

1 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles County
2 revealed by EIPCa’s audit of November 2022 election data. (Declaration of Ellen Swensen in
3 Support of FAP “Swensen Decl.”), ¶¶ 11-12; Ex. 4, pp. 2, 4.)

4 2. In response to Paragraph 2 of the Answer, Petitioners do not dispute the allegation
5 that the election results data provided by Respondent to the Secretary for the Secretary’s compilation
6 of the November 8, 2022, General Election Statement of Vote (“November 2022 Statement of
7 Vote”) is based on ballots tabulated in the County of Los Angeles County. However, Petitioners
8 deny the allegation that, “the alleged data EIPCa received from the Secretary in June 2024 (the “June
9 2024 Accounting”) in response to a public California Voter Registration File Request is an extract
10 of the State of California’s (State) voter registration records data for voters within the entire State
11 stored on the State’s voter database, VoteCal, at the time of its creation (in or around June 2024),
12 per EIPCa’s specifications, pursuant to Elections Code section 2188” (internal quotations omitted).
13 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
14 provided in response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted
15 in California in the November 8, 2022, federal general election. EIPCa’s application for data
16 indicated that “The voter list / file should include the names, addresses, birthdates, and state
17 registrant ID numbers, as well as the voting method used in the election and the current status of
18 each listed registrant (“active” status, “inactive” status, as well as “cancelled,” “pending,” etc.
19 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine Decl.”), ¶ 4; Ex. 1,
20 p. 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary
21 of State to produce “an extract of the State of California’s (State) voter registration records data for
22 voters within the entire State stored on the State’s voter database, VoteCal, *at the time of its creation*
23 *(in or around June 2024)*” (emphasis added.) For the foregoing reasons, Petitioners deny the
24 allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting findings are based
25 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
26 data.” Regarding the allegation that “the alleged June 2024 Accounting contains data different from
27 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare
28 the November 2022 Statement of Vote, including the Voter Participation Statistics by County

1 document published by the Secretary and contained in the November 2022 Statement of Vote,”
2 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
3 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
4 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
5 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
6 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
7 VoteCal database are dynamic databases that are updated in the regular course of voter record
8 maintenance, to account for various activities including voter registration, re-registration, voters
9 who become inactive due to lack of activity, voters moving in and out of counties, states and the
10 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
11 experience other life events impacting their voter status”; and (2) “data in the County and State’s
12 databases synchronize with one another from time to time but are not used or intended to be used
13 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
14 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
15 complete list of November 2022 voters, including those who had been inactivated or cancelled since
16 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
17 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
18 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
19 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
20 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
21 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p. 2.)

22 3. In response to Paragraph 4 of the Answer, Petitioners deny that there is any
23 “mischaracterization in Paragraph 4’s allegations as to the existence of an alleged “discrepancy of
24 49,777 total ballots, any mischaracterization regarding the County’s voter database records, and any
25 mischaracterization as to the total number of ballots counted in the County’s November 2022
26 General Election,” as Petitioners have offered documentary evidence and sworn declarations in
27 support of their FAP that EIPCa’s audit involved the querying, organizing, and analysis of data
28 consisting of 34 million registered voters and more than 11 million voting history records revealing

1 discrepancies between the June 2024 Accounting and the November 2022 Voter Participation
2 Statistics, including but not limited to, a net difference of 43,624 total ballots statewide between the
3 November 2022 Voter Participation Statistics and the June 2024 Accounting and a discrepancy of
4 49,777 total ballots between the November 8, 2022, Voter Participation Statistics and the June 2024
5 Accounting in Los Angeles County alone. (Swensen Decl., ¶¶ 10-11; Ex. 4, pp. 2, 4; Declaration
6 of Carl Knowles in Support of FAP (“Knowles Decl.”), ¶ 9; Declaration of Dale Sinor in Support
7 of FAP (“Sinor Decl.”), ¶ 7.) Petitioners do not dispute the allegation that the election results data
8 provided by Respondent to the Secretary for the Secretary’s compilation of the November 8, 2022,
9 General Election Statement of Vote (“November 2022 Statement of Vote”) is based on ballots
10 tabulated in the County of Los Angeles County. However, Petitioners deny the allegation that, “the
11 alleged data EIPCa received from the Secretary in June 2024 (the “June 2024 Accounting”) in
12 response to a public California Voter Registration File Request is an extract of the State of
13 California’s (State) voter registration records data for voters within the entire State stored on the
14 State’s voter database, VoteCal, at the time of its creation (in or around June 2024), per EIPCa’s
15 specifications, pursuant to Elections Code section 2188” (internal quotations omitted). Regarding
16 the allegation that “the alleged June 2024 Accounting contains data different from the data used by
17 the Secretary to certify the November 8, 2022 General Election results and prepare the November
18 2022 Statement of Vote, including the Voter Participation Statistics by County document published
19 by the Secretary and contained in the November 2022 Statement of Vote,” Petitioners clarify that,
20 based on the various discrepancies identified within the FAP and supporting documents, the June
21 2024 Accounting differed from the November 2022 Voter Participation Statistics, though the two
22 data sets should have matched based on EIPCa’s request for a “voter list or file by precinct, of all
23 persons who voted” in the previous November 2022 election. (Swensen Decl., ¶ 8.) Finally,
24 regarding the allegations that: (1) “the County voter registration database and VoteCal database are
25 dynamic databases that are updated in the regular course of voter record maintenance, to account
26 for various activities including voter registration, re-registration, voters who become inactive due to
27 lack of activity, voters moving in and out of counties, states and the country, and voters whose
28 registrations are canceled due to death, imprisonment or incapacity or experience other life events

1 impacting their voter status”; and (2) “data in the County and State’s databases synchronize with
2 one another from time to time but are not used or intended to be used for comparison with Statement
3 of Vote data,” Petitioners deny that these allegations provide an explanation underlying the
4 discrepancies revealed by EIPCa’s audit because EIPCa received a complete list of November 2022
5 voters, including those who had been inactivated or cancelled since voting (voters who may have
6 moved or died subsequent to voting). (Swensen Decl., ¶ 8.) Accordingly, this allegation cannot
7 account for: (1) the discrepancy of 49,777 total ballots between the November 8, 2022, Voter
8 Participation Statistics and the June 2024 Accounting in Los Angeles County alone; or (2) the issue
9 of duplicate ballots, or 42,112 ballots that were attributable to 21,027 unique Registration ID
10 numbers in Los Angeles County revealed by EIPCa’s audit of November 2022 election data.
11 (Swensen Decl., ¶¶ 11-12; Ex. 4, pp. 2, 4.)

12 4. In response to Paragraph 5 of the Answer, Petitioners deny that “there is any
13 mischaracterization in Paragraph 5’s allegations regarding duplicate ballots or multiple ballots in
14 the County’s November 2022 General Election, and any mischaracterization regarding the alleged
15 existence of 42,112 ballots that were attributable to 21,027 unique Registration ID numbers”
16 (internal quotations omitted), as Petitioners have offered documentary evidence and sworn
17 declarations in support of their FAP that EIPCa’s audit involved the querying, organizing, and
18 analysis of data consisting of 34 million registered voters and more than 11 million voting history
19 records revealing discrepancies, including but not limited to, a net difference of 43,624 total ballots
20 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting
21 and a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation
22 Statistics and the June 2024 Accounting in Los Angeles County alone. (Swensen Decl., ¶¶ 10-11;
23 Ex. 4, pp. 2, 4; Knowles Decl., ¶ 9; Sinor Decl., ¶ 7.) Petitioners do not dispute the allegation that
24 the election results data provided by Respondent to the Secretary for the Secretary’s compilation of
25 the November 8, 2022, General Election Statement of Vote (“November 2022 Statement of Vote”)
26 is based on ballots tabulated in the County of Los Angeles County. However, Petitioners deny the
27 allegation that, “the alleged data EIPCa received from the Secretary in June 2024 (the “June 2024
28 Accounting”) in response to a public California Voter Registration File Request is an extract of the

1 State of California’s (State) voter registration records data for voters within the entire State stored
2 on the State’s voter database, VoteCal, at the time of its creation (in or around June 2024), per
3 EIPCa’s specifications, pursuant to Elections Code section 2188” (internal quotations omitted).
4 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
5 provided in response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted
6 in California in the November 8, 2022, federal general election. EIPCa’s application for data
7 indicated that “The voter list / file should include the names, addresses, birthdates, and state
8 registrant ID numbers, as well as the voting method used in the election and the current status of
9 each listed registrant (“active” status, “inactive” status, as well as “cancelled,” “pending,” etc.
10 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine Decl.”), Ex. 1, p.
11 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary of
12 State to produce “an extract of the State of California’s (State) voter registration records data for
13 voters within the entire State stored on the State’s voter database, VoteCal, *at the time of its creation*
14 *(in or around June 2024)*” (emphasis added.) For the foregoing reasons, Petitioners deny the
15 allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting findings are based
16 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
17 data.” Regarding the allegation that “the alleged June 2024 Accounting contains data different from
18 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare
19 the November 2022 Statement of Vote, including the Voter Participation Statistics by County
20 document published by the Secretary and contained in the November 2022 Statement of Vote,”
21 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
22 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
23 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
24 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
25 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
26 VoteCal database are dynamic databases that are updated in the regular course of voter record
27 maintenance, to account for various activities including voter registration, re-registration, voters
28 who become inactive due to lack of activity, voters moving in and out of counties, states and the

1 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
2 experience other life events impacting their voter status”; and (2) “data in the County and State’s
3 databases synchronize with one another from time to time but are not used or intended to be used
4 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
5 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
6 complete list of November 2022 voters, including those who had been inactivated or cancelled since
7 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
8 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
9 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
10 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
11 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
12 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, pp. 2, 4.)

13 5. In response to Paragraph 6 of the Answer, Petitioners clarify Respondent’s allegation
14 that, “Petitioners filed this litigation prior to making any formal or informal request for explanation
15 from Respondent,” by alleging that the request for explanation was initially made to the Secretary
16 of State. However, without an explanation, Petitioners cannot determine whether any error that
17 occurred resulting in differences in total ballots between the two data sets or duplicate ballots
18 discrepancies (including, but not limited to, the 42,112 ballots that were attributable to 21,027
19 unique Registration ID numbers in Los Angeles County and the 49,777 total ballots between the
20 November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
21 County) happened at the county level with the Registrar or with the Secretary’s office. (Swensen
22 Decl., ¶¶ 11-12; Ex. 4, pp. 2, 4.)

23 6. In response to Paragraph 19 of the Answer, Petitioners admit that Respondent was
24 “not involved in the communications between the Secretary and EIPCa regarding EIPCa’s request
25 for data” to the extent that Respondent refers to the email and telephone communications that
26 occurred regarding EIPCa’s application for data and correspondence pertaining to the non-
27 responsive data sets. (Knowles Decl., ¶ 8; Ex. 6.) Petitioners deny that the Secretary provided a
28 response to their written questions transmitted to the Secretary on or about September 6, 2024.

1 (Paine Decl., ¶¶ 6-7; Ex. 2.) Petitioners deny that Respondent is absolved of liability based on his
2 ministerial duties under Elections Code § § 15300 *et. seq.* and the discrepancies revealed through
3 EIPCa’s audit, based on EIPCa’s communication with the Secretary of State. As to the remaining
4 allegations, Petitioners lack knowledge, information, or belief sufficient to admit or deny the
5 remaining factual allegations in Paragraph 19, and on that basis, deny said allegations.

6 7. In response to Paragraph 20 of the Answer, Petitioners deny Respondent’s allegation
7 that there is any mischaracterization that “[t]he June 2024 Accounting is supposed to provide the
8 data the Secretary relied on to determine the final Statement of Vote (and the underlying November
9 2022 Voter Participation Statistics)” on the basis that EIPCa’s request for a “voter list or file by
10 precinct, of all persons who voted” in the previous November 2022 election EIPCa requested, and
11 the Secretary of State represented that it provided in response to EIPCa’s request, “a voter list or
12 file,” by precinct, of all persons who voted in California in the November 8, 2022 federal general
13 election. (Paine Decl., ¶ 4; Swensen Decl., ¶ 6; Knowles Decl., ¶¶ 7-9.) Petitioners deny
14 Respondent’s allegation that there is any mischaracterization “that it is reasonable for EIPCa to
15 believe the June 2024 Accounting would match the data used to prepare the November 2022 Voter
16 Participation Statistics” for the foregoing reasons. Petitioners admit that Respondent was “not
17 involved in the communications between the Secretary and EIPCa regarding EIPCa’s request for
18 data” to the extent that Respondent refers to the email and telephone communications that occurred
19 regarding EIPCa’s application for data and correspondence pertaining to the non-responsive data
20 sets. (Knowles Decl., ¶ 8; Ex. 6.) Petitioners deny that the Secretary provided a response to their
21 written questions transmitted to the Secretary on or about September 6, 2024. Paine Decl., ¶¶ 6-7;
22 Ex. 2.) Petitioners deny that Respondent is absolved of liability based on his ministerial duties under
23 Elections Code § § 15300 *et. seq.* and the discrepancies revealed through EIPCa’s audit, based on
24 EIPCa’s communication with the Secretary of State. As to the remaining allegations, Petitioners
25 lack knowledge, information, or belief sufficient to admit or deny the remaining factual allegations
26 in Paragraph 19, and on that basis, deny said allegations.

27 8. In response to Paragraph 21 of the Answer, Petitioners deny that there is any
28 mischaracterization of any “major discrepancies between the two data sets,” any

1 “mischaracterization as to the County’s voter data and any mischaracterization as to any
2 shortcomings in Respondent’s performance of ministerial duties with respect to the November 2022
3 General Election, including the tabulating of ballots.” Petitioners allege that EIPCa’s audit involved
4 the querying, organizing, and analysis of data consisting of 34 million registered voters and more
5 than 11 million voting history records revealing discrepancies, including but not limited to, a net
6 difference of 43,624 total ballots statewide between the November 2022 Voter Participation
7 Statistics and the June 2024 Accounting and a discrepancy of 49,777 total ballots between the
8 November 8, 2022 Voter Participation Statistics and the June 2024 Accounting in Los Angeles
9 County alone. (Swensen Decl., ¶¶ 10-11; Ex. 4, pp. 2, 4; Knowles Decl., ¶ 9; Sinor Decl., ¶ 7.)
10 Petitioners further allege that, without an explanation by the Secretary or Respondent, Petitioners
11 cannot determine whether any error that occurred resulting in differences in total ballots between
12 the two data sets or duplicate ballots happened at the county level with Respondent or with the
13 Secretary’s office. Petitioners clarify that they do not assert any improper motives on the part of
14 Respondents. Rather, Petitioners bring their nonpartisan writ petition simply to uphold the integrity
15 of elections and compel governmental officials to perform their ministerial duty to ensure that all
16 lawfully cast ballots are accurately counted. Petitioners do not dispute the allegation that the election
17 results data provided by Respondent to the Secretary for the Secretary’s compilation of the
18 November 8, 2022 General Election Statement of Vote (“November 2022 Statement of Vote”) is
19 based on ballots tabulated in the County of Los Angeles County. However, Petitioners deny the
20 allegation that, “the alleged data EIPCa received from the Secretary in June 2024 (the “June 2024
21 Accounting”) in response to a public California Voter Registration File Request is an extract of the
22 State of California’s (State) voter registration records data for voters within the entire State stored
23 on the State’s voter database, VoteCal, at the time of its creation (in or around June 2024), per
24 EIPCa’s specifications, pursuant to Elections Code section 2188” (internal quotations omitted).
25 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
26 provided in response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted
27 in California in the November 8, 2022, federal general election. EIPCa’s application for data
28 indicated that “The voter list / file should include the names, addresses, birthdates, and state

1 registrant ID numbers, as well as the voting method used in the election and the current status of
2 each listed registrant (“active” status, “inactive” status, as well as “cancelled,” “pending,” etc.
3 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine Decl.”), Ex. 1, p.
4 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary of
5 State to produce “an extract of the State of California’s (State) voter registration records data for
6 voters within the entire State stored on the State’s voter database, VoteCal, at the time of its creation
7 (in or around June 2024)” (emphasis added.) For the foregoing reasons, Petitioners deny the
8 allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting findings are based
9 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
10 data.” Regarding the allegation that “the alleged June 2024 Accounting contains data different from
11 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare
12 the November 2022 Statement of Vote, including the Voter Participation Statistics by County
13 document published by the Secretary and contained in the November 2022 Statement of Vote,”
14 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
15 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
16 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
17 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
18 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
19 VoteCal database are dynamic databases that are updated in the regular course of voter record
20 maintenance, to account for various activities including voter registration, re-registration, voters
21 who become inactive due to lack of activity, voters moving in and out of counties, states and the
22 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
23 experience other life events impacting their voter status”; and (2) “data in the County and State’s
24 databases synchronize with one another from time to time but are not used or intended to be used
25 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
26 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
27 complete list of November 2022 voters, including those who had been inactivated or cancelled since
28 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)

1 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
2 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
3 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
4 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
5 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p.2.) As to the remaining allegations,
6 Petitioners deny the remaining allegations of Paragraph 21 of Respondent’s Answer.

7 9. In response to paragraph 22 of the Answer, Petitioners deny the allegation that there
8 is any “mischaracterization in Paragraph 22’s allegations as to an alleged discrepancy of 49,777
9 total ballots between the November 2022 Voter Participation Statistics and the June 2024
10 Accounting,” as Petitioners have offered documentary evidence and sworn declarations in support
11 of their FAP that EIPCa’s audit involved the querying, organizing, and analysis of data consisting
12 of 34 million registered voters and more than 11 million voting history records revealing
13 discrepancies, including but not limited to, a discrepancy of 49,777 total ballots between the
14 November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
15 County alone. (Swensen Decl., ¶¶ 10-11; Ex. 4, pp. 2, 4; Knowles Decl., ¶ 9; Sinor Decl., ¶ 7.)
16 Petitioners do not dispute the allegation that the election results data provided by Respondent to the
17 Secretary for the Secretary’s compilation of the November 8, 2022, General Election Statement of
18 Vote (“November 2022 Statement of Vote”) is based on ballots tabulated in the County of Los
19 Angeles County. However, Petitioners deny the allegation that, “the alleged data EIPCa received
20 from the Secretary in June 2024 (the “June 2024 Accounting”) in response to a public California
21 Voter Registration File Request is an extract of the State of California’s (State) voter registration
22 records data for voters within the entire State stored on the State’s voter database, VoteCal, at the
23 time of its creation (in or around June 2024), per EIPCa’s specifications, pursuant to Elections Code
24 section 2188” (internal quotations omitted). Rather, Petitioners allege that EIPCa requested, and the
25 Secretary of State represented that it provided in response to EIPCa’s request, “a voter list or file,”
26 by precinct, of all persons who voted in California in the November 8, 2022, federal general election.
27 EIPCa’s application for data indicated that “The voter list / file should include the names, addresses,
28 birthdates, and state registrant ID numbers, as well as the voting method used in the election and the

1 current status of each listed registrant (“active” status, “inactive” status, as well as “cancelled,”
2 “pending,” etc. (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine
3 Decl.”), Ex. 1, p. 1.) Petitioners deny that requests made under Elections Code section 2188 require
4 the Secretary of State to produce “an extract of the State of California’s (State) voter registration
5 records data for voters within the entire State stored on the State’s voter database, VoteCal, at the
6 time of its creation (in or around June 2024)” (emphasis added.) For the foregoing reasons,
7 Petitioners deny the allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting
8 findings are based on improper comparison of the June 2024 Accounting with the November 2022
9 Statement of Vote data.” Regarding the allegation that “the alleged June 2024 Accounting contains
10 data different from the data used by the Secretary to certify the November 8, 2022 General Election
11 results and prepare the November 2022 Statement of Vote, including the Voter Participation
12 Statistics by County document published by the Secretary and contained in the November 2022
13 Statement of Vote,” Petitioners clarify that, based on the various discrepancies identified within the
14 FAP and supporting documents, the June 2024 Accounting differed from the November 2022 Voter
15 Participation Statistics, though the two data sets should have matched based on EIPCa’s request for
16 a “voter list or file by precinct, of all persons who voted” in the previous November 2022 election.
17 (Swensen Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration
18 database and VoteCal database are dynamic databases that are updated in the regular course of voter
19 record maintenance, to account for various activities including voter registration, re-registration,
20 voters who become inactive due to lack of activity, voters moving in and out of counties, states and
21 the country, and voters whose registrations are canceled due to death, imprisonment or incapacity
22 or experience other life events impacting their voter status”; and (2) “data in the County and State’s
23 databases synchronize with one another from time to time but are not used or intended to be used
24 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
25 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
26 complete list of November 2022 voters, including those who had been inactivated or cancelled since
27 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
28 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between

1 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
2 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
3 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
4 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p.2.) As to the remaining allegations,
5 Petitioners lack knowledge, information, or belief sufficiently to admit or deny the remaining factual
6 allegations in Paragraph 22, and on that basis, deny said allegations.

7 10. In response to Paragraph 23 of the Answer, Petitioners deny that there is any
8 “mischaracterization in Paragraph 23’s allegations as to the existence of an alleged “discrepancy of
9 49,777 total ballots, any mischaracterization regarding the County’s voter database records, and any
10 mischaracterization as to the total number of ballots counted in the County’s November 2022
11 General Election,” as Petitioners have offered documentary evidence and sworn declarations in
12 support of their FAP that EIPCa’s audit involved the querying, organizing, and analysis of data
13 consisting of 34 million registered voters and more than 11 million voting history records revealing
14 discrepancies, including but not limited to, a net difference of 43,624 total ballots statewide between
15 the November 2022 Voter Participation Statistics and the June 2024 Accounting and a discrepancy
16 of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics and the June
17 2024 Accounting in Los Angeles County alone. (Swensen Decl., ¶¶ 10-11; Ex. 4, pp. 2, 4; Knowles
18 Decl., ¶ 9; Sinor Decl., ¶ 7.) Petitioners do not dispute the allegation that the election results data
19 provided by Respondent to the Secretary for the Secretary’s compilation of the November 8, 2022,
20 General Election Statement of Vote (“November 2022 Statement of Vote”) is based on ballots
21 tabulated in the County of Los Angeles County. However, Petitioners deny the allegation that, “the
22 alleged data EIPCa received from the Secretary in June 2024 (the “June 2024 Accounting”) in
23 response to a public California Voter Registration File Request is an extract of the State of
24 California’s (State) voter registration records data for voters within the entire State stored on the
25 State’s voter database, VoteCal, at the time of its creation (in or around June 2024), per EIPCa’s
26 specifications, pursuant to Elections Code section 2188” (internal quotations omitted). Rather,
27 Petitioners allege that EIPCa requested, and the Secretary of State represented that it provided in
28 response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted in California

1 in the November 8, 2022, federal general election. EIPCa’s application for data indicated that “The
2 voter list / file should include the names, addresses, birthdates, and state registrant ID numbers, as
3 well as the voting method used in the election and the current status of each listed registrant (“active”
4 status, “inactive” status, as well as “cancelled,” “pending,” etc. (Swensen Decl., ¶¶ 6, 8; Declaration
5 of Linda Paine in Support of FAP (“Paine Decl.”), Ex. 1, p. 1.) Petitioners deny that requests made
6 under Elections Code section 2188 require the Secretary of State to produce “an extract of the State
7 of California’s (State) voter registration records data for voters within the entire State stored on the
8 State’s voter database, VoteCal, at the time of its creation (in or around June 2024)” (emphasis
9 added.) For the foregoing reasons, Petitioners deny the allegation that EIPCa’s alleged audit of the
10 June 2024 Accounting and resulting findings are based on improper comparison of the June 2024
11 Accounting with the November 2022 Statement of Vote data.” Regarding the allegation that “the
12 alleged June 2024 Accounting contains data different from the data used by the Secretary to certify
13 the November 8, 2022 General Election results and prepare the November 2022 Statement of Vote,
14 including the Voter Participation Statistics by County document published by the Secretary and
15 contained in the November 2022 Statement of Vote,” Petitioners clarify that, based on the various
16 discrepancies identified within the FAP and supporting documents, the June 2024 Accounting
17 differed from the November 2022 Voter Participation Statistics, though the two data sets should
18 have matched based on EIPCa’s request for a “voter list or file by precinct, of all persons who voted”
19 in the previous November 2022 election. (Swensen Decl., ¶ 8.) Finally, regarding the allegations
20 that: (1) “the County voter registration database and VoteCal database are dynamic databases that
21 are updated in the regular course of voter record maintenance, to account for various activities
22 including voter registration, re-registration, voters who become inactive due to lack of activity,
23 voters moving in and out of counties, states and the country, and voters whose registrations are
24 canceled due to death, imprisonment or incapacity or experience other life events impacting their
25 voter status”; and (2) “data in the County and State’s databases synchronize with one another from
26 time to time but are not used or intended to be used for comparison with Statement of Vote data,”
27 Petitioners deny that these allegations provide an explanation underlying the discrepancies revealed
28 by EIPCa’s audit because EIPCa received a complete list of November 2022 voters, including those

1 who had been inactivated or cancelled since voting (voters who may have moved or died subsequent
2 to voting). (Swensen Decl., ¶ 8.) Accordingly, this allegation cannot account for: (1) the discrepancy
3 of 49,777 total ballots between the November 8, 2022, Voter Participation Statistics and the June
4 2024 Accounting in Los Angeles County alone; or (2) the issue of duplicate ballots, or 42,112 ballots
5 that were attributable to 21,027 unique Registration ID numbers in Los Angeles County revealed by
6 EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p.2.) As to the
7 remaining allegations, Petitioners lack knowledge, information, or belief sufficiently to admit or
8 deny the remaining factual allegations in Paragraph 23, and on that basis, deny said allegations.

9 11. In response to Paragraph 24 of the Answer, Petitioners deny that there is a
10 mischaracterization in Paragraph 24’s allegations as to “the existence of a substantial number of
11 duplicate ballots in regard to the County’s November 2022 General Election.” Petitioners allege that
12 EIPCa’s audit of the data provided by the Secretary revealed 21,355 unique voter Registration ID
13 numbers that had more than one vote attributed to each individual voter’s Registration ID number
14 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide. (Swensen
15 Decl., ¶ 12; Ex. 4, p. 4.) Petitioners clarify that that there is possibly a legitimate answer to why the
16 data reflects substantial discrepancies. But without cooperation of the elections officials as is
17 required by law, Petitioners are left with no alternative but to file their FAP to obtain answers
18 regarding the apparent lack of accurate accounting for the November 2022 election, to obtain proper
19 data for the November 2024 election so that Petitioners may perform their own audit of the
20 November 2024 election, and to seek appropriate remedies in the event the discrepancies identified
21 prove to be true. (See FAP at ¶ 35.) As to the remaining allegations, Petitioners lack knowledge,
22 information, or belief sufficiently to admit or deny the remaining factual allegations in Paragraph
23 24, and on that basis, deny said allegations.

24 12. In response to Paragraph 25 of the Answer, Petitioners deny that there is a
25 “mischaracterization in Paragraph 25’s allegations regarding the County having the highest
26 occurrence of duplicate ballots statewide for the November 2022 election” and that there is a
27 “mischaracterization as to the existence of duplicate ballots in the County’s November 2022 General
28 Election,” as Petitioners have offered documentary evidence and sworn declarations in support of

1 their FAP that EIPCa’s audit involved the querying, organizing, and analysis of data consisting of
2 34 million registered voters and more than 11 million voting history records revealing discrepancies,
3 including but not limited to, the fact that there were 42,112 ballots that were attributable to 21,027
4 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
5 2022 election data. (Swensen Decl., ¶ 12; Ex. 4, p. 2; Knowles Decl., ¶ 9; Sinor Decl., ¶ 7.) For the
6 foregoing reasons, Petitioners also deny the allegations that “the County having the highest
7 occurrence of duplicate ballots statewide is misleading, lacks context and a red herring insofar as
8 the County is the most populated county in the country and state, with the highest number of voters
9 in the state at approximately 5.6 million registered voters” and that “any data point regarding the
10 County is likely to be higher or the highest comparatively speaking, but such data point is
11 meaningless and misleading without context.” Petitioners further deny these allegations on the
12 ground that Los Angeles County serving as the allegedly “most populated county in the country and
13 state, with the highest number of voters in the state at approximately 5.6 million registered voters”
14 does not account for multiple ballots associated with one voter registration ID. (Swensen Decl., ¶
15 12; Ex. 4, p. 2.) As to the remaining allegations, Petitioners lack knowledge, information, or belief
16 sufficient to admit or deny the remaining factual allegations in Paragraph 25, and on that basis, deny
17 said allegations.

18 13. In response to paragraph 26 of the Answer, Petitioners deny that there is a
19 “mischaracterization in Paragraph 26’s allegations as to the existence of duplicate ballots in regard
20 to the County’s November 2022 General Election.” Petitioners allege that EIPCa’s audit of the data
21 provided by the Secretary revealed 21,355 unique voter Registration ID numbers that had more than
22 one vote attributed to each individual voter’s Registration ID number for the November 2022
23 election, totaling 42,769 ballots cast by 21,355 voters statewide. (Swensen Decl., ¶ 12; Ex. 4, p. 4.)
24 In Los Angeles County alone, there were 42,112 ballots that were attributable to 21,027 unique
25 Registration ID numbers in Los Angeles County. (*Id.*; Ex. 4, p. 2.)

26 14. In response to paragraph 28 of the Answer, Petitioners deny that there is a
27 “mischaracterization in Paragraph 28’s allegations that thousands of invalid ballots were counted in
28 reference to the November 2022 General Election,” as EIPCa’s audit, based on the querying,

1 organizing, and analysis of data consisting of 34 million registered voters and more than 11 million
2 voting history records, revealed 42,769 ballots were attributable to the 21,355 unique Registration
3 ID numbers statewide, and EIPCa has not been provided with an explanation underlying the
4 rationale for duplicate ballots by the Secretary or Respondent. (Swensen Decl., ¶ 12; Ex. 4, p. 4;
5 Knowles Decl., ¶ 9; Sinor Decl., ¶ 7.)

6 15. In response to paragraph 29 of the Answer, Petitioners deny that there is a
7 mischaracterization regarding “the existence of alleged discrepancies based on EIPCa’s alleged
8 audit of the June 2024 Accounting” because Petitioners have offered documentary evidence and
9 sworn declarations in support of their FAP that EIPCa’s audit involved the querying, organizing,
10 and analysis of data consisting of 34 million registered voters and more than 11 million voting
11 history records revealing discrepancies between the June 2024 Accounting and the November 2022
12 Voter Participation Statistics, including but not limited to, a net difference of 43,624 total ballots
13 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
14 a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
15 and the June 2024 Accounting in Los Angeles County alone; 21,355 unique voter Registration ID
16 numbers that had more than one vote attributed to each individual voter’s Registration ID number
17 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and 42,112
18 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles County
19 revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex. 4, pp.
20 2, 4; Knowles Decl., ¶ 9; Sinor Decl., ¶ 7.) Petitioners deny that there was an “improper comparison
21 of the June 2024 Accounting with the November 2022 Statement of Vote data” because the two data
22 sets should have matched based on EIPCa’s request for a “voter list or file by precinct, of all persons
23 who voted” in the previous November 2022 election. (Swensen Decl., ¶¶ 6, 8; Paine Decl., ¶ 4; Ex.
24 1, p. 1.) Petitioners admit that Respondent was “not involved in the communications between the
25 Secretary and EIPCa regarding EIPCa’s request for data” to the extent that Respondent refers to the
26 email and telephone communications that occurred regarding EIPCa’s application for data and
27 correspondence pertaining to the non-responsive data sets. (Knowles Decl., ¶ 8; Ex. 6.) Petitioners
28 deny that the Secretary provided a response to their written questions transmitted to the Secretary

1 on or about September 6, 2024. (Paine Decl., ¶¶ 6-7; Ex. 2.) Petitioners deny that Respondent is
2 absolved of liability based on his ministerial duties under Elections Code § § 15300 *et. seq.* and the
3 discrepancies revealed through EIPCa’s audit, based on EIPCa’s communication with the Secretary
4 of State. As to the remaining allegations, Petitioners lack knowledge, information, or belief
5 sufficient to admit or deny the remaining factual allegations in Paragraph 29, and on that basis, deny
6 said allegations.

7 16. In response to Paragraph 30 of the Answer, Petitioners admit that Respondent was
8 “not involved in the communications between the Secretary and EIPCa regarding EIPCa’s request
9 for data” to the extent that Respondent refers to the email and telephone communications that
10 occurred regarding EIPCa’s application for data and correspondence pertaining to the non-
11 responsive data sets. (Knowles Decl., ¶ 8; Ex. 6.) Petitioners deny that the Secretary provided a
12 response to their written questions transmitted to the Secretary on or about September 6, 2024.
13 (Paine Decl., ¶¶ 6-7; Ex. 2.) Petitioners deny that Respondent is absolved of liability based on his
14 ministerial duties under Elections Code § § 15300 *et. seq.* and the discrepancies revealed through
15 EIPCa’s audit, based on EIPCa’s communication with the Secretary of State. As to the remaining
16 allegations, Petitioners lack knowledge, information, or belief sufficiently to admit or deny the
17 remaining factual allegations in Paragraph 30, and on that basis, deny said allegations.

18 17. In response to Paragraph 31 of the Answer, Petitioners admit that Respondent was
19 “not involved in the communications between the Secretary and EIPCa regarding EIPCa’s request
20 for data” to the extent that Respondent refers to the email and telephone communications that
21 occurred regarding EIPCa’s application for data and correspondence pertaining to the non-
22 responsive data sets. (Knowles Decl., ¶ 8; Ex. 6.) Petitioners deny that the Secretary provided a
23 response to their written questions transmitted to the Secretary on or about September 6, 2024.
24 (Paine Decl., ¶¶ 6-7; Ex. 2.) Petitioners deny that Respondent is absolved of liability based on his
25 ministerial duties under Elections Code § § 15300 *et. seq.* and the discrepancies revealed through
26 EIPCa’s audit, based on EIPCa’s communication with the Secretary of State. As to the remaining
27 allegations, Petitioners lack knowledge, information, or belief sufficient to admit or deny the
28 remaining factual allegations in Paragraph 31, and on that basis, deny said allegations.

1 18. In response to Paragraph 32 of the Answer, Petitioners admit that, in November of
2 2024, Respondents agreed to take Petitioners’ request to meet and confer under review pursuant to
3 email correspondence exchanged through the parties’ counsel. As of the date of this Replication,
4 Petitioners await a response from the Registrar as to the written answers to Petitioners’ questions,
5 or alternatively, a time when the Registrar is available to speak with Petitioners verbally (i.e., by
6 phone) regarding the answers to Petitioners’ questions. Petitioners do not dispute the allegation that
7 the election results data provided by Respondent to the Secretary for the Secretary’s compilation of
8 the November 8, 2022, General Election Statement of Vote (“November 2022 Statement of Vote”)
9 is based on ballots tabulated in the County of Los Angeles County. However, Petitioners deny the
10 allegation that, “the alleged data EIPCa received from the Secretary in June 2024 (the “June 2024
11 Accounting”) in response to a public California Voter Registration File Request is an extract of the
12 State of California’s (State) voter registration records data for voters within the entire State stored
13 on the State’s voter database, VoteCal, at the time of its creation (in or around June 2024), per
14 EIPCa’s specifications, pursuant to Elections Code section 2188” (internal quotations omitted).
15 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
16 provided in response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted
17 in California in the November 8, 2022, federal general election. EIPCa’s application for data
18 indicated that “The voter list / file should include the names, addresses, birthdates, and state
19 registrant ID numbers, as well as the voting method used in the election and the current status of
20 each listed registrant (“active” status, “inactive” status, as well as “cancelled,” “pending,” etc.
21 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine Decl.”), Ex. 1, p.
22 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary of
23 State to produce “an extract of the State of California’s (State) voter registration records data for
24 voters within the entire State stored on the State’s voter database, VoteCal, at the time of its creation
25 (in or around June 2024)” (emphasis added.) For the foregoing reasons, Petitioners deny the
26 allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting findings are based
27 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
28 data.” Regarding the allegation that “the alleged June 2024 Accounting contains data different from

1 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare
2 the November 2022 Statement of Vote, including the Voter Participation Statistics by County
3 document published by the Secretary and contained in the November 2022 Statement of Vote,”
4 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
5 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
6 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
7 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
8 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
9 VoteCal database are dynamic databases that are updated in the regular course of voter record
10 maintenance, to account for various activities including voter registration, re-registration, voters
11 who become inactive due to lack of activity, voters moving in and out of counties, states and the
12 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
13 experience other life events impacting their voter status”; and (2) “data in the County and State’s
14 databases synchronize with one another from time to time but are not used or intended to be used
15 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
16 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
17 complete list of November 2022 voters, including those who had been inactivated or cancelled since
18 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
19 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
20 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
21 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
22 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
23 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p. 2.) As to the remaining allegations,
24 Petitioners lack knowledge, information, or belief sufficient to admit or deny the remaining factual
25 allegations in Paragraph 32, and on that basis, deny said allegations.

26 19. In response to Paragraph 32 of the Answer, Petitioners admit that, in November of
27 2024, Respondents agreed to take Petitioners’ request to meet and confer under review pursuant to
28 email correspondence exchanged through the parties’ counsel. As of the date of this Replication,

1 Petitioners await a response from the Registrar as to the written answers to Petitioners' questions,
2 or alternatively, a time when the Registrar is available to speak with Petitioners verbally (i.e., by
3 phone) regarding the answers to Petitioners' questions. Petitioners do not dispute the allegation that
4 the election results data provided by Respondent to the Secretary for the Secretary's compilation of
5 the November 8, 2022, General Election Statement of Vote ("November 2022 Statement of Vote")
6 is based on ballots tabulated in the County of Los Angeles County. However, Petitioners deny the
7 allegation that, "the alleged data EIPCa received from the Secretary in June 2024 (the "June 2024
8 Accounting") in response to a public California Voter Registration File Request is an extract of the
9 State of California's (State) voter registration records data for voters within the entire State stored
10 on the State's voter database, VoteCal, at the time of its creation (in or around June 2024), per
11 EIPCa's specifications, pursuant to Elections Code section 2188" (internal quotations omitted).
12 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
13 provided in response to EIPCa's request, "a voter list or file," by precinct, of all persons who voted
14 in California in the November 8, 2022, federal general election. EIPCa's application for data
15 indicated that "The voter list / file should include the names, addresses, birthdates, and state
16 registrant ID numbers, as well as the voting method used in the election and the current status of
17 each listed registrant ("active" status, "inactive" status, as well as "cancelled," "pending," etc.
18 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP ("Paine Decl."), Ex. 1, p.
19 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary of
20 State to produce "an extract of the State of California's (State) voter registration records data for
21 voters within the entire State stored on the State's voter database, VoteCal, *at the time of its creation*
22 *(in or around June 2024)*" (emphasis added.) For the foregoing reasons, Petitioners deny the
23 allegation that EIPCa's alleged audit of the June 2024 Accounting and resulting findings are based
24 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
25 data." Regarding the allegation that "the alleged June 2024 Accounting contains data different from
26 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare
27 the November 2022 Statement of Vote, including the Voter Participation Statistics by County
28 document published by the Secretary and contained in the November 2022 Statement of Vote,"

1 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
2 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
3 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
4 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
5 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
6 VoteCal database are dynamic databases that are updated in the regular course of voter record
7 maintenance, to account for various activities including voter registration, re-registration, voters
8 who become inactive due to lack of activity, voters moving in and out of counties, states and the
9 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
10 experience other life events impacting their voter status”; and (2) “data in the County and State’s
11 databases synchronize with one another from time to time but are not used or intended to be used
12 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
13 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
14 complete list of November 2022 voters, including those who had been inactivated or cancelled since
15 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
16 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
17 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
18 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
19 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
20 2022 election data. (Swensen Decl., ¶ ¶ 11-12; Ex. 4, p.2.) As to the remaining allegations,
21 Petitioners lack knowledge, information, or belief sufficient to admit or deny the remaining factual
22 allegations in Paragraph 33, and on that basis, deny said allegations.

23 20. In response to Paragraph 37 of the Answer, Petitioners deny that Respondent “has
24 administered the County’s elections, including the November 2022 General Election and the
25 November 2024 General Election, in accordance with law, and complied with his ministerial duties
26 in accordance with law” and that Respondent exercised actions committed to his discretion
27 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
28 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform

1 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
2 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
3 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
4 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
5 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
6 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
7 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
8 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
9 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
10 4, pp. 2, 4.)

11 21. In response to Paragraph 38 of the Answer, Petitioners deny that Respondent “has
12 administered the County’s elections, including the November 2022 General Election and the
13 November 2024 General Election, in accordance with law, and complied with his ministerial duties
14 in accordance with law” and that Respondent exercised actions committed to his discretion
15 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
16 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
17 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
18 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
19 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
20 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
21 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
22 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
23 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
24 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
25 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
26 4, pp. 2, 4.)

27 22. In response to Paragraph 39 of the Answer, Petitioners deny that there was any
28 “mischaracterization in Paragraph 39’s allegations regarding failure of the Registrar... to properly

1 and accurately perform one or more of their ministerial duties.” Petitioners deny that Respondent
2 “has administered the County’s elections, including the November 2022 General Election and the
3 November 2024 General Election, in accordance with law, and complied with his ministerial duties
4 in accordance with law” and that Respondent exercised actions committed to his discretion
5 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
6 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
7 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
8 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
9 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
10 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
11 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
12 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
13 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
14 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
15 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
16 4, pp. 2, 4.)

17 23. In response to Paragraph 69 of the Answer, Petitioners deny that the existence of any
18 “mischaracterization in Paragraph 69’s allegations as to numerous serious discrepancies in relation
19 to the County’s voter database and the counting and reconciliation of ballots in the County’s
20 November 2022 General Election.” Petitioners deny that there was any “mischaracterization in
21 Paragraph 39’s allegations regarding failure of the Registrar... to properly and accurately perform
22 one or more of their ministerial duties.” Petitioners deny that Respondent “has administered the
23 County’s elections, including the November 2022 General Election and the November 2024 General
24 Election, in accordance with law, and complied with his ministerial duties in accordance with law”
25 and that Respondent exercised actions committed to his discretion reasonably and appropriately.
26 Petitioners contend that the discrepancies found through EIPCa’s audit are a result of the failure of
27 the Registrar and the Secretary to properly and accurately perform one or more of their ministerial
28 duties, in counting, analyzing, and certifying the voter numbers from an election. These

1 discrepancies include but not limited to: (1) a net difference of 43,624 total ballots statewide
2 between the November 2022 Voter Participation Statistics and the June 2024 Accounting; (2) a
3 discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics and
4 the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration ID
5 numbers that had more than one vote attributed to each individual voter’s Registration ID number
6 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
7 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
8 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
9 4, pp. 2, 4.) Petitioners do not dispute the allegation that the election results data provided by
10 Respondent to the Secretary for the Secretary’s compilation of the November 8, 2022, General
11 Election Statement of Vote (“November 2022 Statement of Vote”) is based on ballots tabulated in
12 the County of Los Angeles County. However, Petitioners deny the allegation that, “the alleged data
13 EIPCa received from the Secretary in June 2024 (the “June 2024 Accounting”) in response to a
14 public California Voter Registration File Request is an extract of the State of California’s (State)
15 voter registration records data for voters within the entire State stored on the State’s voter database,
16 VoteCal, at the time of its creation (in or around June 2024), per EIPCa’s specifications, pursuant
17 to Elections Code section 2188” (internal quotations omitted). Rather, Petitioners allege that EIPCa
18 requested, and the Secretary of State represented that it provided in response to EIPCa’s request, “a
19 voter list or file,” by precinct, of all persons who voted in California in the November 8, 2022,
20 federal general election. EIPCa’s application for data indicated that “The voter list / file should
21 include the names, addresses, birthdates, and state registrant ID numbers, as well as the voting
22 method used in the election and the current status of each listed registrant (“active” status, “inactive”
23 status, as well as “cancelled,” “pending,” etc. (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine
24 in Support of FAP (“Paine Decl.”), Ex. 1, p. 1.) Petitioners deny that requests made under Elections
25 Code section 2188 require the Secretary of State to produce “an extract of the State of California’s
26 (State) voter registration records data for voters within the entire State stored on the State’s voter
27 database, VoteCal, *at the time of its creation (in or around June 2024)*” (emphasis added.) For the
28 foregoing reasons, Petitioners deny the allegation that EIPCa’s alleged audit of the June 2024

1 Accounting and resulting findings are based on improper comparison of the June 2024 Accounting
2 with the November 2022 Statement of Vote data.” Regarding the allegation that “the alleged June
3 2024 Accounting contains data different from the data used by the Secretary to certify the November
4 8, 2022 General Election results and prepare the November 2022 Statement of Vote, including the
5 Voter Participation Statistics by County document published by the Secretary and contained in the
6 November 2022 Statement of Vote,” Petitioners clarify that, based on the various discrepancies
7 identified within the FAP and supporting documents, the June 2024 Accounting differed from the
8 November 2022 Voter Participation Statistics, though the two data sets should have matched based
9 on EIPCa’s request for a “voter list or file by precinct, of all persons who voted” in the previous
10 November 2022 election. (Swensen Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the
11 County voter registration database and VoteCal database are dynamic databases that are updated in
12 the regular course of voter record maintenance, to account for various activities including voter
13 registration, re-registration, voters who become inactive due to lack of activity, voters moving in
14 and out of counties, states and the country, and voters whose registrations are canceled due to death,
15 imprisonment or incapacity or experience other life events impacting their voter status”; and (2)
16 “data in the County and State’s databases synchronize with one another from time to time but are
17 not used or intended to be used for comparison with Statement of Vote data,” Petitioners deny that
18 these allegations provide an explanation underlying the discrepancies revealed by EIPCa’s audit
19 because EIPCa received a complete list of November 2022 voters, including those who had been
20 inactivated or cancelled since voting (voters who may have moved or died subsequent to voting).
21 (Swensen Decl., ¶ 8.) Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777
22 total ballots between the November 8, 2022, Voter Participation Statistics and the June 2024
23 Accounting in Los Angeles County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that
24 were attributable to 21,027 unique Registration ID numbers in Los Angeles County revealed by
25 EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p.2.) As to the
26 remaining allegations, Petitioners lack knowledge, information, or belief sufficient to admit or deny
27 the remaining factual allegations in Paragraph 33, and on that basis, deny said allegations.

28

1 24. In response to Paragraph 70 of the Answer, Petitioners deny that Respondent “has
2 administered the County’s elections, including the November 2022 General Election and the
3 November 2024 General Election, in accordance with law, and complied with his ministerial duties
4 in accordance with law” and that Respondent exercised actions committed to his discretion
5 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
6 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
7 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
8 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
9 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
10 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
11 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
12 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
13 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
14 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
15 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
16 4, pp. 2, 4.) Petitioners do not dispute the allegation that the election results data provided by
17 Respondent to the Secretary for the Secretary’s compilation of the November 8, 2022, General
18 Election Statement of Vote (“November 2022 Statement of Vote”) is based on ballots tabulated in
19 the County of Los Angeles County. However, Petitioners deny the allegation that, “the alleged data
20 EIPCa received from the Secretary in June 2024 (the “June 2024 Accounting”) in response to a
21 public California Voter Registration File Request is an extract of the State of California’s (State)
22 voter registration records data for voters within the entire State stored on the State’s voter database,
23 VoteCal, at the time of its creation (in or around June 2024), per EIPCa’s specifications, pursuant
24 to Elections Code section 2188” (internal quotations omitted). Rather, Petitioners allege that EIPCa
25 requested, and the Secretary of State represented that it provided in response to EIPCa’s request, “a
26 voter list or file,” by precinct, of all persons who voted in California in the November 8, 2022,
27 federal general election. EIPCa’s application for data indicated that “The voter list / file should
28 include the names, addresses, birthdates, and state registrant ID numbers, as well as the voting

1 method used in the election and the current status of each listed registrant (“active” status, “inactive”
2 status, as well as “cancelled,” “pending,” etc. (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine
3 in Support of FAP (“Paine Decl.”), Ex. 1, p. 1.) Petitioners deny that requests made under Elections
4 Code section 2188 require the Secretary of State to produce “an extract of the State of California’s
5 (State) voter registration records data for voters within the entire State stored on the State’s voter
6 database, VoteCal, at the time of its creation (in or around June 2024)” (emphasis added.) For the
7 foregoing reasons, Petitioners deny the allegation that EIPCa’s alleged audit of the June 2024
8 Accounting and resulting findings are based on improper comparison of the June 2024 Accounting
9 with the November 2022 Statement of Vote data.” Regarding the allegation that “the alleged June
10 2024 Accounting contains data different from the data used by the Secretary to certify the November
11 8, 2022 General Election results and prepare the November 2022 Statement of Vote, including the
12 Voter Participation Statistics by County document published by the Secretary and contained in the
13 November 2022 Statement of Vote,” Petitioners clarify that, based on the various discrepancies
14 identified within the FAP and supporting documents, the June 2024 Accounting differed from the
15 November 2022 Voter Participation Statistics, though the two data sets should have matched based
16 on EIPCa’s request for a “voter list or file by precinct, of all persons who voted” in the previous
17 November 2022 election. (Swensen Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the
18 County voter registration database and VoteCal database are dynamic databases that are updated in
19 the regular course of voter record maintenance, to account for various activities including voter
20 registration, re-registration, voters who become inactive due to lack of activity, voters moving in
21 and out of counties, states and the country, and voters whose registrations are canceled due to death,
22 imprisonment or incapacity or experience other life events impacting their voter status”; and (2)
23 “data in the County and State’s databases synchronize with one another from time to time but are
24 not used or intended to be used for comparison with Statement of Vote data,” Petitioners deny that
25 these allegations provide an explanation underlying the discrepancies revealed by EIPCa’s audit
26 because EIPCa received a complete list of November 2022 voters, including those who had been
27 inactivated or cancelled since voting (voters who may have moved or died subsequent to voting).
28 (Swensen Decl., ¶ 8.) Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777

1 total ballots between the November 8, 2022, Voter Participation Statistics and the June 2024
2 Accounting in Los Angeles County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that
3 were attributable to 21,027 unique Registration ID numbers in Los Angeles County revealed by
4 EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 11-12; Ex. 4, p.2.) As to the
5 remaining allegations, Petitioners lack knowledge, information, or belief sufficient to admit or deny
6 the remaining factual allegations in Paragraph 70, and on that basis, deny said allegations.

7 25. In response to Paragraph 71 of the Answer, Petitioners deny that Respondent “has
8 administered the County’s elections, including the November 2022 General Election and the
9 November 2024 General Election, in accordance with law, and complied with his ministerial duties
10 in accordance with law” and that Respondent exercised actions committed to his discretion
11 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
12 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
13 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
14 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
15 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
16 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
17 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
18 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
19 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
20 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
21 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
22 4, pp. 2, 4.)

23 26. In response to Paragraph 73 of the Answer, Petitioners do not dispute the allegation
24 that the election results data provided by Respondent to the Secretary for the Secretary’s compilation
25 of the November 8, 2022, General Election Statement of Vote (“November 2022 Statement of
26 Vote”) is based on ballots tabulated in the County of Los Angeles County. However, Petitioners
27 deny the allegation that, “the alleged data EIPCa received from the Secretary in June 2024 (the “June
28 2024 Accounting”) in response to a public California Voter Registration File Request is an extract

1 of the State of California’s (State) voter registration records data for voters within the entire State
2 stored on the State’s voter database, VoteCal, at the time of its creation (in or around June 2024),
3 per EIPCa’s specifications, pursuant to Elections Code section 2188” (internal quotations omitted).
4 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
5 provided in response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted
6 in California in the November 8, 2022, federal general election. EIPCa’s application for data
7 indicated that “The voter list / file should include the names, addresses, birthdates, and state
8 registrant ID numbers, as well as the voting method used in the election and the current status of
9 each listed registrant (“active” status, “inactive” status, as well as “cancelled,” “pending,” etc.
10 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine Decl.”), Ex. 1, p.
11 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary of
12 State to produce “an extract of the State of California’s (State) voter registration records data for
13 voters within the entire State stored on the State’s voter database, VoteCal, *at the time of its creation*
14 *(in or around June 2024)*” (emphasis added.) For the foregoing reasons, Petitioners deny the
15 allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting findings are based
16 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
17 data.” Regarding the allegation that “the alleged June 2024 Accounting contains data different from
18 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare
19 the November 2022 Statement of Vote, including the Voter Participation Statistics by County
20 document published by the Secretary and contained in the November 2022 Statement of Vote,”
21 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
22 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
23 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
24 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
25 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
26 VoteCal database are dynamic databases that are updated in the regular course of voter record
27 maintenance, to account for various activities including voter registration, re-registration, voters
28 who become inactive due to lack of activity, voters moving in and out of counties, states and the

1 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
2 experience other life events impacting their voter status”; and (2) “data in the County and State’s
3 databases synchronize with one another from time to time but are not used or intended to be used
4 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
5 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
6 complete list of November 2022 voters, including those who had been inactivated or cancelled since
7 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
8 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
9 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
10 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
11 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
12 2022 election data. (Swensen Decl., ¶ ¶ 11-12; Ex. 4, p.2.) As to the remaining allegations,
13 Petitioners lack knowledge, information, or belief sufficient to admit or deny the remaining factual
14 allegations in Paragraph 70, and on that basis, deny said allegations.

15 27. In response to Paragraph 79 of the Answer, Petitioners deny that Respondent “has
16 administered the County’s elections, including the November 2022 General Election and the
17 November 2024 General Election, in accordance with law, and complied with his ministerial duties
18 in accordance with law” and that Respondent exercised actions committed to his discretion
19 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
20 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
21 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
22 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
23 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
24 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
25 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
26 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
27 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
28 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles

1 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
2 4, pp. 2, 4.)

3 28. In response to Paragraph 80 of the Answer, Petitioners deny that Respondent “has
4 administered the County’s elections, including the November 2022 General Election and the
5 November 2024 General Election, in accordance with law, and complied with his ministerial duties
6 in accordance with law” and that Respondent exercised actions committed to his discretion
7 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
8 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
9 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
10 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
11 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
12 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
13 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
14 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
15 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
16 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
17 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
18 4, pp. 2, 4.)

19 29. In response to Paragraph 81 of the Answer, Petitioners deny that Respondent “has
20 administered the County’s elections, including the November 2022 General Election and the
21 November 2024 General Election, in accordance with law, and complied with his ministerial duties
22 in accordance with law” and that Respondent exercised actions committed to his discretion
23 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
24 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
25 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
26 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
27 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
28 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics

1 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
2 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
3 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
4 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
5 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
6 4, pp. 2, 4.)

7 30. In response to Paragraph 82 of the Answer, Petitioners deny that Respondent “has
8 administered the County’s elections, including the November 2022 General Election and the
9 November 2024 General Election, in accordance with law, and complied with his ministerial duties
10 in accordance with law” and that Respondent exercised actions committed to his discretion
11 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
12 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
13 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
14 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
15 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
16 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
17 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
18 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
19 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
20 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
21 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
22 4, pp. 2, 4.)

23 31. In response to Paragraph 83 of the Answer, Petitioners deny the existence of any
24 mischaracterization in “Paragraph 83’s allegations as to any inaccuracies caused or contributed to
25 an incorrect ballot count transmitted to the Secretary.” Petitioners deny that Respondent “has
26 administered the County’s elections, including the November 2022 General Election and the
27 November 2024 General Election, in accordance with law, and complied with his ministerial duties
28 in accordance with law” and that Respondent exercised actions committed to his discretion

1 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
2 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
3 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
4 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
5 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
6 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
7 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
8 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number
9 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
10 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
11 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
12 4, pp. 2, 4.)

13 32. In response to Paragraph 84 of the Answer, Petitioners deny that there is “any
14 mischaracterization in Paragraph 84’s allegations regarding 42,112 duplicate ballots and 49,777
15 ballots reflected in the June 2024 Accounting.” Petitioners have offered documentary evidence and
16 sworn declarations in support of their FAP that EIPCa’s audit involved the querying, organizing,
17 and analysis of data consisting of 34 million registered voters and more than 11 million voting
18 history records revealing discrepancies between the June 2024 Accounting and the November 2022
19 Voter Participation Statistics, including the discrepancies of 42,112 duplicate ballots attributable to
20 21,027 unique Registration ID numbers in Los Angeles County and the discrepancy of 49,777 total
21 ballots between the November 8, 2022 Voter Participation Statistics and the June 2024 Accounting
22 in Los Angeles County alone. (Swensen Decl., ¶¶ 10-11; Ex. 4, pp. 2, 4; Knowles Decl., ¶ 9; Sinor
23 Decl., ¶ 7.) As to the remaining allegations, Petitioners lack knowledge, information, or belief
24 sufficient to admit or deny the remaining factual allegations in Paragraph 84, and on that basis, deny
25 said allegations.

26 33. In response to Paragraph 85 of the Answer, Petitioners deny the existence of any
27 mischaracterization “in Paragraph 85’s allegation regarding the accuracy of the County’s voter data
28 in the November 2022 General Election and the November 2024 General Election.” Regarding the

1 November 2022 election data, Petitioners’ audit located numerous discrepancies because of the
2 failure of the Registrar and the Secretary to properly and accurately perform one or more of their
3 ministerial duties, in counting, analyzing, and certifying the voter numbers from an election. These
4 discrepancies, include, but are not limited to: (1) a net difference of 43,624 total ballots statewide
5 between the November 2022 Voter Participation Statistics and the June 2024 Accounting; (2) a
6 discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics and
7 the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration ID
8 numbers that had more than one vote attributed to each individual voter’s Registration ID number
9 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
10 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
11 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
12 4, pp. 2, 4.) Regarding the November 2024 election, Petitioners clarify that the FAP does not
13 challenge the results of either the November 2022 or the November 2024 election. Rather,
14 Petitioners seek accurate data pertaining to the November 2024 election so that Petitioners may
15 perform their own audit of the November 2024 election, and to seek appropriate remedies in the
16 event the discrepancies identified prove to be true. (See FAP at ¶ 35.)

17 34. In response to Paragraph 86 of the Answer, Petitioners deny that Respondent “has
18 administered the County’s elections, including the November 2022 General Election and the
19 November 2024 General Election, in accordance with law, and complied with his ministerial duties
20 in accordance with law” and that Respondent exercised actions committed to his discretion
21 reasonably and appropriately. Petitioners contend that the discrepancies found through EIPCa’s
22 audit are a result of the failure of the Registrar and the Secretary to properly and accurately perform
23 one or more of their ministerial duties, in counting, analyzing, and certifying the voter numbers from
24 an election. These discrepancies include but not limited to: (1) a net difference of 43,624 total ballots
25 statewide between the November 2022 Voter Participation Statistics and the June 2024 Accounting;
26 (2) a discrepancy of 49,777 total ballots between the November 8, 2022 Voter Participation Statistics
27 and the June 2024 Accounting in Los Angeles County alone; (3) 21,355 unique voter Registration
28 ID numbers that had more than one vote attributed to each individual voter’s Registration ID number

1 for the November 2022 election, totaling 42,769 ballots cast by 21,355 voters statewide; and (4)
2 42,112 ballots that were attributable to 21,027 unique Registration ID numbers in Los Angeles
3 County revealed by EIPCa’s audit of November 2022 election data. (Swensen Decl., ¶¶ 10-12; Ex.
4 4, pp. 2, 4.)

5 35. In response to Paragraph 92 of the Answer, Petitioners do not dispute the allegation
6 that the election results data provided by Respondent to the Secretary for the Secretary’s compilation
7 of the November 8, 2022 General Election Statement of Vote (“November 2022 Statement of Vote”)
8 is based on ballots tabulated in the County of Los Angeles County. However, Petitioners deny the
9 allegation that, “the alleged data EIPCa received from the Secretary in June 2024 (the “June 2024
10 Accounting”) in response to a public California Voter Registration File Request is an extract of the
11 State of California’s (State) voter registration records data for voters within the entire State stored
12 on the State’s voter database, VoteCal, at the time of its creation (in or around June 2024), per
13 EIPCa’s specifications, pursuant to Elections Code section 2188” (internal quotations omitted).
14 Rather, Petitioners allege that EIPCa requested, and the Secretary of State represented that it
15 provided in response to EIPCa’s request, “a voter list or file,” by precinct, of all persons who voted
16 in California in the November 8, 2022, federal general election. EIPCa’s application for data
17 indicated that “The voter list / file should include the names, addresses, birthdates, and state
18 registrant ID numbers, as well as the voting method used in the election and the current status of
19 each listed registrant (“active” status, “inactive” status, as well as “cancelled,” “pending,” etc.
20 (Swensen Decl., ¶¶ 6, 8; Declaration of Linda Paine in Support of FAP (“Paine Decl.”), Ex. 1, p.
21 1.) Petitioners deny that requests made under Elections Code section 2188 require the Secretary of
22 State to produce “an extract of the State of California’s (State) voter registration records data for
23 voters within the entire State stored on the State’s voter database, VoteCal, *at the time of its creation*
24 *(in or around June 2024)*” (emphasis added.) For the foregoing reasons, Petitioners deny the
25 allegation that EIPCa’s alleged audit of the June 2024 Accounting and resulting findings are based
26 on improper comparison of the June 2024 Accounting with the November 2022 Statement of Vote
27 data.” Regarding the allegation that “the alleged June 2024 Accounting contains data different from
28 the data used by the Secretary to certify the November 8, 2022 General Election results and prepare

1 the November 2022 Statement of Vote, including the Voter Participation Statistics by County
2 document published by the Secretary and contained in the November 2022 Statement of Vote,”
3 Petitioners clarify that, based on the various discrepancies identified within the FAP and supporting
4 documents, the June 2024 Accounting differed from the November 2022 Voter Participation
5 Statistics, though the two data sets should have matched based on EIPCa’s request for a “voter list
6 or file by precinct, of all persons who voted” in the previous November 2022 election. (Swensen
7 Decl., ¶ 8.) Finally, regarding the allegations that: (1) “the County voter registration database and
8 VoteCal database are dynamic databases that are updated in the regular course of voter record
9 maintenance, to account for various activities including voter registration, re-registration, voters
10 who become inactive due to lack of activity, voters moving in and out of counties, states and the
11 country, and voters whose registrations are canceled due to death, imprisonment or incapacity or
12 experience other life events impacting their voter status”; and (2) “data in the County and State’s
13 databases synchronize with one another from time to time but are not used or intended to be used
14 for comparison with Statement of Vote data,” Petitioners deny that these allegations provide an
15 explanation underlying the discrepancies revealed by EIPCa’s audit because EIPCa received a
16 complete list of November 2022 voters, including those who had been inactivated or cancelled since
17 voting (voters who may have moved or died subsequent to voting). (Swensen Decl., ¶ 8.)
18 Accordingly, this allegation cannot account for: (1) the discrepancy of 49,777 total ballots between
19 the November 8, 2022, Voter Participation Statistics and the June 2024 Accounting in Los Angeles
20 County alone; or (2) the issue of duplicate ballots, or 42,112 ballots that were attributable to 21,027
21 unique Registration ID numbers in Los Angeles County revealed by EIPCa’s audit of November
22 2022 election data. (Swensen Decl., ¶ ¶ 11-12; Ex. 4, p.2.) As to the remaining allegations,
23 Petitioners lack knowledge, information, or belief sufficient to admit or deny the remaining factual
24 allegations in Paragraph 70, and on that basis, deny said allegations.

25 36. In response to Paragraph 93 of the Answer, Petitioners deny the allegation that
26 “Petitioners seek to have November 2024 General Election data align with November 2022 voter
27 participation statistics data, which are not used or intended to be used for the same purpose and
28 contain distinct sets of information.” Rather, Petitioners seek a writ of mandate compelling

1 Respondent to provide accurate data for the November 2024 election to ensure that the same
2 discrepancies as were discovered through EIPCa’s audit of the November 2022 election data do not
3 occur due to Respondent’s and the Secretary’s failure to properly account for ballots counted and to
4 ensure that proper measures were in place to perform their duties accurately. (See FAP at ¶ 21.)
5 Petitioners also seek accurate data from the November 2024 election so that Petitioners may perform
6 their own audit of the November 2024 election and seek appropriate remedies in the event the
7 discrepancies identified prove to be true. (*Id.* at ¶ 35.)

8 37. In response to Respondent’s First Affirmative defense set forth in Respondent’s
9 Answer, Petitioners assert that the FAP fails to state facts sufficiently to constitute a cause of action
10 upon which relief can be granted for the reasons set forth within their FAP.

11 38. In response to Respondent’s Second Affirmative defense set forth in Respondent’s
12 Answer, Petitioners assert that they have standing for the reasons set forth within their FAP.

13 39. In response to Respondent’s Third Affirmative defense set forth in Respondent’s
14 Answer, Petitioners assert that Petitioners’ claims are ripe for adjudication for the reasons set forth
15 within their FAP.

16 40. In response to Respondent’s Fourth Affirmative defense set forth in Respondent’s
17 Answer, Petitioners deny that Respondent had a rational basis for its conduct or that this standard
18 applies to the present action.

19 41. In response to Respondent’s Sixth Affirmative defense set forth in Respondent’s
20 Answer, Petitioners deny that their claims are barred by the waiver doctrine and states that
21 Respondents have failed to set forth sufficient facts in their Answer to uphold a valid waiver defense.

22 42. In response to Respondent’s Seventh Affirmative defense set forth in Respondent’s
23 Answer, Petitioners deny that their claims are barred by the estoppel doctrine and states that
24 Respondents have failed to set forth sufficient facts in their Answer to uphold a valid estoppel
25 defense.

26 43. In response to Respondent’s Eighth Affirmative defense set forth in Respondent’s
27 Answer, Petitioners deny that Respondents’ “conduct that is the subject of the FAP was absolutely
28

1 and/or conditionally legally privileged, and/or justified” or that “all actions by Respondent were in
2 good faith and reasonable” for the reasons set forth within the FAP.

3 44. In response to Respondent’s Ninth Affirmative defense set forth in Respondent’s
4 Answer, Petitioners deny that Petitioners failed to exhaust administrative and/or other mandatory
5 remedies prior to filing suit. Petitioners assert that they have no plain, speedy, and adequate remedy
6 at law, other than the relief sought within their FAP.

7 45. In response to Respondent’s Tenth Affirmative defense set forth in Respondent’s
8 Answer, Petitioners deny that the FAP and each claim asserted therein, is barred in whole or in part
9 by the doctrine of mootness.

10 46. In response to Respondent’s Eleventh Affirmative defense set forth in Respondent’s
11 Answer, Petitioners assert that they are entitled to attorneys’ fees under Code of Civil Procedure §
12 1021.5, given that the present action involves a significant public benefit on behalf of all California
13 voters to ensure that the named elections officials abide by California elections laws; the necessity
14 and financial burden are such as to make the award appropriate, and such fees should not in the
15 interest of justice be paid out of the recovery, if any.

16 47. In response to Respondent’s Twelfth Affirmative defense set forth in Respondent’s
17 Answer, Petitioners assert that Respondents failed to perform several duties that the law specifically
18 requires or enjoins, such as those set forth under Elections Code § 15300, *et. seq.*, Elections Code §
19 2300(a)(9)(B), and Elections Code § 2191(a), warranting writ relief under Code of Civil Procedure
20 § 1085.

21 48. In response to Respondent’s Thirteenth Affirmative defense set forth in
22 Respondent’s Answer, Petitioners assert that Respondent abused his discretion in performing his
23 duties as an election official and deny that Respondent acted at all times in conformity with all
24 applicable laws, regulations, rules and policies.

25 49. In response to Respondent’s Fourteenth Affirmative defense set forth in
26 Respondent’s Answer, Petitioners assert that Respondent is required to answer Petitioners’ specific
27 questions or to provide requested information under Elections Code § 2300(a)(9)(B), and Elections
28

1 Code § 2191(a) and assert that such information is available and disclosable due to the pending
2 litigation.

3 50. In response to Respondent’s Fifteenth Affirmative defense set forth in Respondent’s
4 Answer, Petitioners assert that, after performing their due diligence, they joined all necessary parties
5 to the action and dismissed appropriate parties without prejudice. Accordingly, Petitioners reserve
6 the right to re-name any appropriate parties who are discovered to bear liability in the present action.

7 51. In response to Respondent’s prayer for relief, Petitioners assert that Respondents are
8 not entitled to attorneys’ fees under Code of Civil Procedure §§1021.5, 1032, 1033, or any other
9 statute.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: April 23, 2025

ADVOCATES FOR FAITH & FREEDOM

By: 

Robert H. Tyler, Esq.
Julianne E. Fleischer, Esq.

DATED: April 23, 2025

TYLER LAW, LLP

By: 

Emma F. Plotnik, Esq.

Attorneys for Petitioners

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

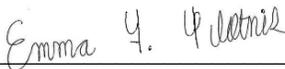
VERIFICATION

I, Emma Plotnik, declare as follows:

I am an attorney for Petitioners herein. I have read the Petitioners' Replication to Respondents' Answer to Verified First Amended Petition to Writ of Mandate, as well as Respondents' Answer and Petitioners' Verified First Amended Petition for Peremptory Writ of Mandate. The matters stated in the foregoing document are true of my own knowledge, except to the matters that are stated on my information and belief, and as to those matters, I believe them to be true. Because my clients are absent from the county in which my office is located, and because of my familiarity with the relevant facts pertaining to the court proceedings and meet and confer efforts with opposing counsel, I, rather than Petitioners, verify this replication.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 23, at Murrieta, California.



Emma F. Plotnik

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am an employee in the County of Riverside. I am over the age of 18 years and not a party to the within entitled action; my business address is 25026 Las Brisas Road, Murrieta, California 92562.

On April 23, 2025, I served a copy of the following document(s) described as **PETITIONERS’ REPLICATION TO RESPONDENTS’ ANSWER TO VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE** on the interested party(ies) in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I transmitted copies of the above-referenced document(s) on the interested parties in this action by electronic transmission. Said electronic transmission reported as complete and without error.

BY UNITED STATES POSTAL SERVICE. I am readily familiar with the practice for collection and processing of correspondence for mailing and deposit on the same day in the ordinary course of business with the United States Postal Service. Pursuant to that practice, I sealed in an envelope, with postage prepaid and deposited in the ordinary course of business with the United States Postal Service in Murrieta, California, the above-referenced document(s).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am an employee in the office of a member of the bar of this Court who directed this service.



Susan Y. Kenney

SERVICE LIST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

John D. Echeverria
Malcolm Brudigam
Maria Buxton
CCAG – Office of the Attorney General
john.echeverria@doj.ca.gov
Malcolm.brudigam@doj.ca.gov
maria.buxton@doj.ca.gov
Attorneys for Shirley Weber
California Secretary of State

Adam Baumgarten
Eva Chu
Office of County Counsel – Los Angeles
abaumgarten@counsel.lacounty.gov
echu@counsel.lacounty.gov
Attorneys for Dean Logan
Los Angeles County Registrar-Recorder/County Clerk