IN THE ARKANSAS SUPREME COURT

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

REPORTER'S RECORD

SPECIAL MASTER HEARING

VOLUME 1

JULY 28, 2020

625 MARSHALL STREET, SUITE 101, LITTLE ROCK, ARKANSAS

Before Dana Hayden, CCR in and for the

State of Arkansas, RMR, CRR, CRC,

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

I N D E X

(JURY TRIAL - VOLUME 1)

July 28, 2020

	PAGE:
Appearances	2
Certification of Reporter	175

WITNESSES:

	PAGE:
JOSHUA BRIDGES	
Direct Examination By Mr. Owsley	30
Cross-Examination By Mr. Sullivan	86
Cross-Examination By Ms. Murray:	93
Redirect Examination By Mr. Owsley	107
Cross-Examination By Mr. Gray:	109

EXHIBITS FOR THE PETITIONERS:

NO.	DESCRIPTION	OFFERED	ADMITTED
1	7/6/20 Signature Count Affidavit Re: Top Four Open Primary Elections Amendment	42	45
2	Petition Intake Procedure Checklist	70	70
3	7/6/2020 Receipt for Initiative or Referendum Petition Regarding Citizens Commission for an Independent Redistricting Commission	36	37
4	7/6/2020 Receipt for Initiative or Referendum Petition Regarding Top Four Open Primary Elections Amendment	39	41

5	7/14/20 Letter from Secretary of State to David Couch on Declaration of Insufficiency Regarding Redistricting	9	STIP
6	7/14/20 Letter from Secretary of State to David Couch on Declaration of Insufficiency Regarding Open Primary Elections	9	STIP
7	7/21/2020 Letter from Secretary of State to David Couch on Revised Declaration of Insufficiency Regarding Open Primary Elections	9	STIP
11	7/23/20 Letter from Secretary of State to David Couch on Revised Declaration of Insufficiency Regarding Redistricting	9	STIP
12	7/24/2020 Paid Canvasser List Re Arkansas Voters First	70	71
13	7/24/2020 Paid Canvasser List	70	71
14	Paid Canvasser Statement Exemplar	84	84

JOINT EXHIBITS:

NO.	DESCRIPTION	ADMITTED
1	2020 Initiatives and Referenda Handbook	5

*** PROCEEDINGS *****

(Joint Exhibit 1 received into evidence.)

THE COURT: All right. We're here in the matter of Bonnie Miller, individually and on behalf of Arkansas Voters First and Open Primaries Arkansas, Ballot Question Committees as Petitioners, Number CV-20-454, versus John Thurston as Secretary of State and Intervenors Arkansans For Transparency and Jonelle Fulmer, Individually and on Behalf of Arkansans For Transparency.

All right. For the Petitioners, who will be speaking on behalf of Petitioners?

MR. THOMPSON: Your Honor, this is Robert Thompson. I'll be giving an opening on behalf of the redistricting Petitioners. And then with regard to the open primary sponsor, Ryan Owsley will be giving an opening.

Do you want me to identify other counsel?

THE COURT: Yes, why don't you do that for the record.

MR. THOMPSON: Your Honor, also here on

redistricting is Adam Butler, my law partner. And then we also have, on behalf of Open Primaries, we have Nate Steel and Alex Gray.

THE COURT: All right. Just a second. Okay.

MS. STEEN: Your Honor, can I print that for you?

THE COURT: Please. And print copies for all counsel. They have -- the Supreme Court has appointed me to do Counts 1 and 2. Count 3 is bifurcated. And I can't remember all the rest of it, although he did give me a little bit more time beyond Monday to get my report, which is nice.

All right. Moving along, on behalf of the Secretary of State?

MR. SULLIVAN: Your Honor, I'm Gary Sullivan on behalf of Secretary Thurston. And currently at the table is a representative from the election division, Josh Bridges. I believe he's going to be the first witness, but I'm not certain. He may or may not stay at the table with me throughout the trial, though.

THE COURT: All right. And then on behalf of the Intervenors?

MS. MURRAY: Your Honor, I'm Elizabeth Robben Murray, and my partner Kevin Crass and I will be representing at counsel table. We also have another lawyer from our firm, Kathy McCarroll, who will be here during the proceedings for us. And also of record is A.J. Kelly.

THE COURT: All right. Mr. Thompson.

MR. THOMPSON: Thank you, Your Honor. If I can ask, can you hear me okay? I never know.

THE COURT: I can.

MR. THOMPSON: Okay.

THE COURT: Yeah, if it -- my preference would have been without, but the Supreme Court has said we're to wear masks throughout.

MR. THOMPSON: Sure.

Your Honor, I've introduced counsel. I believe that we have some stipulated documents with regard to letters from the Secretary of State that are attached to pleadings filed in this matter. And if

there's no objection, I'd like to give those to the Court.

MS. MURRAY: Do you have the joint stipulation?

MR. THOMPSON: I think we do. There they are.

THE COURT: Well, there have been laid up here two folders.

MR. THOMPSON: Your Honor, if I may. The small folder is the set of exhibits that everyone has stipulated to as far as admissibility. In addition, the Secretary of State's 2020 Initiative and Referenda Handbook, we've also stipulated as to its admissibility. If I could approach, I looked give that to the Court as well.

THE COURT: All right. And for the record, what is in the small folder that has been identified is the Petitioners' Exhibit 5 -- kind of hard to lick your finger through the mask -- Exhibit 6, Exhibit 7, and Exhibit 11. Are those on behalf of the Secretary of State's office, is there a stipulation that those will be admissible?

MR. SULLIVAN: Yes, Your Honor.
THE COURT: And on behalf of the intervenors?
MS. MURRAY: Yes, Your Honor.
(Petitioners' Exhibit 5 stipulated into evidence.)
(Petitioners' Exhibit 6 stipulated into evidence.)
(Petitioners' Exhibit 7 stipulated into evidence.)
(Petitioners' Exhibit 11 stipulated into evidence.)
THE COURT: All right. Proceed, Mr. Thompson.
MR. THOMPSON: Okay. We have a bench brief. I don't know when you want -- if you want to entertain that at the appropriate time. Do you want to entertain that now or later?
THE COURT: That will be fine.
MR. THOMPSON: Okay. May I approach?
THE COURT: You may.
MR. THOMPSON: Mr. Kelly, we are out of bench briefs. I'm sorry.
Your Honor, if I could sort of tell you

where we think we are and where we ought to go in this hearing.

THE COURT: Okay.

MR. THOMPSON: And I know it's a fast-moving thing because apparently it expanded about five minutes ago. But I'll tell you where I think we are and where we're headed. There were petitions submitted to the Secretary of State, and the Secretary of State has done the initial count of the petitions and culled petition parts and signatures that have failed to comply with Arkansas Code Annotated 7-9-216, the petition parts and the signatures.

Currently the remaining signatures are being -- going through the verification process by the Secretary of State, and he has represented in pleadings that that is currently ongoing. That was part of the Supreme Court's order. They are verifying to see that 75 percent of those nonculled voters are registered voters. That's where we are currently.

Now, in the letter that you have dated -- there's two letters actually dated

July 14th of 2020. The Secretary of State refused to count any signatures for the redistricting or open primary petitions because he said that the certification on the canvasser list was insufficient and did not comply with statute.

And in those July 14th letters, the Secretary wrote, "Upon submission of the sponsor's list of paid canvassers to the Secretary of State, the sponsors shall certify to the Secretary of State that each paid canvasser in the sponsor's employ has passed a criminal background check in accordance with this section."

So regardless of what was culled in terms of signatures, he refused the canvasser lists in their entirety because of the -- excuse me -- refused the petition parts in their entirety because of the certification on the canvasser lists.

Now, I'm speaking to redistricting, and there's another letter that's specific to redistricting and that's the July 23rd letter, where the Secretary of State wrote that there are more than 89,151 nonculled

signatures remaining for purposes of the redistricting petition.

He wrote specifically, "After a completion of the intake procedure for the referenced petition, a total of 4,579 signatures were culled, leaving a total of 90,493 signatures on the face of the petition."

So there are more than the necessary amount of signatures that have not been culled for purposes of the redistricting petition. That's where we are factually.

Of course, on Friday, July 23rd, the Supreme Court granted the Arkansas Voters First request for preliminary injunction, ordered the Secretary of State to begin verifying signatures for both petitions for registered voters, and granted a provisional 30-day cure period, running from last Friday. And the Secretary has represented in pleadings that have been filed since then that he is currently verifying the signatures.

We believe that the primary issue at this hearing is whether the sponsors of the

redistricting amendment and the open primary amendment have met the initial count; that is, whether the sponsors qualify for a cure period, the 30-day cure period.

Under *Stephens versus Martin*, 2014 Ark. 442, that is referenced in our bench brief, "The only concern when examining the propriety of the Secretary of State's decision to grant or not to grant the cure period is whether, on the face of the petition, the signatures were of a sufficient number." That's a quote from *Stephens versus Martin*.

With respect to the redistricting petition, we know that the initial count was sufficient, 90,493. And that brings us -- we know that he's under the verification procedure. That brings us to the certification of the canvassers' lists. The sole reason the Secretary of State refused to verify the signatures on the petitions originally was due to what he thought was insufficient certification language on the canvasser lists. Whether the language complied with Arkansas Code Annotated

7-9-601(b)(3), which requires the certification language we believe is primarily a legal issue that must be decided by the Supreme Court. We believe that with the certification language, the most important fact that you will find at this hearing is simply that the canvasser lists, all contained, the, what I believe is undisputed, the undisputed certification language.

All of the canvasser lists are -- attached to the pleadings filed in this matter contain the same certification language.

The evidence that we anticipate will be introduced at this hearing is we'll call Josh Bridges from the Secretary of State's office, who's been made available by the Secretary of State's office. He will testify to documents that were submitted by the sponsors and the petition intake process.

We hope to call Mary Claire McLaurin, we've issued a subpoena, the staff attorney for the Arkansas State Police who will

provide testimony as to what background checks the state police can perform with regard to paid canvassers.

In summary, we believe that the scope of your review is limited here. Redistricting had sufficient signatures for a 30-day cure period, and, therefore, the only issue left for redistricting is the certification language, and that is mostly a legal issue. Thank you.

THE COURT: Okay.

Mr. Sullivan?

MR. SULLIVAN: Your Honor, last Friday, the Supreme Court ordered the Secretary to start verifying that the signatures on these two petitions were of registered voters and granted the Petitioners' provisional cure periods.

Within hours on Friday evening, the Secretary mobilized a number of employees to begin taking on that task. 8:00 Saturday morning, the task began and has been going on ever since, some of us working well into the night and early morning hours. We will, of course, report the results of that if

they are finalized during this trial.

The Secretary, in denying these petitions for the reason stated in letters was following the law, and we believe that's what the Court will determine. Thank you.

THE COURT: All right. Ms. Murray?

MS. MURRAY: Your Honor, I will try to be very brief. Starting out, I want to make sure the record is clear on the procedure that these petitions go through and some of the statutes that affect it currently.

Number one, the Petitioners are required to register their paid canvassers and are required under 7-9-601 to make sure certain things happen in their training in that. And they have to certify that they've gotten the right background checks on them, it says "certified."

Also, moving forward, my understanding of the initial count and the Petitioners and what goes for a cure is at odds, I guess, and I want to clarify that.

When the Secretary of State takes the petitions, he doesn't count them. What he does is they go through a list of things

that disqualify under 7-9-126. One of those things is not complying with 601, which requires certification. Another, though -- and those are removed, pursuant to that, from the initial count.

They seem to be saying that the Secretary cannot comply with 601 or with 126, that everything the Secretary of State does until they validate whether a signature is a registered voter's, that they can't do anything but check all the signatures turned in, and that is contrary to 601 and to 126, which has specific things that are not counted even in the initial count. So that's what that culled pile is that they are referring to, culled out.

I want to go back, though, to the main issue that began all this is that adequacy of certification. And I hearken back, and there are other people in this room who were around in 2012 when Act 1413, the reason for it, appeared clear in the initiative process that year.

There were, I believe, four, and their validation rate, back when you validated

everything turned in unless it didn't have a canvasser signature or notary. I mean, I don't think any of them exceeded 50 percent, maybe. And we'll be showing you the preamble to 1413, where the legislature set out how bad that situation was and the fraud and, as a result of fraud, the things.

That's when they started requiring a lot of paid canvassers and sponsors because canvassers and sponsors, under the Arkansas Supreme Court case law, are viewed as election officials. It's not like signing up for a Sunday school picnic. And they put "shall," and they mean "shall," and the Court has recognized that. And in '15 and '17, in '19 even, the legislature has added or reworded some of their requirements.

The reason I want to go through some of those is I thought about his reference to *Stephens v. Martin*. Well, what the Court needs to be aware of, *Stephens v. Martin* was decided after the Pulaski Circuit Court enjoined the enforcement of 601 and 126 stated, and the Arkansas Supreme Court reversed, in large part, what the trial

court had done. But *Stephens v. Martin* was in October of 2014, that decision was. The Supreme Court did not decide Spencer v. Martin until December, I believe it is, in the fall of 2015. So they weren't even in effect, the provisions at the heart today.

So when they keep saying you only look at the face of the petitions, and if the Secretary of State, their job is to validate all signatures and then decide if there's a cure, that's not what the law is, and they are not near the step of a cure.

And I understand, and the Supreme Court did, in the interest of time, they have gone ahead and ordered the Secretary of State to validate the signatures provisionally, provisionally. But the initial count number for open primary is below that required. They did not have 89,151 signatures left in their petitions to be validated if they went forward. Redistricting did. They had, I think it's 1340 or something like that, over.

But they both have to overcome the bigger issue of whether their certifications

of these people to make sure we don't have felons acting as canvassers or being election officials, whether their certification is good enough under what's required of them. And it's not good enough because on the "shalls," substantial compliance is not "We came close."

THE COURT: What is your position on whether or not it's a legal question, a pure legal question?

MS. MURRAY: I think the Court wants a record of what the -- what they said here, but they've pled they substantially complied, and if you are going to rule on that issue, I think you are going to have to have some evidence and make a ruling on that, so when it goes up to the Court, they have a full record, I'm afraid.

And in that regard, you know, they have gone after the initial count, it seems to me -- I have a note. "75 percent valid signatures after verification to get a cure." And they are not there. Open primary, they don't even need an initial count. On redistricting, well, we don't

1 know, but I think that certification is
2 looking at the statute, look at what the
3 case law has been on requiring people to
4 comply with these statutes, and it's a
5 strict compliance statute.
6 And now they are talking about bringing
7 in the state police, and I think they want
8 to, kind of, plead now or put on evidence,
9 "Oh, on that federal search, we can't get
10 that at the state police." And I don't
11 think you can say, "I did everything" to the
12 Secretary of State, "and this language
13 proves it," and then picket the federal.
14 And I guess they are going to show what they
15 did, and that's fine, but I think they want
16 to pick and choose.
17 So if it's just the language and it's a
18 strict compliance standard, they haven't
19 certified anything, period. And they are
20 supposed to do all that before these people
21 start collecting Arkansans' signatures. And
22 I think that's an initial determination you
23 are going to have to make.
24 And we'll be happy. We did not bring a
25 bench brief. We've been trying to get

copies of the poll files too. And I'm not ready to address that part of Count 2, which I think is a part of what they are saying today kind of too. They are kind of splitting it.

THE COURT: Well, we're now into --

MS. MURRAY: Into the initial count.

THE COURT: Well, we're into Count 2, but the Supreme Court's decision a few minutes ago.

MS. MURRAY: Correct. And we'll try to address that, the specifics of that, later, although I think their Count 2, they seem to want to talk about some of those same issues.

THE COURT: Okay.

MS. MURRAY: I noticed in the issues they sent to you, they want to talk about the reasons for the culls under Count 1. And then underneath, they want to talk about the Secretary of State's categories for the culls. I think those are the same things.

So, I mean, I think we'll get into that.

THE COURT: Okay.

MS. MURRAY: They did not comply. Their

1 certification does not comply. It's not a
2 certification at all, in reality. It simply
3 says, "We acquired state police background
4 checks, some sort of federal records or
5 something or a check." And I think -- they
6 haven't said what it is, but I think they
7 will stipulate they did not go to the FBI
8 with their canvassers and give their
9 canvasser consent to a federal records
10 search, which can be done and you can get
11 your fingerprints at the state police. Much
12 the same as the Arkansas, where the
13 canvasser has to consent and then they tell
14 the Arkansas State Police to report it to
15 the sponsors.
16 So I'm not sure where they are going.
17 We'll wait to see what their evidence is
18 going to be on that issue.
19 THE COURT: All right.
20 MS. MURRAY: But I understand the
21 provisional cure, but I think the overriding
22 issue makes it clear that if all of these
23 certifications are insufficient, they have
24 failed to initiate both petitions. It is a
25 complete failure. You don't get to go to

the initial, at all. And that basically these initial counts are also provisional. And one of them didn't even meet the initial count requirement. And I think that's what part of the decision in this case will be. Thank you.

THE COURT: Thank you. And for Open Primaries?

MR. OWSLEY: Thank you, Your Honor. Ryan Owsley for Open Primaries.

THE COURT: I probably should have had you do it right after Robert, but I got ahead of myself.

MR. OWSLEY: Thank you, Your Honor. Just a few points of clarification, especially now that Count 2 is in play. Just by way of clarifying and responding to a few things Ms. Murray referenced, Count 1 is common to both Open Primaries and redistricting.

It's our understanding from the communication from the Secretary of State that he has not counted any signatures on either petition on the basis of the certification. So that issue is common to

both measures. Count 2, however, is unique to Open Primaries. And we had a conference call, the parties did, yesterday, where we were trying to agree on the total number of signatures that were submitted from Open Primaries to the Secretary of State. We haven't been able to come to a specific agreement on that, but I believe we have some draft stipulations that are still in play, and I don't want to represent that yet until I'm confident everybody has agreed on that.

The Secretary of State has culled 10,000 of that total number. Of the 10,000 that he has culled, that pushes us below the 89,151 threshold. Of the 10,000, about 5,000 were the redistricting petition parts the Secretary contends were filed alongside or with Open Primaries.

We're not concerned about that, and Open Primaries is not concerned about that, and that won't be an issue in these proceedings. The remaining petition parts, signatures, that were culled in this case -- and in this case they are all petition parts. They are

culling entire petition parts. We received those petition parts yesterday morning to the election library. We requested them on Friday from Secretary of State. We understand the Secretary of State's very busy with all the stuff going on. So no aspersion on the Secretary with regard to that. But we asked on Friday, we asked on Sunday, we asked Monday morning. And me and some cocounsel went to the election law library to review the actual petitions to see, the culled petitions, the 5,000 or so that were culled.

We are about 600, 575, short of that 89,151 threshold. This morning after receiving scanned copies of the culled, we spent several hours going through them. We believe we found well over 600 that should be thrown back into the initial count, and this is all Count 2, which pushes us over the threshold and then the only remaining issue is, again, that Count 1 certification for everybody.

Just one last point on the, kind of the procedural posture as we sit here today.

Ms. Murray referenced *Stephens v. Martin*, and it was a 2014 case, and we referenced that in the brief, but it was re -- up in *Zook* versus Martin in 2018. And the exact issue that Ms. Murray referenced with regard to Act 1413 of 2013 being enjoined, the Supreme Court specifically addressed that in *Zook* v. Martin; and what they said was their standard, at this initial count stage, is still the same as they reference in *Stephens v. Martin*. So that's a distinction without a difference. The procedural posture is the same here as it was in *Stephens v. Martin*, which means that what we are doing is we're here today, and as long as we're here, we're looking at the decisions the Secretary of State has made with respect to these culls, not additional reasons that Intervenors may try to introduce as to reasons why they believe the Secretary of State incorrectly counted certain of our signatures. So we take that to be an important procedural matter and clear under the Supreme Court's case law.

Thank you, Your Honor.

THE COURT: All right. Mr. Sullivan, anything you'd like to address in regard to Open Primaries?

MR. SULLIVAN: Briefly, to clarify, and I think Ms. Murray said something to this effect also. The failure to properly certify the criminal background check on the Open Primaries is not the only issue. If they get past that and then indeed it's found that there should be some throwbacks getting to the 89,151, they don't get a cure period unless 75 percent of those are of valid voters. So there's still another step after that, assuming that they can prove there should be throwbacks.

THE COURT: Okay. Ms. Murray, anything else?

MS. MURRAY: Your Honor, I believe in both *Zook*, the attack was on the cure, where we aren't even here yet. In *Stephens v. Martin*, the attack was after the certification, and it was attacking the initial count, basically.

Here, we haven't gotten past the initial count on Open Primaries because they failed

it, and it appears to me they have just said, "Well, we get to put on evidence." They are talking about *Stephens v. Martin*; you just do a facial. Well, now they are saying, "We want to put on evidence of errors in the Secretary of State's review of the petition on what they culled."

It seems to me inconsistent with their other positions about, well, facial and this and that. They are acknowledging that under 126 and under 601 that those statutes, which have never been challenged in this regard, are valid. In fact, in *Benca*, the issue was, after a certification not on initial count, not on whether you get a cure, but on the ultimate certification, it was whether they had complied with registering their voters -- their canvassers, excuse me. And they said it's strict compliance.

So I'm not sure where that leaves us or where they think they can put on evidence for this, and I guess we can put on evidence and the possibility, they are saying, about the availability of a federal criminal record search. They can do that, they say,

and they can attack what the Secretary of State does, but their position has been the Secretary of State and even the intervenors can't touch anything we've put in. The Supreme Court says you can't do any of that. And that makes no sense to me. I would just leave it at that.

THE COURT: All right. Thank you.

All right. Call your first witness.

MR. OWSLEY: Your Honor, Petitioners call Josh Bridges.

THE COURT: All right. If you'll raise your right hand.

(Whereupon, the witness was duly sworn.)

THE COURT: All right. Be seated.

JOSHUA BRIDGES,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. OWSLEY:

Q. Mr. Bridges, thank you for being here this afternoon. Would you please state your name.

A. Joshua Bridges.

Q. And who is your employer, your current employer?

A. The Arkansas Secretary of State.

Q. How long have you been employed with the

Secretary of State?
A. A little over seven years.
Q. And your current title?
A. I'm an elections systems analyst.
Q. And how long have you been in that role?
A. Less than a year.
Q. What was your role immediately before the current role?
A. I was an election coordinator.
Q. In your role as an election coordinator, your immediately past role, describe what your responsibilities and duties were.
A. I was given a certain area of the state geographically to assist county clerks and county election commissioners with questions on voting equipment, election procedure.
We also assist with questions with the voter registration database procedurally, amongst various other tasks.
Q. In that role, did you have any responsibilities in connection with statewide initiatives?
A. Yes, sir.
Q. Describe what those responsibilities were.
A. For a number of years now, I've been the main supervisor for the petition verification and review

process. I assist with training all of the temporary workers we use. I also assist with training actual SOS staff, and we go through the entire petition process together.

Q. So in that role as -- or that responsibility as a main supervisor with respect to the intake of initiative petitions, how long did you serve in that role?

A. Since 2014.

Q. And you continue to serve in that role?

A. Yes, I do.

Q. So as a -- in your current role as an elections systems analyst, do you have any responsibilities in connection with initiative petitions?

A. Yes, I do.

Q. Describe what those are.

A. The same as they have always been, as far as that's concerned. I'm still the main supervisor over the process.

Q. So for about seven-ish years, you have been the main supervisor over the initiative petition process --

A. Yes.

Q. -- at the Secretary of State's office?

A. Yes, sir.

Q. When you say that you are the main supervisor, you described Secretary of State employees. Are you referring to employees or independent contractors?
A. Employees. That's the staff that is on the payroll for the Secretary of State's office; in other words, my coworkers.
Q. Have you had any role in connection with the -- with the sponsor Arkansas Voters First, either of their petitions?
A. Yes, I have.
Q. Describe what those were.
A. Before the petition is submitted, I am on the e-mail list group to receive paid canvasser lists and paid canvasser affidavits via e-mail.
Q. And did you receive those two documents from Arkansas Voters First?
A. Yes, I did.
Q. And you received those in connection with the redistricting measure?
A. Yes, sir.
Q. And you also received in connection with the Open Primaries measure?
A. Yes, sir.
Q. Did you have any role in connection with the actual turn-in of the petitions, the petition parts

themselves?
A. Yes, I did.
Q. Tell us about that.
A. I was on site when the petitions were submitted the day of the deadline. I received the petitions, and I also received the paperwork that was submitted.
Q. Do you have any --
THE COURT: Let me interrupt just a minute. Let me ask a question. And you may have already said it, and I may have just missed it. On these certifications, when you got them by e-mail, when do they come in in relation to filing the petition?
THE WITNESS: They come in, once the sponsor has submitted their sample language and their sample petition part to our office, they can immediately begin collecting signatures.
As soon as the sponsor decides to use paid canvassers, at that point before that can happen, they begin submitting those documents to our office. They come in at a rolling basis. Just whenever they have new canvassers, they will submit that information to us.

THE COURT: Okay.
THE WITNESS: So we would receive documents every day, all hours of the day.
THE COURT: And is -- I mean, do they go right up until the filing of the petition, or is there a cutoff date on those or --
THE WITNESS: They went all the way to the day of the petition this time, yes, sir.
THE COURT: All right.
Go ahead.
MR. OWSLEY: Thank you, Your Honor.
Q. Did you -- on July the 6th, did you receive any documents in connection with Arkansas Voters First?
A. Yes, I did.
Q. If you will -- you've got two manila folders there, and if you'll pull the thicker one. If you'll open that up and take a moment there and just --
MR. OWSLEY: And, Your Honor, I distributed these to each of the parties as well.
THE COURT: Okay.
Q. If you'll just take a moment there and look at what is marked in the bottom right corner as Exhibit 3, and tell me if you recognize this document.
A. Yes, I do.

Q. What is this document?
A. This is the paperwork that was filled out and submitted for the redistricting commission amendment.
Q. And is this, what we're looking at here, is this an official form of the Secretary of State's office?
A. Yes, sir.
Q. On the second page, can you see whether it's notarized?
A. Yes, sir.
Q. Who notarized that?
A. I did.
Q. And did you do that on July 6th?
A. I did, yes, sir.
Q. Is this document routinely used by the Secretary for the intake and analysis of petitions?
A. Can you rephrase that?
Q. Do you use this document regularly when receiving petitions?
A. Yes, we do.
Q. And is it kept in the ordinary course of the secretary's business by a person with knowledge?
A. Yes, sir.
(Petitioners' Exhibit 3 offered into evidence.)
MR. OWSLEY: Your Honor, I move to admit

into evidence.

MR. SULLIVAN: No objection.

MS. MURRAY: Your Honor, my only objection is it's not being offered for the truth of the matter asserted. The Secretary of State does not fill this document out. It is not their record. It is what is said by the sponsor, if that makes sense.

THE COURT: Okay.

MS. MURRAY: I mean, it's not a business record in that sense. It's the statement of the sponsor. A copy of it is found in the files of the Secretary of State.

THE WITNESS: And I may be able to add to that, Your Honor, as well that --

THE COURT: Well, don't just -- while we're dealing with the objection.

THE WITNESS: Sure.

THE COURT: I'm going to receive it. It appears to be signed by a representative of the Secretary of State's office. It's a receipt from the Secretary of State's office on their stationery. I'm going to receive it as Petitioners' Exhibit 3.

(Petitioners' Exhibit 3 received into

evidence.)

MR. OWSLEY: Thank you, Your Honor.

Q. Mr. Bridges, would you please look at that second page that is titled "Signature Count Affidavit" at the top. Do you see that?

A. Yes, sir.

Q. And about halfway down the page, there's a line that says, "I certify." Do you see that?

A. Yes, sir.

Q. Would you please read that line?

A. "I certify that a total of 15,118 petition parts containing 98,728 signatures are being filed."

Q. And back on the first page, this is being filed in connection with the redistricting measure; is that correct?

A. Yes, sir.

Q. Is it the standard practice for sponsors, when they turn in their petitions, to fill out these forms?

A. It is.

Q. If you'll go to the next document there in your packet that is labeled Exhibit 4 in the bottom right corner. There's a "4" copied. Do you see that?

A. Yes, I do.

Q. Do you recognize this document?

A. Yes, I do.

Q. What is it?
A. This is the submission paperwork for the top four Open Primary elections amendment.
Q. Is this the same document for the Open Primaries that we just looked at for redistricting?
A. These are the same forms that were provided for the sponsor to fill out, yes, sir.
Q. Okay. And it's a little hard to read there. I apologize for that. But if you'll go to the second page there, Mr. Bridges, you'll see the file mark?
A. Yes, I do.
Q. And that is July 6?
A. Yes, sir.
Q. So this was received that same day, correct?
A. It was, yes, sir.

(Petitioners' Exhibit 4 offered into evidence.)

MR. OWSLEY: Your Honor, move to admit Exhibit Number 4 into evidence.

MR. SULLIVAN: No objection.

THE COURT: All right. Same?

MS. MURRAY: Yes, Your Honor, same objection, except I believe these are three, at least Pages 1 and 2 of Exhibit 3 and Exhibit 4, are separate documents. It is

not a continuation. I just want to make that clear. The first page, for example, is a receipt for initiative or referendum petition. The second page is the Signature Count Affidavit, which is something separate than receipt.

THE COURT: And the third page is?

MS. MURRAY: And the third page is the certification regarding paid canvassers.

THE COURT: I'm going to modify my -- I'm going to receive Exhibit 3 for -- since it is signed by Secretary of State's office, for the truth of the matter.

As far as the second and third pages of Exhibit 3, they are going to be received simply as part of the record for the Secretary of State's office, and the truth of it is not being -- it's not being admitted for the truth of the matter.

MS. MURRAY: Thank you, Your Honor.

MR. OWSLEY: Thank you, Your Honor.

THE COURT: Now, as to Exhibit 4, I'm going to admit the first page of Exhibit 4 for the truth of the matter asserted since it is signed by the Secretary of State's

office; but as to the second page, it's going to be admitted as part of the record of the Secretary of State's office but not for the truth of the matter asserted.

MR. OWSLEY: Your Honor, if I may just clarify that, the ruling there.

With respect to the second page that says, "Paid Canvasser Certification" at the top.

THE COURT: Right.

MR. OWSLEY: It's being offered into evidence as evidence that the sponsor certified the background check.

THE COURT: I'm receiving it as for what it's -- what it is and what it does, the act, not necessarily the contents of it.

MR. OWSLEY: Thank you, Your Honor.

(Petitioners' Exhibit 4 received into evidence.)

Q. Mr. Bridges, if you'll go to the next document, just to make sure we're on the same page there. What do you see at the top of that? What's the title of that document?

A. Signature Count Affidavit.

Q. And this is for what petition?

A. It's for the top four open primary elections amendment.
Q. And this bears your notary?
A. Yes, sir.
Q. You received this on July 6?
A. Yes, sir.
(Petitioners' Exhibit 1 offered into evidence.)
MR. OWSLEY: Your Honor, I move to admit this into evidence as Exhibit Number 1.
THE COURT: Okay. Is that this -- this doesn't have any kind of exhibit.
MR. OWSLEY: Yeah. Your Honor, I'm sorry about that. The exhibits that are in the bottom right corner are from the original action complaint. I have exhibit stickers here. I'm happy to put them on. I don't want to circulate them wrong.
THE COURT: Will the exhibit numbers be different than what I've already admitted?
MR. OWSLEY: No. We can admit them for those purposes and I'll --
MS. MURRAY: My objections kind of created some of the separating out. I think that these were all part of the submission

1 papers. It's not all the papers submitted,
2 but it is an excerpt of the papers submitted
3 by the sponsors. Correct?
4 MR. OWSLEY: Correct.
5 MS. MURRAY: And Pages 2 and 3 of
6 Exhibits 3 and 4 are both statements of the
7 sponsor, making their statements under oath,
8 and Josh Bridges, the witness at that time,
9 on both 2 and on 3 -- well, there is no
10 affidavit on 2. But on 3, that's as a
11 notary, not as a Secretary of State employee
12 actually.
13 THE COURT: All right.
14 MR. OWSLEY: Your Honor, not offering
15 for the truth of the statements that are
16 made in it but for evidence that the sponsor
17 made this representation to the Secretary of
18 State, who received them in connection with
19 the final submission.
20 THE COURT: All right. And what exhibit
21 is this?
22 MR. OWSLEY: We're going to mark that
23 Exhibit 1, Your Honor.
24 THE COURT: Okay.
25 MS. MURRAY: That's going to be Exhibit?

MR. OWSLEY: Exhibit 1.
MS. MURRAY: 1?
MR. OWSLEY: Yes.
MS. MURRAY: Petitioners' Exhibit 1?
MR. OWSLEY: Petitioners' Exhibit 1.
MR. CRASS: Is it already part of what you identified as 4?
MR. OWSLEY: No.
MR. CRASS: It is in our packet. Maybe that's the confusion. Maybe she's the one that --
MS. MURRAY: I just stapled them together.
MR. CRASS: Okay. It's our bad.
MS. MURRAY: Our bad.
MR. CRASS: Exhibit 1.
MS. MURRAY: Petitioner 1.
THE COURT: Are the exhibits I have the official exhibits?
MR. OWSLEY: Yes, Your Honor.
THE COURT: This is a little different. So if you could put a sticker on there.
MR. OWSLEY: May I approach?
THE COURT: You may.
MR. CRASS: I apologize, Your Honor.

THE COURT: And I'm going to admit Petitioner's Exhibit 1.

I assume Secretary of State's office doesn't object?

MR. SULLIVAN: No objection.

THE COURT: All right. I'm going to admit it for the fact that it's part of the Secretary of State's record, but it's -- and the fact that the sponsor said this but not necessarily the truth of the matter.

MR. OWSLEY: Thank you, Your Honor.

(Petitioners' Exhibit 1 received into evidence.)

THE COURT: All right. Proceed.

Q. Mr. Bridges, earlier you testified that part of your responsibility in your current role at Secretary of State's office is supervising the petition intake process, correct?

A. That is correct.

Q. Would you describe for us -- is it fair to describe that process as a two-step process?

A. Yes, sir.

Q. Would you describe -- what are the two steps?

A. The two steps are phases, as we call them. Step one is intake of the petition. Step two is

verification of the petition.
Q. And let's start with intake. Tell us what all is entailed in the intake of a statewide initiative petition.
A. Okay. I actually have a -- one of our checklists.
Q. Yes.
A. Am I able to refer to that just for clarity?
Q. Yeah, you can. That will be fine.
THE COURT: Yes.
THE WITNESS: Thank you, Your Honor.
A. It's the Intake Procedure Checklist is the name of it.
MR. OWSLEY: Your Honor, I'm going to mark this document -- let me lay a foundation for it first.
THE COURT: All right.
Q. Mr. Bridges, did you bring this document with you to court today?
A. I did, yes, sir.
MR. OWSLEY: Your Honor, I mark this for identification as Exhibit Number 2.
THE COURT: All right.
MR. OWSLEY: I believe, since we just had the one copy of it that we brought the

Court, if I can put it up on the ELMO, Your Honor.

THE COURT: Any objection from the Secretary of State's office?

MR. SULLIVAN: No objection.

THE COURT: All right. Ms. Murray?

MS. MURRAY: No, Your Honor.

Maybe we can get copies of it at the break or something or this evening.

THE COURT: All right.

MR. SULLIVAN: Mr. Bridges has a couple more copies if they want one.

MS. MURRAY: Oh, you do?

MR. OWSLEY: That would be great.

MS. MURRAY: May we have one?

THE WITNESS: Your Honor, would you like a copy as well?

THE COURT: I would.

THE WITNESS: May I approach?

THE COURT: You may. Thank you.

Q. Mr. Bridges, do you have a copy of it in front of you?

A. Yes, sir.

Q. So is this the document that you brought with you to court this morning -- this afternoon?

A. Yes, sir.
Q. That's the document you just requested to review as part of your testimony?
A. Yes, sir.
Q. So, and you're going to walk us through the petition intake process using this document, correct?
A. Yes, sir.
Q. Okay. Tell us about that.
A. Once we receive the petition, Your Honor, there's a list of things that we have to check for every single petition part. The first step that we perform on the entire petition is we place either a sticker number or a Bates stamp on each petition part to give it a unique identifying number. This helps us to track each individual page and refer to that page by number.

Step number two is usually optional. We make sure that each petition part has a "For office use only" box in the top right corner. Here lately, all the sponsors have been very gracious in putting that on their sample petition page, so that hasn't been any issue, but we do ensure that that is done.

Step three, we confirm that each petition part is an original and is not a photocopy.

THE COURT: Let me ask you a question

about that, and this probably has nothing to do with the hearing. How do you do that with the copiers these days?

THE WITNESS: Oh, man. So as far as the copiers themselves, we copy each signature page at the very end of the process. Are you referring, Your Honor, more toward the fact that the petition part itself is a stapled packet document?

THE COURT: No. I'm referring to the fact that copiers are so good, it's hard to tell a copy from an original.

THE WITNESS: I see. We simply do the best that we can to ensure that it is an original. If there's any question as to whether or not it is an original or a photocopy -- and this is our standard for every decision we make through the entire petition process -- we always get a second opinion. One set of eyes a lot of times is just not enough on making a decision, especially something that is such -- that has such scrutiny as a petition these days.

So, if someone believes that it is not an original and it does seem to be

1 photocopied, we'll get a second set of eyes
2 on it.
3 THE COURT: Okay. All right. That's
4 good enough.
5 All right. Go ahead.
6 THE WITNESS: Continue?
7 Q. So you're continuing now. Once the -- there is
8 a bolded section there with the letter "A" in front of
9 it. Would you read that and describe what happens at
10 that stage?
11 A. Yes, sir. So steps 4 and 5 also are two
12 other -- two other things we check at that station.
13 We make sure that the entire text is attached and that
14 the copy is entirely legible. We also make sure that
15 the popular name and the ballot title are attached.
16 If one of the above three items is not met, we attach
17 what's called a "culled cover sheet," quotes. We
18 select the proper reason on that cover sheet as to why
19 that page is to be culled out of the petition. And
20 the workers are instructed to place that petition page
21 with the paper-clipped cover sheet back into the
22 folder that became -- that it originated from.
23 So to explain the culled cover sheet a
24 little bit, I'm not sure if it will be introduced or
25 not, but a culled cover sheet is another document that

SOS has produced to allow an easier understanding as to why a petition part is culled. We have various reasons, which are similar to the checklist, but we have various reasons on the cover sheet that our workers are instructed to select in order for us as supervisors to determine why is this page being culled, number one, and, number two, if it indeed does need to be culled.

And I can continue on if you'd like.

Q. Let's pause there for just a second. When a petition part is culled, that means it's set aside and it's not counted?

A. I can go into detail with that.

THE WITNESS: And, Your Honor, I may need to broad-brush the fact that while SOS staff works on this petition diligently, we have to bring in temporary workers to assist. We simply don't have enough warm bodies to complete the entire process in the time frame. So we do bring in temporary workers, and as mentioned before in my testimony, I train all the workers. All the temporary workers are trained by me. We go over this entire process in detail.

So the way this works, and if you see

these lines on this checklist, I have different stations set up in the room. So we basically have an assembly line of sorts, and each worker is only responsible for a certain area of this checklist so they are not overwhelmed. So they only have a couple of things that they have to be looking for through the process.

So in looking at 5a in bold, if you notice the end of that sentence, the workers are instructed to place that petition part with the culled cover sheet back into the originating folder. So when this process continues on, that petition part that could be culled, it's still in the folder. And if you look down -- I don't want to skip around too much, but if you look at Number 15 on that checklist, supervisor review is performed.

Supervisor review is performed by SOS staff, and when we come across that petition part, we'll see the culled cover sheet. This goes back to our two sets of eyes standard. We will make the final determination, SOS staff will, as to whether

or not that petition part indeed does need to be culled. So we'll look at the reason that's selected, we'll look at the actual part and ensure that that page does need to be pulled out, and we'll make that determination at that point whether to completely pull that part out and put it in our culled pile.

Does that make sense?

THE COURT: Mm-hmm.

THE WITNESS: Okay.

Q. Mr. Bridges, on Lines 10 and 11, there appear to be special steps that are associated only with paid canvassers. Would you describe that step there that's listed as Number 10?

A. Yes, sir. For paid canvassers only, we have to ensure that the information is on the paid canvasser list. When the sponsor submits their petition to us, they also submit a -- what's called a final list of paid canvassers. This is their conglomerate list of all paid canvassers that were used during the circulation process.

We take that list, and we compare it to the signature cards, and we compare it to the paid canvasser affidavits that the sponsors are required to

submit to our office. For each paid canvasser, we ensure that we have a signature card, and we also ensure that we have a paid canvasser affidavit.

Once we tally up that data for every single paid canvasser we -- we put it in a spreadsheet -- we actually add a couple rows to the original spreadsheet that the sponsor submits.

Once we have tallied up and made sure that we have the required information for each paid canvasser, we take that list, we sort it by last name, we print it out.

We have that hardcopy canvasser list at that, what we would call a canvasser station for our workers to flip through for every single petition part and check to ensure that the canvasser that circulated that page is on that list.

Q. Mr. Bridges, still on Number 10 here. When it says, "Ensure information is on paid canvasser list," what is the information that has to be on that list?

A. Well, by the time the list that we take and manipulate and trim down, the only thing that's on that physical list at that station is a first name, last name of the paid canvasser and the date that that canvasser was officially registered with our office. It's a short, sweet Excel spreadsheet.

Q. So if I understood your testimony correctly, Number 10, when it refers to "Ensure information," is referring to three things: The canvasser's first name, last name, and the date of registration?
A. I believe that's correct, yes, sir.
Q. And let's talk about Line 11, which is about registration. Would you describe what Line 11 is referring to?
A. Sure. As mentioned on the spreadsheet, Your Honor, there is a date that canvasser was officially registered with our office. We look at the list and look at the date that that canvasser was registered with our office, and we compare it to what's called the "dates of signing" column in the signature line area. So we ensure that the voters that signed the petition, that particular petition part, we ensure that the dates -- excuse me. We ensure that the canvasser did not collect signatures before they were actually supposed to. Does that make sense?
So if John Smith registered on May the 1st and he collected the signatures on this individual page May the 25th, that page would be okay because he registered before everything was collected. If John Smith registered on May 1st, but we have a petition part that has signatures from April, that would be a

reason for our office to cull that petition page.

THE COURT: When do you check for certification?

THE WITNESS: Certification of the entire petition or --

THE COURT: No. The paid canvasser.

THE WITNESS: Well --

THE COURT: About the background checks.

THE WITNESS: Well, the sponsors themselves are required to submit what's called a Paid Canvasser Affidavit to our office. And if you recall previously, Your Honor, I testified that that information comes to us by e-mail through the entire process that the canvasser is collecting. So as we get those in our e-mail, we print those out, and we file-stamp them for the day that we receive them.

So when we're manipulating the spreadsheet after everything's turned in, we look to see when we receive that information, when they were certified by the sponsor. Does that answer your question?

THE COURT: Yes. Thank you.

Q. Let's talk more about the registration and its

1 connection to the certification language. When Line
2 11 --
3 THE COURT: Let me interrupt just a
4 minute. Under the circumstances of this
5 hearing, even though we're under a little
6 bit of a time crunch, we're going to be
7 taking breaks a little more often because
8 these masks, and I want to check on the room
9 temperature to see if I can get the Supreme
10 Court to lower the temperature. So we're
11 going to take about a 10-minute recess.
12 (Recess from 2:00 p.m. to 2:14 p.m.)
13 Q. Okay. Mr. Bridges, we are going through this
14 two-step process. We're on a first step, intake, and
15 we're up to Line 11 on this form, Petition Intake
16 Procedure Checklist, which has been marked for
17 identification as Exhibit Number 2.
18 And I believe we were just about to get
19 into the relationship between Line 11 and the
20 certification language. On Line 11, it says, "Ensure
21 canvasser was registered prior to collecting
22 signatures." Do you see that?
23 A. Yes.
24 Q. What does it mean for a canvasser to be
25 registered?

A. It means that all the required paperwork was submitted to our office.
Q. And describe what the required paperwork is to be a registered canvasser.
A. To my knowledge, it's going to be a Paid Canvasser Affidavit. It's also going to be a signature card by the sponsor. The paid canvasser also must appear on the paid canvasser list.
Q. Describe the paid canvasser list.
A. The paid canvasser list is an Excel spreadsheet, typically, that is sent to our office on the elections e-mail group. The final list of paid canvassers is submitted the day that the petition is submitted.
Q. And do you receive those e-mails of the paid canvasser list?
A. Yes, sir.
Q. Did you receive those e-mails in connection with the two initial petitions at issue in this case?
A. Yes, sir.
Q. If you would look at your -- the large packet that you have there and flip to the back, there, the document that's labeled Exhibit Number 12 in the bottom right corner.
A. Okay.
MS. MURRAY: I have two 13s and no 12.

MR. OWSLEY: (Tenders).
MS. MURRAY: Okay. Thanks.
Q. Is this document that's labeled Exhibit 12, is that the paid canvasser list that you're referring to?
A. Yes. It's one of them, yes.
Q. Okay. You say "one of them." So there are many. Describe that.
A. That's correct. Every time paid canvassers are added to this list, that list is updated and sent to our office. So we get multiple submissions, a continuously growing Excel spreadsheet.
Q. On the far left column on this document, do you see the various dates that are there?
A. Yes.
Q. What do those dates refer to?
A. I believe those are the dates that the sponsor added that canvasser to the list under the premise that that canvasser met all the requirements.
Q. So this is a, you said a continuously-growing document that we're looking at here; is that correct?
A. That is correct, yes.
Q. And it grows based on the dates that we see in the far left column?
A. Correct.
Q. And the date that -- did you receive this

1 document in connection with the Arkansas Voters First
2 petition?
3 A. Yes, I did.
4 Q. And do you see the date in the top left corner?
5 A. Yes, sir.
6 Q. 7/4/2020?
7 A. 7/24/2020.
8 Q. Thank you. I'm sorry. 7/24/2020. And that's
9 the date you received this?
10 A. I believe it was, yes, sir.
11 Q. There is a section of text that is there. Would
12 you read that section of text right there that starts
13 with "In compliance with"?
14 A. Yes. "In compliance with Arkansas Code Section
15 7-9-601, please find the list of paid canvassers that
16 will be gathering signatures on the redistricting
17 commission constitutional amendment. On behalf of the
18 sponsors, Arkansas Voters First, this statement and
19 submission of names serves as certification that a
20 statewide Arkansas State Police background check, as
21 well as 50-state criminal background check, have been
22 timely acquired in the 30 days before the first day
23 the paid canvasser begins to collect signatures as
24 required by Act 1104 of 2017."
25 Q. Are you aware that this language that's being

referred to is the certification language?
A. I believe so, yes.
Q. Is this language or something similar attached to the top of every one of these paid canvasser list e-mails that you received?
A. To my knowledge, yes.
Q. When you received -- well, when you received the document that we're looking at here, what did you do with it?
A. We kept the e-mail that it was attached to and kept the Excel spreadsheet electronically in a file.
Q. So you filed it?
A. Correct.
Q. Okay. Anything else?
A. Not to my knowledge, no, sir.
Q. Are there any decisions that are made by the Secretary of State at the time of receiving this paid canvasser list?
A. When you mean decisions, what would you be referring to?
Q. Other than filing the e-mail, does the Secretary of State take any action upon receiving these paid canvasser lists?
A. No, sir.
Q. When the Secretary of State receives the

1 certification language that we have here at the top of
2 what's been marked here as Exhibit Number 12 for
3 identification, does the Secretary of State look
4 behind the certification language to determine its
5 veracity?
6 A. No, sir.
7 Q. Back on the Petition Intake Procedure Checklist,
8 is there anything in the checklist that requires
9 someone who you supervise to determine whether a paid
10 canvasser has had a background check?
11 A. No, sir. We believe that's incumbent upon the
12 sponsor to obtain that information. Once the sponsor
13 submits that information of that paid canvasser to our
14 office, we believe at that point that all requirements
15 have been met. So that's kind of out of our scope.
16 Q. You rely on the language of the certification?
17 A. We rely on the information the sponsor gives us,
18 yes.
19 Q. Does the Secretary do anything -- does the
20 Secretary have any rules regarding the -- what
21 certification language it considers to be sufficient?
22 A. No, sir. I believe the law would most likely
23 speak for itself in 7-9-601.
24 Q. Which is referred to here in this certification?
25 A. That's correct.

Q. Have you seen language that's similar to this before in connection with any other petitions?
A. I believe I have, yes.
Q. Has the Secretary ever refused to count signatures based on the same or similar certification language we see here?
A. I'm not sure on that.
Q. Okay. Let me back up.
A. Sure.
Q. You've seen language similar to this before, correct?
A. I have, yes.
Q. In connection with initiative petition, a referendum petition?
A. Yes, sir.
Q. How many petitions have you seen it in connection with, just off the top of your head?
A. I couldn't tell you. Off the top of my head, three or four, maybe.
Q. And of those three or four, did the Secretary disqualify any signatures based on the language?
A. I believe he disqualified the two we're speaking of here today.
Q. Before these two, did the Secretary disqualify any of the other petitions that you're thinking of?

A. I do not recall if he approved it or not based off of this language. I don't know what was -- what was determined on that court ruling, so --
Q. Let me make sure I understand your answer. You say I don't know what was determined on that -- did you say corporately?
A. Court ruling. I'm sorry.
Q. Oh, court ruling?
A. Yes, sir.
Q. What are you referring to there in court ruling?
A. I believe you may be -- or I may be referring to the optometry ruling that was, I believe, a few weeks ago. I don't recall reading the ruling on that myself, so I don't know if that was what our office based -- I don't know if we denied it based off of that. I don't recall.
Q. Okay. So let me try to refine my question. At petition intake, what we've described as step one, which is outlined here on Petition Intake Procedure Checklist, has any petition, statewide initiative or reference petition, ever been -- strike.
Has the Secretary ever decided in the petition intake process to not count the signatures on a petition because of language like this?
MR. SULLIVAN: Objection. Asked and

answered.

THE COURT: Overruled.

Answer it.

A. I believe we have, based off of canvassers not being certified properly.

Q. Based on language that we see here on Exhibit 12?

A. Correct.

Q. And what petitions were those?

A. I believe it was the top four open primary and redistricting commission petition.

THE COURT: Before that?

THE WITNESS: Before that, we may be speaking about the optometry referendum that we were in court for about a month ago, and I don't know what that ruling was, Your Honor.

THE COURT: All right. Apart from any ruling, just let me cut to the chase on this. Did you accept this language in that optometry ruling from the Secretary of State's office before it got into court?

THE WITNESS: I believe we did.

THE COURT: All right.

Q. Do you know why a decision was made at the

Secretary of State's office to change course on language like this?
A. No, I do not.
Q. Were you instructed to change course based on this language?
A. I was not.
Q. Did you make the decision to change course?
A. No, sir.
Q. Do you know who did?
A. Our legal counsel made that decision collectively.
Q. If you'll look at the set of documents that are indeed behind that. Just to make sure that we're all on the same page, do you have in the bottom right corner -- yep, yours says Exhibit 13?
A. Correct.
MR. OWSLEY: Ms. Murray?
MS. MURRAY: Yes, I do.
Q. Would you read the language at the top of what's been marked there as Exhibit 13?
A. "In compliance with Arkansas Code Section 7-9-601, please find the list of paid canvassers that will be gathering signatures on the constitutional amendment establishing top four open primary elections and majority winner general elections with instant

1 runoff. On behalf of the sponsors, Arkansas Voters
2 First, this statement and submission of names serves
3 as certification that a statewide Arkansas State
4 Police background check, as well as a 50-state
5 criminal background check, have been timely acquired
6 in the 30 days before the first day the paid
7 canvassers begins to collect signatures as required by
8 Act 1104 of 2017."
9 Q. This is the certification language that you
10 received via e-mail in connection with the Open
11 Primaries amendment?
12 A. Correct.
13 Q. And you received this on the date listed at the
14 top left?
15 A. Correct.
16 Q. This is the same, the same document basically as
17 what we looked at for redistricting.
18 A. That is correct.
19 Q. So with the running cert- -- running
20 registration dates on the left?
21 A. That is correct.
22 THE COURT: I'm a little confused.
23 These were submitted after this case was
24 filed?
25 THE WITNESS: No, sir. These were

submitted while the sponsor was still gathering signatures before the petition was submitted.

THE COURT: Well, the date up here is July the 24th.

MS. MURRAY: I believe that's the print date.

MR. THOMPSON: That's just the most recent date.

MR. CRASS: Yeah, I think you need to ask him because he did answer that it was the date it was received.

MS. MURRAY: Yeah.

THE WITNESS: Without knowing which e-mail this document right here was attached to, I don't fully know what date we received this document.

MR. SULLIVAN: Your Honor, I'll be able to clarify that on cross-examination because I know where that date comes from.

THE COURT: On one of the -- on some of the names, it's got July 23rd and July 24th. And so anyway, let's proceed. I'm a little confused, but maybe y'all can clear it up.

MR. OWSLEY: Your Honor, it's my

1 understanding that per the Supreme Court's
2 order that the canvassers are still
3 collecting signatures and so they are still
4 sending in the required language to the
5 Secretary of State as we go forward for the
6 provisional period.
7 MR. SULLIVAN: That is correct, Your
8 Honor. That's the main reason for that.
9 There's another reason too.
10 MS. MURRAY: And it's a cumulative
11 document. It is built every day. It adds
12 names to the bottom, and this was the one of
13 7/24.
14 THE COURT: Okay.
15 MS. MURRAY: And it will tell you since
16 6/2 the date every canvasser was registered
17 by the sponsor.
18 MR. OWSLEY: Your Honor, as we were
19 coming over to court this afternoon, we were
20 trying to print off all of the
21 certifications by date to provide them to
22 the Court. We weren't able to do that in
23 time. We can provide those at a later time
24 today or tomorrow.
25 THE COURT: Okay. All right. I was

just curious about it.

All right. Proceed.

(Petitioners' Exhibit 2 offered into evidence.)

MR. OWSLEY: Your Honor, move to admit into evidence what's been marked for identification as Exhibit Number 2.

THE COURT: And that's the checklist?

MR. OWSLEY: Yes, Your Honor.

THE COURT: Any objection?

MR. SULLIVAN: No objection.

THE COURT: Any --

MS. MURRAY: No, Your Honor.

THE COURT: All right. If you can mark it for me, that will be fine.

(Petitioners' Exhibit 2 received into evidence.)

(Petitioners' Exhibit 12 offered into evidence.)

(Petitioners' Exhibit 13 offered into evidence.)

MR. OWSLEY: Your Honor, I also move to admit Exhibits 12 and 13 into evidence.

MR. SULLIVAN: No objection.

MS. MURRAY: No objection.

THE COURT: All right. They will be received as Petitioners' Exhibits 12 and 13.

(Petitioners' Exhibit 12 received into evidence.)

(Petitioners' Exhibit 13 received into evidence.)

Q. Mr. Bridges, we took a little detour there to talk about the -- what you said were the three things that are included in Line 11 on the petition intake checklist. Ensure canvasser was registered prior to collecting signatures.

My understanding of your testimony is there's three elements to be registered. Paid canvasser has to have submitted an affidavit, correct?

A. Correct.

Q. Have to have submitted their signature card?

A. Correct.

Q. And they have to have submitted this -- to be on this paid canvasser list?

A. That's correct.

Q. And the people who are on the paid canvasser list marked as Exhibits 12 and 13 have all been certified in that language that's listed there?

A. I believe so. As mentioned before, that's incumbent upon the sponsor.

Q. I understand.
MR. OWSLEY: Your Honor, if I may approach?
THE COURT: You may.
Q. One of the requirements you said that are necessary for paid canvassers if they have submitted to the Secretary the Paid Canvasser Affidavit, correct?
A. Correct. Correct.
Q. Okay. The document that I just set there in front of you, do you recognize this document?
A. Yes, sir.
Q. What is it?
A. These, this is the document submitted by the sponsor to us for this particular canvasser, Kara Owens.
Q. And it bears the secretary's file mark?
A. Correct.
Q. How many times is a sponsor required to submit to the Secretary the paid canvasser statement?
A. I believe just the one time.
Q. At the end of the process?
A. Well, the paid canvasser statements come to us as those canvassers are registered through the circulation process.

Q. And --
A. And we receive those hopefully that day that that canvasser became fully registered with the sponsor.
Q. So it's -- the sponsor has to submit these paid canvasser statements to the Secretary in order to be registered under Line 11 of Exhibit Number 2, correct?
A. That is correct.
Q. So the sponsor submits it at registration?
A. Correct.
Q. And at final turn-in?
A. I believe they submit additional copies at final turn-in, but I would have to look at our files to double-check. But --
Q. Do you see the file mark here?
A. Yes, sir.
Q. July 6?
A. Yes, sir.
Q. That would be at final turn-in for these petitions?
A. Not necessarily because we received canvasser affidavits the morning of the deadline. So these could have been submitted, and I believe were submitted very early that morning.
Q. On July 6?

A. On July 6th.
Q. Okay. When the Secretary receives -- strike that.
How does the Secretary of State receive the paid canvasser statement at registration?
A. Via e-mail.
Q. Is it attached to what's been marked as Exhibits 12 and 13?
A. It is included with Exhibits 12 and 13, all of which are attached to an e-mail.
Q. Okay. So the Secretary receives an e-mail from the sponsor?
A. Correct.
Q. And that e-mail contains the Excel spreadsheet and the paid canvasser statement?
A. That is correct.
Q. And the signature card?
A. We don't receive the signature cards until final turn-in.
Q. Okay. Would you read there on what I've handed you, paid canvasser statement, the third bullet?
A. "I have not pleaded guilty or nolo contendere or been found guilty of a criminal felony, offense, or a violation of the election laws, fraud, forgery, or identification theft in any state of the

United States, District of Columbia, Puerto Rico, Guam, or any other United States protectorate."

Q. Is this document the same or similar to the other paid canvasser statements that you received in connection with Arkansas Voters First?

A. Yes, sir.

Q. So if any canvasser was going to be considered to be registered by the Secretary of State, they would have a paid canvasser statement like this on file with the Secretary of State?

A. That is correct.

Q. The third bullet that you just read, does the Secretary look behind that representation?

A. No, sir.

Q. It relies on the person who's making the affidavit --

A. Yes, sir.

Q. -- for its truth?

A. Yes, sir. Sorry.

Q. Is the certification language for the redistricting measure and Open Primaries the same?

A. I believe it is, yes.

Q. With the exception of referencing rank choice and redistricting?

A. That is correct.

Q. And the two measures were rejected based on the language that is in Exhibits 12 and 13.
A. I believe they were, yes.
Q. After the first step of the two-step process, what is the second -- what do you refer to the second step as? What do you call it?
A. The second step is verification of signatures.
Q. And briefly describe to the Court what that is.
A. We take the remainder of the petition that has not been culled, and we work off of copies this entire time through Phase 2. We train temporary workers to come in, and we use a software program that our IT programmer created that allows for the search of voter registration data. We train the temporary workers to use the search tool to search the information on every signature line to find those voters and verify them if they were a registered voter when they signed the petition.
Q. Was step two conducted on the redistricting measure?
A. It's currently being conducted right now.
Q. How about for the Open Primaries measure?
A. It is also being conducted right now.
Q. In accordance with the Supreme Court's order?
A. That is correct.

Q. As we sit here today, does the Secretary of State have a total count of the number of signatures, facial, received on the face of the petition parts, for redistricting?
A. We do, yes.
Q. Does it have a total count for the number of signatures received for Open Primaries?
A. Yes.
Q. Do you know what those are?
A. Not from memory, I don't, but I brought with me today on my laptop both of the spreadsheets that we used to collect that information. So if need be, I can refer to those numbers.
MR. OWSLEY: Your Honor, if there's no objection.
MS. MURRAY: Well, I think they will produce the spreadsheet if the Court's interested in seeing it, as an exhibit for you.
MR. SULLIVAN: Your Honor, I don't think that information's relevant to the issue that's before the Court.
MS. MURRAY: I think it's in the letters, as a matter of fact. You could do the addition based on the initial count

1 letters. Redistricting received one, and it
2 tells you how many they culled and how many
3 above 89,151 they are; and I think you can
4 do that calculation from that letter. But,
5 I mean, the spread -- I don't object, but I
6 think we all ought to have a copy of the
7 spreadsheet rather than just him reading off
8 of his computer.
9 THE COURT: Owsley?
10 MR. OWSLEY: Your Honor, just trying to
11 establish the number of signatures for Open
12 Primaries that -- in Count 2, that Open
13 Primaries is short of the facial -- of the
14 total number, 89,151, which is relevant to
15 the proceedings here.
16 THE COURT: And remind me --
17 MS. MURRAY: I think we could stipulate,
18 wasn't it 500-something?
19 MR. OWSLEY: If we can reach a
20 stipulation here, I don't think we need to
21 continue on the line of questioning.
22 MS. MURRAY: I forget what it was, but
23 it's 500-something.
24 MR. OWSLEY: I think it's 570 or so.
25 MS. MURRAY: If you can get me that

exact number based on the mathematics I've described, I bet we can stipulate to that. But that's what the Secretary of State found.

THE COURT: Are the parties willing to stipulate the number -- the level of signatures that you need to reach?

MS. MURRAY: Certainly believe so.

MR. OWSLEY: We are, Your Honor. 89,151.

MS. MURRAY: Yes, that's --

THE COURT: Is the Secretary of State's office willing to stipulate to that?

MR. SULLIVAN: Yes, Your Honor.

MS. MURRAY: That is for certification on the ballot and for the initial count instead of just -- they have to have the raw signatures.

THE COURT: And are you willing to stipulate to that?

MS. MURRAY: Yes. That's --

THE COURT: All right. We've got a stipulation.

MR. SULLIVAN: Your Honor, that's valid signatures.

MS. MURRAY: That's valid for certification purposes. Under --

MR. SULLIVAN: It can't be Mickey Mouse and Jane Doe. It has to be valid registered voters, 89,151.

MS. MURRAY: Before you can get on the ballot.

THE COURT: Okay.

MR. OWSLEY: Maybe we need to go back through the testimony on this because of the two steps. We talked about step one, which is the initial cull and the facial of the total number. And then we go on to step two, which hasn't been done yet.

What we're talking here about here is Count 1, and the Open Primaries.

THE COURT: Okay. Y'all sit down just a minute. I'm not a judge anymore. I'm Special Master.

All right. Let me get this -- are you suggesting that the number for a facial count is different than the number to get on the ballot?

MS. MURRAY: Well --

MR. CRASS: The number is the same, but

what's counted might be different.

MS. MURRAY: Different.

MR. CRASS: Yeah.

THE COURT: All right. But the number is the same?

MS. MURRAY: Correct.

THE COURT: All right. That's all I'm looking for. Okay.

All right. Go ahead.

MR. OWSLEY: Just for clarity, we were going to reach a stipulation on the number of signatures needed for Open Primaries that we're short to reach that 89,151 on the facial count.

THE COURT: I think they want to do the math.

MS. MURRAY: Why don't we just --

MR. OWSLEY: We tried to do the math at the phone conference that we had yesterday, and the representation at the time from the Secretary was they didn't have the numbers.

MR. SULLIVAN: Are you talking about Open Primaries or redistricting?

MS. MURRAY: Which one are you on?

MR. OWSLEY: Open Primaries.

Maybe we can cover that in break, Your Honor.

THE COURT: The Supreme Court did give me more time, but I don't want to be here all the way until that time.

MR. OWSLEY: Your Honor, if I may just take a moment to confer with cocounsel?

THE COURT: You may.

(Discussion off the record.)

MR. OWSLEY: Your Honor, I want to make sure that I get into the record this example of the paid canvasser statement that we've been talking about.

MS. MURRAY: Your Honor, could we ask that the address information in that be redacted, at least in part?

MR. OWSLEY: We'll redact when we submit the electronic records to the judge and the court reporter.

THE COURT: Okay.

MS. MURRAY: I think Rule 5 and the Rules of Civil Procedure require us to redact, I think it says personal information.

THE COURT: Okay.

MS. MURRAY: That's not necessary to a determination of an issue.

THE COURT: That's fine.

MS. MURRAY: Your Honor, our calculation was that the ranked primary, it missed the initial count by 528 signatures.

MR. OWSLEY: That's our count too.

THE COURT: Okay.

MS. MURRAY: And we calculated that redistricting for the initial count as calculated by the Secretary of State, they exceeded the 89,151 by 1,342 signatures. And we will stipulate to that.

THE COURT: All right. Mr. Sullivan, on behalf of the Secretary of State's office?

MR. SULLIVAN: I want to make sure.

THE COURT: All right. I'm going to come back to you.

MR. SULLIVAN: 528, I stipulate that is the shortage on Open Primaries.

THE COURT: All right. How about the overage?

MR. SULLIVAN: Did you say 1342?

MS. MURRAY: Yes. They were over by 1342.

MR. SULLIVAN: 1342?
MS. MURRAY: Yes.
THE COURT: Yes.
MR. SULLIVAN: I stipulate to those.
THE COURT: All right. We have Stipulation Number 2 and 3. All right.
MR. OWSLEY: Thank you, Your Honor.
I need to -- we jumped around a little bit on the exhibit numbers -- what exhibit number? Let's mark this as Exhibit 15, that paid canvasser statement, Exhibit 15.
THE COURT: All right.
(Petitioners' Exhibit 15 offered into evidence.)
MR. OWSLEY: Your Honor, I move to admit the paid canvasser statement as Exhibit 15.
THE COURT: Any objection to admission of Petitioners' Exhibit 15 after the redaction of personal information, Mr. Sullivan?
MR. SULLIVAN: No objection.
MS. MURRAY: No, Your Honor. I think he offered it as an exemplar.
THE COURT: Right.
All right. It will be received as

Exhibit 15. And make sure and remove that personal information.

(Petitioners' Exhibit 15 received into evidence.)

THE COURT: And if I could have a marked one.

MR. OWSLEY: Certainly, Your Honor. May I approach?

THE COURT: You may.

MR. OWSLEY: Your Honor, I don't have any more questions for Mr. Bridges. Cocounsel has a separate -- Count 2 to get into. And while we don't like to switch between attorneys, we just received the documents this morning on the culled petition parts, and Mr. Bridges is the star witness with respect to the culled petition parts and we had to divide the labor. And so if it please the Court, I'd like to have cocounsel come on that.

THE COURT: All right. Any objection, Mr. Sullivan?

MR. SULLIVAN: No objection.

MS. MURRAY: I'm not sure I'm following you.

THE COURT: There are apparently more questions related to Count 2, and they want to have a different attorney do that because of the timing of everything and the workload.

MS. MURRAY: All right.

MR. CRASS: Would the Court prefer for her to cross-examine on Count 1 first before we --

MS. MURRAY: So we group together?

MR. CRASS: It's up to you.

MR. OWSLEY: We have no objection to that.

THE COURT: Let's do that, but we'll start with Mr. Sullivan.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q. Mr. Bridges, I just want to clarify some of the answers that you gave to Mr. Owsley. You and I work in the same office, and I know what you're talking about sometimes, but everybody in here might not know exactly what you mean, so I want to clarify some things.

First of all, you're not an attorney, are you?

A. No, sir.
Q. Who is the attorney when you need legal advice when analyzing the petition?
A. Either you or one of the other members of the legal team.
Q. And in addition to the legal department, we have general counsel, correct?
A. That is correct, yes.
Q. That's not me, for the record. When you were talking about the point in time where a canvasser is considered by the secretary's office as being registered, is that when both pieces of information that you testified to, the submission from the sponsor, is received and the signed statement, which is the canvasser statement we just looked at a moment ago?
A. That's correct, yes.
Q. Usually, you testified, those come in together, correct?
A. Correct.
Q. Occasionally one might come in the next -- a day or two later, correct?
A. That is correct, yes.
Q. A canvasser is not considered registered until both pieces arrive. So if one comes two days later,

that's the date that they are considered registered.
A. That is correct. We have to have both pieces before we can consider them registered.
Q. And I believe you stated that a signature on a petition part that's dated prior to the date the office considers them registered will not count, correct?
A. That is correct.
Q. Is that pursuant to statute?
A. I believe it is, yes.
Q. Okay.
THE COURT: Okay. Let's don't ask him what --
MR. SULLIVAN: I understand.
THE COURT: -- his view of the law.
MR. SULLIVAN: I understand.
Q. Is that what the legal department has instructed you to do?
A. Yes.
Q. Okay. You were talking about spreadsheets. The ones we've looked at as Exhibits 12 and 13, they are not -- these are spreadsheets received from a sponsor or someone on behalf of the sponsor, correct?
A. Correct.
Q. And the spreadsheets, you develop your own

spreadsheets in the intake analysis in the office, correct?
A. Once the petition is submitted, yes, we create our own spreadsheet from that data.
Q. You used the term "manipulating" the information in the spreadsheet you created. You were not suggesting that you changed anything that was submitted, are you?
A. No, sir. That was probably poorly -- poor choice of words. We simply add columns to the original spreadsheet. We don't touch any of the information given to us as far as the canvasser's name, address, or, you know, the date it was submitted to us. We simply add in a couple other columns, additional columns, to account for -- to make sure we have any and all paperwork we need for each individual sponsor.
Q. Are these Excel spreadsheets?
A. They are.
Q. And then you can click on any column to sort by whatever that column is, such as last name, correct?
A. You can.
Q. Okay. Do you consider that manipulating too?
A. I do.
Q. Okay.

A. If you're tweaking the order of the information, I consider that manipulating, but I'm not -- we don't change anything that was submitted.
Q. I'd like you to look back to Exhibit 12. It's the same for both. At the top language that you read out loud in court, in the next-to-the-last line, where it says, "A 50-state criminal background checks have been timely acquired in the 30 days," and so on.
In the past, did the office receive these-type statements with canvasser lists that said the criminal background check had been passed by the canvassers?
A. Not that I recall.
Q. Not for these two petitions, of any petition?
A. In previous petitions, in previous cycles, I believe we have, yes. I'm sorry.
Q. Do you remember at what point in time the word "acquired" started showing up on these canvasser lists?
A. Not specifically, no.
Q. Okay. And just to make the record clear, I think everyone in here's understanding it. In Exhibit 12 and Exhibit 13 -- well, just Exhibit 12, the first date with the name -- first name Jay is May 22nd, 2020. Do you see that?

A. Yes, sir.
Q. And there are one, two, three names for that same date, May 22nd, correct?
A. Yes, sir.
Q. So on that day or night, the office received an e-mail that had three canvassers listed, correct?
A. That is correct.
Q. And then the next night for 5/23, all of those people listed for 5/23 were added, correct?
A. That is correct, yes.
Q. So every night, the spreadsheet, they still put the very first name, but they add the ones they hired that day. So it just grows every day, correct?
A. That is correct, yes.
Q. Now, on this particular petition, which is redistricting we're looking at in Exhibit 12, we're still getting them every night, aren't we?
A. We are.
Q. They are hiring people even today?
A. They are, yes.
Q. Okay. So this particular document that's Exhibit 12, if you look to the last page, the date for the last canvasser listed is July the 24th, correct?
A. Correct.
Q. So this particular document shows all canvassers

hired from May 22nd to July 24th, correct?
A. Yes.
Q. Okay. And these particular two petitions, these canvasser lists, are coming from a company known as National Ballot Access, correct?
A. Yes, they are.
Q. They are working on behalf of the sponsors, correct?
A. Correct.
Q. Okay. Mr. Owsley asked you a question about the language in the background certification being acquired; also appeared on some of the canvassers commissions in the Safe Surgery, which you refer to as the optometry case, and he asked you why the Secretary changed course. Do you recall that the Supreme Court ordered the Secretary to count those petitions?
A. Yes, I do recall that.
Q. The Secretary originally was not going to -- denied counting those and then the Supreme Court ordered it, correct?
A. That is correct, yes.
Q. Looking to the last exhibit admitted, and I've forgotten the number, but it's the paid canvasser statement, the one you have in front of you is the woman, first name "Kara"?

A. Yes.
Q. The bullet point 3 that you read aloud in court, that is her declaration about her criminal past, correct?
A. I believe it is, yes.
Q. And that's just one of the -- well, that's a legal question. Never mind.
That's not from the sponsor, though? That's from Ms. Kara, correct.
A. Ms. Kara, I believe, submitted it to the sponsor, then the sponsor submitted it to our office.
Q. But that's not the sponsor making that statement on this particular form?
A. You're --
Q. This particular canvasser, correct?
MR. OWSLEY: Objection. Leading.
A. Correct.
THE COURT: Speaks for itself. It is leading, but no harm, no foul.
MR. SULLIVAN: That's all I have.
THE COURT: All right. Ms. Murray?
CROSS-EXAMINATION
BY MS. MURRAY:
Q. Good afternoon, Mr. Bridges.
A. Good afternoon.

Q. We've met before, haven't we?
A. I have had the pleasure.
Q. A biannual event, so to speak?
A. Yes, ma'am.
Q. I want to ask you some questions about our Joint Exhibit 1. Do you have a copy of the Initiative and Referenda Handbook in your possession?
A. I don't believe I do.
Q. Let me see if I can't find it.
Are you involved in the updating every two years of this handbook?
A. I do assist with this, yes.
Q. And the purpose of a handbook is to provide to the public and specifically sponsors and canvassers, paid canvassers, what the requirements are for initiative or referendum petitions?
A. That is correct.
Q. And it says it is not making any -- it should not consider this a legal opinion, correct?
A. Yes, ma'am.
Q. And at the back, I understand that you have printed up most, if not all, of the election and initiative and referendum statutes; is that correct?
A. Yes, ma'am.
Q. And that would be current as of the legislative

1 session of 2019?
2 A. Yes, ma'am.
3 Q. And I was looking at Page 46 in particular. Do
4 you have that before you, sir?
5 A. Yes, ma'am.
6 Q. And that, at the bottom of Page 46 of
7 Joint Exhibit 1, is Ark. Code Ann. 7-9-601; is that
8 correct?
9 A. Yes, ma'am.
10 Q. And is that, in part, what you base some of your
11 checklist on that we were talking -- you were talking
12 about earlier?
13 A. Yes, ma'am.
14 Q. And that section is on the hiring and training
15 of paid canvassers. Is the canvasser required to
16 provide you with any type of a background check?
17 A. The canvasser doesn't supply our office with a
18 background check, no, ma'am. That's on the part of
19 the sponsor to obtain for the canvasser.
20 Q. Right. The canvasser they are paying to collect
21 signatures?
22 A. Yes.
23 Q. And the -- in 2019, the legislature began
24 requiring the sponsors to file these canvasser
25 statements, correct?

A. Correct.
Q. Before that time, they just had to collect it, right?
A. That is my under --
Q. And keep it in their file?
A. Sorry. That is my understanding, yes, ma'am.
Q. All right. And let me ask you. Are you familiar with National Ballot Access?
A. Yes, ma'am.
Q. And would you explain to the Court what National Ballot Access is?
A. To my knowledge, National Ballot Access is a petition circulation company that hires paid canvassers to come into certain states to collect signatures for sponsors.
Q. And were they the company hired on both of the constitutional amendment petitions that we are here on today?
A. I believe they were, yes, ma'am.
Q. And were they also the company that handled the Safe Surgery referendum collection of signatures?
A. Yes, ma'am.
Q. And are the representatives -- or the employees and representatives of National Ballot Access, are they the individuals who send in the Exhibits 12 and

13 every day to the Secretary of State's office when they are using paid canvassers?
A. Yes, they are.
Q. And when you say you had seen this language on 3, you believe, this language we're talking about at the top of Exhibit 12 and Exhibit 13, that is the language that appeared on all three of the referendum and the redistricting proposed amendment and the open primary, correct?
A. Yes, ma'am.
Q. You've not seen that language before on other petitions submitted to your office during your tenure?
A. Not to my knowledge, no, ma'am.
Q. And this is, if I'm correct, you first began reviewing petitions in 2014, correct?
A. Yes, ma'am.
Q. And there was not in effect any canvasser registration at that time, was there?
A. Not that I can remember, no, ma'am. It's evolved since then.
Q. All right. And in 2016, was that the first year of statewide initiatives that the registered canvasser was required?
A. I believe it was. I believe that is when that was required was during that 2016 cycle.

Q. And that would have been during 2016?
A. If I remember correctly, that's right.
Q. Did you testify in Pulaski Circuit Court when there was a challenge to the constitutionality of Act 1413?
A. I don't recall if I did or not.
MR. KELLY: It would have been November 2013.
Q. November 2013 when it was filed?
A. I believe that was before my time. I was --
Q. Before your time?
A. I was employed by the Secretary of State in 2013, but I was not involved with the petition process until the actual year of 2014.
Q. All right. And in 2014, the injunction from the circuit court was still in place staying the registration of canvassers and the 126 provisions, to your knowledge; is that correct?
A. I believe it was.
Q. All right. So your checklist that you have used has changed in 2016 and in 2018 after legislation and in 2019, based on the legislature changing or editing, tweaking, whatever, correct?
A. Yes, ma'am, that is correct.
Q. I want to look, if we could, at your intake

checklist, and talk a little bit about what you do with culled petitions. And my understanding is you have a group of employees who -- and some temporary employees, I suppose, who would go through Items 3, 4, and 5 on Petitioner Exhibit 2?

A. Yes, ma'am.

Q. And if one of those conditions is not met by the petition, it is culled?

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

Q. And I think your handbook, to help the Court a little bit, I hope, and hope it helps my questioning, on Page 62, that is a sample petition; is that correct?

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

Q. And on that sample petition, the -- you are looking for what appears to be a real signature?

A. Yes, ma'am.

Q. And on the original, a lot of times true originals, they will have a lot of different colors of pen ink, won't they?

A. Typically, yes, we see all different kinds of colors.

Q. And a lot of different handwriting?

A. Yes, ma'am.

Q. And then the voter's required to write their

printed name and their date of birth and their residence and the city or town they reside in and the county where they are registered, correct?
A. Yes, ma'am.
Q. And the signer must also put in the date of signing?
A. That is correct.
Q. And have you had situations where petitions have been reviewed by you, or you are reviewing the work of your workers, and there will be a date of signing that is before the person signing in the lower corner the paid canvasser was ever registered?
A. Yes, ma'am, we do have that happen.
Q. So that left-hand corner is all about the paid canvasser, correct?
A. It is, yes.
Q. And then on the other side is where the notary signs when the paid canvasser appears in front of the notary to make what is an affidavit, correct?
A. Yes, ma'am.
Q. And you don't have any way of checking to see if that canvasser really did sign that petition part in front of a canvasser -- or a notary, do you?
A. We have no way of checking that, no, ma'am.
Q. You have -- the sponsor turns them in; they're

sponsoring each of these petitions, correct?
A. Yes, ma'am.
Q. And the next page, Page 63, that is the paid canvasser's signature card that the Secretary of State has recommended or made available as a sample, correct?
A. Yes, ma'am, that's correct.
Q. Because the statute requires that a signature card for each of these paid canvassers be turned in at the end when the petition is submitted?
A. That's correct.
Q. Because if a petitioner -- if a sponsor has paid canvassers, and they know and are willing to admit they don't have enough good signatures, they might not turn in their petitions at all. So they don't have to turn in signature cards ever, do they?
A. I don't believe they do, no, ma'am.
Q. Now, they would have had to register their paid canvassers before they could collect a signature, right?
A. That is correct.
Q. And if someone is approached by a paid canvasser in a public forum and they don't like it for whatever reason, if they call and they said, "Well, I know what their name was," and complain about a canvasser to

your office, what do you do?
A. We would recommend that that individual contact the sponsor of the petition and let them know what their complaint would be.
Q. And would you check to see, if you are given that name, to see if they are a registered canvasser for one or more of these petitions?
A. I don't believe we would normally look into it further than that to see if they were a legitimate paid canvasser for that particular petition. Anytime someone calls our office to file a complaint, most of the time they don't remember the canvasser's name, and if they do, we simply give them the contact information of the sponsor to take it up with them.
Q. Okay. When you are looking through and you made your list of, these are the ones whose names appear on these registered lists submitted, the Secretary of State then checks to see if they have a paid canvasser signature card for each of those individuals, correct?
A. Yes, ma'am.
Q. And if it's not there, what happens to that canvasser's petition?
A. We -- they don't make it to our final list that we have at the intake station mentioned previously in my testimony.

Q. The list that you are referring to, that is a list you have refined from this six-week list submitted by the sponsor, correct?
A. Yes, ma'am.
Q. You will not only cull the petitions, but you also cull that canvasser's name off of your final list, correct?
A. That is correct. They do not appear in our final list.
Q. And it's noted in your office that a signature card was missing?
A. That is correct.
Q. Now, if a signature card is there and you go looking for those sworn statements that are to be filed with your office before they register, or at the time of registration, if you find a sworn canvasser statement is not on your records for a canvasser, what action does the Secretary of State's office take?
A. We would strike that canvasser from our final list, and we would cull that canvasser's petition parts.
Q. And when are you culling that petition part of that canvasser?
A. During the intake process.
Q. And when you say the intake process, that is

before you start checking for the notary, or is that at the same time?
A. We check the canvasser information right before we check notary information.
Q. Okay.
A. And it's notated on the checklist as well.
Q. And you don't do that because you don't like that canvasser who forgot to send in -- whose sponsor forgot to give a sworn statement, do you?
A. No, ma'am.
Q. Why do you do that?
A. Because we don't have all of the necessary paperwork to move forward with being able to count those petition parts the canvasser circulated.
Q. And is that under the Section 601 that we referenced?
A. I believe it is, yes.
Q. And if you find some petitions and it has the name of a canvasser and that canvasser doesn't appear at all on any of the registration spreadsheets that have been sent in over the weeks, what do you do with that canvasser?
A. We would remove that canvasser from our final lists.
Q. All right. Because 601 requires that they be

registered, correct?
A. That is correct.
Q. One of many things, but be registered?
A. Yes, ma'am.
Q. And those petitions are put aside, correct?
A. Yes.
Q. Those are culled petitions?
A. That's correct.
Q. And if the notary doesn't stamp their notary with the seal, what happens to those petitions?
A. They are culled as well.
Q. Same reason under -- I believe that's under 126, isn't it?
A. I believe so, yes.
Q. And if a canvasser forgets to sign a petition part, in that left-hand corner we looked at, what happens to those petitions?
A. Those are culled as well.
Q. And you do that pursuant to what you were told the law requires, right? Correct?
A. Yes, ma'am.
Q. Looking at Petitioner Exhibit 15, and if you would also have the paid canvasser's signature card in front of you.
A. Yes, ma'am.

Q. Under this, it says, "I've not pled guilty or nolo contendere or been found guilty of criminal felony offense or violation of election laws, fraud, forgery, or identification theft in any state of the United States, the District of Columbia, Puerto Rico, Guam, or any other United States protectorate." Correct?

A. Yes, ma'am.

Q. On the paid signature card -- and I noticed we don't have any of those here today from these two submissions -- it also says that the person signing this agrees to have a criminal background check search for each petition within 30 days before gathering signatures on that petition. Do you see that?

A. Yes, ma'am.

Q. Do you know whether these two amendments -- it's one sponsor, I understand, with subcommittees or something -- whether on the redistricting amendment signature card or whether on open primary or both, whether they used this form for their canvassers to sign?

THE COURT: When you say "this form," which?

MS. MURRAY: I'm sorry. The paid canvasser signature card on Page 63.

THE COURT: Okay.
A. I don't know for sure if they used this form verbatim without seeing those filed signature cards in front of me.
Q. Okay.
A. But I know it was very similar to the layout of this form.
Q. Okay.
MS. MURRAY: Your Honor, that's all questions I have for Mr. Bridges.
THE COURT: All right. As far as this issue, any redirect?
MR. OWSLEY: One question, Your Honor, or one -- that's famous, right?
THE COURT: Mr. Thompson will pay you when you have one question, I'll hold you to it. I'll let you retract that part.
MR. OWSLEY: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. OWSLEY:
Q. I just want to ask about certification language with regard to Safe Surgery. There were questions about it.
Mr. Sullivan asked you, Mr. Bridges, about the Safe Surgery petition. Do you recall those

1 questions.
2 A. Yes, I do.
3 Q. And he asked you whether, if you recalled that
4 the Secretary had refused to count any of the
5 signatures in Safe Surgery. Do you recall him asking
6 you that?
7 A. Yes, I believe I do.
8 Q. And your testimony was, yes, that was your
9 understanding?
10 A. That was my understanding.
11 Q. And then he asked whether it was because -- and
12 the reason you counted them is because the Supreme
13 Court ordered you to count them. Do you recall that?
14 A. Yes.
15 Q. And you agreed with that?
16 A. I did.
17 Q. When the Secretary of State refused to count the
18 Safe Surgery signatures in the first instance, did it
19 have anything to do with the certification language?
20 A. I don't recall if it did or not.
21 Q. It had to do with the sworn -- the canvasser
22 statements, correct?
23 A. I don't recall.
24 MR. OWSLEY: No further questions, Your
25 Honor.

THE COURT: Okay. Mr. Sullivan, any further cross?

MR. SULLIVAN: No, Your Honor.

THE COURT: Ms. Murray?

MS. MURRAY: No, Your Honor.

THE COURT: All right. We will move to the next issue in a minute. We're going to take another 10-minute recess.

MS. MURRAY: Thank you.

(Recess from 3:17 p.m. to 3:31 p.m.)

MR. GRAY: Your Honor, I have provided you and Mr. Bridges a copy of what I believe to be 150-odd petition parts that also include the culled cover sheet. So there should be one culled cover sheet for each petition. And I have provided the witness with this, as well, and so I'm going to go ahead and jump right in.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. GRAY:

Q. Mr. Bridges, we're just going to start at the top, and we'll kind of work our way through these culled petition parts.

A. Yes, sir.

Q. Would you, I guess for the record, go ahead and take a second and flip through that -- I don't know if you have yet -- and just tell me generally what you're looking at.
A. Most of these petition pages appear to have issues with either the date the canvasser was registered germane to when he began collecting signatures, or the canvasser verification date or date that the page was notarized germane to when he or she, the paid canvasser, collected signatures.
Q. And when you previously testified about the intake process, is it correct that these petitions were deemed to be culled and then set aside and not counted; is that correct?
A. Yes, sir.
Q. Okay. So let's just start with the first one. What is the petition's number?
A. 46353.
THE COURT: Okay. Okay, I see it. Never mind.
Q. And the first page where it says "culled cover sheet," does it identify the reason that this petition was culled?
A. It does, yes, sir.
Q. Okay. And what was that?

A. On Line 1 of the petition page, it appears that the voter signed February the 2nd of 2020, which would have been well before the canvasser was registered to collect signatures.

Q. And are there any issues with the remaining nine signatures that are on Lines 2 through 10?

A. Not that I can tell.

THE COURT: Would you -- do you throw out the whole sheet if one --

THE WITNESS: Yes, Your Honor, we do.

THE COURT: Okay.

THE WITNESS: By law, we are not able to count any of those signatures on those pages.

MR. GRAY: And, Your Honor, if it may help you, I'll identify -- the exercise I'm going through here is to set forth the facts. For example, this first petition, there were 10 signatures. One was -- had the 2-2-20 date of signing, and we are trying to establish the number of signatures that were thrown that were not -- that had no issues.

So here, it's our position that this would add nine signatures to the 528 count

that we need to meet.

THE COURT: Well, I hear what you're saying. It doesn't look like that to me, but okay.

Q. All right. Mr. Bridges, if you'll go ahead and turn the page and go ahead and do the next one. Would you please identify the petition number?

A. Number 45111.

Q. And what was the reason this petition was culled?

A. Canvasser was not registered before collecting signatures.

Q. Okay. And what signature was at issue here?

A. Line 6, the date of signing is 6/20 of 2020. The note on the culled cover sheet notates that the canvasser was registered on 6/22.

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

A. Not that I can tell.

Q. All right. If you'll turn the page. Petition Number 45570, do you see that?

A. Yes, sir.

Q. And what was the reason this petition was culled?

A. Canvasser was not registered before collecting

signatures.
Q. And what signature is at issue here?
A. Line Number 10. The canvasser -- excuse me. The voter put 5/25 of 1988 as the date of signing.
Q. What did the voter put for his date of -- or her date of birth?
A. It appears they put 7/5 of 2020.
MS. MURRAY: Your Honor, if I could interrupt just one minute. It's not been established these people were registered voters.
THE COURT: Okay.
MS. MURRAY: They have not been validated. They are simply petition signers at this point.
THE COURT: All right. I understand that.
Q. Mr. Bridges, on this petition, do you ever see instances where someone puts the -- maybe their date of birth as the date of signing and the date of signing as the date of birth?
A. Yes, sir, that does happen. But we do have to take it as black and white. As far as what's in each column, we have to take that as what the voter put and go with that. That's the only -- really our only

avenue, so to speak.
Q. And are there any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Okay. Go ahead with the next one. What petition number is this?
A. 35670.
Q. And why was this petition culled?
A. The canvasser verification day was before the date the petitioner signed.
Q. And what lines are at issue here?
A. Lines 2 and Line 7.
Q. What is the issue with Line 2?
A. Line 2, it appears they put 27-1-20. It's not really clear as to what date that they put there.
Q. Are the rest of the dates on here other than Line 7 what appear to be 7-1-20?
A. Correct. And Line 7 as mentioned was -- it appears it's 7-12-20.
Q. Other than Lines 2 and 7, do the remaining five signatures, there were obviously -- there were three that were marked through. Do the remaining five signatures have any issues?
A. Not that I can tell.
Q. Okay. Move to the next one. Can you tell me

what petition number this is?
A. 32082.
Q. And what was the reason this petition was culled?
A. Canvasser verification day is before the date the petitioner signed.
Q. Let's move to the next petition, Petition Number 32227. Do you see that?
A. Yes, sir.
Q. And why was this petition culled?
A. The signature date was after the notary date on Line 10.
Q. Are there any issues with the remaining nine signatures?
A. Not that I can tell.
Q. Go to the next petition number. 32765?
A. Correct.
Q. And why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 6.
Q. And what part of Line 6 is at issue?
A. The date of signing appears to be 6/17 of '20. The date this page was notarized was the 15th of June, 2020.
Q. Are there any issues with the remaining eight

signatures?
A. Not that I can tell.
Q. All right. Let's go to the next one. Petition Number 32780. And why was this petition culled?
A. Canvasser verification date is before date petitioner signed.
Q. And what line is at issue here?
A. It appears Line 6 is at issue.
Q. What part of Line 6?
A. The date of signing is June 18th of '20.
Q. Now, Mr. Bridges, on Line 6, let's go to the date of birth here. Looks like it's 12-28-97. Would you agree that that 8 looks a lot different than what you are claiming to be an 8 in the date of signing?
A. Well, I would say it looks different, but when we're comparing the date of signing to the notarization date, we don't look at any of the other additional information at that time. We don't look at any of that information until we get to Phase 2 of verification. So at that time, we wouldn't have gone hunting and pecking for another 8 to see if their handwriting is similar; and even further, you know, we don't ever claim to be handwriting experts, either. So --
Q. Do you generally give the benefit of the doubt

to the person that signs?
A. Last time we gave benefit of the doubt, we got in trouble in court. So we changed our tactic with giving the voter the benefit of the doubt and looking at it in terms of black and white as far as what is in the date of signing column. Does it jibe with the other dates or does it not jibe.
Q. Well, if he --
A. Because at that point we can't -- we can't give the benefit of the doubt anymore at that time. We have to leave it up to the courts to determine.
Q. The other dates all appear to be 6/14, and that, at a minimum, appears to certainly potentially be a 6/14. And so you threw all of these signatures out based on your interpretation of what an 8 looks like?
A. That, along with our collective interpretation of an office to throw out an entire signature page based upon the law. As mentioned before, we would love to give the benefit of the doubt to these folks because it's -- you know, sometimes there are mistakes that happen. And when we take those -- in the past, when we've taken those into consideration, you know, if I remember correctly, we just -- we're on the losing end of that battle.
Q. So other than Line 6, are there any issues with

the other nine signatures?
A. Not that I can tell.
Q. All right. Let's go to the next petition. Petition Number 33539.
A. Yes, sir.
Q. And which -- what was the reason this petition was culled?
A. The reason's not marked on the cover sheet, but it does say Line 10. So Line 10, on the date of signing, it appears to be 6/22 of '20, which is well after the date that page was notarized. So that would be a canvasser verification date issue.
Q. Are there any issues with the remaining nine signatures?
A. Not that I can tell.
Q. Okay. Let's go to the next petition. Petition Number 33858.
A. Yes.
Q. What was the reason this petition was culled?
A. Canvasser verification date is before the date the petitioner signed on Line 4.
Q. Are there any issues with the remaining nine signatures?
A. Not that I can tell.
Q. The next petition is Petition Number 33798, and

why was this petition culled?
A. Canvasser verification date is before the date the petitioner signed on Line 2.
Q. Are there any issues with the remaining two signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 32659. And what is the reason this petition was culled?
A. Canvasser verification date is before the date the petitioner signed on Line 5.
Q. Any issue with the other -- or remaining four signatures?
A. Not that I can tell.
Q. Next signature -- or next petition is Petition Number 32716. And why -- actually, let's skip that one.
Let's move to Petition Number 33001.
A. Okay.
Q. Why was this petition culled?
A. Canvasser verification date is before the day petitioner signed on Line 3.
Q. Let me make sure we're on the same one. 33001?
A. Yes, sir.
Q. What's the issue with Line 3?
A. It appears that the date of signing was

June 25th of '20, but that would actually be in line with the date that that page was notarized of July the 5th. So there is a chance that that individual page could have been culled for the reason of the canvasser not being registered at a certain day, but --

Q. Is that what it says?

A. That's not what it says, but we can -- that would be something we would double-check in a normal sense, but there is a chance that this was marked incorrectly on the cover sheet, but I don't know that for sure.

Q. So Petition Number 33001 contains eight signatures that have no issues for the reasons stated on the culled cover sheet; is that correct?

A. Correct.

Q. Next petition, Petition Number 33090. Skip that one.

Next petition is 32087. And why was this petition culled.

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

Q. What line is that?

A. Line 2.

Q. Any issue with the remaining one signature?

A. Not that I can tell.

Q. The next petition, Petition 31680. And why was this petition culled?
A. Canvasser verification date is before the date the petitioner signed. This appears to be on Line 2.
Q. Any issue with the remaining one signature?
A. No, sir.
Q. Next petition, Petition Number 31243. And why was this petition culled?
A. The canvasser verification day is before the date the petitioner signed. Line 7.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. The next petition, Petition Number 31594, we'll skip that one.
Petition number 31 --
THE COURT: Let me interrupt you.
MR. GRAY: Okay.
THE COURT: When you say "skip that one," are you saying take them out of the exhibit?
MR. GRAY: No. I'm just saying for Mr. Bridges, we can proceed.
THE COURT: Okay.
MR. GRAY: We can go ahead and go. Because on those, Your Honor, there's one

signature, and the date of signing --

THE COURT: Okay.

MR. GRAY: -- is significantly after the date.

THE COURT: Okay. Go ahead.

Q. So Petition Number 31867, also skip that one. I apologize.

Okay, Mr. Bridges. Petition Number 30327.

A. Okay.

Q. Why was this petition culled?

A. Canvasser verification date is before the date the petitioner signed on Line 8.

Q. Any remaining issues?

A. Not that I can tell.

Q. Let's go ahead and skip the next petition and move to Petition Number 30056. Why was this petition culled?

A. Canvasser verification day is before the date the petitioner signed, Lines 1 through 5.

Q. Yeah. Okay. Let's go ahead and move to Petition Number 30133, and why was this petition culled?

A. Canvasser verification day is before the date the petitioner signed on Line 1.

Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Turn to the next petition, Petition Number 30206. Why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 2.
Q. And any issue with the remaining eight signatures?
A. Well, Line 1 looks questionable, but it looks like they corrected it, so not that I can tell.
Q. All right. Moving on to the next petition, Petition Number 30255, and why was this petition culled?
A. Canvasser verification day is before the day petitioner signed on Line 2.
Q. Any issue with the remaining four signatures?
A. Not that I can tell.
Q. All right. Let's skip the next one, and we can move to Petition Number 30524. Why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 6.
Q. What's the issue on Line 6?
A. It was -- the date of signing is June the 18th of 2020. This page was notarized June the 15th of

2020. And I could make --
Q. Mr. Bridges, that looks like a 14 to me.
A. Line 6?
Q. Yeah, it looks like it says 6-14-20, which would line up with the rest of the dates.
A. I see that as an 18, and that's what we had put for our initial review.
Q. Answer the remaining --
A. I can see the effort that that was an 8, so --
Q. Any issue with the remaining nine signatures?
MR. SULLIVAN: Objection.
Your Honor, I want to make sure I'm not waiving anything here. It's relevant that the remaining signatures do not have anything wrong with them. If you look at Arkansas Code Annotated 7-9-126(b), which says, "A petition part and all signatures appearing on the petition part shall not be counted for any purpose by the official charged with verifying the signatures, including the initial count of signatures if one or more of the following is true." And there's a whole list, and the one we're talking about the most right now is Number 6: The canvasser verification is dated earlier than the day on which the petitioner signed the petition.
So what Mr. Bridges -- what these

1 documents demonstrate is that the whole -- that the
2 law has been followed, the whole page has been culled.
3 So, therefore, it's irrelevant that nine of ten were
4 good, or eight of ten, or seven of nine were good.
5 MR. GRAY: Your Honor, we're going to
6 challenge that statute and the
7 constitutionality of it.
8 MS. MURRAY: Wait a minute, Your Honor.
9 MR. SULLIVAN: He may want to do that,
10 but that doesn't make it relevant to ask
11 this witness, Judge.
12 MS. MURRAY: Your Honor, there's been no
13 challenge to that constitutionality in the
14 original petition or in this one, the second
15 that the Court has now sent, and we object
16 to that. They have not raised that.
17 The law is the law as of right now, and
18 that is not an issue before you.
19 MR. GRAY: Your Honor, I received these
20 documents from the Secretary of State this
21 morning at 10:00. We did not have the
22 documents prior to that time, and so I'm
23 trying to make a record of this so that Your
24 Honor can make a finding, in the event that
25 we are successful, that we would have a

sufficient number of signatures to get, from the back end to get above the 528.

MS. MURRAY: And, Your Honor, I believe if you're going to challenge the constitutionality, you're supposed to let the AG know so they can be here at any trial on it. So we might want to, if he has that purpose, to adjourn and allow them to come in and defend the constitutionality of the statute, which he's never mentioned before or what parts he has challenging. That's not how we go about lawsuits involving the constitutionality of our law.

MR. GRAY: Your Honor --

MS. MURRAY: It's not --

THE COURT: Normally we don't go about lawsuits with getting documents the morning of trial. And I'm not criticizing the Secretary of State's office, but these are unusual proceedings.

I'm going to allow the questioning continue, but if the Attorney General's not brought in by in the morning, it will all be moot. It will just be a record.

MS. MURRAY: And, Your Honor, he's going

through each of these, and they have followed the statute. He --

MR. SULLIVAN: Your Honor, I'd like the record to reflect a running objection to him asking about the good signatures on a culled sheet.

THE COURT: All right.

MS. MURRAY: He -- Your Honor, he said at the beginning of this, "I've got 150 petitions, and we're saying they ought to go back in, and you need to count them in the initial count" is what he said, like there was some error in their review. There's been no showing of an error, only arguing about an 8 is an 8.

We object to any further testimony along that line if that's all this is for is constitutionality. It's not in the petition, nor before this Master.

THE COURT: All right. Of course, I'm a factfinder. I don't make a decision as to what the law is. There are at least a couple that have been raised so far that would be appropriate for me as Special Master to consider as a factual matter

whether or not an 8's a 4 or whether -- what the circumstances were and whether or not that sheet might perhaps should stay in.

I'm going to allow the questioning to continue. My ruling's the same. There wasn't an objection until just now. We're going to continue with the testimony. If the Attorney General's office is not brought in so they can respond in regard to some constitutional challenge, which I think would also require a third amended complaint, then except for issues like what I've described, there won't be findings on my part because of the statute.

All right. Proceed.

MR. GRAY: Thank you, Your Honor.

THE COURT: I think we're on 30578, I think.

MR. GRAY: All right.

Q. Mr. Bridges, Petition Number 30578, why was this petition culled?

A. Canvasser verification day is before dates petitioner signed, Lines 2 and Lines 3.

Q. And the remaining four signatures?

A. Not that I can tell.

Q. The next petition is Petition Number 30587. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed on Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Petition -- the next petition is Petition Number 30996. Why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 7. There's also a checkbox checked for the canvasser's not on the paid canvasser list.
Q. Any issue with the remaining five signatures?
A. Not that I can tell. But since the paid canvasser, "not on paid canvasser list" box is checked, in a perfect world, this would be a time that I would want to double-check a list, more or less.
Q. I understand.
A. If that makes sense. So, but, no, no other issues, that I can tell, on the other signatures.
Q. So that petition had two issues; is that accurate?
A. Could potentially have two issues.
Q. Could potentially have two issues?
A. Correct, yes.

Q. All right. Next petition is Petition Number 44261.
A. Canvasser verification day is before dates petitioner signed on Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
MS. MURRAY: And, Your Honor, the characterization that no other problems with the remaining signatures, I repeat we object to that characterization. They were culled for the reasons stated on the one or two, sometimes three reasons culled, but that's not to say the other signatures have somehow been validated as good signatures or without problems.
MR. GRAY: Your Honor, I don't believe speaking objections like that are proper.
THE COURT: We don't have a jury.
MR. GRAY: I believe Mr. Bridges can answer the questions.
THE COURT: I'm noting the objection. Under the circumstances of this particular hearing, I don't have a particular problem.
Q. Mr. Bridges --
MR. GRAY: Your Honor, are you ready?

THE COURT: I do have a question. Who fills out the culled cover sheet?

THE WITNESS: Our temporary workers do during the intake process.

THE COURT: Okay.

THE WITNESS: In the -- near the beginning of my testimony, when I started to talk about the intake process, I mentioned, and it's notated on the checklist that I brought in, that the temporary worker is instructed to attach a culled cover sheet to the petition part and place that petition part with the culled cover sheet back into that folder.

THE COURT: Right.

THE WITNESS: At that time, once that folder gets down to the supervisor review stage, SOS staff looks at that culled page and makes the final determination as to whether or not it should be culled.

THE COURT: How do you know that's been done?

THE WITNESS: Well, SOS staff will make that determination --

THE COURT: I know, but how do you know

that's been done?

THE WITNESS: Because that page was pulled out at that time.

THE COURT: Okay.

THE WITNESS: Yeah. We'll pull -- and, you know, we didn't pull all of them, but we will take that page out of the petition, and there were a few here and there that we decided that it needed to stay in the petition, so we, you know, we didn't pull out every single one.

THE COURT: Okay.

All right. You can continue.

Q. Mr. Bridges, the culled cover sheet -- we're looking at several -- is this the same culled cover sheet that was used in 2018?

A. With one addition.

Q. Okay. What's that?

A. The nonwitness petition part, parentheses, does not contain notary section, we added that as a reason for culling just to make it easier and more clear for the courts to see exactly how many petition pages were culled for being a nonwitness petition part.

Q. Was that in response to the Federal court order in preparation for that, I guess?

A. Yes, sir, it was. It sure was.
Q. Okay. I think we're on Petition Number 45183; is that correct?
A. Correct.
Q. All right. Why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 2.
Q. Any issue with the remaining signatures -- the remaining nine signatures?
A. Not that I can tell.
Q. All right. Petition Number 45855.
A. Canvasser verification day is before the date the petitioner signed on Line 9.
Q. That's the reason it was culled. Any issue with -- are there any issues with the remaining nine signatures?
A. Not that I can tell.
Q. All right. Moving on to Petition Number 45646, why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 5.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Okay. Petition Number 45676, why was this petition culled?

A. There's two reasons checked on this one. Canvasser verification day is before the date the petitioner signed on Line 10, which that is definitely the primary reason this was culled. But "paid canvasser not on paid canvasser list" is also checked. This would be another example of, you know, double-checking the canvasser lists to ensure that they are on there or not.

Q. Are there any issues with the remaining eight signatures but for the two -- the one issue on the date of signing, the canvasser list issue?

A. Not that I can tell.

Q. All right. Moving on to Petition Number 44889. Why was this petition culled?

A. Canvasser verification day is before the date the petitioner signed.

Q. What line?

A. That appears to be Line 9.

Q. Any issue with the remaining eight signatures?

A. Not that I can tell.

Q. The next petition is Petition Number 45080. Why was this petition culled?

A. Canvasser verification day is before the day the petitioner signed on Line 2.

Q. Any issue with the remaining seven signatures?

A. Not that I can tell. Line 1 is questionable. The year seems to be a backwards 19, but I'm not sure on that.
Q. Okay. So any -- other than Line 1, any issue with the remaining six signatures?
A. Not that I can tell.
Q. All right. Petition Number 45393, why was this petition culled?
A. Canvasser verification day is before the date the petitioner signed on Line 7.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Petition Number 43544?
A. Correct.
Q. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 4.
Q. And what's the date they put?
A. 6/81 of '20.
Q. So if someone -- let's say they get their numbers wrong. Obviously there's not an 81st of June. Is that -- does your office always cull a petition if it's signed like that?
A. The good thing is we don't see a whole lot of dates of signing that appear to be not related to our

calendar, but when we do see those, we do cull them because we don't know for sure when they signed them.

Q. Any issue with the remaining five signatures?

A. Not that I can tell.

Q. Petition Number 43403, why was this petition culled?

A. Canvasser verification day is before date the Petitioners signed, Lines 1 through 10.

Q. Okay. Move to the next one.

A. Okay.

Q. Petition Number 43779, why was this petition culled?

A. Canvasser verification day is before date petitioner signed, Lines 6 and 7.

Q. Any issue with the remaining five signatures?

A. Not that I can tell.

Q. All right. Next petition is Petition Number 46286. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 9.

Q. Any issue with the remaining eight signatures?

A. Not that I can tell.

Q. Next petition is Petition Number 46129. Why was this petition culled?

A. Canvasser verification day is before date

petitioner signed on Line 3.
Q. What's the date that it says on Line 3?
A. 7/3 of '27. Hard to make an argument that that's a 20.
Q. Other than that, your interpretation is 7/3/27. Any issue with the remaining two signatures?
A. No, sir.
THE COURT: So if I'm clear, it's -- from the Secretary of State's office, if there's any question as to the date of signing from a legibility standpoint, it's out; is that right?
THE WITNESS: Legibility, not necessarily. If it's scratched through or you literally cannot make a determination that that date is outside of the range it needs to be in, we don't cull for that. But when it's clear that the date of signing is before it was -- you know, it was before it was notarized or before it was -- the paid canvasser was registered, when it's clear we can make that determination, that's when we will cull.
If the date of signing is blank, we won't cull it for that reason. If the date

of signing is simply just completely illegible, we won't cull for that reason.

THE COURT: Okay. Proceed.

Q. Next petition is Petition Number 45883.

A. Yes.

Q. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 10.

Q. That date, what is your -- what is that date?

A. It appears to be 6/17 of '20.

Q. Any issue with the remaining nine signatures?

A. Not that I can tell.

Q. Next petition is Petition Number 454 --

THE COURT: Hang on just a minute.

Q. Mr. Bridges, let's --

THE COURT: Hang on just a minute.

MR. GRAY: I apologize, Your Honor.

THE COURT: All right. Go ahead.

Q. Mr. Bridges, on what we just went over, the 45883, the signature on Line 10, it looks like the date of birth is June 1938. So this individual is approximately, what, 82 years old on the date of this signing. Is there any -- do you ever factor in that some of these, what you determine to be a 7 would actually may be a 5; or does your office just say,

again, not 100 percent legible, we're going to throw them all out?
A. Unfortunately we don't -- we don't analyze the individual to see how old they are or take into account the, you know, quality of their handwriting at that time. We simply look at the date of signing column for what it is. It's a standalone for this portion of the review.
Q. All right. Next petition is Petition Number 45494. And why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 10.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Skip the next one. We can move on to 45298. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed on Lines 5, 9, and 10.
Q. Any issue with the remaining 7 signatures?
A. Not that I can tell.
Q. Petition Number 46192. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed on Line 10.
Q. Any issue with the remaining eight signatures?

A. Not that I can tell.
MR. SULLIVAN: Objection -- I'm sorry. I see it now. Withdraw.
THE COURT: Okay.
Q. If you'll turn to Petition Number 45717. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 8.
Q. Any issue with the remaining nine signatures?
A. I don't believe so.
Q. All right. Next petition is Petition Number 45695. Why was this petition culled?
A. It appears that a specific reason was not selected, but it does notate that Line 2 has an issue. The date of signing on Line 2 is 6/27 of '27. So that is either 1927 or 2027 would be our interpretation of that. So it does not fall within the date range that it needs to.
Q. Any issue with the remaining one signature?
A. No, sir.
Q. Next petition is Petition Number 45414. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed, Lines 1 through 3.
Q. Any issue with the remaining seven signatures?

A. Not that I can tell.
Q. We'll move to Petition Number 45418. Why was this petition culled?
A. Canvasser verification day was before date petitioner signed. There appears to be several lines involved with this. Lines 6 through 10 all appear to be June 28th of '20. The page was notarized June 25th of '20.
Q. Any issue with the remaining -- you said 6 through 10 in your opinion?
A. Yes, sir.
Q. Any issue with 1 through 5?
A. Not that I can tell.
Q. All right. Next petition is Petition Number 429 -- skip that one.
Next petition is Petition Number 39519. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed on Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Petition Number 39570. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed, Lines 6 and 7.

Q. When were all these turned in to your office?
A. July 6, 2020.
Q. So if someone signed this on July 7th, 2020, and everybody else signed it on July 6th, but your office has these as of July 6th, you know that they didn't sign it on July 7th because, is it reasonable to think that they probably signed it on July 6th?
A. Yes, but that goes back to my previous statement of giving the voters the benefit of the doubt in signing a day that we don't know -- basically when they sign a day that does not fall within the day it's notarized; or on the other end of the spectrum, before the canvasser was registered, we can't give benefit of the doubt necessarily. So we cull that petition part and allow it to be scrutinized.
Q. But you don't dispute that they signed. You have no reason to dispute they actually signed it? For example, let's look at Line 4, David Paul Cook. He was born in 1942. He signed this saying it's -- it says 7/7/20, but it was turned in to your office and notarized on July 6.
So do you think that he signed this on July 6th?
A. Do I personally think he signed it --
Q. Yeah.

A. -- before July 7th?
Q. Yes.
A. Yes, I do, but that would be, in a way, a double standard with our process. In order to keep everything on the same page, no pun intended, we have to -- we have to treat every page as its own standalone petition part. We have to -- no matter if it's in the future or hadn't happened yet or is literally impossible for them to sign on July the 7th. We keep the playing field even, as best that we can.
Q. So other than the July 7th date of signing, any issue with the five July 6th signings?
A. Not that I can tell, no.
Q. Petition Number 39576. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. What's the date on Line 1?
A. July 7th of 2020.
Q. Any issue with the remaining nine signatures?
A. I would have reservations on Line 6 being July 16th of '20.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Petition Number 37696. We can skip that one.

All right. Petition Number 39748, why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 10.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Petition Number 40479, why was this petition culled?
A. Canvasser verification is before date petitioner signed. Line 6.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Petition Number 40474, why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the remaining two signatures?
A. Not that I can tell.
Q. Petition Number 40465?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining six signatures?
A. Not that I can tell.
Q. All right. Next one is Petition Number 40494. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining six signatures?
A. Not that I can tell.
Q. The next petition is Petition Number 40496. Why was this petition culled?
A. Canvasser verification day is dated -- is before date petitioner signed, Lines 3 and 4.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Next one, next petition is Petition Number 41242. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 41249. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. It appears that's on Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 41639. Why was this petition culled?
A. Canvasser verification day is before date

petitioner signed. Line 2.
Q. Any issue with Mr. Niswanger's signature here in Line 1?
A. I don't believe so.
MR. CRASS: Just pick that one there out of the blue, Mr. Gray? That's a local lawyer, Judge.
THE COURT: I thought I recognized the name.
Q. All right. Next petition is Petition Number 41529. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 41546.
A. Canvasser verification day is before date petitioner signed, Lines 3 and 4.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 41558. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Lines 9 and 10.
Q. Any issues with the remaining eight signatures?

A. 7 and 8 as well.
Q. Any issue with the remaining six signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 42365. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. And it appears on 3 as well, correct?
A. That is correct, yes.
Q. Any issue with the one remaining signature?
A. No, sir.
Q. All right. Petition Number 42354, why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
THE COURT: What do you do about, like, Line 2?
THE WITNESS: Whenever the date of signing is blank?
THE COURT: Yeah. There's some scratch in there, but --
THE WITNESS: I would chalk that up to being a blank date of signing. In that

case, for this particular review, we don't have evidence on Line 2 that that individual signed the petition, number one, before the canvasser was registered; or number two, the individual signed the petition after that petition page was notarized. There's no evidence there to support either claim.

So when it's blank, we would skip that. If that was the only issue on this page, with it being blank, I would not cull that page.

THE COURT: Okay.

Q. Mr. Bridges, could that same rationale be applied to someone who signs the petition on July 7th, when they turn them all in to your office on July 6th and it's notarized on July 6th?

A. I wish it could, but --

MS. MURRAY: Your Honor, I'm going to object to speculation because we'll also get into speculation as to why a paid canvasser and a sponsor, in reviewing these petitions, didn't draw a line through it and take away the jeopardy of the entire petition, as they are allowed to.

THE COURT: All right. Sustained.

Q. Next petition is Petition Number 42350. Mr. Bridges, why was this petition culled?
A. The canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining two?
A. Not that I can tell.
Q. All right. Next petition is Petition Number 31470. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. That's going to be Line 2. It appears to read 7/15 of '20.
Q. Any issue with the other signature?
A. Not that I can tell.
Q. Next petition is Petition Number 41764. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. You can make the argument on Line 9 that that is June 28th of '20.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 34138. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 8.
Q. Looks like maybe they had the right date, then

they changed it to the wrong date.
A. It appears so. They corrected it. Tried to anyway.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Petition Number 39788, why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Lines 1 and 2.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Mr. Bridges, if you had a petition like this and all of the dates of signing were blank, would that be a petition that you would count?
A. I would not cull that petition part for this reason because, as I mentioned earlier, there's no evidence there that they signed out of that date range that we're speaking of, the date of when was the canvasser registered compared to the date that that page was notarized. There's no evidence to suggest otherwise.
Q. So it's better to leave it blank than to make an honest mistake?
MS. MURRAY: Object. Form.
A. When you put it like that --

THE COURT: Sustained.
Q. Next petition is Petition Number 38465. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 9.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38471. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 7.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 36787. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining four signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38102. Why was this petition culled?
A. Canvasser verification date is before date petitioner signed. Line 1.
Q. Any issue with the remaining signatures?
A. Not that I can tell.

Q. Next petition is Petition Number 38128. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 7 and Line 8.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38180. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 5.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 41733. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 4.
Q. Any issue with the remaining nine signatures?
A. Line 6 appears to be 3/15 of '85.
Q. Do you treat that the same way that you would treat a blank because you -- it's obvious that that was the gentleman's or lady's birthday. Do you -- so if someone signs their birthday, it's obvious that it's not the date they signed it, do you treat that differently than a blank?
A. We would treat it differently than a blank

because, as mentioned before, we have to look at it in black and white; and while that very well could be her date of birth, they put their date of signing as 3/15 of '85. So we have to hold that standard true for everything.

Q. Any issue with the remaining eight signatures?

A. Not that I can tell.

Q. All right. Let's skip the next one.

Next petition is Petition Number 38209. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 7.

Q. Any issue with the remaining eight -- or, excuse me -- seven signatures?

A. Not that I can tell.

Q. Next petition is Petition Number 38267. Why was this petition culled?

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

Q. What do you read that date to be?

A. June 27th of '20.

Q. Any issue with the remaining eight signatures?

A. Not that I can tell.

Q. Next petition is Petition Number 38271. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Lines 1 and 2.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is 38031. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38043. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining nine signatures?
A. Line 3.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38046. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38080. Why was

this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2 and Line 4.
Q. Any issue with the remaining five signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 36100. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Lines 1 through 10.
Q. Okay. Move on to the next one.
A. All right.
Q. Petition Number 37177. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 37195. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining one signature?
A. Not that I can tell.
Q. Next petition is Petition Number 33726. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 10.
Q. Any other issue with the remaining nine signatures?
A. Line 2.
Q. Is that one where they may have put the birthday?
A. Yes.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 33752. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining one signature?
A. Not that I can tell.
Q. Next petition is Petition Number 36253. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2. I'd say just Line 2.
Q. Kind of looks like maybe in Line 2 they tried to write a 3 over maybe what was an 8 at first. Do you agree with that?
A. I still see an 18 for the date. Line 1 looks like they tried to correct something that would still

be in line with the date. That page was notarized, but Line 2 I would still leave culled on that one.
Q. So any issue with the one signature, the remaining one signature?
A. Not that I can tell.
Q. Petition Number 37060, why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 9.
Q. Any issue with the remaining nine signatures?
A. There are a few signatures that appear to be dated in the month of May on this page. This would be an example of where I would go back to check the paid canvasser lists to see when that canvasser was registered to ensure they didn't collect before; but for the reason of this cull, that appears to be the only one dated after the date of notarization was Line 10.
Q. I believe the can --
A. Or 9. Excuse me.
Q. And I believe the canvasser list would show that the first canvasser that was registered for Open Primaries was June 2nd, I believe. I think that's already in evidence. So --
A. Okay. So --

Q. So I guess do you see any issues with Lines 5, 7, 8, or 10?
A. Not that I can tell.
Q. So those four signatures would otherwise be okay; is that correct?
A. I believe so.
Q. All right. Next petition is Petition Number 34966. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining one signature?
A. Not that I can tell.
Q. Next petition is 35046. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Lines 3 and 6.
Q. So, for example, Line 3, does that look like 6/20 to you?
A. It does.
Q. So if it's -- for something like that, if it's the month and then the year, is that -- how does your office treat that?
A. For Line 3, there's no evidence there that would suggest they signed outside of the date range. So on that one, we would chalk that up to being June of

2020; and since there's not a specific day on that one, then I would not cull for that particular row. But Line 6 does appear to be outside of the range.

Q. So the remaining nine signatures, do you see any issue with those?

A. I don't believe so.

Q. All right. Next petition is Petition Number 35052. Why is this -- why was this petition culled?

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

Q. Any issue with the remaining five signatures?

A. Not that I can tell.

Q. Mr. Bridges, we've talked -- and I'm sorry I'm just kind of interjecting questions here and there. We have talked about instances where someone signs and the only thing they leave blank is the date of signing. Do you count that signature as valid for your facial review?

A. If the date of signing is blank?

Q. Yes.

A. We do count those in the initial count.

Q. When you're talking about the initial count, you're talking about to see if there has been an initiation; is that correct? Or are you talking about

you count it as a facially valid signature?
A. We count it as a facially valid signature. It's the initial preliminary count to ensure the petition is valid on its face. We don't know if that signature is a legitimate registered voter yet because that's Phase 2.
Q. Yeah.
A. Just for the sake of clarity.
Q. Phase 1, yeah. All right. Next petition is Petition Number 35243. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 4.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 35409.
A. Canvasser verification day is before date petitioner signed. Line 1 and 3.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Skip the next one. Skip the one after that. Skip the one after that.
Petition Number 35622, do you see that one?
A. Yes, sir.
Q. What's the reason this petition was culled?

A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining one signature?
A. Not that I can tell.
Q. Next petition is Petition Number 41178. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 2.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 34410.
A. Canvasser --
Q. Why was this petition culled?
A. Sorry. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining two signatures?
A. Not that I can tell.
Q. Skip the next petition. Okay. The next petition I'm looking at is 46469. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. The next petition, it says renumbered to 46485.

What is that? What does that mean?
A. So we changed up our numbering process this year, and aside from a few petition pages that we used stickers for, peelable stickers, we purchased Bates stamps, the old-school filing stamps. And there were a couple times where we would have a malfunction with that stamp. It would get stuck and not roll to the next number properly. So anytime you see this, that's just an example of just a little bit of a malfunction of equipment. So it was renumbered to a page that was not -- had not been used at that point.
Q. Okay. So you kind of go back and figure out a page number that hadn't been used and you just renumber that individual one. You're not skipping 3,000 numbers here; is that correct?
A. That is correct. And if there happened to be any -- one number here that wasn't used, we notated that on our spreadsheet. There were a few of those for all three petitions, but not very many. But they are properly notated.
Q. And why was this Petition Number 46485 culled?
A. Canvasser not registered before collecting signatures. Line 1 and the note on the cover sheet indicates that their registration was June the 10th. Line 1 appears that the date of signing was May the

29th of '20.
Q. Any issue with the remaining nine?
A. Not that I can tell.
Q. Next petition is Petition Number 46495. Why was this petition culled?
A. Canvasser not registered before collecting signatures. Line 1.
Q. Any issue with the remaining one signature?
A. Not that I can tell.
Q. Next petition is Petition Number 46491. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining eight signatures?
A. Line 3.
Q. Any issue with the remaining seven signatures?
A. No, sir.
Q. Petition Number 38771. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Lines 1 and 2.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. The next petition is Petition Number 40655. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Lines 2 and 3.
Q. Any issue with the remaining eight signatures?
A. I don't believe so.
Q. The next petition is Petition Number 39648. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the remaining six signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 39992. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 40164. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 9.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 37843. Why was this petition culled?
A. Canvasser verification day is before date

petitioner signed. Line 7.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38383. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38356. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 6.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is 38544. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 5.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38846. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 6.

Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next petition is Petition Number 38994. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 10.
Q. What's the date on Line 10?
A. Appears to be June the 3rd of '20.
Q. When was this notarized?
A. This was notarized July the 1st, so that --
Q. June 4th, July 3rd, July 1st?
A. It is. This would be a situation where I would check the canvasser list to ensure the canvasser was registered prior to June 3rd.
Q. Is that the reason that this was culled?
A. No, sir, it's not.
Q. So would you agree that this petition part was improperly culled?
A. For the reason on the cover sheet, yes.
Q. And there is no other reason stated by your office, correct?
A. Not at this time.
Q. Next petition is Petition Number 43951. Why was this petition culled?
A. Canvasser verification day is before date

petitioner signed. Line 10.
Q. What's the date that you see on Line 10?
A. June 16th of '20. And that's without looking at the notarization date before.
Q. I see the 6, and I see the 20. I'm not sure what's in between it, but -- so let's just -- this is a good example. If you've got something like this, and I can't tell what is in between the 6 and the 20 -- and it's just illegible, is that -- kind of go back to the other situation we had where it said 6/20 and it's like sometime in the month of June? Or do you just assign this a -- do you just kind of speculate and assign this a date?
A. Well, we -- as mentioned before, we do have two sets of eyes on it before making the ultimate decision. So this did go through two people before it was officially called, one being temporary worker and two being SOS staff.
So a lot of these are just judgment calls as far as what we can -- what we can read. So me just sitting here looking at this -- and keep in mind, these are photocopies. When we do our intake, we are working off the originals. So it may be just a little bit more clear working off the original petitions than what we see here today.

But me just looking here, looking at this -- very closely, I might add -- I do see June 16th of 2020. So, you know, given that, this would be one that, if I was asked my opinion on, you know, at the office should we cull this, I would say yes.

Q. Were you asked your opinion on this one?

A. Probably not. It was probably another staff member. I've looked at a lot of pages over the last few weeks.

Q. And does the Secretary of State's office keep records in terms of what temporary worker reviews what -- you know, a certain petition and then what kind of SOS employee is reviewing that? Do you keep records like that?

A. We do. That goes back to the Intake Procedure Checklist that we talked about early on. If you notice on that checklist, there's underscores by the numbers. The temporary workers and SOS staff are instructed to, once they have completed each task, to initial.

So as long as that form is filled out properly, we can backtrack and see what temporary worker worked on that folder and what SOS staff member supervised and reviewed that folder. So, yes.

Q. Other than line -- your interpretation of Line 10, are there any issues with the remaining eight signatures?
A. Not that I can tell.
Q. Next is Petition Number 43938. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 7.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next is Petition Number 43728. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 8.
Q. Well, now, Mr. Bridges, it looks like Line 8 says 02-JUL 20. Would that be July 2nd, 2020?
A. Yes, it would, but the notarization date is June 2nd.
Q. Well, there we go.
A. And that's -- that brings up a good point actually, because we do train people -- our workers, excuse me -- to take military standard into consideration.
THE COURT: Question. Why did they just put Line 8 when the whole sheet is that?

THE WITNESS: Your Honor, that's a wonderful question. That one -- that Line 8 might have simply jumped out at that worker since it is military standard, but that's simply speculation. I don't know why that whole sheet was not notated as being wrong.

Q. Next is Petition Number 43350. Why was this petition culled?

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

Q. Any issue with the remaining four?

A. Not that I can tell.

Q. Next is Petition Number 39609. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Lines 6 through 10.

Q. Any issue with the remaining five?

A. Not that I can tell.

Q. Next is Petition Number 44451. Why is this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 1.

Q. Any issue with the remaining five?

A. Not that I can tell.

Q. Next is Petition Number 44655. Why was this

petition culled?
A. Canvasser verification day is before date petitioner signed. Line -- the sheet indicates Line 8. Line 8 is hard to tell, but I'm looking at Line 7, and I see August 17th of 2020, and I also see the same on Line 5.
Q. So I guess similar to some of these signers, maybe your -- the SOS temporary employees had a minor lapse on one number. Is that accurate?
A. It appears so.
Q. Are there any issues with the remaining eight signatures?
A. Not that I can tell.
Q. Next is Petition Number 44658. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 1.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.
Q. Next is Petition Number 40356.
A. Canvasser verification day is before date petitioner signed. Lines 3 and 4.
Q. Any issue with the remaining eight signatures?
A. No, sir.
Q. Next is Petition Number 40924. Why was this

petition culled?
A. Canvasser verification day is before date petitioner signed. Line 6.
Q. Tell me about that.
A. That one appears to read June 16th of '30. And you can make the argument that Line 5 is similar, but it almost looks like Line 5 might have morphed into a '20.
Q. So other than Line 6 and your interpretation of that, do you see any issues with the remaining nine signatures?
A. I do not. Line 5 I would not have culled for that particular reason; Line 6 I would have.
Q. Next is Petition Number 40935. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 9.
Q. Any issue with your remaining nine signatures?
A. Not that I can tell.
Q. Next is Petition Number 40515. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 4.
Q. Any issue with the remaining nine signatures?
A. Not that I can tell.

Q. Next is Petition Number 40534. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 3.
Q. Any issue with the remaining seven signatures?
A. Not that I can tell.
Q. Next is Petition Number 40540, and skip that one.
Next is Petition Number 40559. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 8.
Q. Any issue with the remaining eight signatures?
A. Not that I can tell.
MR. SULLIVAN: Objection.
THE COURT: You can do whatever you need to on re -- or cross. Unless it's a legal objection. All right.
Q. Next is Petition Number 39424. Why was this petition culled?
A. Canvasser verification day is before date petitioner signed. Line 10.
Q. Was there -- would that be 7 1-20?
A. It could be 7-1/20.
Q. Would that count?

A. I would probably keep that one culled. In my opinion, I would keep that culled for that. I see an 11, so --

Q. Any issue with the remaining eight signatures?

A. Not that I can tell.

Q. Next is Petition Number 39478. Why was this petition culled?

A. Canvasser verification day is before date petitioner signed. Line 1.

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

A. Not that I can tell.

THE COURT: We're going to stop right there and pick up back in the morning at 9:00.

I would like y'all to prepare me a list just with the number of the card in a blank out beside it of each one that we go over.

All right. We'll be back in the morning at 9:00.

(Proceedings recessed for the day at 5:26 p.m.)

COURT REPORTER CERTIFICATION

I, Dana Hayden, Certified Court Reporter in and for the State of Arkansas, RMR, CRR, CRC, 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 28th day of June 2020

DANA HAYDEN
CERTIFIED COURT REPORTER
ARKANSAS SUPREME COURT
LS NO. 714

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DANA HAYDEN, CCR, RMR, CRR, CRC
LS Certificate #714, State of Arkansas
Arkansas Realtime Reporting
Dana@ArkansasRealtimeReporting.com