

April 22, 2024

We are obviously disappointed that the U.S. Supreme Court decided not to review the decisions of the Arizona district court and the Ninth Circuit, and order that our challenge to the 2022 election procedures be heard on the merits. Although the Supreme Court grants review in less than 1 percent of cases presented on petition, we believe we presented a case that called out to be reviewed, if the American People are to regain confidence in elections.

What made our case unusual was that it was after the Ninth Circuit affirmed the dismissal that we learned that the Arizona defendants falsely represented to the lower courts that Maricopa County complied with state law in several respects. Contrary to their representations to the lower courts, Maricopa County did not use software certified by the U.S. Election Assistance Commission (“EAC”), and that Maricopa County failed to conduct pre-election “logic and accuracy” testing on all its 400-plus vote center tabulators in accordance with Arizona law. In fact, Maricopa County has been using and continues to use software that has been secretly altered with respect to how ballots are read and tabulated. Since Maricopa County contains 62 percent of Arizona voters, what happens there dominates state-wide elections.

In addition, evidence has come to light showing that, in the 2020 election, Dominion Voting Systems, Inc., left the master cryptographic encryption keys unprotected on the election databases and in plain text on its systems used in at least five states -- including Arizona. Doing so violated basic cyber security practices, Federal Information Processing Standards (“FIPS”), and EAC certification. With these cryptographic keys, anyone with access to these systems can manipulate election results without detection once they bypass the basic Windows log-in (easily done in less than five minutes with instructions available on the internet). Arizona election officials have yet to respond in court to these recent discoveries, continually trying to avoid any review of their actions.

The American people deserve facts, transparency, and truth in how elections are conducted in this Country. The Kari Lake and Mark Finchem case was dismissed based on a purported lack of standing to assert an injury. Therefore, the courts, even now, have not ruled on the merits of our case. We will continue to raise these issues especially in light of the upcoming 2024 election.

[Lake v. Fontes, U.S. Supreme Court, No. 23-1021](#)