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17 Attorneys for Petitioners Election Integrity Project California,
18 Inc., et al.

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY SACRAMENTO**

21 ELECTION INTEGRITY PROJECT
22 CALIFORNIA, INC.; LARRY LEWIS, an
23 individual; COLETTE CASEY, an individual;
24 ELLEN SWENSEN, an individual; THOMAS
25 D. PAVICH an individual; and CHARLES
26 SHINN, an individual,
27
28 Petitioners,
v.
SHIRLEY WEBER, CALIFORNIA
SECRETARY OF STATE; BOB PAGE,
ORANGE COUNTY REGISTRAR OF
VOTERS; DEAN LOGAN, LOS ANGELES
COUNTY REGISTRAR-
RECORDER/COUNTY CLERK; ART
TINOCO, RIVERSIDE COUNTY
REGISTRAR OF VOTERS; AIMEE X.
EXPINOZA, KERN COUNTY AUDITOR-
CONTROLLER-COUNTY CLERK; and
MICHELLE BALDWIN, TULARE COUNTY
REGISTRAR OF VOTERS,
Respondents,

Case No.:
**DECLARATION OF ELLEN SWENSEN
IN SUPPORT OF VERIFIED
PEREMPTORY PETITION FOR
PEREMPTORY WRIT OF MANDATE**
PRIORITY ELECTION MATTER
(Cal. Elec. Code § 13314)
ACTION REQUIRED BY:
November 6, 2024

29 I, Ellen Swensen, the undersigned, declare as follows:

1 1. I am a United States Citizen over the age of eighteen years and am a party to the
2 above-referenced action. I make this declaration based on my own firsthand knowledge unless stated
3 otherwise. If called to testify as a witness, I could and would testify competently thereto. I am a
4 registered voter in the County of Riverside, State of California and am currently a resident of
5 Riverside County, California. I voted in the 2022 midterm election, which was held on November
6 8, 2022, and was a Riverside County resident prior to, and at the time of, the November 2022
7 election. I also intend to vote in the 2024 general election on November 5, 2024, as a Riverside
8 County resident.

9 2. I hold a B.S. in Business Administration from the University of California Berkeley.
10 My professional background involved quantitative market research, predictive sales modeling and
11 the profitable management of flagship brands for Fortune 100 companies.

12 3. I make this declaration in support of Petitioners' Verified Peremptory Writ of
13 Mandate.

14 4. I am the Chief Analyst for Election Integrity Project California, Inc. ("EIPCa"), a
15 Petitioner in this action. I am a founding EIPCa Board member and currently an advisor to the EIPCa
16 Board. EIPCa is a nonprofit 501(c)(3) public benefit corporation committed to defending, through
17 education, research, and advocacy the civil rights of United States citizens to fully participate in the
18 election process under Federal and state law. EIPCa provides grassroots oversight to ensure the
19 integrity of that part of our Republic through which citizens exercise their most fundamental right -
20 the right to choose representatives by fair and honest elections. EIPCa works to ensure that all votes
21 are lawfully cast and accurately counted. EIPCa is neither affiliated with nor supportive of any
22 political party or organization and its members have diverse political affiliations. EIPCa
23 accomplishes its purpose in several different manners, including training citizens to observe and
24 document election procedures used to manage elections and process ballots, communicating with
25 election officials, and by requesting and auditing election data. My role as Chief Analyst on a day-
26 to-day basis involves overseeing the Data Analysis Group ("DAG") of EIPCa, which is comprised
27 of myself and two programmers, Carl Knowles and Dale Sinor.

28

1 5. I have been interviewed on at least twenty occasions by print and broadcast news
2 organizations about California election integrity.

3 6. In the furtherance of EIPCa’s auditing efforts, I made a request to EIPCa President,
4 Linda Paine, to submit an application to the California Secretary of State requesting a “voter list or
5 file” by precinct of each person who voted in California in the November 8, 2022, federal election.
6 Ms. Paine and I, together, drafted the application, requesting that the Secretary of State include each
7 voter’s name, address, birthdate, state Registration ID number, precinct, voting method and current
8 registration status. The data EIPCa sought was the November 2022 election “accounting” data
9 supporting the certification of results of the November 2022 federal election statewide and per
10 county (“November 2022 Certified Accounting”). I understand that this application was submitted
11 to the Secretary of State on or about February 27, 2024.

12 7. I subsequently communicated with EIPCa Programmer Carl Knowles, who told me
13 that, after numerous follow-up emails and phone calls with the Secretary of State’s VoteCal
14 Department, on or about June 28, 2024, he received the voter history and voter information files for
15 the election (“June 2024 Accounting Data”).

16 8. Through my communications with my colleagues, I came to understand that the voter
17 history file contained the Registration ID numbers, the election date and vote methods (poll, vote-
18 by-mail, etc.) of those who voted in the November 2022 election. The voter information file
19 contained Registration ID numbers, names, addresses, birthdates, precinct numbers, current status
20 (active, inactive, cancelled, etc.) of all persons who were in the registration files as of June 28, 2024.
21 My colleagues, EIPCa Programmers Dale Sinor and Carl Knowles, uploaded these files and merged
22 them together using the Registration ID as the matching variable to yield just the voter information
23 of those who had voted and their voting method in November 2022. I understand from my
24 communications with the DAG team that the data EIPCa obtained in June of 2024 also reflects
25 active, inactive, and cancelled voters, and to my knowledge, should have served as a “snapshot” in
26 time of the November 2022 Certified Accounting data.

27 9. At my direction, the programmers developed Microsoft Excel spreadsheets
28 summarizing the June 2024 Accounting to show the number of votes and “multiple votes” by vote

1 method. This information was listed by county and provided the state total, and I converted the
2 Excel spreadsheets into two PDF charts. True and correct copies of the charts I created are attached
3 hereto as **Exhibits 6 and 10**. (Evid. Code § 1521(a).) Due to the huge amount of data provided, our
4 programmers query the data sets to compile accurate summaries that can be easily understood. These
5 compilations do not affect the underlying data set or in any way change it, meaning they are reliable,
6 and can be verified and reproduced.

7 10. In reviewing the data, I noticed several discrepancies between the November 2022
8 Certified Accounting and the June 2024 Accounting at the statewide level. First, I noticed that the
9 Voter Participation Statistics by County—an accounting of the number of persons who voted in each
10 county—which is on page three of the “Statement of Vote” published by the Secretary of State showed
11 that there were 11,146,620 total votes listed in California for the November 2022 election. Note:
12 Here, “votes” means November 2022 voters’ ballots that were counted and not rejected. However,
13 the June 2024 Accounting provided by the Secretary of State showed that there was a total of
14 11,190,244 votes in the November 2022 election. My audit revealed that there was an increase of
15 43,624 votes statewide between the time of the November 2022 Certified Accounting and the June
16 2024 Accounting. Additionally, the June 2024 Accounting reflects 32 California counties that had
17 71,092 more ballots counted than the total number of ballots counted and certified in the November
18 2022 Certified Accounting. The June 2024 Accounting also reflects that 25 California counties had
19 27,764 fewer ballots counted than the total number of ballots counted and certified in the November
20 2022 Certified Accounting. A true and correct copy of the Voter Participation Statistics is attached
21 to the accompanying Request for Judicial Notice as **Exhibit 8**.

22 11. In reviewing the data, I also noticed several discrepancies between the November
23 2022 Certified Accounting and the June 2024 Accounting at the county level. In some counties, the
24 number of certified votes in November of 2022 was lower than the number of total votes per county
25 in 2024. For example, in Los Angeles County specifically, the Statement of Vote’s Voter
26 Participation Statistics published by the Secretary of State shows there were 2,456,701 total votes,
27 pursuant to the November 2022 Certified Accounting. However, the June 2024 Accounting shows
28

1 2,506,478 votes. In other words, there was a discrepancy of 49,777 more votes in the June 2024
2 Accounting than in the 2022 data.

3 12. Similarly, in Riverside County, there was an increased margin of over 4,000 votes
4 between the November 2022 Certified Accounting and the June 2024 Accounting based on my
5 review of the data. Specifically, the Secretary of State listed 604,617 votes in November of 2022
6 compared to 608,899 votes in June of 2024, a difference of 4,282 votes.

7 13. In comparing the November 2022 Certified Accounting to the June 2024 Certified
8 Accounting, I noticed an inverse discrepancy to that stated above in other counties. For example, in
9 Orange County, the Secretary of State listed 994,277 votes in November of 2022. However, in June
10 of 2024, the total number of votes provided by the Secretary of State totaled 992,939, showing a
11 decrease of 1,338 votes.

12 14. Similarly, in Tulare County, there was a decrease of 326 votes between November
13 of 2022 and June of 2024 based on my review of the data. Specifically, the Secretary of State listed
14 92,404 votes in November of 2022 compared to 92,078 votes in June of 2024.

15 15. In Kern County, there was an increase of 490 votes, from 190,715 votes listed by the
16 Secretary of State in November of 2022 to 191,205 votes in June of 2024.

17 16. In fact, only in one county, Modoc, do the number of votes match in that there were
18 3,441 votes counted in both November of 2022 and June of 2024.

19 17. My audit of the June 2024 Accounting also revealed that there were 21,355 voter
20 identifications (IDs) and 42,769 ballots cast that had more than one vote attributed to the voter
21 identification. These “multiple” voting histories were not sequentially located in the file’s rows.
22 Instead, they were randomly dispersed in the voter history file. I understand from my colleagues
23 that each Registration ID number in the June 2024 Accounting is unique to one voter and not
24 duplicated, which confirmed for me that single voters were indeed shown to have voted multiple
25 times in the election.

26 18. Because I did not understand these discrepancies, I consulted the U.S. Election
27 Assistance Commission (“EAC”) website to determine whether the difference in the total votes in
28 the June 2024 Accounting and the November 2022 Certified Accounting was the result of rejected

EXHIBIT “6”

Nov 2022 Votes Provided by SOS per EC 2191 vs Certified Votes by County (Totals by County)

p. 1

County Name	Single-Voter Votes	Multi-Voter Votes	Total Votes	SOS Certified # November 2022 Votes*	Difference	Fewer Votes Than Certified	% Diff	More Votes Than Certified	% Diff
Alameda	490,765	40	490,805	496,125	-5,320	-5,320	-1.1%		
Alpine	650		650	623	27			27	4.3%
Amador	19,224	8	19,232	18,918	314			314	1.7%
Butte	73,635	6	73,641	73,211	430			430	0.6%
Calaveras	21,937		21,937	21,566	371			371	1.7%
Colusa	5,593		5,593	5,617	-24	-24	-0.4%		
Contra Costa	394,336	31	394,367	394,153	214			214	0.1%
Del Norte	8,431		8,431	8,450	-19	-19	-0.2%		
El Dorado	91,091	4	91,095	89,823	1,272			1,272	1.4%
Fresno	220,751	6	220,757	221,419	-662	-662	-0.3%		
Glenn	7,977		7,977	7,986	-9	-9	-0.1%		
Humboldt	49,096	4	49,100	48,741	359			359	0.7%
Imperial	30,081	6	30,087	30,386	-299	-299	-1.0%		
Inyo	7,646	2	7,648	7,577	71			71	0.9%
Kern	191,197	8	191,205	190,715	490			490	0.3%
Kings	27,210	6	27,216	27,125	91			91	0.3%
Lake	20,555		20,555	20,362	193			193	0.9%
Lassen	9,223		9,223	9,271	-48	-48	-0.5%		
Los Angeles	2,464,366	42,112	2,506,478	2,456,701	49,777			49,777	2.0%
Madera	37,856		37,856	37,345	511			511	1.4%

10.11.2024

Nov 2022 Votes Provided by SOS per EC 2191 vs Certified Votes by County (Totals by County)

p. 2

County Name	Single-Voter Votes	Multi-Voter Votes	Total Votes	SOS Certified # November 2022 Votes*	Difference	Fewer Votes Than Certified	% Diff	More Votes Than Certified	% Diff
Marin	121,498	10	121,508	121,402	106			106	0.1%
Mariposa	7,987		7,987	7,928	59			59	0.7%
Mendocino	30,954	4	30,958	31,008	-50	-50	-0.2%		
Merced	55,542	6	55,548	55,850	-302	-302	-0.5%		
Modoc	3,439	2	3,441	3,441	0	0	0.0%	0	0.0%
Mono	4,642	2	4,644	4,633	11			11	0.2%
Monterey	103,064		103,064	103,147	-83	-83	-0.1%		
Napa	50,969	2	50,971	50,788	183			183	0.4%
Nevada	51,753	2	51,755	51,370	385			385	0.7%
Orange	992,895	44	992,939	994,277	-1,338	-1,338	-0.1%		
Placer	187,691	6	187,697	184,507	3,190			3,190	1.7%
Plumas	8,685		8,685	8,721	-36	-36	-0.4%		
Riverside	608,729	170	608,899	604,617	4,282			4,282	0.7%
Sacramento	484,758	24	484,782	484,315	467			467	0.1%
San Benito	19,984	2	19,986	19,845	141			141	0.7%
San Bernardino	459,395	60	459,455	458,946	509			509	0.1%
San Diego	1,041,033	28	1,041,061	1,043,490	-2,429	-2,429	-0.2%		
San Francisco	307,311	22	307,333	310,071	-2,738	-2,738	-0.9%		
San Joaquin	179,214	8	179,222	179,333	-111	-111	-0.1%		
San Luis Obispo	121,868	10	121,878	121,156	722			722	0.6%
San Mateo	250,347	10	250,357	252,233	-1,876	-1,876	-0.7%		
Santa Barbara	135,989	8	135,997	137,044	-1,047	-1,047	-0.8%		

10.11.2024

Nov 2022 Votes Provided by SOS per EC 2191 vs Certified Votes by County (Totals by County)

p. 3

County Name	Single-Voter Votes	Multi-Voter Votes	Total Votes	SOS Certified # November 2022 Votes*	Difference	Fewer Votes Than Certified	% Diff	More Votes Than Certified	% Diff
Santa Clara	543,606	52	543,658	550,602	-6,944	-6,944	-1.3%		
Santa Cruz	105,405	2	105,407	106,044	-637	-637	-0.6%		

Shasta	69,624	2	69,626	68,986	640			640	0.9%
Sierra	1,605		1,605	1,585	20			20	1.3%
Siskiyou	17,823	2	17,825	17,907	-82		-82		-0.5%
Solano	132,902	4	132,906	132,244	662			662	0.5%
Sonoma	202,940	2	202,942	200,347	2,595			2,595	1.3%
Stanislaus	129,757	8	129,765	132,142	-2,377		-2,377		-1.8%
Sutter	28,326	2	28,328	28,521	-193		-193		-0.7%
Tehama	20,851		20,851	20,819	32			32	0.2%
Trinity	4,508		4,508	4,608	-100		-100		-2.2%
Tulare	92,074	4	92,078	92,404	-326		-326		-0.4%
Tuolumne	23,707		23,707	23,482	225			225	1.0%
Ventura	286,216	26	286,242	284,013	2,229			2,229	0.8%
Yolo	68,068	12	68,080	68,794	-714		-714		-1.0%
Yuba	20,400		20,400	19,886	514			514	2.6%
Unknown county (no voter info)			296		296				
Total	11,147,179	42,769	11,190,244	11,146,620	43,624		-27,764	71,092	0.6%
* https://elections.cdn.sos.ca.gov/sov/2022-general/sov/03-voter-participation-stats-by-county.pdf									
10.11.2024									

EXHIBIT “7”

US Election Assistance Commission data and calculation of the number of Los Angeles County, California's November 2022 ballots that were rejected and not counted.

Source: <https://www.eac.gov/research-and-data/studies-and-reports>

Choose EAVS Reports and Materials by Reporting Year/ 2022/ EAVS Dataset Version 1.1/ Excel/choose the row for Los Angeles Co. and the following columns:

Election	Row	Column Number	Column Definition	# Ballots Rejected
Nov 2022	LA County	B18a	Rejected UOCAVA ballots-total	507
Nov 2022	LA County	B25a	Rejected Federal Write-ins-missed deadline	0
Nov 2022	LA County	B26a	Rejected Federal Write-ins-already voted	0
Nov 2022	LA County	B27a	Rejected Federal Write-ins-other rejection reason	1
Nov 2022	LA County	C9a	Rejected Vote by Mail ballots-total	92,427
Nov 2022	LA County	E3a	Rejected Provisional ballots-total	1,137
TOTAL			Total LA Co 2022 Rejected	94,072

EXHIBIT “10”

Nov 2022 Votes Provided by SOS per EC 2191 (Number of Votes by Method of Voting)

County Name	Total Votes	VBM	VCR	CVR	POLL	NCVR	VBM		VCR		CVR		POLL		VBM		VCR		CVR		
							VBM	VCR	VCR	VCR	CVR	CVR	POLL	POLL	VBM	VBM	VCR	VCR	VBM	VBM	VCR
Alameda	490,805	452,799	33,056	4,210	694	6	28	8	4												
Alpine	650	645	4			1															
Amador	19,232	17,977	1,100	12	30	105	8														
Butte	73,641	72,559	611	375	88	2	4		2												
Calaveras	21,937	19,686	2,073	8	41	129															
Colusa	5,593	5,043	3	27	519	1															
Contra Costa	394,367	358,438	684	1,210	34,003	1	18		2	8											3
Del Norte	8,431	7,314	7	36	1,074																
El Dorado	91,095	84,544	5,924	302	92	229	2		2												
Fresno	220,757	192,511	25,885	773	108	1,474	2	2		2											
Glenn	7,977	7,541	4	40	392																
Humboldt	49,100	43,150	73	158	5,715		4														
Imperial	30,087	27,987	51	85	1,958		4			2											
Inyo	7,648	6,685	16	48	897		2														
Kern	191,205	168,137	435	688	21,933	4	6		2												
Kings	27,216	24,618	2,422	119	46	5	2		2												
Lake	20,555	18,074	55	103	2,323																
Lassen	9,223	8,923	6	5	289																
Los Angeles	2,506,478	1,983,485	462,049	17,915	862	55	39,138	652	134	10	12	18	144	18	6	6					

VBM = vote by mail, VCR = vote center vote, CVR = conditional (same day) vote, POLL = polling place vote, NCVR = non-conditional (same day) vote

Nov 2022 Votes Provided by SOS per EC 2191 (Number of Votes by Method of Voting)

County Name	Total Votes	VBM	VCR	CVR	POLL	NCVR	VBM		VCR		CVR		POLL		VBM		VCR		CVR		
							VBM	VCR	VCR	CVR	POLL	VBM	VCR	VCR	CVR	POLL	VBM	VCR	VCR	CVR	VBM
Madera	37,856	34,447	3,105	208	26	70															
Marin	121,508	112,601	7,903	767	224	3	8			2											
Mariposa	7,987	7,917	42	23	4	1															
Mendocino	30,958	29,742	36	93	1,081	2	2			2											
Merced	55,548	50,488	4,774	261	18	1	4		2												
Modoc	3,441	3,162		11	266						2										
Mono	4,644	4,002	20	51	569		2														
Monterey	103,064	96,514	156	402	5,991	1															
Napa	50,971	49,100	1,503	225	79	62	2														
Nevada	51,755	47,862	3,444	336	111			2													
Orange	992,939	829,336	157,125	6,085	340	9	32	4	6	2											
Placer	187,697	169,715	471	633	16,872		4						2								
Plumas	8,685	8,656	9	12	8																
Riverside	608,899	547,139	55,222	5,673	687	8	126		6	22	8	2	6								
Sacramento	484,782	455,679	24,581	3,955	534	9	16		2	2	2	2									
San Benito	19,986	18,330	1,527	13	13	101				2											
San Bernardino	459,455	393,073	1,944	2,534	61,839	5	26	4	4	2	4	22								2	
San Diego	1,041,061	937,590	97,195	5,882	353	13	16	6	2		4										
San Francisco	307,333	272,540	846	943	32,975	7	14	2	4	2											
San Joaquin	179,222	160,283	338	937	17,652	4	6				2										

VBM = vote by mail, VCR = vote center vote, CVR = conditional (same day) vote, POLL = polling place vote, NCVR = non-conditional (same day) vote

Nov 2022 Votes Provided by SOS per EC 2191 (Number of Votes by Method of Voting)

County Name	Total Votes	VBM	VCR	CVR	POLL	NCVR	VBM VBM	CVR CVR	VCR VCR	VBM VCR	CVR VBM	POLL VBM	CVR VCR	POLL VCR	VBM VCR	VBM VCR	CVR VBM	CVR VBM	
San Luis Obispo	121,878	113,645	222	594	7,403	4	8					2							
San Mateo	250,357	232,382	16,337	1,278	347	3	8		2										
Santa Barbara	135,997	123,951	232	894	10,904	8	2			4	2								
Santa Clara	543,658	503,562	36,621	3,158	252	13	44		6	2									
Santa Cruz	105,407	96,190	7,780	1,120	73	242				2									
Shasta	69,626	61,039	107	271	8,207		2												
Sierra	1,605	1,601	2		2														
Siskiyou	17,825	15,514	16	126	2,166	1				2									
Solano	132,906	113,182	210	469	19,039	2	4												
Sonoma	202,942	192,557	9,270	808	157	148	2												
Stanislaus	129,765	119,698	9,491	474	90	4	8												
Sutter	28,328	26,758	29	97	1,441	1	2												
Tehama	20,851	17,800	15	75	2,960	1													
Trinity	4,508	4,234	5	27	242														
Tulare	92,078	79,617	134	213	11,573	537	2					2							
Tuolumne	23,707	22,665	927	95	15	5													
Ventura	286,242	255,575	28,536	589	127	1,389	22		4										
Yolo	68,080	62,735	4,452	806	75		6			2	4								
Yuba	20,400	17,806	53	128	2,413														
no voter info	296																		
Total	11,190,244	9,788,803	1,009,138	66,380	278,192	4,666	39,586	1,944	666	200	100	56	20	18	144	18	9	6	6

VBM = vote by mail, VCR = vote center vote, CVR = conditional (same day) vote, POLL = polling place vote, NCVR = non-conditional (same day) vote

Dec Swensen ISO

Final Audit Report

2024-10-29

Created:	2024-10-29
By:	Susan Kenney (skenney@tylerlawllp.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAWqXw0-zewLMOh4Czb8f21TepM65eVUJm

"Dec Swensen ISO" History

-  Document created by Susan Kenney (skenney@tylerlawllp.com)
2024-10-29 - 11:08:46 PM GMT
-  Document emailed to Ellen Swensen (ellenswensen@eip-ca.com) for signature
2024-10-29 - 11:08:54 PM GMT
-  Email viewed by Ellen Swensen (ellenswensen@eip-ca.com)
2024-10-29 - 11:36:38 PM GMT
-  Document e-signed by Ellen Swensen (ellenswensen@eip-ca.com)
Signature Date: 2024-10-29 - 11:38:58 PM GMT - Time Source: server
-  Agreement completed.
2024-10-29 - 11:38:58 PM GMT