, testified as follows:

CROSS-EXAMINATION (cont'd)

BY MR. GRAY:

Q. Okay. Mr. Bridges, I believe that we are at Petition Number 41034. Is that at the top of your list?

A. Yes, sir.

Q. All right, Mr. Bridges. Can you tell me why this petition was culled?

A. The canvasser verification day is before date petitioner signed.

Q. And can you tell me what line is at issue?

A. It appears that Line 9 is at issue.

Q. Are there any issues with the remaining nine signatures?

A. I don't believe so.

Q. Next we will look at Petition Number 41378. Why was this petition culled?

A. Canvasser verification date is before the date the petitioner signed. Line 2.

Q. Are there any issues with the remaining nine signatures?

A. Not that I can tell.

Q. Next is Petition Number 42508.
A. This page was culled because of the canvasser verification day is before date petitioner signed. Line 1.
Q. Are there any issue with the remaining two signatures?
A. Not that I can tell.
Q. Next is Petition Number 42655. Will you tell me why this petition was culled -- actually, we can skip that one.
Next is Petition Number 42734. Will you tell me why this petition was culled?
A. Canvasser verification day is before date petitioner signed. That's going to be Line 8 and Line 10.
Q. Are there any issues with the remaining seven signatures?
A. Not that I can tell.
THE WITNESS: And, Mr. Gray, per your request, my laptop is in the parking lot now. Could Mr. Sullivan maybe run out and grab that?
MR. GRAY: Your Honor, Mr. Bridges, his laptop has got information regarding this petition and the Excel spreadsheet that I

1 talked to you about or handed you kind of a
2 rearranged one. His laptop is in the
3 parking lot or at the desk. Do you mind if
4 we take a one-minute recess?
5 THE COURT: I don't mind taking a minute
6 recess.
7 THE WITNESS: Okay. I'll let her know.
8 (Brief recess.)
9 THE COURT: All right. You can
10 continue.
11 Q. Next is Petition Number 42853. Why was this
12 petition culled?
13 A. Canvasser verification day is before date
14 petitioner signed on Line 9.
15 Q. Any issue with the remaining eight signatures?
16 A. Not that I can tell.
17 Q. Mr. Bridges, if we'd look at that Petition Part
18 42853, let's look at -- let's just take Line 8, for
19 example. This is Maricela Bryles, I think. Does
20 Ms. Bryles put January 26, '96, and her birthday it's
21 actually January 25th, '96, do you -- and that would
22 be -- and if the January 26 was the wrong date, her
23 wrong birth date, do you cull entire petitions based
24 on, like, the birth date being wrong?
25 A. We would not because there's no -- to my

knowledge, there's no provision in law to cull a petition part over an error on a date of birth.

Q. And same question with residence, that it's 916 College Street, they put 918 College Street, had the wrong address because of a number. Do you cull petition parts based on the wrong address?

A. No, sir. We do not. Those are identifying information fields that we only use for when we're verifying the signatures themselves in Phase 2.

Q. All right. Next is Petition Number 42883. Mr. Bridges, why was this petition culled?

A. Canvasser verification day is before date petitioner signed on Line 6.

Q. Any issue with the remaining six signatures?

A. Not that I can tell.

Q. Next petition is 42997. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Lines 5 and 7.

Q. Mr. Bridges, what is the date written on Line 5?

A. July 26th.

Q. What is the date written on the date of signing on Line 7?

A. March of 1945.

Q. Any issue with the remaining six signatures?

A. Not that I can tell.
Q. Next is Petition Number 43021. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Lines 2 and 3.
Q. Any issue with the remaining two signatures?
A. Not that I can tell.
Q. Next is Petition Number 44099. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed on Line 1.
Q. Any issue with the remaining one signature?
A. Not that I can tell.
Q. Next is Petition Number 43253. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the first two signatures?
A. Not that I can tell.
Q. Next is Petition Number 43338. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. It appears all of the signatures on this page were signed after the notarization date.
(Petitioners' Exhibit 16 offered into

evidence.)

MR. GRAY: Your Honor, I would move to introduce the culled petition parts and cover sheets that we have gone over, beginning with Petition Number 46353 and ending with Petition Number 43338, move to introduce those into evidence.

THE COURT: All right. Mr. Sullivan, any objection other than the continuing objection?

MR. SULLIVAN: No other objection, Your Honor.

THE COURT: All right. Ms. Murray?

MS. MURRAY: Your Honor, we would object to those that they have notified all of us gift being included in there. There is no testimony concerning those gift petitions, so they have no relevance.

THE COURT: They have no relevance, but I am going to admit them anyway.

MS. MURRAY: Thank you, Your Honor.

THE COURT: And what exhibit number?

MR. GRAY: Your Honor, I believe we are on Exhibit 16; is that correct?

THE COURT: Okay.

(Petitioners' Exhibit 16 received into evidence.)

THE COURT: And for the record, the very first page, it is clearly on the petitions as 46353, on the culled sheet, it actually looks like 96353, just for the record so there won't be any confusion.

MS. MURRAY: That factual determination that the master is making.

THE COURT: That is a factual determination.

MR. GRAY: They should cull the cull.

THE COURT: All right.

Q. Mr. Bridges, do you have your laptop from -- is this your work laptop from the Secretary of State's office?

A. Yes, sir.

Q. Does the Secretary of State, in relation to each petition that is submitted, create an Excel document identifying the name of the petition at the very top and then as the next line is petition page number, county, preliminary count, and kind of so forth, does the Secretary of State create that?

A. Yes, we do.

Q. Is that a document you have on your computer?

A. Yes, it is.
Q. Can you pull that up on your computer?
A. If everybody is okay with it, I can. Yes.
MS. MURRAY: We don't have it.
MR. SULLIVAN: Yeah.
THE COURT: I mean, you can pull it up and look at it. I don't know what it is. We'll see. Go ahead.
THE WITNESS: Okay. Thank you.
A. Mr. Gray, which petition?
Q. Talking about the Ranked-Choice 2020. I believe at the top it says -- Mr. Bridges, it says name of petition: Ranked-Choice Voting?
A. Correct. I have the spreadsheet pulled up now.
THE COURT: And this is something the Secretary of State has created?
THE WITNESS: That's correct, Your Honor.
THE COURT: And for what purpose is it created?
THE WITNESS: We create and use this spreadsheet to track the initial count and valid count for every single petition page that we number.
THE COURT: When you say -- I think I

can figure out the initial count, but what do you mean when you say the valid count?

THE WITNESS: The valid count is the overall number of registered voters that our office is able to validate during the Phase 2. We haven't really spoke about Phase 2 much thus far.

Phase 2 is when we actually sit down with the petitions at computers and we search the voter registration data to try to find the voters.

THE COURT: To make sure that they're registered voters?

THE WITNESS: Yes, sir. To make sure they're registered voters and make sure they're registered voters when they signed the petition.

THE COURT: And the initial count does not include all these culled ones?

THE WITNESS: That is correct, Your Honor.

THE COURT: Okay. I think I'm understanding.

All right. Go ahead, Mr. Gray.

MR. GRAY: Your Honor, may I approach

the witness?

THE COURT: You may.

MR. GRAY: Your Honor, I have handed Mr. Bridges the --

MS. MURRAY: Do you have an extra one of those that Kevin can have?

MR. GRAY: I don't.

I'm sorry, Your Honor. I can get more. You have one, right?

MR. CRASS: Yes.

MS. MURRAY: Yeah.

MR. GRAY: Your Honor, I have handed Mr. Bridges the document that I've provided you this morning with the petition page number and county and so forth.

Q. Mr. Bridges, does this document look like the document that your office produces, the paper copy?

A. It looks like the spreadsheet that we produce, yes, but I have not verified that the page number matches the row or anything like that. But it does appear to be similar to the spreadsheet that I am looking at now on my computer.

Q. And is your -- your spreadsheet, do you -- it's organized in chronological order by petition page number; is that correct?

A. That is correct.
Q. And the column in red, is it in red on the document that -- your spreadsheet that you keep internally on your computer is that Excel document?
A. For the most part.
Q. I guess there's maybe two instances where it looks like maybe it's yellow; is that accurate?
A. There are some yellow cells, yes.
Q. Mr. Bridges, what I'm going to ask you about is the reason petition part was culled. Do you see that column?
A. Yes, sir.
Q. So you've got different notations and I'm trying to get an understanding of what those notations mean. So the first one says CANV VER date. I'm assuming that's canvasser verification date; is that right?
A. That is correct, yes.
Q. Can you tell the Court what that means?
A. That indicates that that individual page was culled for the reason of the canvasser verification date was dated before the petitioner signed.
Q. And so when we -- the document that we just went over, the 155 or so petition parts, the canvasser verification dates are going to be similar for those. Is that accurate?

A. I believe so, yes.
Q. And does your office or do you have access to a -- basically a count in terms of how many signatures you cull for certain reasons?
A. Yes.
Q. How many signatures does your office cull for canvasser verification date?
A. It will take me a minute to calculate that.
Q. Okay. Take your time.
THE COURT: You talking about on this specific issue?
MR. GRAY: Yes. Your Honor, I am -- when I'm talking about the petition parts and culled petition parts, it's limited to Open Primaries/Rank Choice voting.
THE COURT: Okay.
A. I believe that number is 1,210.
Q. And that's 1,210 signatures, not petition parts, correct?
A. That is correct.
Q. All right. Mr. Bridges, let's look to the next -- and these reasons and the petition parts, they're not in -- they're organized by petition page number, not by reason petition was culled. So we'll just kind of go down the list and look at the first

reason.

So let's look at petition page -- on the Excel spreadsheet that you are looking at, page number 30042, and it says "Can List." I'm assuming that means "canvasser list"; is that correct?

A. That is correct.

Q. And will you tell the Court what that reason means?

A. That means the canvasser was not on the paid canvasser list that we created as mentioned before.

Q. Well, now, Mr. Bridges, you don't create the -- is this the canvasser list -- tell me because I know that the sponsor submits -- we've called it a canvasser list. I want to make sure what canvasser list we're talking about.

Is this the canvasser list that the sponsor sends in and continuously updates, or is this a different canvasser list?

A. This is the final canvasser list sent in by the sponsor that we modified, as mentioned before, to include paid canvassers who did or did not include signature card Paid Canvasser Affidavits.

This is the list we used during intake to determine whether or not each paid canvasser was officially registered and properly registered with our

office.
Q. So when you say they did not submit affidavits, are you talking about they never submitted them or they submitted them on maybe a date that was after they started canvassing?
A. Our records would indicate that they never submitted them. We have a different reason code for what you're speaking of.
Q. Okay. And are you able to calculate or add up the number of signatures that were culled based on this canvasser list reason?
A. Yes.
It's approximately 2,858 signatures.
MR. SULLIVAN: Could you repeat that?
THE WITNESS: 2,858.
Q. Mr. Bridges, on your spreadsheet, if you'll look at the line that starts with Petition Page Number 30780. And in the column that states "Culled signatures not included in initial count," it's blank. Do you know why that would be blank?
A. The only reason why those would be blank is that data was never entered into the spreadsheet. It doesn't change the fact that that page was officially culled, but it just simply did not get to the spreadsheet. So that's an error on our part.

Q. And so it looks like that there's 10 or so lines that just, simply, the number of signatures that were culled just was not included; is that correct?
A. It was not entered into these cells, yes.
Q. Correct. So that 2,858 would be a little bit higher. We don't know what that number is, and I'm not asking you to go find out what that number is. I just want to confirm and try to understand for myself why those cells were blank. So I think you've answered that, and I appreciate it.
A. Yes, sir.
Q. The next reason, we'll go down the list here. Let's start with -- well, it's the line that starts with Petition Page Number 30104, and it says "Can not reg." I'm assuming that means "canvasser not registered"; is that correct?
A. I believe that is correct, yes. The canvasser was not registered.
Q. Can you tell the Court or kind of explain what that means?
A. Sure. The canvasser was not registered before collection of signatures.
Q. And where in Arkansas law does it say that a canvasser must be quote/unquote registered?
MR. SULLIVAN: Objection. Calls for

1 legal conclusion.
2 THE COURT: Sustained.
3 Q. Well, Mr. Bridges, you just testified that it
4 means "canvasser not registered." What does
5 "registered" mean?
6 A. It means that the sponsor has fulfilled all
7 duties to ensure that the canvasser was properly
8 registered with our office.
9 Q. What are those duties?
10 A. The sponsor must submit a Paid Canvasser
11 Affidavit to our office before collection of
12 signatures. The sponsor must ensure that that paid
13 canvasser's name is on the paid canvasser list. When
14 the petition is turned in, the sponsor must submit a
15 signature card for that paid canvasser.
16 Q. So those are the three requirements to be
17 registered?
18 A. I believe they are, unless I'm forgetting
19 something.
20 Q. How many total signatures were culled based on
21 canvasser not registered?
22 A. Approximately 2,464.
23 Q. Mr. Bridges, of that 2,464, are you able to
24 identify, based on your record that you have, how many
25 of those signatures were culled based on the -- what

you're calling the canvasser affidavit?
A. We don't isolate for specific reasons why the canvasser was not registered. Whether it's the canvasser affidavit missing or the signature card missing or the canvasser's name not appearing on the list, we don't cull for those specific reasons.
If all three of those reasons are met, that canvasser makes it to the list. If one of those reasons is not met, they are not included on that list.
Q. And, Mr. Bridges, I believe the law refers to the canvasser affidavit as the sworn statement. Is that -- I know everybody commonly refers to it as the canvasser affidavit, but am I correct that "sworn statement" is what is referred to in the law?
A. I believe you are correct.
Q. I just -- I'm just trying to make that clear for the record.
A. Sure.
Q. And I think you've testified to this, but I'm not going to -- I'm just going to ask you a question. Your office, you receive these sworn statements; is that accurate?
A. Correct.
Q. E-mail sent, and you're one of the recipients;

is that correct?
A. Correct.
Q. And then do you file-mark the sworn statements on the date they are e-mailed?
A. I file-mark the statements the date that our office receives them.
Q. I'm going to walk through a hypothetical. I just want to make sure. I think that I understand; I want to make sure I'm right, though.
So if someone sends an e-mail at 11:59 p.m., and it says attached is an updated canvasser list and sworn statements; and then you get to the office at, you know, 8:30 the next day, do you stamp those the date they were e-mailed or the -- kind of the time stamp in the e-mail, or do you file-mark those the date you show up to work?
A. I file-mark those based on the timestamp of the e-mail. If they are received by our office at 11:59 p.m. the previous day, I will file-mark them accordingly.
Q. It's whenever the e-mail hits the inbox, right?
A. Exactly. Not necessarily when it was sent by the sender but when it was received by our office.
Q. Gotcha.
THE COURT: And just so I'm clear, the

sworn statement, that's the one that the canvasser signed saying "I have received the training materials" and all of that?

THE WITNESS: Yes, sir.

THE COURT: Okay. I thought I knew what we were talking about. All right.

Q. And that sworn statement also says they have -- the canvasser doesn't have any disqualifying offenses and that's included, correct?

A. Generically, yes, that's included on there.

Q. I summarized that for the question.

A. Sure.

Q. And when you receive -- when you get to work and you -- I guess you print off these sworn statements?

A. Yes, sir.

Q. Who actually stamps them?

A. I do.

Q. And so you get to work 8:30. Some were received, you know, at 11 o'clock at night. So you print them off, you stamp them for the date they were received, and then what do you do with the sworn statement?

A. I place them in the orange file for that particular constitutional amendment that we keep in our files, our records.

Q. And prior to the sponsor's submission of, you know, when they wheel in the box and submit all their signatures, all the petition parts, do you do -- do you review the sworn statements after you file-mark them and put them in your orange folder?
A. I don't review the sworn statements unless I have filed them and put them in the folder. We do review them to see what statements we have on file once the petition is submitted. We place --
Q. Prior to the submission, you file-mark them, orange folder, close the door, and you don't look at them?
A. That's correct.
Q. And those sworn statements, if someone is on the canvasser list July 3rd, they get signatures and that canvasser list is submitted to your office. They go out, they get signatures starting July 3rd at 12:30 a.m., or let's say 1 o'clock a.m. on July 4th. There is an e-mail to your office that says, "Attached is the sworn statement for, you know, XYZ canvasser." Because your office received it on July 4th, you would cull all the petition pages with petitions from that canvasser dated July 3rd; is that correct?
A. If I follow you, I believe you're correct. So just to reiterate what you are saying, you're saying

John Smith collects signatures on July the 3rd, but we do not receive his affidavit or sworn statement until July the 4th; therefore, we would cull those signature pages. So I believe that's what you're saying.

Q. If they have signatures from July 3rd, that petition page is culled?

A. That is correct.

Q. And that would be an example of the canvasser not registered in the 2,464 canvassers. That is a subpart of that count; is that correct?

A. Yes, sir.

Q. And the other reasons, the three reasons -- I want to make sure I understand this -- is the sworn statement, your office has not received -- or the individual is not on the canvasser list that is submitted by the sponsor, kind of the rolling list; is that correct?

A. That is correct.

Q. So you previously testified that canvasser list -- quote/unquote "can list" -- is that if they're not on the canvasser list, then you've got a reason that says canvasser list. So that reason wouldn't be included in "canvasser not registered"; is that correct?

A. That is correct. And I think I can clear this

up. The "canvasser not registered" reason is used for specific pages where they begin collecting quote/unquote too soon. Okay? So what that means is kind of like the example we used just a moment ago. When John Smith collects signatures on July the 3rd but we didn't receive his affidavit until July the 4th, that page that has July 3rd signatures is culled for the reason being he gathered too early. That's when we use the "canvasser not registered."

He's on the list, but he's on the list with a July the 4th date. So we're not going to cull all his signatures he collected over the course of time; we're only going to cull everything before July the 4th.

Q. And the third reason that you stated was that they didn't have a signature card; is that correct?

A. That is correct.

Q. And so if they don't have a signature card, wouldn't that be included on your canvasser list notation?

A. That paid canvasser would not be on our canvasser list.

Q. So that reason would be "canvasser list," not "canvasser not registered"?

A. Correct.

Q. So there's only two reasons that someone would have a "canvasser not registered" -- signatures culled for "canvasser not registered." It's the sworn statement issue that we talked about and the canvasser list that's submitted by the sponsor? Is that accurate? They collected signatures prior to the date identified on the canvasser list?
A. I don't think I follow.
Q. If someone did not submit a signature card to your office -- and those signature cards are due upon submission of the petition?
A. Yes, sir.
Q. What is the reason that your office would identify and cull signatures for a canvasser that does not submit a signature card?
A. He would fall in the canvasser list category.
Q. He would not fall in the "canvasser not registered" category?
A. That is correct.
Q. All right. Mr. Bridges, if you will look at the line that has Petition Page Number 31018, the reason for that one is "notary sig/notary seal"?
A. Yes, sir. I see that.
Q. Will you tell the Court the reason that petitions are culled for "notary sig/notary seal"?

A. Those petition parts are culled when the notary failed to sign the petition part or the canvasser failed to sign the petition part or the notary seal was missing or illegible.

Q. And if you will go down to petition page -- the line that starts with petition page number 31299, it just says "notary seal"?

A. I see that.

Q. Am I correct that that's just being a little more specific on the reason?

A. Yes, sir. They're not as uniform. It looks like there were a couple iterations that were typed in that column, but they all would be grouped together.

Q. And are you able to identify or calculate the total number of signatures that were culled based on some type of notary issue?

A. Yes.

Q. Whether it be signatures --

A. It's approximately 134 signatures.

Q. Mr. Bridges, if you will look at the line that begins with Petition Page Number 30845?

A. Okay.

Q. And the reason for this cull is canvasser -- or "can sig." I'm assuming that means "canvasser signature"; is that correct?

A. That is correct.
Q. Will you tell the Court what that reason or why would you -- why you would cull petition parts for canvasser signature?
A. There is no canvasser signature or more than one canvasser signature.
Q. And are you able to identify how many signatures were culled based on canvasser signature?
A. Yes.
Q. Will you tell me?
A. That's going to be approximately 160.
Q. Mr. Bridges, if you will look at the petition -- or the line that begins with Petition Page Number 31470?
A. Okay.
Q. And the reason stated there is "canvasser signature does not equal printed." Do you see that?
A. Yes, sir.
Q. What does -- am I stating that, that that's what it stands for, accurately?
A. Yes, sir.
Q. Will you tell the Court what that means?
A. The canvasser printed name and signature do not match.
THE COURT: You mean like they signed

John Doe but they wrote Robert Brown?

THE WITNESS: Yes, sir.

THE COURT: Okay.

Q. And how many -- are you able to add up how many -- how many signatures were culled for that reason?

A. Yes, sir. Approximately 18 signatures.

Q. If you will turn to the line that begins with Petition Page Number 31867.

A. Okay.

Q. The reason identified here is "date of signing." Will you tell the Court what that means?

A. It means there was an issue with the date of signing. And as far as I can tell, that would have been an issue with -- let me see.

Some of these reasons in here are not as uniform as they need to be, and without seeing these equal culled pages in front of me, I don't know that I can accurately determine specifically what date this is referring to.

Part of our reconciliation at the end of the proces, the intake process, is go through our spreadsheet and try to make it as uniform, as cleaned up as possible. And it does look like there were a couple of things missed as far as making it easier for

everybody from the outside looking in to understand.
Without having those culled pages in front of me, I can't officially, accurately determine the reasons for those culls.
Q. Mr. Bridges, we looked at Petition Number 39424, 39609, 40534, 41034, and a few others, and they all have this "date of signing" as the reason.
A. Okay.
Q. Would you agree that if that is -- assuming that's accurate that the "date of signing" probably means kind of what we've gone through: It's signed on July 7th; notary is July 6th. Would that be consistent with your understanding of what "date of signing" is?
A. There is a large chance that the date of signing is related to issues with the notarization date in relation to when the signatures were gathered.
Q. It's got, like, a column on the petition part that says "date of signing," right?
A. That's correct.
Q. And are you able to total the number of signatures that are identified -- the reason that the signatures were culled is based on date of signing or date signing? There are two notations for "date signing."

A. Yes, sir. That total is approximately 94 signatures.
Q. Mr. Bridges, if you will look at the line that begins with 31237. Do you see that?
A. Yes, sir.
Q. And the reason there is "missing or illegible text." This is, I think, one of the reasons that is not in red; is that accurate?
A. That is correct.
Q. What does "missing or illegible text" mean?
A. That means that the entire petition part was not complete when it was turned in to our office. It was either missing pages from the full text of the measure or portions of the measure were illegible, such as bleed-throughs with a permanent marker or part of the page was ripped off or a bad print job even.
Q. Mr. Bridges, will you turn to the line that begins with Petition Page Number 41799?
A. Yes, sir.
Q. What is the reason stated for the cull of that particular -- the signatures on that petition?
A. Redistricting petition.
Q. What does that mean?
A. That indicates that a box of petition parts that belonged to the Redistricting commission was turned in

with the Top Four Open Primary or Ranked-Choice petitions.

Q. How many signatures are -- has the reason or were culled based on Redistricting petition?

A. Approximately 4,378 signatures.

Q. 4,378?

A. Yes, sir.

Q. Okay.

MR. GRAY: Your Honor, this may -- if Your Honor wishes to take a break, this may be a good time. I'm about to transition to another line of questioning.

THE COURT: Okay. All right.

We'll take a 10-minute break.

(Discussion off the record.)

MR. GRAY: Your Honor, go back on.

THE COURT: Okay. Not yet we're not taking a break. I've been overruled.

MR. GRAY: Overruled by counsel.

Q. Mr. Bridges, there is a notation on the line that begins with 41767.

A. Yes, sir.

Q. That the reason is "wrong petition." Is that the same reason as "Redistricting petition"?

A. Yes, sir, I believe it is.

Q. Did you include that "wrong petition" -- the calculation for "wrong petition" in your calculation of 4,378?
A. No, sir, I did not.
Q. Will you go ahead and calculate, if you can, the number of signatures that were culled for the reason "wrong petition"?
A. That's approximately 278 signatures.
Q. Mr. Bridges, are you able -- 278?
A. Yes, sir.
Q. Are you able to total 4,378 and 278?
THE COURT: I think the Special Master can do that.
MR. GRAY: Oh.
Q. Well, Mr. Bridges, you don't have to do that. Special Master is able to do math.
MR. GRAY: So with that being said, now may be a good time for a break.
THE COURT: All right.
Yes, Ms. Murray?
MS. MURRAY: We did not get the number on "missing or illegible text" on signatures.
MR. GRAY: It's six, but I'll ask him again.

Q. Mr. Bridges, will you identify or total up how many signatures were culled based on missing or illegible text?
A. That is six signatures.
MS. MURRAY: Thank you.
THE COURT: All right. Now we're on a break. We're going to take 15 minutes.
(Recess from 10:02 a.m. to 10:21 a.m.)
THE COURT: All right. Let's continue.
MR. GRAY: Your Honor, may I approach the witness?
THE COURT: You may.
MR. GRAY: Your Honor, just to do a little housekeeping.
Q. The spreadsheet, Mr. Bridges, that I handed to you earlier that had the petition page numbers in chronological order and the reason petition part was culled for name of petition Ranked-Choice Voting, will you -- this document accurately reflect the records that you have on -- with your Excel spreadsheet to be the same document respect to the culled petitions?
A. As far as the pages we reviewed, yes.
Q. Are you able to -- will you just take a second, flip through the whole document, and see if you see any issues? You can use your computer and compare it

if you need to.

I'll represent to you, Mr. Bridges, that I printed off all of -- this is from your -- the scan that we received -- or the Excel spreadsheet we received from the Secretary of State's office in response to a Freedom of Information request. And I printed off and provided to you and the judge and counsel this Excel document and just included all the culled petitions because I believe your spreadsheet also includes petition pages for petitions that you are now in the process of counting; is that accurate?

A. That is accurate, yes.

Q. And this is -- on legal size is, like, a 17-page document. And I believe, if I would have included all the signatures -- all the petition page numbers that you are now going through, it would have been, like, a 215-page document. And so that is the reason that I only printed out the ones that were culled because that's all that we're talking about.

And so if you will take a second to review that, confirm that that is an accurate representation of what you have and what the Secretary of State has and just let me know.

A. Sure. This appears to be a product of our spreadsheet. I did some spot checking on the pages,

and it appears to match up.
Q. Is this record created by the Secretary of State as part of the regular intake and review of this petition?
A. When you say "this record," I assume you are referring to our spreadsheet?
Q. Yes. The one that I handed you.
A. That is correct in the sense that I did not sort this or print this myself. But this is -- appears to be a result of our internal spreadsheet that we use.
Q. And is it created and maintained in the regular course of the Secretary's business?
A. Our spreadsheet is, yes, sir.
Q. And is the spreadsheet created by a person with knowledge of the petition process and the petition review?
A. That is correct, yes, sir.
Q. And, Mr. Bridges --
(Petitioners' Exhibit 17 offered into evidence.)
MR. GRAY: Your Honor, I'll move to introduce the spreadsheet as Exhibit 17.
THE COURT: Mr. Sullivan?
MR. SULLIVAN: First of all, Your Honor, I don't believe asking Mr. Bridges to lay

the foundation for the entry of the spreadsheet from the Secretary's office is the foundation for the acceptance of the document Mr. Gray created and brought to court today. Mr. Bridges --

THE COURT: Are you stating you object?

MR. SULLIVAN: I do, but I want to point out that if it were accurate, I wouldn't, but we don't know. A few spot checks on the witness stand in court is not going to verify that these numbers were pulled from our spreadsheet.

I also want to point out this is a little over 16 and a quarter pages. Six of those pages are for wrong petitions, so that's one-third of this document are for a petition that got thrown in with this petition that shouldn't have been.

So if you add up these columns, it's going to look like the Secretary culled way more than -- signatures than were actually related to this Open Primary petition.

So, again, I just want to point that out that most of this -- one-third of this document hadn't got anything to do with what

we're litigating.

THE COURT: So your objection is relevance and lack of foundation?

MR. SULLIVAN: Yes, Your Honor.

THE COURT: Sustained.

Q. Mr. Bridges, the document that you have on your computer, are you able to produce that document for the Court?

A. Yes, I am.

Q. In what format are you able to produce that document for the Court?

A. Any format the Court wishes. Excel spreadsheet PDF, Word document.

MR. GRAY: Your Honor, I would -- I'm happy to get Mr. Bridges' version of the document. I'm just trying to get it in. Given the fact that our office received this document, you know, within the last 24 hours or so, I am happy to provide this document to you however we can.

Q. So if, Mr. Bridges, if you want to put that document on a -- or if you're able to put that document on a thumb drive, I have thumb drives that we can put it on.

MR. GRAY: I'm just trying to introduce

this document into evidence, Your Honor, and it's difficult without having, you know, to be able to propound discovery and get the, you know, copy of a document produced by the Secretary of State. This document was produced by the Secretary of State in response to a FOIA request.

And so I'm happy to provide it in whatever format, but this is obviously a unique procedure and I guess I'm asking the Court for a little lenience in terms of how to get this document in the record.

THE COURT: I'll let you take another shot after lunch, after you ask the witness to do whatever you ask him to do.

MR. GRAY: All right.

Q. Mr. Bridges, during one of the breaks, I am going to ask you to put this document you have on a thumb drive and I'll try to get enough for everybody to have a copy and then we'll go at it again.

A. Yes, sir.

Q. Okay, Mr. Bridges. I have handed you a document that is -- will you identify the document that I have provided you?

A. This appears to be a handwritten document that

1 indicates certain paid canvassers and whether or not
2 we had the paperwork needed for each one.
3 Q. Who prepared this document?
4 A. I'm not 100 percent sure, but I believe it was
5 Peyton Murphy, who -- who had this document initiated.
6 The handwriting is not -- the names of the canvassers,
7 the handwriting is not Peyton Murphy's. It's too
8 pretty.
9 I believe he delegated the task of going
10 through culls for the reasons of paid canvassers not
11 being on our list to make a list of all paid
12 canvassers that were in that culled pile, and bring
13 that document to Peyton.
14 This is -- and just to kind of crunch
15 this down and explain it, this is kind of a
16 triple-check in a way. This is us going back through
17 all of the culls that were officially culled and
18 seeing did we miss something, did we miss printing an
19 affidavit, did we miss putting a signature card as
20 received on our spreadsheet. So this is a way to trim
21 down and really give every single paid canvasser a
22 fair shake in making sure that we either did or did
23 not have every single piece.
24 As mentioned in my testimony before,
25 when these sworn statements come in by e-mail, I print

every one of them out. I file-stamp them. As Your Honor probably knows, we had three petitions that were circulated and submitted this year. We were on restricted access to our offices. We were working from home. So the two days -- excuse me. The one day that I was able to come into the office and print these out, I had a ton to print. Let's just say that.

Chances of me missing one or two were, you know, were there. So this was a way to take into account just to make sure that we were able to locate every single sworn statement that was officially and properly turned in to our office, and to double-check the signature cards that were submitted.

Q. And is it possible that there were sworn statements turned in that you may have -- you may have missed, even to this day?

A. I would not rule that out.

Q. Is it possible that there were signature cards turned in that you may have missed?

A. I would not rule that out, either.

Q. Is it possible that there were names on the canvasser list that you may have missed?

A. I would not rule that out, but as I mentioned, this is at this point a triple-check of this information, so our office does believe that we did

our due diligence in ensuring that we found everything that was turned in by the sponsor.

Q. Let's go -- I'm sorry. Were you --

A. Go ahead. That's fine.

Q. Let's start with the first name there, Jessica Martin. It says "name not submitted." What does that mean?

A. That tells me that her name was not on the canvasser list.

Q. Sebastian Rogers, it says "no sig card." What does that mean?

A. We did not receive a signature card for Mr. Rogers.

Q. And when are those signature cards turned in?

A. Signature cards are submitted by the sponsor on the date that the petition is submitted.

Q. And when a signature card is submitted, do you-all -- does the Secretary of State's office file-mark every single one?

A. I don't know if we file-marked every single one, but we did receive that in the course of receiving all of the paperwork the day that those were submitted.

Q. So you -- during the intake process, you are getting petitions; there's people are wheeling in boxes. How many boxes would you estimate were wheeled

in with Open Primaries?
A. Approximately 30 to 35 boxes, I believe.
Q. And you're dealing with, I think it was 15,000 or so petition parts; is that accurate?
A. I believe so.
Q. And that petition part has where people sign, it's got some documents that come from the Attorney General's office, it's got the popular name ballot title text. I mean, one petition part is not one piece of paper; is that correct?
A. It's usually not one piece of paper.
Q. So it may be -- this one I don't know. Was it three sheets of paper, two sheets of paper, something like that? And you are receiving times 15,000? You've got 45-, 60,000 pieces of paper that are coming in with these petition parts; is that accurate?
A. Yes, sir.
Q. And then you've got these signature cards that are submitted to you; is that accurate?
A. Yes, sir.
Q. And are those submitted in paper copies?
A. Yes, sir.
Q. Let's go down to Kevin Bell. So it says "no signed statement." What does -- what signed statement are you referring to?

A. That refers to the Paid Canvasser Affidavit, or the sworn statement.
Q. And so Mr. Bell had no signed statement and then it says "Found - Throw back." What does that mean?
A. That means we found his signed statement, and any petition parts that were culled for the reason of him not being fully registered were thrown back into the petition. We call those throwbacks.
Q. So explain to me how -- because you've got your orange folder. Take the papers out of the orange folder, go through on the names, and there were how many? 200 canvassers, 300 canvassers?
A. Roughly.
Q. And so who at your office does that first look to see if there are sworn statements?
A. We have two people working on going through that, and it was various people that switched off that did that. We have one person at the computer working on the spreadsheet and marking appropriately; we have another person going through the actual documents and reading off each individual name.
Q. So if there's a stack of, let's just say 200. You've got a person reading it, talking to someone sitting at a computer, and inputting the names; is that accurate?

A. That is correct.
Q. So was Mr. Bell's sworn statement in the stack or where did you -- where did you find it, I guess is my question. Where did you find Mr. Bell's sworn statement?
A. We most likely found it in our e-mails. This may have been one that was missed as far as printing it out and file-stamping it.
Q. And tell me about the signature cards. Did the same process take place with respect to signature cards?
A. It does, yes, sir.
Q. And when all this information comes in, do you-all just keep all this stuff in paper copies, or do you scan it in somehow?
A. We keep -- we end up scanning in everything for reasons for FOIA, but we do also have physical copies of the signature cards that were turned in and we have the physical copies of the affidavit.
Q. Who is in charge of scanning at the Secretary of State's office?
A. There's no one person in charge of that.
Q. Do you-all hire a third party to do some of the scanning?
A. We do.

Q. And who would have been hired for this Ranked-Choice Voting?
A. We have temporary workers that are hired through ASAP Personnel Services. But as far as the administrative papers such as signature cards, turn-in submission paperwork, affidavits, when we needed those scanned in, I would -- it would have been SOS staff to do that. Temporary workers were hired to simply scan in the petition parts.
Q. And for each of these -- is this a complete list of the canvassers that you culled 100 percent of the petitions that they were the canvasser for?
A. I don't know if this is a complete list of those names. I didn't produce this document. This was for the Ranked-Choice petition, which was being reviewed at the capitol, and I was at the Brookwood facility helping with the review of Redistricting.
Q. I thought you testified that your office prepared this document?
A. We did, but I personally did not handwrite this document.
Q. Is this the document that is used by the reviewers to identify which canvassers should be -- have all of their petitions culled?
A. Yes.

Q. So you are familiar with this document; you just didn't create it?
A. I am familiar with the process that was used for these petitions, yes.
Q. Are there any canvassers that is not on this list that should be on this list?
A. I do not know.
Q. Do you have any records to indicate canvassers that are not on this list that should be on this list?
A. I do not know.
Q. You don't know if you have records?
A. I don't know if we have records that would indicate any additional names on this -- on this list. The way the process works is we go through, we write down all the canvasser names and then we double-check our records.
Q. Is there another list somewhere of canvassers that are not registered?
A. I'm not aware of any other list that wasn't turned over or FOIA. I don't know of any other list that exists. I assume this is it. But, again, Peyton Murphy would have been the one to double-check the records for this one.
MR. SULLIVAN: Your Honor, Mr. Murphy is going to be a witness. He's the supervisor

for that petition.

Q. Now, Mr. Bridges, there are some individuals on here -- it looks like for each individual that was a throwback, you're saying that the petitions were culled but then you put them back into the initial count; is that correct?

MR. SULLIVAN: Your Honor, I am going to object to any further questioning about this document. Mr. Bridges didn't create it. He doesn't even know if this was the final document list.

Mr. Murphy is going to testify. He supervised this petition, so Mr. Bridges can't answer those questions.

THE COURT: Well, I'm not sure what Mr. Bridges can answer or not until the question is asked. If he doesn't have knowledge of it, then that's one thing, but we'll see.

MR. GRAY: Could you read the question back?

THE COURT REPORTER: The question was, "Now, Mr. Bridges, there are some individuals on here -- it looks like for each individual that was a throwback, you're

saying that the petitions were culled but then you put them back into the initial count; is that correct?"

A. Our process would indicate that we did put those back into the petition.

THE COURT: When you say your process, you mean like in the normal course of events, that's what you normally would do?

THE WITNESS: Yes, Your Honor.

THE COURT: All right.

Q. And do you believe that happened with this petition?

A. I believe it did, yes.

Q. There are some individuals on here that it has their name and then it just says "throwback." It doesn't provide kind of the reason that maybe they were initially culled. Do you have knowledge of why those individuals are on this list?

A. Can you indicate one specifically?

Q. Yes, yes. Christopher Pettiford?

A. This document does not indicate why his petition parts were thrown back. I'm not sure why they would have been.

Q. Again, I'm just asking for your knowledge. I'm not asking you to speculate, so that's fine.

A. Yes, sir.
Q. So based on your counsel's representation, Peyton Murphy -- and you testified to this -- he was involved in creating this document?
A. Yes, sir, he was.
Q. Okay. You testified earlier about an additional document that's got a canvasser list. I think you said you manipulate it, but I -- by "manipulate," you're just saying you add a column, and I understand that. Do you have that document somewhere?
A. I don't with me today, but we do have that on our network drive, and I -- I do not know if that was turned over during FOIA. I assume it was, but I don't know for sure.
(Petitioners' Exhibit 18 offered into evidence.)
MR. GRAY: Your Honor, I am going to move to introduce this document as Exhibit 18.
MR. SULLIVAN: Objection. No foundation.
THE COURT: I am going to reserve ruling until we get an appropriate witness to talk about it.
Q. Mr. Bridges, for each canvasser that has been

identified as having all of their petitions culled, for whatever reason, does the Secretary of State's office keep a count of the number of signatures culled for each respective canvasser?

A. No, sir, we do not.

MR. GRAY: Your Honor, may I approach the witness?

THE COURT: You may.

Q. Mr. Bridges --

THE COURT: Before you start asking questions about these papers you just handed me, for the purposes of the record -- and I should have done this earlier on some of the others -- I'd like it to go ahead and be marked for identification purposes so the record will be clear what we're talking about.

MR. GRAY: I gotcha.

Your Honor, I have handed Mr. Bridges copies of petition parts gathered by Sebastian Rogers. And for purposes of identification, we will mark this as Exhibit --

THE COURT: I think this one was proposed 17 --

MR. GRAY: -- 17?

THE COURT REPORTER: Well, you have the last one 18.

THE COURT: This one was proposed 17.

MR. GRAY: As proposed Exhibit 18.

THE COURT: I think you're at proposed 19.

Q. Mr. Bridges if you will look at Petition Number 36860?

A. Okay.

Q. And will you identify why this petition was culled?

A. Canvasser not on paid canvasser list.

Q. Mr. Bridges, will you -- what paid canvasser list are you talking about?

A. The paid canvasser list that we use when we're performing the intake process.

Q. Is that paid canvasser list that is in your folder, there is an Exhibit 13?

A. Exhibit 13 is the paid canvasser list that the sponsor submits to our office. The paid canvasser list we use is this information with the addition of a "date canvasser was registered" column.

Q. What's the "date canvasser was registered" column mean?

A. That was the date that that canvasser became officially registered with our office.
Q. And what you're -- is a canvasser eligible to get -- obtain signatures with your office prior to that date?
A. They must be registered with our office before they can obtain signatures.
Q. So let's look at -- on Exhibit 13, let's look at the date June 21st, 2020.
MR. SULLIVAN: Are we on 13?
MR. GRAY: Yes.
A. Mr. Gray, what was that date again?
Q. June 21st.
A. 21st. Okay.
Q. And that is -- am I correct that Sebastian Rogers was -- his name was on the canvasser list sent on your office on June 21st, 2020?
A. That is correct, yes.
Q. And so Mr. Rogers would have to have a sworn statement sent to your office and then he would be registered to canvass; is that correct?
A. Up to that point, he would be registered to canvass, yes.
Q. So are you saying that Mr. Rogers didn't have a sworn statement to your office on June 21st?

A. No, sir. I'm not saying that at all.
Q. So Mr. Rogers is on the sheet to not count any of his signatures?
A. That's correct.
Q. And you said to become registered to canvass, you've got to be on the canvasser list and submit the sworn statement and then you're registered to canvass?
A. Registered to canvass, yes.
Q. As long as Mr. Rogers had his sworn statement in to you by June 21st, he is registered to canvass?
A. Registered to canvass.
Q. He can collect signatures after -- on and after June 21st?
A. That is correct, yes.
Q. And you're not claiming that Mr. Rogers didn't have a sworn statement to your office?
A. I'm not saying that at all, no, sir.
Q. Okay. Mr. Bridges, if you will look at 36860. Petition 36860.
A. Yes, sir.
Q. For Mr. Rogers it says "no sig card"?
A. Yes, sir.
Q. So if he had his -- he was on the canvasser list, he submitted his sworn statement, and then when does your office receive signature cards?

A. When the petition is submitted.
Q. So it's your office's contention that Mr. Rogers did not have a signature card; is that correct?
A. It's our understanding that the sponsor did not submit a signature card for Mr. Rogers the day the petition was submitted.

MR. SULLIVAN: Your Honor, I am going to object at this time. The questioning are -- about Mr. Rogers are based on the document that has not yet been admitted. It says Sebastian Rogers, no signature card.

We still don't know if this was a final list or if Mr. Rogers's signatures were being counted. I can represent to this Court that I personally saw Mr. Rogers's signature being validated, so they were not culled.

I think we've got to find out what the final list of no signature from which canvasser didn't submit a card before Mr. Gray can go through with this witness about signatures that did or did not get culled.

THE COURT: All right. I am going to allow Mr. Gray to make his record, and you

are free to cross-examine about all these issues.

MR. SULLIVAN: I can't cross-examine Mr. Bridges because he doesn't have the knowledge to answer Mr. Gray or my questions about this document.

THE COURT: Well, if he doesn't have the knowledge, he should answer that way, Mr. Sullivan.

MR. SULLIVAN: I agree.

THE COURT: All right.

And you shouldn't try to instruct the witness during the hearing.

MR. SULLIVAN: He's a very helpful witness, Your Honor.

THE COURT: I think he's done just fine.

THE WITNESS: Y'all are making me blush but you can't tell because of the mask.

THE COURT: Go ahead, Mr. Gray.

Q. Okay. Mr. Bridges, we're going to go through Mr. Rogers' petition parts.

A. Yes, sir.

Q. On petition -- on Mr. Rogers' petition part that was culled, Petition Number 36860, how many valid signatures are on that petition part?

A. Before -- I would assume we're going to go through this whole stack; and before we do, I want to make it clear that when you say the number of valid signatures --

Q. I will -- let me rephrase.

A. Okay. Thank you.

Q. I am going to use the language I've used before: Signatures that you do not see issues with otherwise, other than --

THE COURT: You're talking about on the face of the document?

MR. GRAY: Yeah.

Q. I'm not asking if it's valid. I'm not saying that you've confirmed this person is in the voter registration database. I'm just simply saying for a facial review, what you do on the initial count, correct?

A. That is correct. Yes, sir.

Q. For purposes of the initial count, is this a -- how many facially valid signatures are on this document?

A. Two.

Q. All right. Next document, Petition 36753, for purposes of the initial count, how many facially valid signatures are on this petition?

A. One.
Q. Petition Number 36777, for purposes of the initial count, how many facially valid signatures are on this petition?
A. One.
Q. For Petition Number 42967, for purposes of the initial count, how many facially valid signatures are on this petition?
A. One.
Q. For Petition Number 43709, for purposes of the initial count, how many facially valid signatures?
A. Three.
Q. Petition Number 37718, for purposes of the initial count, how many facially valid signatures?
A. One.
Q. For purposes -- or on Petition Number 46341, for purposes of the initial count, how many facially valid signatures?
A. Three.
Q. For Petition Number 46342, for purposes of the initial count, how many facially valid signatures?
A. Ten.
Q. Petition Number 4560 -- Petition Number 45670, for purposes of the initial count, how many facially valid signatures?

A. Ten.
Q. For Petition Number 45677, for purposes of the initial count, how many facially valid signatures?
A. Two.
MR. SULLIVAN: Are you on 671?
MR. GRAY: Your Honor --
THE COURT: We're going in order.
MR. GRAY: I apologize. I think I -- that document had more attachments than I thought.
Q. Petition Number 45671, for purposes of the initial count, how many facially valid signatures?
A. Two.
Q. Petition Number 45672, for purposes of the initial count, how many facially valid signatures?
A. Ten.
Q. Petition Number 45673, for purposes of the initial count, how many facially valid signatures?
A. Nine.
Q. Petition Number 45674, for purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. For Petition Number 45675 --
THE COURT: Let me interrupt just a minute. Let me make sure I'm on the right

one. 45674, you said eight?

THE WITNESS: Yes, sir. And I can explain.

THE COURT: Okay.

THE WITNESS: Line 1, date of signing is 1990.

THE COURT: Okay. Up in the right corner where it says "For office use only"?

THE WITNESS: Yes, sir.

THE COURT: Who puts that number up there?

THE WITNESS: Our temporary workers, when they're going through the intake process.

THE COURT: Okay. All right.

Q. Mr. Bridges --

MR. GRAY: Oh, I'm sorry, Your Honor.

THE COURT: No, go ahead.

Q. Mr. Bridges, on Petition Number 45674, are you saying that what appears to be a 2 to me, you're saying that that appears to be a 9 to you? Is that your -- is that your testimony?

A. Yes, sir.

Q. On Petition Number 45675, for purposes of the initial count, how many facially valid signatures?

A. Ten.
Q. On Petition Number 45677, for purposes of the initial count, how many facially valid signatures?
A. Six.
Q. For Petition 45678, for purposes of the initial count, how many facially valid signatures?
A. 10.
Q. For Petition Number 45679, for purposes of the initial count, how many facially valid signatures?
A. Three.
Q. On Petition Number 45686, for purposes of the initial count, how many facially valid signatures?
A. Can you repeat that page number?
Q. Ended in -- yes, I will. For Petition Number -- I'm sorry. The zero looked like a 6 to me. 45680, do you see that?
A. Yes, sir.
Q. Thank you for stopping me there.
A. Yes, sir.
Q. For purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. On Petition Number 45681, for purposes of the initial count, how many facially valid signatures?
A. Eight.

Q. On Petition Number 45682, for purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. On Petition Number 45683, for purposes of the initial count, how many facially valid signatures?
A. Six.
Q. On Petition Number 45684, for purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. On Petition Number 45685, for purposes of the initial count, how many facially valid signatures?
A. Seven.
Q. On Petition Number 30779, is that the next one in your stack?
A. Yes, sir.
Q. For purposes of the initial count, how many facially valid signatures?
A. Three.
Q. For Petition Number 30839, for purposes of the initial count, how many facially valid signatures?
A. The next page in my stack is 30780.
Q. I apologize. What's the next? Is it 80?
A. 30780, yes, sir.
Q. I've got all these individual PDFs in my computer and I'm getting trigger-happy and skipping

ahead, so thank you for stopping me.
A. Yes, sir.
Q. On 30780 for purposes of the initial count, how many facially valid signatures?
A. Nine.
Q. On Petition Number 30781, for purposes of the initial count, how many facially valid signatures?
A. Nine.
Q. On Petition Number 30782, for purposes of the initial count, how many facially valid signatures?
A. Ten.
Q. On Petition Number 30783, for purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. On Petition Number 30784, for purposes of the initial count, how many facially valid signatures?
A. Seven.
Q. Petition Number 30785, for purposes of the initial count, how many facially valid signatures?
A. Four.
Q. On Petition Number 30786, for purposes of the initial count, how many facially valid signatures?
A. Nine.
Q. On Petition Number 30787, for purposes of the initial count, how many facially valid signatures?

A. Eight.
Q. On Petition Number 30788, for purposes of the initial count, how many facially valid signatures?
A. One.
Q. On Petition Number 30789, for purposes of the initial count, how many facially valid signatures?
A. Five.
Q. On Petition Number 30790, for purposes of the initial count, how many facially valid signatures?
A. Two.
Q. On Petition Number 30791, for purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. On Petition Number 30839, for purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. For Petition Number -- or on Petition Number 44944, is that the next one you have?
A. Yes, sir.
Q. For purposes of the initial count, how many facially valid signatures?
A. Eight.
Q. On Petition Number 41611, for purposes of the initial count, how many facially valid signatures?
A. One.

Q. On Petition Number 45337, for purposes of the initial count, how many facially valid signatures?
A. One.
Q. On Petition Number 37935, for purposes of the initial count, how many facially valid signatures?
A. One.
(Petitioners' Exhibit 19 offered into evidence.)
MR. GRAY: Your Honor, I move to introduce the petition parts that we just went over that have been marked for identification as Exhibit --
THE COURT: 19.
MR. GRAY: -- 19. Thank you, Your Honor. I move to introduce those into evidence.
THE COURT: Mr. Sullivan?
MR. SULLIVAN: Your Honor, I would object at this time. There has been no proof entered to whether Mr. Rogers submitted a signature card or not.
If he did submit a signature card and they have it, then this is irrelevant, but everything in this document he wants to admit is not relevant until that time.

THE COURT: Ms. Murray?

MS. MURRAY: Your Honor, I think if they can -- I mean, I don't know if they have a card for Open Primary for him or not. I can tell you our review did not show one on what was submitted on Open Primary.

I'm not sure why we're going through this without some foundation for the relevancy of it, so I do object on that. I think we've spent a lot of time and we're going to do it on everybody with a "no signature" designation evidently. So I do object on the relevancy of it.

THE COURT: Mr. Bridges, is it your testimony, if you know, that all of these culled petitions stayed culled? They weren't thrown back in, or do you know?

THE WITNESS: I'm not 100 percent sure if they were thrown back in, but all signs point to the fact that they were culled and stayed culled.

THE COURT: Okay.

THE WITNESS: And I can verify that on my spreadsheet if need be.

MR. GRAY: Your Honor, we will have

testimony that -- I anticipate we will have testimony that shows that Mr. Rogers' signature card was submitted to the Secretary of State and so without -- without the Secretary of State having a number for each canvasser in terms of how many signatures are culled, I believe I need to put proof on to show how many signatures would be included in the initial count that weren't included because we have to get 528 signatures from the culled pile to the initial count pile and so that is the relevance of these documents.

MR. SULLIVAN: I agree with what Mr. Gray just said if he would show that there was a signature card turned in.

If he's going to go through every one of these canvassers that have culled petitions, we're going to need about a month or two for trial because it's not relevant until he shows a signature card was turned in, and we haven't gotten testimony yet whether it was or wasn't because we can't tell from this piece of paper right here.

MS. MURRAY: Your Honor, I appreciate

the difficulty this sponsor had with two separate proposals that each have to satisfy everything under the statute, and our records show, based on a review, that on Redistricting, Mr. Rogers has a signature card on file that was submitted with Redistricting. We show no on the same examination of records for those that were segregated that were filed for Open Primaries.

That's why I'm saying if they have one for Open Primary that was filed with the box, it's the same thing like the Redistricting petition getting in Open Primary petition. They have to be dealt with separately and that's why it's -- I don't think there's any relevancy to any of these until they show that there was a card filed at Open Primary, and I don't believe they can do that.

THE COURT: I am going to reserve my ruling.

MS. MURRAY: They can proffer it, I suppose.

THE COURT: I am going to reserve my

ruling. I will accept it as a proffer at this time, and at the time proof is established -- or proof is submitted that shows a signature card submitted on that basis, then it will be admitted; but until that happens, it will be treated as a proffer.

MR. GRAY: Thank you, Your Honor.

MS. MURRAY: And, Your Honor, I believe if they have a summary that they have prepared with the petition number and the number of signatures they're saying were attached to Sebastian or to any of these, and we don't have all of the culled ones into our system yet.

But at some point maybe we could, you know, if we have a chance and we can say we think you're wrong on these but the rest of it is -- we've done that many, many times in other similar documentary cases, to speed it along rather than having to go through every petition. And these have been available since sometime last week. I don't know why they did not do a FOIA earlier.

We obtained the spreadsheets he's

talking about. We had those spreadsheets I think a week ago now, something like that.

MR. GRAY: Your Honor, we sent a FOIA request with the Secretary of State Friday requesting these documents. Each document in the spreadsheet, I don't disagree that the spreadsheet may have been available a little bit time before. I don't know the exact date that it was available. If it was available, we didn't receive it until yesterday.

So we can't control what the Secretary of State does. They've got a lot going on. I'm not casting any aspersions on the Secretary of State. I'm talking about in terms of when we got the document. But just because we have petition parts, copies of petition parts that were submitted, we don't have the Bates numbers. You know, how we were going through all the four, five, whatever. We don't know what the numbers are.

So we can have a list, but it doesn't do us any good to try to get ready for this because we don't know what numbers are

assigned. And like Mr. Bridges testified, they had some that had numbers starting and then something messed up with the Bates, you know, stamper and then they had to do new numbers.

So we received the -- all these petition parts yesterday at 10:00, 10:30, the same time that Ms. Murray received them. And so I am happy to expedite this thing and move this along. I am not trying to waste anybody's time, and I will -- Ms. Murray, I will work on a summary.

THE COURT: Why don't we do this. Why don't we go ahead and break for lunch now, and I'm going to give y'all a couple of hours to meet together and go over some of this and see if you can at least expedite that process. Do you have a --

MS. MURRAY: I'm happy to do so because if they have proof that somewhere in the Secretary of State's file in Open Primary, there is a card for Sebastian Rogers, fine. But I haven't heard anything about that, and if we're going to do that on all of these on the signature cards, it wasn't submitted in

Open Primary.

MR. GRAY: Your Honor, that's Ms. Murray's opinion.

MS. MURRAY: There is no evidence. There is certainly an absence of it.

MR. GRAY: We certainly have a -- we certainly dispute that contention.

MS. MURRAY: There is an absence of it in the record.

MR. GRAY: And that's why I'm, at a minimum, I have to proffer my proof. If I don't, then, you know, I haven't done my job. So I have to proffer the proof, and when the proof comes in --

THE COURT: Let me ask you this. I mean, I don't want to take a two-hour break because we don't have it if y'all aren't going to be able to talk and work out some of these numbers.

If you think it will help, I want to do it, but I don't want to do it and come back in two hours and be right where we are right now.

MS. MURRAY: Your Honor, I am not sure it would be profitable right now because it

1 doesn't sound like they have been through,
2 because we both just got copies of the
3 culled petitions yesterday morning on a
4 flash drive, and they have not been able to
5 go through them. I guess they -- on
6 Sebastian Rogers, I'm using him as an
7 example. If they prepared a summary with
8 the petition number and culled signatures
9 Sebastian Rogers canvasser, we could check
10 that, but not in two hours. And I don't
11 think they are, in two hours, are going to
12 be able to evidently prepare it.
13 If we just limit it to no signature card
14 people, I'm -- I admire all the people they
15 have working on this, but I'm not sure in
16 two hours they are going to have it to us
17 for us to check and we can say we're
18 stipulating on those; this is how many are
19 at risk on them. I'm not sure they can put
20 it together and give it to us, honestly.
21 So I appreciate the offer. Maybe if we
22 stop earlier today and everybody can work on
23 it and get that done on that. I don't want
24 to tell them how to prepare their evidence,
25 but I know that's been a shortcut several

times.

MR. GRAY: Your Honor, I will sit here in the next two hours and have -- and be significantly ahead of where we are now and have a summary ready, and I will provide it to Ms. Murray, her team. The Friday Firm has lawyers, people, working on this, too. And I believe that we can make significant progress and that that way hopefully expedite this thing way ahead of where we would be if we didn't have to sit here and go through this stuff one by one. Because I believe that would it be the most expeditious way.

If Ms. Murray is willing to do that, I will sit -- I won't leave this room and I will do everything I can to give you a complete summary.

THE COURT: Well, let me ask you this. Are there other areas of the testimony that you still need to go through that don't involve going through this that you could go to, to plan on coming back to this if necessary?

MR. GRAY: Yes, Your Honor. There are.

THE COURT: Well --

MR. GRAY: But I think that Mr. Bridges testified that there are several reasons why they, you know, didn't count certain signatures.

The other reason that -- I'm not going to say it's the only reason but I believe it's one of the final reasons that we will contend is based on the sworn statements, the dates that those were submitted.

Mr. Bridges testified that there were 2,464 signatures under this "canvasser not registered" and that it included -- I believe it included the sworn statements and it included signature cards, I believe. Because I think he testified that canvasser list was maybe something -- was something else, which is the canvasser list we turn in. They're not on the canvasser list.

He also testified that the signature cards -- that they have their own canvasser list and the signature card is one of the items on that.

So of that 2,464, if Ms. Murray or the Secretary of State is willing to stipulate

that at a minimum, 528 of those signatures are based on the sworn statement reason, meaning the sworn statement was submitted to the Secretary of State's office after a canvasser began to canvass, then I don't have to get into that at all.

THE COURT: You mean before the --

MR. GRAY: For example, canvasser list is submitted by the sponsor on July 3rd, for John Doe. Sponsor submits the sworn statement on July 4th. That's when the Secretary of State's office receives it. Canvasser John Doe canvasses on July 3rd and gets 20 signatures.

Those 20 signatures right now have been culled under this "canvasser not registered" and so it's our contention that those signatures should be valid and should count toward the initial count.

Again, we've got the culled signatures and I've got -- we have to prove that 528 should have should not be culled and should be counted in the initial count and so that is -- that is the biggest area that we have remaining after the issue -- after

evaluating each canvasser's petitions.

THE COURT: Okay.

MS. MURRAY: What is it you're asking us to stipulate?

MR. GRAY: I was just explaining to the judge the issue that we have remaining.

THE COURT: Which involves going through some other pages.

MR. GRAY: (Nods head.)

And, Your Honor, this is our -- the sponsor filed this action against the Secretary of State. Not against these guys. They're just --

THE COURT: Right.

MR. GRAY: -- in their official capacity in an attempt to have the Secretary of State count the signatures, do the initial count and count the signatures.

Now, the Supreme Court and the Intervenors moved to intervene, and the Supreme Court authorized their intervention. Now, I understand that this is not how Ms. Murray wants this to proceed. It's monotonous, we're going over documents, but this is the sponsor's lawsuit and we have to

prove certain things. And I am trying to move through this as fast as possible and worked till midnight last night and got up this morning and kept working.

I'm trying to expedite this, but we have to -- we have to prove what we have to prove and so that's what I'm attempting to do, and we'll work on getting summaries and providing those to the Secretary of State and Ms. Murray's team. But I do believe that progress can be made in the next hour and a half to two hours.

MR. CRASS: By doing what? By breaking?

MR. GRAY: By preparing a summary. I want a break.

MS. MURRAY: On each of them?

MR. GRAY: The ones that we -- yes, the ones that we contend.

MS. MURRAY: When are you going to give them to us?

MR. GRAY: As soon as I get each one done.

MS. MURRAY: Well, until I see the summary -- you know, we have to be able to check that against those petition parts is

my only -- and we'll be happy to do that. We don't have a team of people sitting waiting to do that job, but I will try to get people looking at that.

THE COURT: All right.

MR. SULLIVAN: Judge, I don't want to belabor the point, but I still want to say we're putting the cart before the horse. Unless they have a signature card for Mr. Rogers, then there's no point in adding any to the summary or another summary or talking about it.

They were culled because someone determined he didn't have a signature card. If they have a signature card for this petition, then these are throwbacks. It's easy. There is no point in arguing about it. That's all they need to do.

THE COURT: All right. Here's what we're going to do. We are going to take this two-hour break. When we resume, I am going to -- we're going to take this a little out of order. We are going to -- to give everybody their staffs, their massive staffs time to go over all this, I am going

to interrupt the normal course and I am going to move to cross-examination by the Secretary of State's office of the testimony so far and then for Ms. Murray to cross-examine.

And then later, after y'all have seen if you can expedite things -- maybe we can; maybe we can't -- then we will resume with this process.

MS. MURRAY: That will be fine.

THE COURT: So we're going to be in recess for two hours.

MR. BUTLER: Your Honor, I have one suggestion that might move stuff along, and I don't think it will take very much time at all.

THE COURT: And for the record, this is Adam Butler.

MR. BUTLER: Sorry. Adam Butler.

Your Honor, there are a couple of sets of documents that we intended to try to introduce through this witness and I don't think they're going to be controversial. I've submitted those to opposing counsel.

MS. MURRAY: Today.

MR. BUTLER: Yeah.

MS. MURRAY: I haven't seen any of those yet.

MR. BUTLER: Never mind. I thought we could maybe move something that probably wasn't controversial along, but I guess not.

THE COURT: All right. We're going to go ahead and break. We're in recess.

(Recess from 11:31 a.m. to 1:33 p.m.)

THE COURT: All right. I've got a stipulation between Arkansas Voters First and the Respondent and the Intervenors, and this is labeled "Joint Stipulations."

I think we had a stipulated Exhibit 1 before. I am going to just write on here "Stipulation Number 2."

(Joint Exhibit 2 offered into evidence.)

THE COURT: All right. There are a couple of things I wanted to get clear in my mind before I let Mr. Sullivan begin his cross-examination with the witness.

Now, did I understand correctly from yesterday -- it seems like three or four days ago -- that you also do some of the training for the people who go through the

lists?

THE WITNESS: I do the training, yes, sir.

THE COURT: And the petitioners?

THE WITNESS: That's correct.

THE COURT: When you're training them on looking at these dates, what do you tell them as far as judging the dates?

THE WITNESS: I tell them to use their better judgment as far as the handwriting is concerned. I use several different examples to ensure that everyone understands what exactly they need to be looking for, such examples like we've used in court today and yesterday.

So I really take my time on training the workers on the canvasser steps within the intake process because there's so much to look for on that.

THE COURT: And who is -- who does this examination of the dates?

THE WITNESS: The first set of eyes are temporary workers that I've trained, and once --

THE COURT: Let me stop you there. How

many different -- like, if you've got -- now we've been through 150-some-odd, but there was a big stack. How many different people might look at individual ones? What I'm saying is are there two people that look at all of them, or are there 25 people looking at different amounts?

THE WITNESS: I understand. So when we first get the petition, we bundle everything in the folders, and that folder goes through an assembly line. So that folder is -- will go through one set of eyes at that time and then it will continue to go through the line FOR checking for notary and other things. Well, at the end it goes to a supervisor.

So there's two sets of eyes on every single page through the entire petition, at least two sets.

THE COURT: Okay. But what I'm saying is, for instance -- and I'm just going to pull something -- the 46353 and Petition 32082, are they the same people looking, the same person looking at all of these, or are there different people performing the same function?

THE WITNESS: There -- for canvasser functions, for canvasser steps, we had two to three people at that station because it takes so long.

THE COURT: Right.

THE WITNESS: So two to three people were assigned to that station. And through the whole process, anytime I would see a station getting backed up and getting behind on work, I would reassign people accordingly to ensure the smoothest process possible, but typically so two to three people were at that station.

THE COURT: So there could have been five or six?

THE WITNESS: It's possible.

THE COURT: Possible? Okay. And then what if you -- what is your training if they look at a date and they're not sure about it?

THE WITNESS: Anytime anyone is not sure about a date, or anything for that matter, with the entire process, we ask them to get with an SOS staff member.

THE COURT: Okay.

THE WITNESS: And the SOS staff member will make the final call on that.

THE COURT: Well, what if the SOS staff member is not sure? What is the training there?

THE WITNESS: We will get the opinion typically of one of the attorneys at that point if need be, or a third coworker. So we never make a decision with just one person involved. We -- if need be, we can involve a few different people.

THE COURT: So I take it there's not really a rule of thumb, tie goes to the runner?

THE WITNESS: You could make that argument, yes, sir.

THE COURT: There's not, or there is?

THE WITNESS: There's not, set in stone, a rule for that. We simply take it on a case-by-case basis.

THE COURT: Okay.

All right. Mr. Sullivan you may cross-examine to this point.

RECROSS-EXAMINATION

BY MR. SULLIVAN:

Q. Mr. Bridges, do you have the big stack of petition parts on your table there?
A. Yes, sir.
Q. On some of the petition parts that Mr. Gray went through with you, we would see -- well, first of all, there's a maximum of 10 lines of signatures possible on a petition part, correct?
A. That is correct.
Q. We saw some of them with a whole line marked out. What does that mean?
MR. GRAY: Object to form.
THE COURT: Can you point to a specific one?
Q. Near the top of your stack will be Petition Part 35670.
A. I see that.
Q. Do you see Lines 5 and 6 and 8 are completely struck through?
A. Yes, sir.
Q. What does that mean?
A. That simply means that someone other than Secretary of State staff or temporary workers performed that. We don't strike through any signatures, so therefore, if a signature is struck such as this, we do not count it in our initial count.

Q. Is a canvasser who would have been soliciting these signatures, is a canvasser allowed to mark through a line on his petition part?
A. I believe they are.
Q. And then he turns this in to his sponsor, correct, the attorney for the sponsor?
A. Correct.
Q. Did the sponsor or the sponsor's representative strike through a line on a petition part before it comes to the Secretary of State?
A. I believe they can, yes.
Q. And if that happens, then the Secretary of State has nothing to do with that line anymore, correct?
A. That is correct.
Q. So if a petitioner, meaning the people who sign the petition part, signed a date that's later than the sheet is notarized, either the canvasser or the sponsor can strike through that line and turn it in, correct?
A. Theoretically they could.
Q. And then nobody at the Secretary of State is going to look at that and cull the sheet because the date was after notarization correct?
A. That is correct.
Q. Okay. Some of the signatures that were culled

you've testified were because the canvassers -- well, there were a number of reason, but one was that the canvasser's statement -- also referred to as the canvasser's affidavit -- had not been filed with the Secretary of State's office when the signature was signed, correct?

A. Yes, sir.

Q. I know we've been on a short period of time here, but if a sponsor for a petition who hadn't already obtained the cull sheet called you and said, "Josh, would you go back and look at the June 22nd e-mail with our list of canvassers and look at it and see if that canvasser's statement was attached," and you did and it was there, what would you then do about that situation?

MR. GRAY: Object to form. Assumes facts not in evidence.

THE COURT: Rephrase.

Q. Is the Secretary of State's office open to being contacted by sponsors with issues about the petitions?

A. Yes, sir.

Q. Does it actually happen?

A. On occasion, it does.

Q. What happens if they notify you of an issue where there's been a mistake made by the office?

A. Our office would easily and quickly try to remedy that, especially if it's on the err of our part.
Q. So in the hypothetical I described, you could then take the cull sheets for that canvasser and throw them back in, correct?
A. That is correct. If we can determine everything is filed accordingly and properly, yes, sir.
Q. Mr. Gray went through with you the different reasons that pages were culled as they're designated on this spreadsheet, and you gave totals that you, I believe, calculated right there on the witness stand, one being for the reason canvassers list 2,858 signatures because the name wasn't on the canvassers list. That's the total signatures on the pages that were culled, correct?
A. That is correct.
Q. Okay. So if Mr. Gray were to make an argument since he's called them signatures you didn't have a problem with, say, nine on a page, to be thrown back in, the one that had the problem wouldn't be thrown back in, correct?
A. That is correct.
Q. So for that particular category, we wouldn't throw back in 2,858, would we?

A. No, sir.
Q. Okay. I don't think he's making that argument I'm just trying to make it clear.
MR. SULLIVAN: Your Honor, may I approach the technology desk?
THE COURT: You may.
I guess that's you, Brooke.
MR. SULLIVAN: This is not my forte. We'll see what happens.
Q. Mr. Bridges, I am going to try to show you some documents on the screen. I think that will be quicker than me giving you a page number to search in that stack.
A. Okay.
Q. Can you see the document that I'm trying to show you?
A. I can see it.
THE COURT: It's a little blurry.
MS. STEEN: Let's try to adjust that. Let me see if I can get someone to clear that up a little bit. I'll text them.
THE COURT: Can you see that from there to read it?
THE WITNESS: Yes, sir. I can.
THE COURT: Okay.

Q. Mr. Bridges, this appears to be the culled cover sheet for Petition Part 40655. Can you tell that from the document on the screen?
A. Yes, sir.
Q. Okay. Since I can't show you but one document at a time, I want you to remember what it says the reason for the cull is.
A. Yes, sir.
Q. And you testified, when you looked at this sheet, which lines had the problem on this sheet --
A. Lines --
Q. -- according to the cull sheet?
A. I'm sorry. Lines 2 and 3.
Q. Okay. I want you to look at Line 4 and tell me if you see anything wrong with Line 4? What is the date of the signature on Line 4?
A. It appears to be sometime in October.
Q. Which is after the notarization, correct?
A. That is correct, yes.
Q. Okay. So that's one more signature that's not valid on this signature for intake purposes?
A. Correct.
Q. Okay. And I'm not even suggesting that Mr. Gray tried to mislead you. If on this one he said did you have problem with the other eight signatures other

than the two that were on there, what would be answer be after you've now looked at Line 4?
A. I would take issue with Line 4 as well.
Q. Okay. So seven signatures would pass intake on this sheet, correct?
A. I believe so.
Q. You testified on some of these petition parts when Mr. Gray pointed out that the line appeared to have a date that was not out of line, the next thing you would do is check to see if the canvasser was actually registered, correct?
A. Correct.
Q. Okay. And this, I believe, was one of those pages. This is -- for the record, this is Page Number 38994. Can you tell who the canvasser on this particular petition part was?
A. Michael. Last name is a bit blurry.
Q. It could probably be blown up, but I am going to say a close-up looks like Dixon. Does that look like Dixon to you?
A. I see a D, yes.
Q. Okay. I am going to show you the cull sheet for that page. What does it reveal?
A. Canvasser verification day is before date petitioner signed on Line 10.

Q. And as Mr. Gray correctly pointed out, and you testified, on Line 10, the date is June the 1st, 2020, correct?
A. Yes, sir.
Q. Which is before July the 1st, when this page was notarized, correct?
A. Yes, sir.
Q. Okay. If you will refer to Exhibit 13, please. And at the top, you'll see this is the canvasser list for the Open Primary Ranked-Choice petition; is that right?
A. That's correct.
Q. And this particular list, the first date any canvasser was registered is June the 2nd, correct?
A. That's correct.
Q. So I'm going to ask you, since I'm not going to want you to go through the whole exhibit. But if you'll go through June the 2nd and June the 3rd, which won't you require you to go but one and a half pages, do you see Michael Dixon listed as a registered canvasser for this petition?
A. Not within that date range.
Q. Okay. And I'm not going to ask you to do this, at least at this time. If you had the actual spreadsheet in front of you on a computer, you could

sort alphabetically by last name of a canvasser, couldn't you, and find anyone we wanted out of this stack?
A. Yes, sir.
Q. This one was easy because it's during the first two days?
A. Correct.
Q. Can you see the petition number for this cull sheet?
A. Yes.
Q. What is the reason for the cull on this one?
A. Canvasser verification day is before date petitioner signed on Line 8.
Q. Okay. And is this petition part that I'm showing you now 40559?
A. Yes, sir.
Q. And that's the problem on Line 8; is that correct?
A. That is correct.
Q. And the total number of signatures to look at on this page is how many?
A. Including Line 8 would be nine.
Q. That's because somebody marked out 10 before it was turned in, correct?
A. Yes, sir.

Q. And I'm -- again, doing math on the fly is not anybody's forte probably. I'm not suggesting Mr. Gray tried to mislead you, but at the end of this particular one, he said did you have a problem with the other eight signatures on this page. But after -- other than Line 8, how many signatures are there that would pass intake reading?

A. Seven.

THE COURT: Say that again.

MR. SULLIVAN: Some of the time in the questioning, okay, there's nine signatures to consider on this page because one is marked out. There was a problem with Line 8. And every one of the sheets Mr. Gray would say, well, was there a problem with the remaining signatures.

THE COURT: Remaining eight.

MR. SULLIVAN: He would say the remaining number. On this one he said -- what I'm clarifying is there's only seven more -- there's only eight more signatures to look at.

THE COURT: There's nine signatures to look at.

MR. SULLIVAN: That's right. So I'm

saying my question wrong.

THE COURT: Okay.

MR. SULLIVAN: Mr. Gray said the remaining nine signatures that time, I think. If he didn't on this one, he did on some. Not intentionally; it just happens. I'm just pointing out that the documents speak for themselves, not necessarily somebody doing math in their head during either the lawyer or the witness questioning somebody on the spot.

Q. Mr. Bridges, on the handwritten sheet that we've referred to possibly being generated at the direction of Peyton Murphy, do you have that in front of you?

A. Yes, sir.

Q. This sheet, as we look at it, doesn't designate which petition it goes with, does it?

A. It does not.

Q. And it doesn't designate if it's a final sheet, does it?

A. No, sir.

Q. Who would be the best person to tell us what that sheet represents?

A. Peyton Murphy.

Q. Okay.

MR. SULLIVAN: Nothing further, Your Honor.

THE COURT: All right.

Ms. Murray?

MS. MURRAY: Your Honor, a few to follow up on.

RECROSS-EXAMINATION

BY MS. MURRAY:

Q. Let's start with just, we're going to use an exemplar of the very first petition in this stack, 96353.

THE COURT: The one that's actually 46353?

MS. MURRAY: It is it looks like a 9 to me.

MR. GRAY: That's the cull.

MS. MURRAY: I did that on purpose.

Q. All right. And just to orient everyone to this petition part, the first thing up there is the title, right?

A. Yes, ma'am.

Q. And then there is a paragraph to the Honorable John Thurston, Secretary of State of Arkansas: We, the undersigned registered voters of the State, respectfully propose the following amendment to the

Constitution of this State and by this, our petition, order that the same be submitted to the people of the State to the end that the same may be adopted, enacted, or rejected by the vote of the registered voter of the State at a regular general election to be held on the 3rd day of November 2020. And each of us, for himself or herself, says I personally signed this petition. I'm a registered voter in the State, and my printed name, date of birth, residence, city, town or residence, and date of signing this petition are correctly written after my signature.

Did I read that correctly?

A. You did.

Q. So when Mr. Sullivan was asking you about the canvasser has a chance to correct if an error is made; and sponsor, they can just cross it off if it will invalidate a whole petition part. Likewise, the voter expressly states that they have stated everything correctly. Correct?

A. That is my understanding, yes, ma'am.

Q. And then let's take an example. If this person on the first line had messed up and put their date of birth again down there as date of signing, there is nothing that prevents that voter from starting all over, crossing out Line 1, and starting over on

Line 2; is that correct?
A. That is correct.
Q. Okay. And the voter won't know this, but the statute requires errors in the date to be -- it can invalidate a whole petition part, correct?
A. Yes, ma'am.
Q. And, in fact, while there are other things that can, the Secretary of State, we already know the Secretary of State has it in their statutes at the back of their book under 126. Do you have that, sir, still?
A. Yes.
Ms. Murray which code section were you on?
Q. I was on 126. 7-9-126?
A. Okay.
Q. What page are you on?
A. Page 36.
Q. And what subsection deals expressly with that section? I think it's continued on 37.
A. Subsection B, Number 4 and Number 6.
Q. And would you read those, please?
A. Number 4(a), the canvasser is a paid canvasser whose name and information required under 7-9-601 were not submitted by the sponsor to the Secretary of State

before the petitioner signed the petition.

Number 6, the canvasser verification date. The canvasser verification is dated earlier than the date on which a petitioner signed the petition.

Q. All right. And I know everyone well. Both canvassers and sponsors, they're not lawyers; they don't read statutes, do they? So I wanted to go back, if we could, to Page 12 of this handbook that is available.

THE COURT: And for the record, this is Joint Exhibit 1.

MS. MURRAY: Yes. I'm sorry, Your Honor. I should have repeated that. I apologize.

THE COURT: That's all right.

MR. SULLIVAN: Your Honor, I want to make sure I don't object to Mr. Bridges reading statutes that Ms. Murray questions. I would object that either attorney trying to ask him for any further interpretation. He's not an attorney.

MS. MURRAY: I don't intend to, Your Honor.

THE COURT: Proceed.

MR. SULLIVAN: I didn't think she did, but I didn't want to open that up on cross-examination or redirect, whichever it would be.

MS. MURRAY: Thank you.

Q. Page 12 is entitled "Frequently Asked Questions"; is that correct? Are you with me?

A. Yes, ma'am.

Q. And I wanted to go down to paren number Section 2. The question is, "What are examples of errors or omissions that will cause an entire page of a petition signature to be invalidated?"

And under G, it says, "Canvasser's verification is dated earlier than the date the petition was signed by a petitioner."

And then on I, it says, "Paid canvasser collected signatures before appearing on paid canvasser list submitted to the Secretary of State."

Correct?

A. Yes, ma'am.

Q. And actually, as far as errors or omissions that can cause, under statute, an entire page not to be counted, there are -- well, we go through W. We have X, Y, Z missing. So I guess there are 23 different reasons, correct?

A. Seems to be, yes, ma'am.
Q. And one of those is also a missing signature card; is that correct? Or is that under 601? I think that eliminates the canvasser, so that would not eliminate the petition part.
A. Okay.
Q. Correct?
A. Yes, ma'am, I believe you're correct.
Q. These sponsors -- or the sponsor, I should say, of these particular amendments, National Ballot Access we've talked about briefly I think yesterday, were the -- did you deal with individuals from National Ballot Access?
A. On occasion, yeah, I did.
Q. And were they people who had appeared and dealt with you in earlier campaigns?
A. Yes, ma'am.
Q. And did they call and ask you questions about the handbook, Joint Exhibit 1?
A. They may have on occasion over the years, but --
Q. You don't recall it specifically?
A. I don't recall any specific conversations with any individuals.
Q. But you dealt with those people in charge of it?
A. Yes, ma'am.

Q. Thank you. I want to ask you if you can do something for me. You still have your computer there. Will it tell you if somebody submitted a -- or link you to someone's signature card?
A. I don't have that on.
Q. Okay.
A. Currently I'm not on my network, so --
Q. I will do that later.
A. Sure.
Q. The title on the paid signature cards used in these two proposals, there was one signature card that contained the name of the Redistricting amendment; and then if that same canvasser was canvassing for the Open Primary, they would have a signature card also with that title on it. Is that correct?
A. I believe so.
Q. And these are available so if the people examining petition want to see what has been turned in as the signature card for comparison, it's available to your workers, correct?
A. Yes, ma'am.
Q. And -- but you don't have access to this right now, do you?
A. Not at the moment, no, ma'am.
Q. Okay. I think we'll save it until you can

verify that this is the file that they came from.

MR. SULLIVAN: Your Honor, Mr. Murphy is going to be bringing that information for his testimony.

THE COURT: Okay.

Q. And let me ask you, and you may not be the person to answer this, and you tell me if you're not. If there were a situation where a petition on your preliminary sheet was marked culled, that should indicate that that petition was not included for review in the initial count, correct?

A. That is correct, yes, ma'am.

Q. And if one of those culled somehow managed to jump the fence back into the whole petition and that was shown, would you agree those should be deducted from the initial count?

MR. GRAY: Your Honor, I am going to object to --

Q. What would your procedure be?

MR. GRAY: Sorry. I'm going to object to leading questions. I don't think Mr. Bridges is a hostile witness to the Intervenor, Defendants or Respondents in this matter.

THE COURT: Well, he may not be a

hostile witness, but he is -- he's not a witness that's tied to the Intervenors.

I know that the Intervenors are trying to support the decision of the Secretary of State's office, but I find that's a difference.

Mr. Sullivan would be prohibited from asking leading questions, but I don't find that the Intervenors are.

MR. GRAY: Thank you, Your Honor.

MS. MURRAY: Thank you, Your Honor. And I think a paragraph of our Response and Motion to Intervene also stated that we have questions about the accuracy of some of the decisions made by the Secretary of State also. But I will try not to lead. I was just trying to move through that.

Q. Do you know whether that occurred?

A. So just to clarify your question, when a cull was put back into the main petition --

Q. Right.

A. -- We would update our spreadsheet accordingly to account for that. Is that kind of the answer to your question?

Q. So depending on when I got my last update of

that spreadsheet sent over to me, that could explain distinctions in that on Open Primary?

A. Okay.

Q. And the same would be true on Redistricting?

A. Yes, ma'am.

Q. Do you know the last day you made any changes to that spreadsheet, so I can check mine?

A. For the purposes of the intake numbers that are being discussed?

Q. Yes.

A. I believe the last changes were last Friday.

THE COURT: So since this past Friday, there have been no changes?

THE WITNESS: I don't know 100 percent for sure.

THE COURT: Who would?

THE WITNESS: As far as the Ranked-Choice petition that would be either Peyton Murphy or Jamie Harwood, who was one of our coworkers that was performing data entry for the Redistricting petition.

I can say fairly confidently that the last update was on Friday because I was involved with the data entry on that.

Q. So that version should be dated 7/24/2020, if it

is the latest version?
A. Yes, ma'am, I believe so.
MS. MURRAY: Your Honor, I will check on that. I don't want to ask him any questions in case I have one from 7/23. So I'll subject to recall, I believe I'm -- let me check with my cocounsel.
MR. CRASS: You covered it.
MS. MURRAY: That's all the questions we have for Mr. Bridges at this time. Thank you.
THE COURT: I have a question.
It really has little to do with these issues. But in looking at your frequently asked questions, it says one of the common reasons why individual signatures may be invalidated or the signature is illegible?
THE WITNESS: Yes, sir.
THE COURT: So a doctor cannot sign a petition.
THE WITNESS: I would -- I wouldn't say that, Your Honor.
THE COURT: Or Judge Ralph Wilson cannot sign a petition.
THE WITNESS: So to speak on that, I

can't necessarily interpret this from -- you know, since it is from law. But our process, when we're looking at the signatures and we're validating the signatures, I wouldn't get too caught up in the signature column of the petition part necessarily. If that was the case, there would be no initiatives on the November ballot ever because signatures simply are illegible, the actual person making their mark in the signature column.

What we look at, when it comes to the validation anyway, what we look at during Phase 2 is the accompanying information: Printed name, date of birth, street address. That is the information that we use to validate each signature.

THE COURT: Okay. All right.

All right. We're back in your court.

MR. GRAY: Oh. Do we want to give Redistricting -- I know they had some exhibits they were going to try to get in. Do you want them to go ahead and do that?

THE COURT: That sounds fine.

MR. BUTLER: Your Honor --

THE COURT: Anything to move it along.

(Petitioners' Exhibit 20 offered into evidence.)

(Petitioners' Exhibit 21 offered into evidence.)

MR. BUTLER: Your Honor, at this time I'd move to introduce. I'm not sure what exhibit numbers we are on. I'd move to introduce what I am marking for identification purposes as Petitioner's Exhibit 20 and 21. I'm talking about the paid canvasser statements and the signature cards both for Redistricting.

THE COURT: That's Petitioner's, for identification, 20 and 21?

MR. BUTLER: Yes, Your Honor.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: Your Honor, I don't know if I object or not. They have told me and represented to me this is the information they got from my office subject to a FOIA request. I have no way to verify it. I have no way of knowing what's in these folders. I have no reason to doubt it, either.

Without a witness comparing them to the spreadsheet, I can't agree or say I don't object to this exhibit.

MR. BUTLER: I thought we stipulated on the authenticity.

MS. MURRAY: Are they all stamped?

MR. THOMPSON: They are.

MR. BUTLER: Yeah. It's the ones that I e-mailed before lunch.

MS. MURRAY: I know as I told you, you e-mailed those this morning and --

MR. BUTLER: I understand that, but we're just trying to move it along.

THE COURT: Well, all right.

MR. SULLIVAN: If they're stamped, every one of those are stamped, I can stipulate. I won't object to their entry. I don't know if there are some that could have fallen out by accident or for other reasons. I can't say that's complete because I don't know.

MR. THOMPSON: We printed these off from the e-mail we got from Mr. Sullivan's office -- Mr. Peyton, I believe -- this morning, or we got -- I'm sorry. We got the e-mail on -- we got the e-mail yesterday.

We printed them off this morning.

THE COURT: Well, since Mr. Sullivan is not willing to stipulate, I guess you need to provide him a copy and let him, tonight, go over each page and make sure that it's proper.

MR. THOMPSON: Do I need to provide a copy beyond the one that I e-mailed before lunch?

THE COURT: If it's identical to what's in your paper copy, no.

MR. THOMPSON: Okay.

MR. SULLIVAN: I have that e-mail.

THE COURT: Okay.

All right. We're back to you.

MR. GRAY: Thanks, Your Honor.

MR. THOMPSON: Could we ask one question? Is there going to be -- other than the authenticity question, are there going to be any other objections to the introduction of these documents, if they are what we purport them to be?

THE COURT: I think in overhearing y'all's discussion earlier, I heard about relevance being mentioned. I don't know if

that's -- somebody is going to object to that or not, but I heard the word.

MS. MURRAY: I know what these records reflect in these cases, and I know Mr. Gray does, too, and Mr. Sullivan. I'm not sure of the relevance. I haven't heard anything, and I guess Mr. Murphy is going to talk about if they were anywhere they claim they did not have one.

I don't know what the relevance is. I haven't seen anything on the Redistricting where it says here's this list, handwritten list like we have here and these people were eliminated because of signature cards.

MR. BUTLER: Your Honor --

I'm sorry. I didn't mean to cut you off.

MS. MURRAY: No, that's fine.

MR. BUTLER: They're absolutely relevant, Your Honor. The testimony thus far has been that -- and the Secretary of State's witness has said he's used the word "certification," but he's described a three-step process in order to --

MR. THOMPSON: Registration.

MR. BUTLER: I'm sorry. Registration. He's described a three-stop registration process, and these are two of the three steps, with the third step being the certification language that is in question. So it's perfectly relevant and so that's why we're trying to get it in evidence.

THE COURT: Okay.

MS. MURRAY: Your Honor, I would -- I don't believe that was the steps I think that he was describing. I think that the part concerning the background checks, that's separate. We do the sworn statement and adding the name to that continuous Excel spreadsheet with the certification that's at the top and I understood -- and I think he might have used, I thought it was submission with registration.

But the other paid canvasser requirement is they turn in a through the Secretary of State a signature card on each proposal.

THE COURT: Remind me of the three things y'all are looking at initially.

THE WITNESS: For each paid canvasser, we need a sworn statement, or Paid Canvasser

Affidavit as it's been referred to. The paid canvasser also need to be on the list of paid canvassers submitted by the sponsor. We also, upon submission of the petition, we need a signature card for each paid canvasser.

THE COURT: So that's the three things?

THE WITNESS: That's correct.

MR. THOMPSON: And that's two of them right there.

MS. MURRAY: Well --

MR. THOMPSON: Unless they're willing to stipulate that they've got those for our paid canvassers, we feel like we need to submit it.

THE COURT: So what are in those two proposed Exhibits 20 and 21 are sworn statements, signature cards?

MR. BUTLER: Yes.

MR. THOMPSON: Yes.

THE COURT: Okay. Okay. Well, subject to them being authenticated they seem relevant to me.

MR. SULLIVAN: Judge, it seems like it would be so much simpler if they said they

have a signature card and/or sworn statement from people that we culled. That's just a few people rather than hundreds of canvassers. That would be most relevant and I could easily stipulate if they've got one.

MS. MURRAY: This is the Open Primary.

MR. SULLIVAN: Either one, though. If they claim they've got signature cards and we said they didn't, they could show me those. That would be the most relevant.

THE COURT: Well, we're in court now and apparently they don't want to do it that way for some reason, so we'll do it this way.

MS. MURRAY: Okay.

THE COURT: All right.

Mr. Gray?

MR. GRAY: Your Honor, is it okay if I try to hook up to here to try to move things along?

THE COURT: You can try.

MR. GRAY: Okay. And we do -- we have, Your Honor, we had this sheet. We talked about this handwritten notes, and we have sent proposed -- I'm sorry. We sent two of the handful that we have determined that we

are going to contest from this list of culled canvassers, those being Jessica Martin, Molly Cason, Whitney Tullgren, Jorge Argeta -- again, I'm just reading what it says on here -- and Renee Watson.

MS. MURRAY: Would you read those one more time?

MR. GRAY: Jessica Martin. We've already talk about Sebastian Rogers, Molly Cason. I'm halfway down. Whitney Tullgren, Jorge Argeta, and Renee Watson.

MR. CRASS: Did you say you sent us something on that?

MR. OWSLEY: Not yet. We want to make sure we send you the right stuff.

MR. CRASS: Okay. That's fine.

MR. GRAY: And we have -- what we've done, Your Honor, is, I believe that the PDF --

Gary do you have --

I want to make sure Mr. Sullivan has this. But one of the local reproduction companies went and scanned all these documents, so the way that I believe that my firm and Ms. Murray's firm -- and I want to

make sure I get Mr. Sullivan a copy of what we're all looking at. It has PDF numbers and then those PDF numbers contain various -- what the Secretary of State has Bates-stamped. So it's not like -- so document 2 is going to be the one that says 96,000 that nobody can read. But, so that's --

MS. MURRAY: They have parsed it, what I call parsing for individual within a file.

THE COURT: So they can e-mail it without sending a huge file.

MS. MURRAY: Because the county files were -- and this way if we have a county file and you hit it, you'll be able to.

MR. GRAY: So the way that we have done this summary is we have identified that, what I call it, the PDF number, okay? Then we identified the petition page number, and then we have identified obviously the individual and the number of signatures that we will contest or we contest are -- should have been included in the initial count.

And so we have done that with the -- we didn't include Mr. Rogers because we already

have testimony on that, but we've done that with the other five.

And after that's done, we will not -- the people that have not been thrown back those are the only ones that we are challenging.

MS. MURRAY: On this list?

MR. GRAY: Yes.

MS. MURRAY: Okay.

THE COURT: So I think I -- but you're asserting that on those six or whatever that you have signature cards or whatever the problem that's listed, you've got that information?

MR. GRAY: Yes.

MS. MURRAY: And it was submitted to the Secretary of State?

MR. GRAY: Yes.

MS. MURRAY: And it's in their file?

MR. OWSLEY: That's part of the problem.

MS. MURRAY: Well --

MR. CRASS: That's a big part.

THE COURT: So what you're saying, if I'm understanding correctly, you say that it was submitted to the Secretary of State's

office but they can't find it?

MR. GRAY: There are three canvassers that the Secretary of State said they do not have their signature cards that we contest signature cards were submitted, and those are Sebastian Rogers, Molly Cason, and Whitney Tullgren.

Now, with respect to these other people, Jessica Martin, since her name is not submitted, it is submitted and I am going to get into that.

Jorge Argeta, it says his name was not submitted. It was submitted; we'll get into that.

And then Renee Watson, her name was submitted, and I'm going to get into that. So that just is kind of to break this down. We're not going to go -- it leaves out several hundred documents.

THE COURT: Good.

MR. CRASS: Let's just go through them then.

MS. MURRAY: Yeah, let's do it.

MR. SULLIVAN: I'm sorry. What's the issue on Jessica Martin?

MR. OWSLEY: We're about to go through it.

MR. SULLIVAN: Signature card or --

MS. MURRAY: No. Her name was not submitted on their submitted list.

MR. GRAY: Okay. So, and it's a handful of signatures. Do you want me to just plow through them real quick?

MS. MURRAY: Sure.

MR. GRAY: All right. I am going to try to get this on the screen here.

I may need the IT people.

Your Honor, is there any way we can get the IT people?

Your Honor, I do have a flash drive with all these documents if you want it on your computer to look at it. I'm not going to try to introduce it as evidence. I am just going to introduce the ones that we're talking about.

THE COURT: Any objection, Mr. Sullivan?

MS. MURRAY: No, as long as we have a way that -- I didn't bring a computer. I gave that up trying to --

MR. GRAY: I didn't see one over there.

MS. MURRAY: -- do all of this and keep up on the computer, too.

MR. GRAY: If anybody else wants one, we've got them.

THE COURT: What's the first one you'll be looking at?

MR. GRAY: First one is 909.

MS. MURRAY: 90 what.

MR. GRAY: PDF 909.

(Short recess from 2:31 p.m. to 2:33 p.m.)

THE COURT: All right. We're back on the record.

Q. Okay. Mr. Bridges, if you will, pull out Exhibit 13.

A. Okay.

Q. If you will go down to July 1st?

A. Okay.

Q. And do you see the first name Jessica last name Martinez? I've highlighted it on the screen if it makes it easier for you. Do you see that?

A. Yes.

Q. And so Jessica Martin is one of the individuals identified as name not submitted. If there is a -- have you ever dealt with -- you've dealt with Microsoft Excel before, haven't you?

A. Yes, sir.
Q. And at times if you type in a name above it, Let's say Martinez and then you write -- you're typing in Martin, does it sometimes just auto-fill and you could type Martin, push enter, but it would be Martinez?
A. That does happen, yes, sir.
Q. And so I believe that is what happened here. If we could find --
MS. MURRAY: Well, Your Honor, I am going to object to the form of the question.
THE COURT: Sustained.
MS. MURRAY: It's now Mr. Gray testifying.
MR. GRAY: Thank you, Ms. Murray. That's fair.
Q. Okay. And your office -- I know that you get the signature cards. What do you do with the signature cards?
A. We simply file them in our files.
Q. They serve no purpose?
A. I'll take that back. We file them, but we also use them to go through and ensure each paid canvasser has a signature card on file.
Q. Do you ever pull them out and use them at any

point in time?
A. I personally have not.
Q. So you get the signature card and it's one of the requirements, but you never even look at it?
MS. MURRAY: Objection. Your Honor, asked and answered as to him personally.
THE COURT: Overruled.
A. I personally have not done that, but I can't speak for --
Q. Does anybody in your office look at the signature cards?
A. I can't speak for that. I do not know.
Q. Do you have knowledge of anybody in your office ever looking at the signature cards?
A. I do not know.
Q. And to your knowledge, it's not a part of the review of the petition?
A. In a sense, it is because the signature card for one paid canvasser is going to determine whether or not we can count and validate the signatures that canvasser got. So in a roundabout way, yes, it is an essential part of the review.
Q. So you have to have it -- you have to have it to make sure a canvasser is what you are calling registered, but you don't actually use the document

for any other purpose?
A. We need a document for each paid canvasser in the building in our hands, so...
Q. So I could show you a -- I could show you a paid canvasser -- or a signature card and you -- it wouldn't matter in the calculation of what you've done because you don't look at them?
MS. MURRAY: Object to the form.
THE COURT: Rephrase.
Q. I can show you a paid canvasser signature card like this one on the screen. This is for Jessica Martin; is that correct?
A. Yes.
Q. And it has her residence; is that correct?
A. Yes.
Q. And then it has her signature?
A. Correct.
Q. And it has the date she began to collect signatures; is that correct?
A. Yes, sir, it appears so.
I'd like to point out the fact, though, the PDF that we're looking at on the screen, I don't know if it's in our files back home, so -- and you mentioned a minute ago that we don't look at them. We do look at them when we get them because we have to to

create the final list that we use to ensure that every canvasser has met all the requirements. So we do look at them.

We read off the name. As you pointed out, we read off each individual name on each individual signature card to another coworker who inputs that data into an Excel spreadsheet.

Q. So you use it to cull or eliminate canvassers, but you don't ever use it to get canvassers back in if there's questions?

A. I could make the argument the other way and say that we have the signature cards to try and account for every single petition part that was turned in because we want to ensure that any document that is turned in to our office is accounted for to ensure that every petition part that can be counted should be counted.

Q. Okay. If you'll look at this document, this is Petition Page Number 32429.

MS. MURRAY: 32 what?

MR. GRAY: 32429.

Q. This says Jessica Martin signature. It's notarized by Jessica Martin. And because the -- so you don't -- your office said Jessica Martinez because that's the name on the canvasser list. So you didn't

find Jessica Martin on the canvasser list, so you immediately culled Jessica Martin; is that correct?
A. As mentioned before with Ranked-Choice petition, I was not the main supervisor over this petition. So --
Q. So that's Peyton Murphy, so we'll have to ask him, okay?
A. It would be more of a question for Peyton, yes, sir.
Q. So that's fair.
So the specific questions regarding -- there's a few issues like this. Those questions need to be reserved for Peyton Murphy; is that correct?
A. I would say so, yes, sir.
Q. Okay. We are going to look at Petition Number 44953. And why was this petition culled, Mr. Bridges?
A. The canvasser was not on the paid canvasser list.
Q. What does it say right here at the bottom?
A. "Unpaid" is also checked.
Q. If someone is unpaid, unpaid volunteer canvasser, do you see where that's checked down here?
A. Yes, sir.
Q. Are they required to be on the canvasser list?
A. No, sir.

Q. Are they required to submit a sworn statement?
A. Not to my knowledge.
Q. Are they required to submit a signature card?
A. Not to my knowledge.
Q. Because the volunteer canvassers aren't subject to all of these statutes that we've talked about the last day or so; is that correct?
A. I believe that is correct.
Q. So if Carolyn Brinnon is a volunteer unpaid canvasser, would you agree that this petition should not have been culled for not being on the canvasser -- paid canvasser list?
A. Specific to that reason, yes. Pending review for other -- any other various reasons, it could have been culled.
Q. We're going to look at this is Petition Number 37374, which is PDF 1059. Mr. Bridges, down here at the bottom, it says "no country of notary." I think that means probably no county of notary; is that correct?
A. That is correct, yes, sir.
Q. So that is the reason that this petition was culled?
A. I believe so.
Q. And I am going to let you look at the petition.

Where is the missing county of notary?
A. It's going to be right above the paid canvasser statement, above their printed name, right below Line 10 of the signature line. Left side.
Q. Oh, right here?
A. Yes, sir.
Q. And so it's the -- okay. So it's not this one. I gotcha. Okay. I appreciate it. Okay. We're looking at Petition Number 31090.
THE COURT: Let me -- let's go back to that a minute. So even though the notary seal says what county, because there's nothing written on the side where the canvasser signs for that county, that's thrown out?
THE WITNESS: Yes, sir, and I think I can explain. On the notary seal -- and I'm a notary myself, so I can speak for it this. The notary seal or stamp contains the county in which that notary is actually commissioned.
THE COURT: Right.
THE WITNESS: For example I live in White County, so my stamp says White County. That's where my commission is filed. The

"county of" line that is blank is wherever the notarization is being performed. Wherever you're standing is what county needs to be on that line.

THE COURT: Okay.

THE WITNESS: So this, to me, would be an incomplete notary statement, I guess you could call it.

THE COURT: Okay.

Q. That was for Petition Number 37374. Okay Mr. Bridges, I am going to look at Petition Number 31090, and can you tell me why this petition was culled?

A. No notary stamp or the stamp was not legible or the stamp contains the seal of Arkansas.

Q. Okay. Mr. Bridges, tell me what is the -- what is the defect in this notary?

A. Though it looks like the notary attempted to restamp their stamp to add additional clarity to anything that is not clear, but -- and just for the record, the intake process is done off the original, so it may be even a little more clear than what we see on the copy PDF than the screen.

Q. You testified to that before?

A. I have, yes. So if we cannot read the pertinent

information such as the commission number, the name of the notary, or the -- well, not necessarily expiration date. But if we cannot make out the name or commission number of that notary, we consider that to be an incomplete or illegible stamp.

Q. Do you have -- the Secretary of State has access to the notary file, or files of all notaries, correct?

A. Yes, sir.

Q. And so what does this lady's name appear to be?

A. Jacqueline. I cannot make out her last name.

Q. It looks like E-A-K-I-N-S. So if you had -- if you tried to put that information in somewhere, the Secretary of State's, would you be able to match it up with a notary number to try to figure out if this is what you could figure out, or do you just -- go ahead and answer that question.

A. We absolutely could. And part of the process in our assembly line, we have a computer set up to ensure that we have a computer set up to search the notary database on our website to ensure each notary is in good standing and is current and is not expired.

So we have that information and we search that information for every petition part, but there is a -- if I'm speaking on this correctly, the notary seal has to be legible by law. So if the

notary seal or stamp is not legible, we're obligated to cull that page.

Q. So what part of this notary seal are you saying is not legible? I know you've got two chances because she did it twice.

A. Right. Well, I can't read the last name, as mentioned before, and I do not know what her commission number would be. I can make out "Benton County" and I can make out where it says "my commission expires"; but in addition to that, she has handwritten her commission expiration date on the page.

So we don't -- we don't cull if the expiration date on the stamp is illegible since they can write that in. But I cannot make out a commission number or a last name on that, and I would be better suited to view the original page to make the final determination on that. And throughout our training, we tell everybody: Try your best to make everything out that you can, but if you cannot, you absolutely cull it.

Q. But your office would not type in -- you can read this lady's first name, right?

A. Yes, I can.

Q. And then you wouldn't type in E-A-K-I-N-S?

A. Not for the purposes of trying to validate a notary stamp, no, sir. Only for the purposes of trying to ensure that the notary is in good standing.
Q. Okay. We're on PDF 1075, Petition Number 31299. What's the reason that this petition was culled?
A. No notary stamp or stamp not legible or stamp contains the seal of Arkansas.
Q. What is the issue with this notary stamp?
A. I'm not 100 percent sure. It looks like it's overstamped almost, it's so dark, but I cannot tell. I can't read it from here. Again, I would need to view the original to make a final determination.
Q. Does the Secretary of State office issue the stamps, or does each county do that, or are there a bunch of options?
A. There are a bunch of options. We don't issue the stamps. We simply just process the commissions.
MR. SULLIVAN: Could I ask Mr. Gray if he could blow that up on the buttons on the machine? Mr. Bridges may be able to see that better if you did.
THE WITNESS: Mr. Gray, try to hold down control on your keyboard and use your mouse scroll wheel to see if it will zoom in. Oh, I'm sorry. Just kidding.

MR. CRASS: Well, I have a different question. Judge, do we have hardcopies of what you're showing him in the record?

MR. GRAY: I am going to get hardcopies. I'm having it all made right now.

MR. CRASS: It might help for us to identify what that hardcopy is going to be labeled so when we read the transcript or somebody else does, we can know what we're talking about.

MR. GRAY: Yeah, I apologize. I meant to --

THE COURT: That's a fair point. I should have brought that out. You'd make an excellent judge.

MR. GRAY: This is not even the one I was looking at.

MR. CRASS: Senator Pryor didn't think so.

Q. We are looking at Petition Number 31299.

MR. GRAY: Thank you, Mr. Crass. I'll make sure to tell everybody.

Q. Okay. Mr. Bridges, I am going to go into a series of -- these are kind of factual issues that I am going to ask you about. Some of the petitions have

been culled for what I believe is -- yeah, it says right here: No printed canvasser name. Okay? So we are going a look at a few of these.

So we are on PDF 1091, and it is Petition Page Number 39781.

THE COURT: All right. Let me go back to Mr. Crass's question. Are these, the hardcopies of these, going to be labeled for identification purposes as some exhibit?

MR. GRAY: Yes, Your Honor. I --

THE COURT: And a collective exhibit, I guess?

MR. GRAY: Yes. I will do -- the documents that we are discussing and since I have begun my redirect examination, we will -- we will identify those for the record as Exhibit 22? 22.

(Petitioner's Exhibit 22 marked for identification.)

THE COURT: All right. For identification purposes only at this time, all of these that we're talking about right now are part of what will be for identification purposes only at this time Exhibit 22.

MS. MURRAY: Petitioner's Exhibit 22?
THE COURT: Petitioner's Exhibit 22.
Q. Mr. Bridges, will you identify the reason that this Petition Number 39781 was culled?
A. It was culled because the canvasser's printed name is not in the canvasser affidavit.
Q. And you see that signature?
A. I do.
Q. Have you ever seen a signature quite like that?
A. I actually have, believe it or not.
Q. And so it appears that this gentleman's name is Thung Li. There's a notary. They have notarized this. And so the only reason that this petition was culled is because Thung Li didn't print his name?
A. That is correct, yes.
Q. But he signed it?
A. That is correct. According to the notary, he signed it. But I would consider this, me personally and through the course of our review over the years, we would consider this an incomplete notarization because we also have to compare the printed name of the canvasser to the signature if possible.
Q. So would this be an instance where your office, it would benefit your office to pull out one of these required paid canvasser signature cards that are

required by Arkansas Code Annotated 7-9-601(a)(3)(B), pull out one of these documents and maybe compare the signature of Mr. Li to that on his paid canvasser signature card?

A. I would say no.

Q. And why is that?

A. Because it's still -- even if we compared Mr. Li's signature, the actual petition part still contains an incomplete notarization because his printed name is not on the page. So his printed name was not on the page when it was notarized, either.

Q. And so the nine signatures on here, do you see any issue with the nine signatures on this petition?

A. Doing a quick glance, not that I can tell, no, sir.

Q. So these nine signatures, these people have signed this, their signatures don't count for the initial count because Mr. Li did not print his name in the canvasser box?

A. Absolutely.

Q. And that's on Petition Page Number 39781.

THE COURT: In proffered Exhibit 22?

MR. GRAY: Yes, Your Honor.

Q. And Mr. Bridges, this is the same -- we're on -- in proffered Exhibit 22, those of us here are looking

at PDF 1093, and it's Petition Page Number 46265. Why was this petition culled?

A. The canvasser did not print his name in the affidavit area.

Q. And what is the name of this canvasser?

A. I'm not sure. I can't read it from here.

Q. Okay. This says Edward; this says Baker?

A. Okay.

Q. Does that look like Edward Baker?

A. Possibly.

Q. And then again, we've got his signature down here. And so Mr. Baker's signature card -- pulled up, same line of questioning -- you don't look at the signature card for anything with respect to verifying signatures?

MS. MURRAY: Object to the form of the question. As to him personally or his office?

MR. GRAY: His office.

MS. MURRAY: Well --

A. To my knowledge, we do not, other than what I've already previously stated.

Q. Which is either to qualify or disqualify a canvasser?

A. That's correct, yes, sir.

Q. And it serves no other purpose, correct?
A. I can't say that it serves no other purpose, but our office, that I know of, has not used it for any additional reason.
Q. So on Petition Page Number 46265, other than Mr. Baker printing his name, are there any issues with the remaining -- we won't count Line 4 -- with the remaining nine signatures on this petition?
MS. MURRAY: Object to the form of the question.
Q. For purposes of -- let me rephrase.
For purposes of the initial count, are the remaining nine signatures on this Petition Number 46265 facially valid?
A. I believe they are. Not, that I can tell, anything else wrong with them.
MR. GRAY: And, Your Honor, I am going to -- could we go off the record for a second?
THE COURT: Okay.
MR. GRAY: I am willing -- I have -- there's maybe ten more petitions that have been culled for no printed name. And if it's okay with Ms. Murray, if you're willing to, we can try to stipulate as to the fact

that these are the reasons and then here's a number of signatures that were culled. Is that acceptable?

MS. MURRAY: Are you going to prepare a separate exhibit?

MR. GRAY: Yeah, like a summary, one this evening that you would be willing to work on a stipulation.

MS. MURRAY: Yes, if you've got a summary that we can stipulate that there's no name.

MR. GRAY: I was trying to -- I'll move on.

MR. CRASS: Will those all be part of Exhibit 22?

MR. GRAY: Those will all be part of proffered Exhibit 22.

MR. CRASS: Okay.

MS. MURRAY: How are we going to categorize them into these specific disqualifying culled reason?

MR. GRAY: We'll state the reason: No printed name in signature line or a language that we can agree on.

MS. MURRAY: We're not stipulating

there's no other problem with however many signatures appear on the rest of the petition or if it happens to be just a single, if there's one signature, right?

MR. GRAY: Well, if we -- I was hoping that we would be able to stipulate if we can agree on -- like, if one of the dates of signing is 1956, obviously that's not going to -- that's not one that we'll say is a valid, otherwise valid that we can agree on.

MS. MURRAY: Why don't you send those to us.

MR. GRAY: Okay.

MS. MURRAY: And that way if we see that we noted some other problem on it, we'll be able to say that.

MR. GRAY: Yeah, I have no issue with that if you identify a problem. All right. We'll move.

THE COURT: And this, just so I'm clear in my mind. These issues, for instance, about the canvasser not printing their name, this is dependent on there being some challenge to the constitutionality of 79126?

MR. GRAY: We're going to argue, Your

Honor, that substantial compliance is required under Arkansas law so that the canvasser substantially complied with the requirements.

THE COURT: Even though the statute specifically says that a petition part and all signatures appearing shall not be counted for any purpose, including the initial count, if one or more of the following is true; and number three is the petition lacks the signature printed name and residence address of the canvasser?

MR. GRAY: Do you want to --

MR. OWSLEY: Your Honor, what our argument is going to be is if the Supreme Court, toward the beginning of Amendment 7, establishes substantial compliance standard both with respect to the requirements in the constitution and with respect to enabling legislation. Over the years, the Court, without ever overruling the other standard, the Court developed this strict compliance standard.

You recall the testimony from Mr. Bridges about how they used to give the

benefit of the doubt, tie goes to the runner and they changed the standard on that.

Our argument is going to be the standard is a constitutional law standard of substantial compliance. So as with respect to the Secretary, there's a rule governing that conduct.

THE COURT REPORTER: Slow down.

MR. OWSLEY: I'm talking too fast?

THE COURT REPORTER: Yes, sir, you are.

MR. OWSLEY: There's a rule governing that conduct. With respect to judicial review on the Supreme Court's case law, it's a standard that the Court is to apply.

THE COURT: Okay. I mean, by saying "okay," I'm not necessarily agreeing. Okay.

All right. Moving right along.

MR. SULLIVAN: Your Honor, I got the impression -- I'm not sure from Mr. Gray -- that this might be a good time to take a break. He's slightly changing gears.

MR. GRAY: Yes, we can definitely do that.

THE COURT: Sounds good to me. All right. We'll be in recess. We're going to

take 15 again.

(Recess from 3:05 p.m. to 3:18 p.m.)

THE COURT: All right. Let's go.

Q. Mr. Bridges we're going to continue on proffered Petitioner's Exhibit 22, and we're looking at Petition Number 44546.

A. Okay.

Q. And can you tell me why this petition was culled?

A. Paid canvasser was not registered before collecting signatures.

Q. And if you will pull out Exhibit 13?

A. Yes, sir.

Q. Okay. And if you will look at the first date, first entry on July 2nd, 2020. It is Mark Pitts. Do you see that?

A. Yes, sir.

Q. So for Mr. Pitts, to be declared or deemed registered by the Secretary of State, you've got to have name on this canvasser list and that was July 2nd. He's got to submit -- or he has to submit a signature card. Does that appear to be a signature card of Mr. Pitts?

A. It appears to be.

Q. And then he also has to submit a sworn

statement, right?
A. Yes, sir.
Q. So are you able to tell me what is the issue with this petition? The date of signing is July 2nd of '20; is that correct?
A. Yes, sir.
Q. The notary is July 5th; is that correct?
A. I think so.
Q. And so based on the signature card and the canvasser list, Mr. Pitts can check those boxes; is that correct?
A. Both of those boxes, yes.
Q. So the only box left is the sworn statement; is that correct?
A. I believe so.
Q. And so because this one was rejected for not registering or the canvasser not registered before collecting signatures, is the issue here the sworn statement?
A. It could be the sworn statement, yes, but I don't know without seeing the statement.
THE COURT: What else could it be?
THE WITNESS: I do not know of anything else it could be. If those three boxes are checked, Your Honor, then he should make it

to the list with the date all boxes were checked, basically.

Q. And so we talked about this sworn statement. It's submitted to you in an e-mail, stamp it put it in the orange folder, close it, don't look at it until after the petition is submitted. Correct?

A. Theoretically, yes.

MS. MURRAY: Excuse me. Can you go to the sworn statement you had up?

MR. GRAY: Yes. Yes, yes.

MS. MURRAY: Does it have his office stamp on it?

MR. GRAY: It's the signature card. They don't stamp those. We'll get a complete set of those.

Q. So, Mr. Bridges -- and Ms. Murray has a fair point. Assuming -- and we will get in the record all of the signature cards.

Assuming that signature card, you guys have it -- there's no reason to think that you don't -- and Mr. Pitts is on the list for July 2nd. Because the date is July 2nd, if Mr. Pitts submitted a sworn statement on July 3rd, your office would cull this signature and not count that, correct?

A. Correct.

Q. And that is based on the sworn -- the presubmission requirement for the sworn statement?
A. Yes, sir.
Q. All right. We are now looking at Petition Number 31007 through 31011. And, Mr. Bridges, what are the reasons that these -- on the culled cover sheet, what is the reason that these petitions were culled?
A. Canvasser was not registered before collecting signatures.
Q. Okay. Let's go ahead and get the Exhibit 13 back out. Do you see on July 3rd where Timothy Bell?
A. Yes, sir.
Q. He's on the canvasser list?
A. Yes.
Q. And so these signatures here, which are July 3rd, all of these appear to be July 3rd of '20. If Mr. Bell, if his sworn statement is sent to your office on July 4th, then all of these signatures are culled, correct?
A. Yes, sir.
Q. And, Mr. Bridges, based on your experience and in your position at the Secretary of State's office, this presubmission of a filing requirement, or presubmission of the sworn statement, is new this

1 year; is that correct?
2 A. I believe it is, yes.
3 Q. And examples like this and others, has your
4 office culled petitions based on a canvasser having
5 submitted his canvasser list, ultimately submitting
6 the signature card that matches the canvasser list,
7 but submitting the sworn statement -- the sponsor
8 submitting the sworn statement maybe a day later and
9 some signatures being culled based on that?
10 A. We have, yes. We don't cull obviously every
11 signature that canvasser collected. We only cull the
12 ones where -- that appear before the dates before he
13 was officially registered with our office.
14 Q. I believe earlier you used the language they
15 were canvassing too soon; is that accurate?
16 A. Yes, sir.
17 MR. GRAY: And, Your Honor, there are a
18 series of petition parts that are -- these
19 are kind of exemplary of that, and I am
20 going to work with cocounsel and attempt to
21 just get some -- agree that they were kicked
22 out based on sworn statements and stipulate
23 to that.
24 THE COURT: Okay. Sounds good.
25 Through your questioning, are you -- I'm

moving to your opening statement. Are you suggesting that the proof is going to show that the sworn statements came in later?

MR. GRAY: Yes.

THE COURT: Okay.

MR. GRAY: Proof is going to show that the sworn statements were submitted, not necessarily on the date of the canvasser list when that's all submitted, yes.

THE COURT: Okay. All right.

MR. GRAY: Okay. And then, Your Honor, I believe that the remaining -- I've got a page full of numbers and all of that. But the parties are going to work through a set of stipulations or agreements of summaries, and if we could just reserve the right to recall Mr. Bridges for any issues relating to those summaries if we're not able to get that done. I'm confident we will, but other than that, I would -- if Your Honor agrees or the parties agree to authorize the recall of Mr. Bridges, then I can be done today.

MR. SULLIVAN: No objection to that, Your Honor.

MS. MURRAY: No objection, Your Honor.

I don't want to replow and replow the same ground, but no objection. Every party reserves the right.

THE COURT: All right. Does that mean that you're through with Mr. Bridges for right now?

MR. GRAY: Yes, Your Honor.

THE COURT: Mr. Sullivan, do you want to reserve your cross or additional examination until he's through, or do you want to go ahead now?

MR. SULLIVAN: I don't have any.

THE COURT: All right. Ms. Murray, do you want to reserve?

MS. MURRAY: I'll reserve any follow-up.

THE COURT: You can step -- I started to say "step down." You can step across.

THE WITNESS: Step aside. Thank you, Your Honor.

MS. MURRAY: Maintaining six feet distance.

THE COURT: All right. Call your next.

MR. GRAY: Your Honor, we are going to call Peyton Murphy from the Secretary of State's office.

THE COURT: Peyton Murphy.

PEYTON MURPHY,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRAY:

Q. Mr. Murphy, my name is Alex Gray. We have met before. Will you, for the record, identify your role at the Secretary of State?

A. My role, I'm currently the assistant director of elections, help oversee the elections division and, of course, help oversee this process.

Q. And do you have a knowledge of kind of the basis of this lawsuit?

A. Yes, sir.

Q. So this lawsuit involves one sponsor and two petitions. One is the Open Primaries Ranked-Choice Voting and the other is Redistricting. Do you understand that?

A. Yes, sir.

Q. And what was your role with respect to these petitions?

A. I was back and forth. We had two sites set up, of course, verifying these. I was back and forth. The bulk of the second week, I believe, went ahead and started intake with Ranked-Choice. I arrived where

they were doing the Ranked-Choice petition a couple two or three days into it.

Most of the culls that y'all were talking about earlier, the handwritten sheet and everything, that was my doings, I guess you could say.

Q. And is that the case -- did you have the same role respect to each petition?

A. More or less.

Q. What individual -- is there like a certain individual at the Secretary of State's office that is in charge of each petition? I know you've got three right now. Is there, like, someone designated to Ranked-Choice someone designated to Redistricting, and someone designated to the casino measure?

A. No, there's really not. There is a few people stationed at one site and a few people stationed at the other. I was back and forth between them.

Q. And you referenced there's this handwritten --

A. Yes, sir.

Q. -- sheet that I believe we had. I believe it's been proffered as Exhibit 18.

MR. GRAY: Is that correct, Your Honor? No number? Okay. All right.

Q. Have you -- is that document at your station over there?

A. Right here, yes, sir.
Q. For purposes of identification, we'll go ahead and identify this as Exhibit 18. I believe that would be -- you did that earlier but we may not have written it on the copy. Do you --
THE COURT: Hang on just a minute. I believe this was for identification as -- I think it was 19.
MR. GRAY: Your Honor, I'm talking about --
THE COURT: I know you're talking about -- to be honest, since it wasn't marked.
MS. MURRAY: All I have marked is Petitioner's Exhibit and then I have Sebastian Rogers.
MR. CRASS: I have Exhibit 19 are culls for Sebastian Rogers. That was proffered pending a signature card being produced.
THE COURT: That would make this proffered 18.
MR. OWSLEY: Those are the culls I believe he is referring to.
THE COURT: Oh, okay. And you had that as --

MR. CRASS: 19. I think that is 19. I think Mr. Sullivan said he was holding off agreeing to it until signature cards or something.

MR. OWSLEY: I have those handwritten notes there as Exhibit 18. It hasn't been introduced into evidence yet.

THE COURT: Okay.

MR. OWSLEY: Pending foundation. Mr. Sullivan objected to foundation and authenticity and said Mr. Peyton was going to be coming to testify with regard to that.

THE COURT: Well, this stack right here is proffered 19.

MS. MURRAY: Yeah.

MR. GRAY: Your Honor, you want to just start with a new number? I apologize.

THE COURT: I think we'd better.

THE COURT REPORTER: 23.

THE COURT: You're marking one?

Q. For identification purposes, Mr. Murphy, we are going to identify this document as Petitioner's Proffered Exhibit 23.

THE COURT: All right. It will be recognized for identification purposes at

this time.
Q. Mr. Murphy, do you recognize this document?
A. Yes, sir.
Q. And can you tell the Court what this is?
A. After we had gone through the entire petition and we had a stack of culled petitions, we then sorted them according to reason that they had been culled. This stack with these canvassers would have been culled because the canvasser was not on the paid canvasser list.

After we had sorted those, I had some more workers sort these into piles by the name of the canvasser so I could more specifically identify the reason they were not on the paid canvasser list, and what I wrote out to the side of them is the reason that they were not.

As you see, some of them I wrote "throw back" out beside because I checked and they were actually on the paid canvasser list, so we threw them back in.

The other ones, there are two that say "no signed statement," so we checked back through the e-mails and we actually found a couple of signed statements we had missed, and we threw those back in.
Q. Some of these identify -- well, for example,

Christopher Pettiford, he is about two-thirds of the waive down. Do you see that?
A. Yes, sir.
Q. So it says "Christopher Pettiford - throw back" with a checkmark. What is the -- what was the reason Mr. Pettiford was initially culled, or his petitions were initially culled?
A. It would have been because someone, when they checked to see if he was on the paid canvasser name list, they must have missed his name. Most of these that were thrown back and don't have a reason indicated, such as no signed statement, most of these might have been only two or three petition pages.
So in that case, my guess would be that he was on that list to begin with. I didn't put a reason there that we had thrown him out, so I would say that he was probably on the list to begin with and someone had just missed it.
Q. And are you the final check in terms of the petitioners that have their -- all their -- or the canvassers that have all their petitions culled?
A. I was here.
Q. And by "here," you're talking about?
A. Ranked-Choice.
Q. Ranked-Choice? And is there a similar sheet

like this for Redistricting?
A. I think so, but I think I typed it so it would be prettier.
Q. Is your handwriting the handwriting on the right of the name?
A. Yes.
Q. Well, that's not too bad.
A. Thank you.
Q. And so this document is specific to Ranked-Choice?
A. Yes.
Q. If you'll pull out Exhibit 13. It should be up there. It's the canvasser list for Ranked-Choice Open Primary. And do you see where on July 1st, it says Jessica Martinez?
A. Yes, I do.
Q. And does your office look at any -- on here, she's got her current residence, she's got her permanent domicile, her first name, last name, and the date she's on the canvasser list. Does your office look at any additional information to determine whether or not someone's name, when it's submitted to you on the canvasser list, is there?
I guess what I'm asking is sometimes do people put different first names maybe than what is

their formal first name?
A. At times they do, or they'll use a hyphenated last name or something.
Q. And do you ever see times when there may be a typo, kind of a scrivener's error in the -- like, the last name?
A. I wouldn't say no. I can't think of any on this one offhand. I know on some of these this cycle -- and forgive me. They all kind of run together a little bit for me, but there were a few occasions that someone's first and last name were reversed on the list. We did notice a few of those. As far as her name, I'm not sure about that one.
Q. But if you have petition parts that say Jessica Martin and then you look on the canvasser list and it's got Jessica Martinez and you look at the petition and it's got 3201 Bankhead Drive, Little Rock, Arkansas, as the current residence address, and permanent domicile is 6463, Fayetteville, North Carolina, is that something that you look at when determining if someone is on the canvasser list? I mean, do you try to look into it and figure out if there was a typo or --
A. I would say if that particular situation arose, I would be comfortable with comparing what address

that she put on the petition part with what address she listed on here. I don't know if it did in this case. I'm not sure.

Q. Mr. Murphy, I am going to show you what has been proffered as Petitioner's -- for identification purposes as Petitioner's Exhibit 22, and I'm looking at Petition Number 46322. You see down here it says "Name not submitted, Martin." Do you see that?

A. Yes.

Q. And Ms. Martin has got her permanent domicile address as this same Fayetteville, North Carolina address. Do you see that? As Exhibit -- as is on Exhibit 13?

A. Can you pull that down there?

Q. Oh, I'm sorry. Right there.

MS. MURRAY: Can you read those addresses into the record? That handwriting is hard to see.

MR. GRAY: Yeah.

Q. So the permanent domicile address for Jessica Martin is 6463 Kelmscot, Fayetteville, North Carolina, 28303, or something similar to that, and then the residence address is in Jonesboro, Arkansas. Current residence address is in Jonesboro, Arkansas. Do you see that, Mr. Murphy?

A. Yes.
Q. And when you -- so would you ever look at that petition to see, okay, this lady's permanent domicile address is in -- matches up with this and her name is Jessica Martinez here; would you feel comfortable, after seeing this, as saying that that petition or the issue with Ms. Martinez's last name on the canvasser list does not require a cull?
A. Possibly. I might want to look and see if there's any other of her pages that are being culled just to compare and make sure we are, in fact, dealing with the same person. But if it's just a case of someone misspelling her last name, you know, if that's all it comes down to, I would feel comfortable with not culling those.
Q. Okay. We will look at, on proffered Exhibit 22, Petition Number 32429. This is another petition for Jessica Martin, and it's got the same permanent domicile address. Do you see that, Mr. Murphy?
A. Yes.
Q. And it's got the same Jonesboro, Arkansas current residence address. Would seeing those two petitions make you comfortable to include these signatures in the -- for purposes of the initial count to declare these signatures facially valid?

A. Again, I think I would want to see how many pages there are for Jessica Martin. I'd be curious to see if there are also pages for someone named Jessica Martinez. I wouldn't rule it out, but --
Q. How many pages do you need to see? Two?
A. Do you have any for Jessica Martinez?
Q. I do not.
A. Okay.
Q. Do you -- so you said you need to see some. How many petition pages do you need to see?
A. I would want to see at least two side by side so I could compare the signatures and the handwriting.
Q. So here's a third, third petition for Ms. Martin, and it's Petition Number 32971. Name, permanent domicile address, same current residence address.
A. And in this case --
Q. Go ahead.
A. If I noticed that this was going on, I would also have a tendency to look at the signature card and see what they put on the signature card.
Q. So you look -- you look at the signature card?
A. I have at times, yes.
Q. Okay. And what are the times when you look at the -- did you look at the signature card at all as it

relates to Ranked-Choice Voting/Open Primaries?
A. I did.
Q. And tell me why -- how many times did you look at signature cards?
A. A few. Generally, I would look at them if we didn't -- we weren't sure that the canvasser's printed name was matching their signature.
Q. I'm not talking about generally. I'm talking about how many times did you do it respect to Open Primaries and Ranked-Choice Voting?
A. I can remember three.
Q. Tell me about the first one.
A. I can't remember the names or anything, but I remember three different times we had to check back.
Q. You don't remember any details about the first, second, or third time that you looked at the signature cards with respect to Open Primaries/Rank Choice Voting?
A. Are you asking me to name the names.
Q. I'm just trying to get the information about kind of what necessitated you to say "I'm going to go look at the signature cards"?
A. When I saw that the printed name did not appear to match the signature.
Q. Okay. Any other times or any other reasons?

A. Those are the times I remember, but this right here would be a good reason.
Q. Also on proffered Exhibit 22, Petition Page Number 34741 would be another example of Jessica Martin signing a petition as canvasser; is that correct?
A. Yes, sir.
Q. Also on proffered Exhibit 22 is Petition Number 37113, another example of Jessica Martin signing a petition as canvasser; is that correct?
A. Looks that way.
Q. So would that be enough for you to go look at the canvasser list and say I think -- I think this Martinez probably is supposed to be Martin?
MS. MURRAY: Object to the form.
THE COURT: Sustained.
Q. As you sit here today, for purposes of the initial count, would you -- in your role at Secretary of State, being that Ms. Martin was on the canvasser list when it erroneously referred to her last name as Martinez, based on what you've seen today?
A. I don't know that I would make that assumption without seeing if there was another Martinez or possibly a signature card for Ms. Martin. It's a possibility, certainly.

Q. If you'll pull out Exhibit 13, Mr. Murphy. And if you'll look at the first date on July 4th for Jorge R. Argeta from -- A-R-G-E-T-A.
A. Yes, sir.
Q. And then we're going to go back to the canvass- -- we'll go back to your -- what's been now proffered or marked for identification purposes as Exhibit 23. You've got, oh, about three-quarters of the way down, there's a name that's Jorge Arset?
A. Yes, sir.
Q. And as we look at -- and the reason there is his name was not submitted -- is that correct -- on --
A. Yes.
Q. -- what we've marked for identification as Exhibit 23. Now we're going to move to some petitions for this individual. On Petitioner's proffered Exhibit 22, we are going to look at Petition Number 44789. And, Mr. Murphy, what is the reason that this petition was culled?
A. It says canvasser was not on the paid canvasser list, and they've written the name Jorge Arset.
Q. And, Mr. Murphy, was the name on Petition Number 44789, what is the name of the canvasser?
A. It looks like Jorge Argeta.
Q. So would you agree that this petition was

1 improperly culled?
2 A. First I would look to see the date that we
3 considered them registered; but if all that checked
4 out, there's potentially -- yeah, it's clearly Argeta,
5 as I can see.
6 Q. Well, let's go back and look at your list on
7 Exhibit 23.
8 A. Okay.
9 Q. Proffered Exhibit 23. And for Jorge Arset, you
10 have "name not submitted"?
11 A. Yes.
12 Q. So the reason for Jorge Arset and this culled
13 cover sheet identified Jorge Arset is that Jorge Arset
14 is not on the canvasser list; is that correct?
15 A. That's the reason it was culled initially, it
16 looks like, yeah.
17 THE COURT: Let me interrupt. Why would
18 a name be on the list twice?
19 THE WITNESS: Sometimes they would
20 change their current residential address
21 during the course of their stay.
22 THE COURT: Okay.
23 THE WITNESS: And they may submit the
24 updated residential address.
25 THE COURT: Okay.

All right. Go ahead.
Q. But, Mr. Murphy, the reason -- and I agree with you that Jorge Arset is not on the canvasser list because that name is not on the canvasser list. But would you agree Jorge Argeta, that name is on the canvasser list, and the reason that -- from your notes --
A. Yes, sir.
Q. -- the only reason that his signatures were culled, that canvasser, was because his name was not on the canvasser list; is that correct?
A. That appears to be the case. But what I'm saying is before we throw any back, we make sure that there's not another reason that petition should have been. Because this might have happened early on the in the assembly line process that you've heard about and they might not have gotten to the next steps. So we check those other steps off, too.
Q. Well, is there any other reason that you know of that what you've seen? I mean, you've got your handwritten notes that say the only reason is that this gentleman's name was not on the canvasser list.
On the front of this culled cover sheet, it says -- it improperly identifies Jorge Arset as not being on the paid canvasser list. Tell me what other

reason your office would cull this petition.
A. The other reason could be that he was not properly registered when he gathered those signatures.
Q. And do you have any knowledge that he was not properly registered to gather the signatures?
A. I don't know, but I could check.
THE COURT: On the face of the document, if you'll pull that document back up, shows the signatures July the 3rd.
THE WITNESS: Yes, sir.
MS. MURRAY: He registered on the 4th.
THE COURT: Does that matter?
THE WITNESS: It could, depending on his registration date.
THE COURT: Okay.
Q. Mr. Murphy, the next document that we are going to look at is, on proffered Exhibit 22, we are going to look at Petition Number 45546. And what is the reason this petition was culled?
A. Says, "Paid canvasser not on paid canvasser list. Jorge Arset." I'm assuming Jorge.
Q. And who does it appear signed this petition?
A. Could you zoom that in some?
Q. I would if I could.
A. It looks like Jorge Arset's name was notarized,

I'll say that much.
Q. Got it. So this appears to be Jorge Arset?
A. Argeta.
Q. Argeta, Arseta. This appears to say Jorge Argeta. Is that -- is this an instance where you would pull the signature card?
A. I'm not sure. I would have to see this closer up, I think.
Q. Okay. And I apologize that I'm not able to do that today?
MR. KELLY: Try control-plus.
MR. CRASS: He's already messed it up once.
MR. GRAY: This thing is liable to blow up.
Q. Mr. Murphy, the names that have been identified as "throw back," is there any -- how does your -- well, first off, tell me exactly what that means.
A. That means they were culled and we decided they did not need to be culled.
Q. And so when you cull signatures for LaKeshia Williams, let's just say, are all of her petitions kind of bundled together? I mean, is that how you do that?
A. That's how we did it this time. We sorted them

by canvasser, which is how we got this list. We sorted them by canvasser.

Q. Okay. Mr. Murphy, we are going to look at proffered Exhibit 22, Petition Number 35762, 35763, and 35764. Mr. Murphy, can you tell me why these petitions these petitions, these three petitions, were culled?

A. It looks like they were originally culled due to the paid canvasser not being on the list and then it was corrected to canvasser not registered before collecting signatures.

Q. And so am I correct that when -- and this is -- I believe this is Ms. Williams, LaKeshia Williams. When Ms. Williams' petitions were initially culled, it was based on the fact she was not on the paid canvasser list; is that fair?

A. Well, it was more than likely based on the second reason, the not registered before collecting dates, and they just checked the wrong thing would be my estimation of it.

Q. Okay. And so if -- and this is the petition part for Ms. Williams, and we will get to that. So do you see anything on the face of this document that would indicate that Ms. Williams did not -- or her petition should have been culled?

A. Without having the registration dates in front of me, I couldn't answer that accurately.
Q. But if Ms. Williams' name shows up on the canvasser list, submits a sworn statement that's dated before these dates, or on or before these dates, and turns in her signature card, then her signatures are fine, correct?
A. Should be, yes.
MR. GRAY: Your Honor, may I have one second?
THE COURT: You may.
MR. GRAY: Your Honor, I'll pass the witness.
THE COURT: All right.
Mr. Sullivan?
MR. SULLIVAN: Your Honor, I know that Mr. Gray doesn't work for me, but I don't have access to show Mr. Peyton the documents. If Mr. Gray --
MR. GRAY: I'll be happy to.
MR. SULLIVAN: Okay. Let's just keep the one that's up there right now.
CROSS-EXAMINATION
BY MR. SULLIVAN:
Q. Mr. Murphy, you see the dates of the signatures

of the eight signers there, correct?
A. Yes, sir.
Q. What do you see?
A. They all look like 6/29/20 from here.
Q. Okay. Did you bring with you documents showing what date the Secretary's office declared every canvasser to be fully registered for the three pieces of information?
A. I did.
Q. Do you have that document with you at the table?
A. I do.
Q. Is that the same document you handed me to hand out to all the counsel in the room?
A. Yes, it is.
Q. Okay. Would you check Ms. LaKeshia Williams and tell me when she was fully registered as a canvasser?
A. You know, I don't know if mine got cut off. I don't have any W's in mine.
MS. MURRAY: I do. Do you want to borrow mine?
MR. SULLIVAN: Let me back up and lay a foundation on this. This will be Respondent's 1, I think.
Q. Mr. Murphy, did you prepare this document?
A. More or less. We added columns to the final

canvasser list that we received. So the three columns you'll see over to the left were columns that we added.

Q. Describe for the Court what those columns indicate.

A. Okay. I am going to start with --

MR. CRASS: Do you have one, Judge?

THE COURT: No. I don't know what he's talking about.

MR. SULLIVAN: I don't have another one.

MS. MURRAY: Here. Give him one of ours. We've got two.

THE COURT: Thank you.

THE WITNESS: Okay. We all set?

MS. SULLIVAN: Sure.

A. I'll start with the signature card column. That, of course, indicates that we received the signature card when the petition itself was turned in. The signed statement date column is the date that the signed statement was received by our office.

So the fourth date column is, of course, the date the canvasser's name was submitted. That information was input by the sponsor. And the date the signed statement was received was input by us, and the canvasser registration date over to the far left

was input by us.

Now, I think we've already clarified this, but the registration date is the date that we had on hand both the signed statement and the name submitted.

Q. Am I understanding you right? The first column at the far left is the date they fully -- considered fully registered because we've got all the information?

A. That is the date that we considered them registered.

Q. Okay. What is that date -- so you took data -- you said you took data from the actual canvasser's list, that information that you decided when those items came in and you created this document we're looking at as Respondent's 1?

A. Yes.

Q. And is this document something you normally do at the intake of petitions?

A. Yes, it is. This was the first year for it to be like this, of course, because of the new signed statement requirement, but it is something we kept for all the petitions we processed this year.

Q. So from this date forward, this is a document we will create and keep on intake of petitions and

referenda, correct?
A. That is the plan.
Q. Okay.
(Respondent's Exhibit 1 offered into evidence.)
MR. SULLIVAN: I move for admission of Respondent's 1.
THE COURT: Mr. Gray?
MR. GRAY: No objection, Your Honor.
MS. MURRAY: No objection.
THE COURT: All right it will be received as Respondent's Exhibit 1.
(Respondent's Exhibit 1 received into evidence.)
Q. Now, please tell us when LaKeshia Williams was registered as a canvasser.
A. June 30th of 2020.
Q. So none of the signatures that are on the screen right now count, do they?
A. It does not appear that way, no, sir.
Q. Okay. Thank you.
MR. SULLIVAN: If Mr. Gray could pull up Mr. Jorge Argeta petition part that we have.
MR. GRAY: I've got it PDF 1003.
MR. SULLIVAN: Part 44789, is one of

his.
Q. Can you see what date the signatures on this petition part were signed?
A. They all appear to be 7/3 of '20.
Q. Can you check Mr. Jorge on your spreadsheet and tell me when he was registered with the Secretary of State's office?
A. He was registered on 7/4 of '20.
Q. Thank you.
MR. SULLIVAN: Mr. Gray, if you'll pull up any petition part that we've looked at on Jessica Martin.
MR. GRAY: Yes.
Q. And on this one, can you -- Mr. Murphy, can you read -- Mr. Gray already showed you her permanent residence address. You compared it to the canvasser list. It had an address in Fayetteville, North Carolina. Can you read what her -- on that particular petition part, what her current residence address was?
A. Her current.
Q. Yes.
A. It looks like an address in Jonesboro.
Q. And can you compare that to your list, Respondent's Exhibit 1, and tell me what her current address is listed as? And when I say check her, I'm

saying on the spreadsheet, there is a Jessica Martinez listed. What is her current residence address when she was registered?

A. 3201 Bankhead Drive in Little Rock.

Q. And what date was she considered registered?

A. 7/2 of '20.

Q. What's the date on this petition part?

A. It looks like -- the date of the signature?

Q. Of the signer, yes.

A. It looks like 7/2/20.

Q. And it looks like it was notarized on 7/3, correct?

A. Yes.

Q. So there's a different current address than what is on the date she actually registered; correct?

A. Yes.

Q. Now, I know there hasn't been time for everybody to come talk to you about every issue, but I asked Mr. Bridges this question. If every piece of information were to indicate -- every document you had on file would indicate that Jessica Martin and Jessica Martinez are the same person, what would you do if someone came to the office and said, hey, look at this? What would you do with that?

A. If everything I looked at and saw, and

especially if there was not another Jessica Martinez gathering signatures, I would be comfortable with throwing signatures back into the mix, put it up to misspelling.

MR. SULLIVAN: No further questions.

THE COURT: Ms. Murray?

MS. MURRAY: Yes.

CROSS-EXAMINATION

BY MS. MURRAY:

Q. Good afternoon, Mr. Peyton.

A. Good afternoon.

Q. I want to start with Petitioner's Exhibit 23, if we can. And I want to go, if we can, to -- first of all, I want to make sure I understood. You have, on occasion during this particular petition, you have looked at signature cards; is that correct?

A. Yes.

Q. And did you also go back to check and see if you had signature cards for these individuals?

A. I did not, no.

Q. And who is in charge of that?

A. Well, I guess me.

Q. Okay.

A. I don't know that anyone went back and double-checked these, but I had input them the first

time on this one, I believe. I don't think I had anyone helping me on this one, but --

Q. So you input the signature cards and that's why they don't have stamps on them individually received --

A. We --

Q. -- like by the SOS?

A. We would never individually stamp signature cards. We receive them all at once when the petition is turned in.

Q. And did you -- were you there on July 6 when these three proposals were turning in their petitions, their signature cards, their affidavits, all of those type documents?

A. I was.

Q. And did you make sure that, for example, that -- I'm trying to say -- I'm sorry -- that Redistricting and Open Primaries boxes, were they labeled separately?

A. They were.

Q. Who did the labeling?

A. I can't say who did. They were actually in folders, and the folders were labeled and they were in a -- the folders, of course, were quite large, and the folders were each in an individual box. I don't know

that the box itself had a label on it, but the folder did.
Q. How did you know which ones were going with which?
A. By the folder name.
Q. The folder name?
A. Yes.
Q. So the documents were in folders, and the folders would say Open Primary or Rank Primary --
A. Yes.
Q. -- or Redistricting?
A. Yes.
Q. And you made sure to keep all that separate?
A. Yes.
Q. So do you have access with you today to signature cards in, first of all, Open Primary?
A. I have PDFs of those.
Q. Can you search and see if you have one for -- I think there were six of them here but maybe one went back in. We've done Sebastian Rogers. Did you find a signature card for Sebastian Rogers in your PDF file of what was filed on Open Primary?
A. I have not looked, again, to see.
Q. Can you search the ones you have? Are they searchable PDF?

A. It's not a searchable PDF.
Q. Okay. Is Sebastian Rogers on your list, which is Respondent Exhibit 1?
A. Sebastian Rogers is on this list and there is no check to indicate that he had a signature card on file.
Q. All right. So if we go to the page where -- and these are alphabetically, which is helpful. And we have Sebastian Rogers, and we have 6/21 is the date that he was registered. His signed statement was dated 6/21; but on July 6, Open Primary did not turn in a signature card for him?
A. According to my records, they didn't.
Q. Now, on registration day, did anything happen with those cards except you logging in?
A. And I didn't -- I didn't actually input those all on -- oh, wait. I heard something you didn't say there. By the cards.
Q. What did you do with the cards on July the 6th?
A. Okay. All right.
Q. I know you locked your doors at 5:00. I saw that on Twitter.
A. I tried to anyway.
Q. And after 5 o'clock, after the doors were locked, what did the Secretary of State staff do with

the Open Primary signature card folder, folders, whatever?

A. They would have been, you know, in a box at that time or possibly sitting by my computer on the table I was sitting at. They would have been in that vicinity. They were certainly kept separate from other signature cards.

At that time, we had Received Redistricting and we had already input Redistricting signature cards. We had input Redistricting signature cards by that point, so they were put up.

I think it was the next day I started inputting the Ranked-Choice signature cards.

Q. All right. No one else did that job, did they? Did someone help you?

A. I had some people -- I know I had some people reading them off to me on Redistricting, and at one point, another person in our office sat down and entered some in while the other person read them off as they were input on Redistricting.

I don't remember us doing that on Ranked-Choice, but it's possible that we did.

Q. But you had someone to read them off to you so --

A. I'm not certain that I did on Ranked-Choice.

MR. GRAY: Objection. Leading.
Q. Okay. All right. When are you were doing Open Primaries, did you find any signature cards that were labeled for Redistricting?
A. I don't remember finding any.
Q. When you were looking at Redistricting, did you find any for Open Primaries?
A. Not that I remember.
Q. Let me show you, and I know this will be subject to you verifying. But I did a FOIA request to you asking for all the signature cards, I believe, that were turned in on July 6; is that correct?
A. Yes, ma'am.
MS. MURRAY: I want to mark this Intervenor 1.
Your Honor, if you can read my handwriting. I don't dot Is or cross Ts. I will get a sticker.
Q. And do you have access to those spreadsheets that you sent in, or any of the files that you responded to the FOIAs?
A. Yes.
Q. Like signature card copies?
A. Yes.
Q. Could you go to the one for Redistricting?

A. If I can figure out how to turn on -- there it is.
Q. You are ahead of me already.
A. Okay. Pulling up Redistricting signature card?
Q. Yes.
A. Do you know which batch that is in?
Q. Oh, I don't. But I don't think this will stop us on this one. Let me give you this on Redistricting. That's Intervenors' Exhibit 1. And would you just read for the record what the name is?
A. The name of the petition?
Q. And the name of the canvasser, most importantly.
A. Okay. Canvasser's name is Molly E. Cason. Petition name is constitutional amendment establishing Top Four Primary Elections and Majority Winner General Elections with Instant Runoff.
Q. And you have marked Molly on your Exhibit 1, you've marked that as Molly Cason did not turn one in in open districting; is that correct?
MR. CRASS: Open Primary.
MS. MURRAY: Open Primary. I'm sorry. I don't do numbers or letters.
A. Yes. We've indicated that she did not turn one in.
Q. All right. Now, let me show you what I'll mark

as Intervenors' Exhibit 2. And would you -- after I get this into the hands of these people, I want your opinion.

So we all have Intervenors' 2 in front of us, correct?

A. Yes, ma'am.

Q. And this, who is the paid canvasser name on this?

A. Molly Cason.

Q. And Redistricting commission amendment?

A. That is the name of the petition.

Q. And the date she began collecting on this one was 6/12/2020?

A. Yes, ma'am.

Q. And you were talking about sometimes you just go because printed names don't match up, and I'd ask you to look at these two --

(Intervenors' Exhibit 1 offered into evidence.)

(Intervenors' Exhibit 2 offered into evidence.)

MS. MURRAY: Oh, first of all, I'd like to move for the admission of these two signature cards.

THE COURT: Any objection, Mr. Gray?

MS. MURRAY: Intervenors' 1 and 2.

MR. GRAY: No objection, Your Honor.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: No objection.

THE COURT: All right. They will be received as Intervenors' Exhibits 1 and 2 as marked.

(Intervenors' Exhibit 1 received into evidence.)

(Intervenors' Exhibit 2 received into evidence.)

Q. And do you have any way presently, without knowing the batch number, to check and see which batch you produced or you had these batched on your records, which ones any Molly Cason one would be filed in the Redistricting?

A. I mean, I can start looking through the PDFs. It may take a bit. I remember just seeing one of hers not too long ago when I was scanning through some of these. I don't have a way to find it quickly.

MS. MURRAY. Your Honor, if we could take a break, I could call and see if my office can tell me which batch number it is in, if you can give me a minute.

THE COURT: We can take five, ten

minutes.

(Recess from 4:32 p.m. to 4:40 p.m.)

THE COURT: All right. Let's get back to it.

Q. All right. Mr. Murphy, if you will direct your attention, first of all, to the Intervenors' Exhibit 1. And that was the Molly Cason card that the title of it at the top said it was for the Open Primaries amendment, correct?

A. Yes, ma'am.

Q. And I gave you information I had obtained by text as to where that card would be located in the multi-districting submission file, correct?

A. Yes, ma'am.

Q. And would you read what batch and page number that is?

A. That was in the ninth PDF. Filename is Sig Cards 9, Page 193.

Q. And is that, in fact, Intervenors' Exhibit 1?

A. It certainly appears that way.

Q. All right. Or an exact copy of what you've got in Batch 9, Page 193, correct?

A. Yes, ma'am, it appears to be.

Q. And that was found in the file of the Redistricting commission amendment?

A. Yes.
Q. Okay. Now --
THE COURT: How do you know that?
THE WITNESS: I have the scans on this computer from the Redistricting signature card stack and from the Ranked-Choice stack. This page in particular is within the Redistricting stack.
THE COURT: Who scanned them?
THE WITNESS: Myself or someone -- it might have been where I was sitting down there. There was a copier right beside me. There was a young lady making some copies on it. And I think on one of these, I asked her to scan in a batch for me, and she scanned in some.
THE COURT: Okay.
THE WITNESS: I don't remember if it was this one or not, but it could have been. If not, I would have scanned them.
THE COURT: Okay.
Q. So then Intervenors' Exhibit 2, I also gave you, I believe it was Batch 6?
A. Yes, ma'am.
Q. And Pages 11 and 12; is that correct?

A. Yes, ma'am.
Q. And I only had one of those evidently. Do you have two and are those for -- excuse me. In Batch 6 at Pages 11 and 12, are those Molly Cason's signature cards for the Redistricting amendment?
A. Page 11 says Redistricting commission amendment.
Q. And what is its date?
A. As far as date you began to collect signatures?
Q. Yes.
A. 6/12 of '20.
Q. All right. And then also does that match the Notary Public stamp in the right-hand corner of that page?
A. Yes, ma'am.
Q. All right. And then on Page 12, do you have another Redistricting commission amendment paid canvasser signature card for the name Molly Cason?
A. Yes, ma'am.
Q. And what is the date of that that indicates she began to collect signatures?
A. 6/12.
Q. And is the notary the same, Katherine E. Lett [sic]?
A. Yes, ma'am.
Q. And I believe you said that by the time the Open

Primary petition and its commission papers and signature cards were delivered to your office on July 6th, you had already entered in the Redistricting signature cards that had been delivered earlier in the day with the Redistricting amendment and other submission papers; is that correct?

MR. GRAY: Object to form. Leading.

THE COURT: Overruled as to leading.

A. Yes. By that time, they came in at the very end of the day.

Q. Who is "they"?

A. I'm sorry. Well I could say Voters First and it would be the same. The people who were bringing the Ranked-Choice petition came in at the very end of the day to deliver their petition.

The other ones, the Redistricting petition came in, I think it was around 11:00 that day. I could get an exact time, but it was somewhere in the -- you know, before lunchtime, I think. And we went straight to work on it in order to get the paid canvasser list ready for our temps to start working. So we did that one, you know, as soon as we could.

Q. Speaking of which, we've talked about Jessica Martin/Martinez, correct?

A. Yes, ma'am.

Q. Those petitions had -- she had registered, I believe, it showed with a address in Little Rock here?
A. Yes, ma'am.
Q. And what was that address she registered with on what date?
A. It was a Bankhead Drive address. 3201 Bankhead Drive. Her name was submitted to our office, it looks like on 7/1 of '20, and her signed statement was received on 7/2.
Q. Right. And then the petitions you looked at were dated -- I believe the signatures were what date?
A. I'm not sure off the top of my head.
Q. And they showed -- her petitions all showed a Jonesboro current resident address; is that correct?
A. I believe so.
Q. Now, did you, on your Respondent's Exhibit Number 1, does that show the last reported current residence address for any canvassers, or the first, if there's been no change?
A. Exhibit Number 1 should show all of the addresses that were reported for that person during the whole period. You'll see several names here that are listed on here several times.
Q. And for an example purpose, on Respondent's Exhibit 1, what is the first one alphabetically you

see that has several different addresses under it?
A. Well, I want go to the second one because I can pronounce it.
Q. What's the second name?
A. Aaron Allen.
Q. Aaron Allen? All right. And it appears that Mr. Allen -- then Mr. Allen, how many different addresses did he have during his stay?
A. Well, looks like his name was submitted four times, but two of those addresses look to be the same address.
Q. All right. And Aaron is A-A-R-O-N?
A. Yes, ma'am.
Q. All right. It's on 6/7, which is the same date as his registration date and his signed statement, and he also turned in his signature card. So on 6/7/2020, Aaron Allen is reported by his sponsor as residing in at an address on Martin Luther King, Junior Boulevard in Fayetteville; is that correct?
A. Yes, ma'am.
Q. And he has a Spring Hill, Florida permanent address, correct?
A. Yes, ma'am.
Q. And then on 6/8, it is updated to reflect that as of 6/8, Mr. Aaron Allen is now, his current

residence address is 258 West Wilson Street, Fayetteville, Arkansas, correct?
A. Yes, ma'am.
Q. And then on 6/11, the sponsor reports that Aaron Allen has moved -- no. I'm sorry, he still is reported as being on Wilson Street in Fayetteville, correct?
A. Yes, ma'am.
Q. And on 7/5/2020, the sponsor reports that Aaron Allen has moved to 2682 North Villa Boulevard in Fayetteville, correct?
A. Yes, ma'am.
Q. Okay. By the way, you have a law degree, correct?
A. Yes, ma'am.
Q. Licensed to practice law?
A. Yes, ma'am.
Q. And are you aware of statutes that require a canvasser who changes their current residence address while canvassing, for the sponsor to report that change to the State, to the Secretary of State?
MR. GRAY: Objection, Your Honor. Relevance.
THE COURT: Well, I'm just curious. I am going to overrule the objection.

Answer the --
A. Yes, ma'am.
THE COURT: What is the statute?
A. It's 601, I believe. I believe 7-9-601.
Q. And let me hand you, I believe that's a page that begins on Page 46, Mr. Murphy, in Joint Exhibit 1. And directing your attention to 7-9-601(a), (b)(1) and (2). It's at the bottom of Page 46.
A. Yes, ma'am.
Q. And under 2 before a signature is -- (a)(2). I'm sorry. Before a signature is solicited by a paid canvasser, the sponsor shall, and (c)(i) is provide a complete list of all paid canvassers' names and current residential addresses to the Secretary of State.
And then (2) is -- or, I'm sorry. (2)(i): If additional paid canvassers agree to solicit signatures on behalf of a sponsor after the complete list is provided, the sponsor shall provide an updated list of all paid canvassers' names and current residential addresses to the Secretary of State.
Is that correct?
A. Yes.

Q. And that is why you see Aaron Allen and when he moves around the State or even around Fayetteville, it is reported by the sponsor to the Secretary of State, correct?

THE COURT: I'm not a finder of law, but I don't read (2), (c)(ii) to require an update. It says if additional paid canvassers agree to list [sic], you provide a updated list. It doesn't say to provide an updated if you move. Is there a different section?

MS. MURRAY: No. That is the section, Your Honor.

THE COURT: Okay.

MS. MURRAY: That's why you see those updates over the months. You know, as you've seen, most of these are people with out-of-state addresses for their domicile.

THE COURT: Okay.

Q. And on Jessica Martin, she had one address when she registered and then a different address on her petition; is that correct? What she signed for the canvasser?

MR. GRAY: Objection, Your Honor. Leading and relevance.

THE COURT: Overruled. I'm not sure -- let me -- the rules of evidence as far as relevancy are extremely broad. Unless there is a reason to keep it out, if it's in any way related, it's relevant.

I mean, the rules are -- I mean, it is a wide-open thing. So overruled.

A. Could you repeat that question?

Q. The multiple addresses under current resident address for Aaron Allen, those are while he was registered as a canvasser, correct?

A. Yes.

Q. If those would have been submitted on the dates indicated on the sponsor's updates of those dates?

A. Yes. I suppose so. Some of these -- the date indicated, some of these were come in in the middle of the night and they were dated the previous day.

Q. But it indicated they had moved?

A. Yes.

Q. And that's what those indicate on the registration Excel spreadsheet, correct?

A. Yes.

Q. And on the petition part, in the canvasser left-hand block of the petition part, they are to put where they are living currently when they appear in

1 front of the notary, correct?
2 MR. GRAY: Objection, Your Honor. It's
3 relevance on the -- clarify a little bit.
4 THE COURT: Okay.
5 MR. GRAY: As we stated early on in this
6 matter, Ms. Murray appears to be attempting
7 to attack the Secretary of State's decision
8 in terms of the signatures that it deems
9 appropriate for the facial, the initial
10 count and this cannot be done under Arkansas
11 law, which is crystal clear in *Stephens v.*
12 *Martin* and repeated in *Zook* as well. And
13 this line of questioning has no relevance
14 because they simply cannot challenge the
15 Secretary of State's decision on the initial
16 count.
17 MS. MURRAY: Well, Your Honor, yes, you
18 can. The cases that they are citing to
19 refer to challenging the initial count after
20 the provision -- the proposal had been
21 certified for the ballot. And that's what
22 they said, and it was cases before some
23 amendment had been made.
24 But in principle also, what they appear
25 to be arguing is based on that law that they

are free to attack what the Secretary of State has done and only they. And I don't believe the Court has ever said that.

They are over and done with based on this initial count. They failed to make the 89,151. So they are now, in their original action, attacking that initial count because it finishes them.

They're already finished also on that certification, but let's put that aside right now.

So I understand why they are filing an action to attack the initial count, but once they do, it certainly opens it up for the Secretary of State to defend and say why other reasons for things being culled and for the Intervenors to do so.

Whether it's attacking a canvasser registration, petition parts, it's open. Just like after a final certification, there is no question, everybody can come in and defend or attack. Because I haven't seen the Supreme Court say you can attack the initial count but the Secretary of State can't show you other documents, or an

Intervenor who is interested in defeating your proposal is not allowed to while you do? I've never seen a case that said that.

THE COURT: Okay. Well, I'm not ruling one way or the other, but I am going to allow the evidence.

MS. MURRAY: Thank you.

MR. GRAY: Your Honor, if I may have a continuing objection.

THE COURT: Your objection will be treated as continuing.

MR. GRAY: Thank you.

Q. When you scan, does your scanner show the date and time of scan?

A. I don't know that our scanner would, but I could look into our network and see what time it came into the network probably.

Q. Okay.

MS. MURRAY: Your Honor, that's all the questions we have, although we would like Mr. Murphy subject to recall.

THE COURT: Okay.

MS. MURRAY: Thank you.

THE COURT: All right.

Mr. Gray?

REDIRECT EXAMINATION

BY MR. GRAY:

Q. Mr. Murphy, who is the sponsor of the Open Primaries Ranked-Choice Voting?

A. I believe on the intake paperwork, it said Arkansas Voters First.

Q. And is that the same sponsor for the Redistricting measure?

A. That's what I recall.

Q. And were -- did the sponsor -- you have the same sponsor for two proposals, correct? Two petitions?

A. That's what they put on their paperwork when they filed them.

Q. And were both of -- were those submitted on the -- both on July 6 of 2020?

A. Yes.

MR. GRAY: Your Honor, we'll pass the witness.

THE COURT: All right.

Mr. Sullivan, anything else with this witness?

MR. SULLIVAN: Yes, Your Honor.

THE COURT: All right.

RECROSS-EXAMINATION

BY MR. SULLIVAN:

Q. Mr. Murphy, all three -- well, both of the petitions in this case were -- came in on July 6, correct?
A. Yes.
Q. Did you say that the Redistricting came -- Redistricting petition came in in the morning before noon; isn't that correct?
A. I believe it was before lunchtime.
Q. And then what time did Open Primaries Ranked-Choice come in?
A. 4:59, I think. Somewhere in that vicinity.
Q. And what point in time does intake begin, the intake process?
A. Intake started just as soon as we could get those temps to start on intake for the Redistricting petition.
Now, the Ranked-Choice petition, we took it the following day and we took it to the capitol and set up a different site there to process it.
Q. Was that because of COVID issue?
A. Yes.
Q. Okay. So ever since July 7th, Redistricting has been in one place and Open Primaries has been in a different location, correct?
A. Yes.

Q. Okay. On July the 6th in the morning when Redistricting petition came in, were there temps present then?
A. Yes.
Q. Is that -- now, when did you start to scan the signature cards for Redistricting?
A. Probably very soon after they came in because we had these temps ready to go. They were just waiting on us to get this list of canvassers to them. So it was a priority for us to get that list prepared to get those signature cards in the system so the temps could get started.
Q. Is the computer you have on the table with you connected to wi-fi now?
A. I don't know. I can check. I don't think it is.
Q. Can you connect to the capitol wi-fi -- to the Supreme Court wi-fi?
A. Is it under AOC?
THE COURT: No. Give me just a second I'll tell you which one. The only one they allow me to have access to is the unsecured one, judiciary public wireless.
Q. Before you worry about that, let me ask you: If you were connected to the wi-fi, can you connect to

the Secretary of State's network?
A. I don't think I can.
Q. Then never mind.
A. I do have a number of the documents we have on my flash drive here.
Q. What I want to know is do you have anything in front of you that you can tell me what time you scanned in the signature cards for Redistricting?
A. Okay. These -- the Redistricting signature card PDFs have timestamps on them. The date is 7/6/2020. The timestamps start with sig cards 1 document at 1:35 p.m., and they end with sig cards 9 at 1:43 p.m., on the same date.
Q. When the last ones were scanned, what happened to those pages after that, the originals?
A. The originals, they went in a box.
Q. Where did the box go?
A. It went into a side room we have.
Q. Did you pull that box out again that day?
A. No.
Q. Now, when look at what you've got before you, tell me when you scanned in signature cards for Open Primaries?
A. Okay. My Open Primaries signature cards, the date, they're all dated as having been scanned in on

7/7/2020. The first one at 12:36 p.m., and the last one at 4:26 p.m. I think I remember I had to come back and finish those after a while.

Q. That was on the next day, July 7th, correct?

A. Yes.

Q. On that day, when those signature cards were being scanned, did you go for any reason and pull out the box of signature cards from Redistricting --

A. No.

Q. -- that had been put in the side room the day before?

A. No, sir.

Q. Okay. So intake, if I understand you right, intake starts the day the petition comes in, if possible, correct?

A. Ideally, yes.

Q. In this case, in these two petitions, how long did intake last, how many business days?

A. Probably about five to seven. It varies a little bit. We always have a few tasks we're finishing up at the last -- in the last few days while we've already started something else, but five to seven would be roundabout.

Q. July the 6th was a Monday, correct?

A. Yes.

Q. Can you remember what day you finished intake on these petitions?
A. We finished Redistricting several days before we finished Ranked-Choice.
Q. Was it the very first week?
A. It might have got through the assembly line that Friday. I kind of doubt that all the data was entered that Friday as far as, you know, when this comes to be entered in the final spreadsheet. I have my doubts that that was all done that Friday, but it could have been. I'm not sure off the top of my head.
Q. What do you consider the point -- what constitutes being finished with intake?
A. I suppose once all that data is entered is when we were really finished. We feel like we're finished once it's got through all the temps, in a way, because that's the most paperwork, most noise.
Q. At what point in that process is a final determination made that it's time for the Secretary to notify the sponsor of the results of intake?
A. It would be after all the data is entered.
Q. So in your file, do you keep copies of the letters that go from the Secretary of State's office to the sponsors regarding initial counts of petitions?
A. Yes.

Q. Do you have a July 21 letter to David Couch regarding Open Primaries?
A. There it is. Yes, sir.
Q. Dated July 21st?
A. Yes.
Q. So are you telling the Court that that's the day that all of the data was finished being input?
A. Looks like that would have been.
Q. Is that the same case for Redistricting; it went out on a different day?
A. It should be, yes.
Q. Okay. You've probably already said this. How long have you worked with the Secretary of State's office?
A. Since 2015.
Q. Did you work on the *Safe Surgery* referendum petition?
A. I was not quite as hands-on on that petition as I have been on others in the past, but I do remember it well.
Q. Okay. Do you recall what the Secretary's office first decision was on *Safe Surgery* regarding whether to count or not?
A. Yes.
Q. What was that?

A. It was -- the petition was rejected because those signed canvasser statements had not been submitted timely.
Q. And that was from the brand-new 2019 statute, correct?
A. That's correct.
Q. And you understand the Supreme Court later said that statute didn't go into effect?
A. That's correct.
Q. Do you remember what the reason was?
A. It said the emergency clause failed.
Q. Okay. And what did the Supreme Court order the Secretary to do?
A. Count them.
Q. What did the Secretary's office -- what did the elections division do then?
A. They counted them.
Q. Okay. Did it -- do you recall the language of the background check certification on the *Safe Surgery* petition from the sponsors?
A. Yes.
Q. Tell us what that was and if it changed what happened.
A. As best I recall, it began as reading that they had passed a background check, and at some point it

suddenly became they obtained a background check.

THE COURT: Let me interrupt. What difference does it make what the Special Master did in a different case?

MR. SULLIVAN: I'm not going into that Your Honor. I'm addressing what was brought out on direct from the petitioners with Josh Bridges and the claim in their pleadings that the Secretary changed course from that petition, which is not exactly true, and I want to explain that.

THE COURT: Okay. Fair enough.

Q. Other than that word, the word "passed" or the word "acquired," was the background language the certification language the same?

A. As far as I remember, it was all the same, yeah.

Q. Okay. At what point did anyone in Secretary of State's office notice that that word had changed?

A. As best I remember, we noticed that word had changed when suit was filed claiming that word had been changed.

Q. Was that before or after the Supreme Court ordered the Secretary to count that petition?

A. I believe that would have been after that.

Q. So then when these petitions came in on July the

6th, you were aware of that issue, correct?
A. That's correct.
Q. Okay.
MR. SULLIVAN: Nothing further.
THE COURT: All right.
Mr. Gray?
REDIRECT EXAMINATION
BY MR. GRAY:
Q. Mr. Murphy, you testified that you scanned in the Redistricting, and it took about 15 minutes; is that right? All these signature cards, is that what you testified about?
A. I said I don't know -- either I scanned it in or someone working at the printer right beside me scanned it in.
Q. And it took about 15 minutes? I think you said something about 1:30 and maybe ended at 1:45 or something. Is that --
A. Something like that, yes.
Q. And then with Open Primaries, I believe you said it took almost four hours to scan in signature cards; is that correct?
A. Well, I wouldn't say that it took that long. I don't think it actually took me any longer to do it than it did the first batch. But what happened, I

1 think I left it and then I came back later and
2 finished it up.
3 Q. You testified that you moved all the Open
4 Primaries/Ranked-Choice stuff to a different building
5 or property; is that correct?
6 A. No -- well, I'm sorry. The intake stuff as far
7 as the signature cards and those, we put in a room be
8 side us, a separate room. The Ranked-Choice petition
9 itself was moved to the capitol.
10 THE COURT: So the signature cards
11 stayed? It was the petitions that were
12 moved to the capitol?
13 A. The signature cards themselves stayed in that
14 room beside me at our Brookwood facility.
15 Q. Mr. Murphy, you testified in the *Safe Surgery*
16 matter that your office didn't notice the
17 certification language -- is that correct? -- until a
18 lawsuit was subsequently filed?
19 A. As best as I remember, I don't think we noticed
20 that that word "passed" had changed to "obtained"
21 until someone else called it to our attention.
22 Q. And that was in -- sometime in maybe 2020; is
23 that correct?
24 A. I'm not sure exactly when that was filed. But,
25 yeah, I think it will have to be 2020 because that was

about December that we were counting that petition.
Q. Is that because of certification language really doesn't matter to the Secretary of State's office for purposes of what you do?
MS. MURRAY: Object to the form.
MR. SULLIVAN: Objection. Argumentative.
THE COURT: Well, in the way the question is worded, I am going to allow that. That it didn't matter for what they are -- the processes they're going through is what I understood the question to be.
A. It doesn't impact the list of canvassers that comes in. I think it's pretty clear that it started mattering at some point.
Q. That much is clear.
MS. MURRAY: An understatement.
Q. And it started mattering, I guess, with the petitions that are at issue here, right?
A. Well, I would say it started mattering before that, when it was called to our attention that it wasn't correct on the optometry petition. I guess we started paying more attention to it then.
Q. Because it's just not something that you pay attention to, correct?

A. As far as it actually affecting our processing of the petition, it doesn't much, but it is required.

MR. GRAY: Nothing further, Your Honor.

THE COURT: All right. I lost the order we were in.

Mr. Sullivan, any questions?

MR. SULLIVAN: Yes, Your Honor.

RECROSS-EXAMINATION

BY MR. SULLIVAN:

Q. Mr. Murphy, at any time before they were scanned in, could the Redistricting signature cards have been commingled with the Redistricting petition signature cards?

A. I don't see any way that could have happened.

Q. Same way as to canvasser affidavit or canvasser statements?

A. No, sir.

Q. Actually those came in --

A. Those come in via e-mail.

Q. So the only thing we're talking about on the day is signature cards, right?

A. Right.

Q. Okay.

MR. SULLIVAN: Nothing further.

THE COURT: Ms. Murray?

MS. MURRAY: Nothing further, Your Honor.

THE COURT: Thank you.

(Petitioners' Exhibit 23 offered into evidence.)

MR. GRAY: I need to make sure that I move to introduce Exhibit -- what has been proffered as Exhibit 23.

THE COURT: Any objection?

MR. SULLIVAN: No objection.

THE COURT: Any objection, Ms. Murray.

MS. MURRAY: No, Your Honor.

THE COURT: All right. It will be received as Petitioner's Exhibit 23.

(Petitioners' Exhibit 23 received into evidence.)

MR. BUTLER: Your Honor, I think has already been said, but I just want to make sure that Mr. Murphy is subject to recall if we need him on the preliminary issue.

THE COURT: He will be.

Anything else with this witness?

MR. SULLIVAN: Not at this time, Your Honor.

THE COURT: All right.

You can go for today.

MR. SULLIVAN: He has a little task over here on homework.

THE COURT: Do you have a short witness?

MR. OWSLEY: Your Honor, we -- our next witness we were planning to call is Heidi Gay. She's the director of National Ballot Access. She is -- we talked about that earlier -- in Detroit. She's an hour ahead, and she's got obligations with a child that prevents her from being called at this time. It's 6:20 there. So if it's okay with everybody else, we'll call her first thing in the morning.

THE COURT: Okay.

MS. MURRAY: That's fine with us.

MR. SULLIVAN: No objection.

THE COURT: Okay.

All right. We'll be in recess till 9 o'clock in the morning.

(Proceedings recessed for the day at 5:19 p.m.)

COURT REPORTER CERTIFICATION

We, Dana Hayden and Tammie L. Foreman, Certified Court Reporters in and for the State of Arkansas, Certified Realtime Reporters, do hereby certify that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter.

Dated this 29th of July, 2020

TAMMIE L. FOREMAN ARKANSAS SUPREME COURT No. 305 CERTIFIED COURT REPORTER

Tammie L Foreman

TAMMIE L. FOREMAN, CCR, RPR, CRR
LS Certificate #305, State of Arkansas
Arkansas Realtime Reporting
Tammie@ArkansasRealtimeReporting.com

DANA HAYDEN
CERTIFIED COURT REPORTER
ARKANSAS SUPREME COURT
LS NO. 714

Dana Hayden

DANA HAYDEN, CCR, RMR, CRR, CRC
LS Certificate #714, State of Arkansas
Arkansas Realtime Reporting
Dana@ArkansasRealtimeReporting.com