

Judge rejects lawsuit by Trump-endorsed Kari Lake seeking to overturn Arizona election defeat

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On Saturday following a two-day trial last week, Judge Peter A. Thompson of Maricopa County, Arizona, the fourth-largest county in the United States, threw out a baseless lawsuit seeking to overturn the election filed by the defeated Trump-endorsed Republican candidate for governor, Kari Lake.

In her lawsuit, Lake asserted that purposeful mass voter disenfranchisement, coupled with the intentional mishandling of ballots by a contractor, led to her election defeat. Expressing an openly anti-democratic and fascist standpoint, Lake demanded that the results of the certified election be overturned and she be declared winner, in the process disenfranchising nearly 1.288 million voters in Arizona.

After two days of testimony, Thompson rejected every single one of Lake's claims and certified that Democrat Katie Hobbs, the current Arizona secretary of state, won the gubernatorial election. Judge Thompson is a conservative jurist appointed to the bench by Republican Governor Jan Brewer in 2011. Prior to becoming a judge he spent ten years in the US Army Reserve and was a staff attorney for the Mesa Police Department.

As certified by both Democratic and Republican elected officials earlier this month, Lake lost to Hobbs by 17,117 votes, a margin well outside the margin of a mandatory recount.

In addition to Lake, several high-profile Trump-endorsed "election denying" candidates in Arizona also lost their races, including admitted Oath Keeper member Mark Finchem, (secretary of state), Blake Masters (US Senate) and current US military intelligence officer Abraham Hamadeh.

Despite the defeat of some of the "election deniers," an analysis by the *Washington Post* earlier this month found that 179 Republican candidates for federal and state offices who denied the 2020 election results won their midterm races, including top Trump co-conspirators Reps. Andy Biggs and Paul Gosar of Arizona. Gosar did not even have a Democratic opponent in his race.

In her dictatorial crusade to overturn the election, Lake had the backing of the leading and as of this writing the only declared Republican candidate for president in 2024, Donald Trump. Speaking at Trump's Mar-a-Lago Florida compound last week, Lake asserted without evidence that she had won the

election by "400,000–500,000" votes.

"Boy do I know a thing about stolen elections," Lake told the wealthy Republicans gathered in Florida, who greeted her lies with rapturous applause. At the event, Lake said her case was "chock-full of evidence" and the "strongest election lawsuit the country has ever seen."

Copying her political idol Trump, Lake asserted before and after the election that the only way she could lose was through massive voter fraud or cheating. Her campaign was centered on Trump's falsehood that the 2020 presidential election, and now her own election, was "stolen."

In her lawsuit and at the trial, Lake and her witnesses claimed, without any evidence, that election officials throughout the state engaged in intentional misconduct which resulted in thousands of voters being disenfranchised.

While most of Lake's lawsuit was dismissed last week, Judge Thompson allowed two of the claims to go to trial. These centered on Lake's assertion that ballot-on-demand (BOD) printer malfunctions experienced on election day were caused intentionally by the defendants, who included virtually every election official in the state, and that these malfunctions resulted in changing the outcome of the election.

The judge also allowed the Lake campaign to argue that election officials, or their surrogates in Maricopa County, intentionally violated their own election and chain of custody procedures which resulted in a change to the election results.

In order to win her on her two claims, the judge said that Lake's lawyers had to prove that the alleged misconduct not only occurred, but that it was intentional and that it changed the result of the election.

Unable to provide any actual evidence of a conspiracy, such as texts, phone calls, emails, video or statements from the alleged conspirators, Lake's case rested solely on the testimony of Republican lawyers, Lake loyalists and other technical witnesses who, to varying degrees, claimed that delays experienced by some tabulators in Maricopa County on election day were intentionally caused—without actually providing any evidence beyond innuendo, estimates, hunches and assertions.

In ruling against Lake, Thompson recounted the testimony of

each of her witnesses and pointed out that in almost every case they ended up describing to the court the numerous remedies election workers sought to implement on election day to offset any technical issues experienced by some machines. This included dispatching temporary election workers, known as “T-Techs,” to election sites experiencing issues with vote tabulators.

One of the T-Techs testified at the trial that they solved several issues with the printers on election day by using simple troubleshooting techniques such as cleaning the machines, letting the printers “warm up” and taking out ink cartridges and “shaking them.” While several methods were employed to fix the machines, the T-Tech could not recall any workers at any election site engaging in “intentional misconduct” and in fact, everyone he worked with “diligently and expeditiously trouble-shot each problem as they arose,” wrote Thompson.

In his ruling, Thompson observed that far from hampering voters’ ability to cast their ballots, witnesses testified that workers were constantly trying to solve any problems, including by providing direction to nearby polling stations with shorter lines and functional tabulators, behaviors not consistent with a wide-ranging conspiracy to disenfranchise voters.

Instead of providing evidence that disenfranchisement occurred on a mass scale to affect the outcome, one of Lake’s witnesses, Richard Baris, director of Big Data Poll, a Republican-leaning exit polling company, could only offer an estimate that between “25,000–40,000” voters were disenfranchised. This estimate was based on the fact that his company received a lower response rate than in previous elections.

However, even Baris was forced to admit that the margin he hypothesized was “disenfranchised” because they did not fill out an exit poll would not have been enough to swing the election. In his testimony Baris said that had these alleged non-voters cast a ballot the difference could have been anywhere from an *increase* of 2,000 votes for Hobbs to a gain of up to 4,000 for Lake—which would still leave her over 13,000 votes short of Hobbs.

Reflecting on Baris’ testimony, Thompson wrote, “No election in Arizona has ever been set aside, no result modified, because of a statistical *estimate*” (emphasis in original).

Finding no merit to Lake’s claims, Thompson wrote that not a single witness who testified for Lake, or the defense, attested to “personal knowledge of both intentional misconduct and intentional misconduct directed to impact the 2022 General Election.”

Thompson wrote that “[e]very single witness before the Court disclaimed any personal knowledge of such misconduct. The Court cannot accept speculation or conjecture in place of clear and convincing evidence.”

Undeterred by Thompson’s ruling, Lake retweeted on December 25 a right-wing article which claimed that the dismissal of her baseless and evidence-free lawsuit was proof

that “Voter Disenfranchisement No Longer Matters.”

In her tweet, Lake quoted a passage from the article asserting, again without evidence, this slander against Judge Thompson: “Legal experts believe his decision was ghostwritten, they suspect top left-wing attorneys like Marc Elias emailed him what to say.”

On Monday, Hobbs and the rest of the Maricopa County defendants filed a motion asking the court to order the Lake campaign to pay legal fees, totaling almost \$40,000, and to impose sanctions against Lake and her attorneys, Brian Blehm and Kurt Olsen, for filing the frivolous lawsuit.

Blehm has represented Trump in several lawsuits seeking to overturn the 2020 election while Olsen was an attorney who represented the company Cyber Ninjas which oversaw the dubious 2020 audit of Maricopa County, a much-criticized effort which still confirmed Biden won.

For her part, Lake has promised to file an appeal in the hopes of getting it to the Supreme Court in front of fascistic justices Samuel Alito and Clarence Thomas, both of whom are heavily implicated in Trump’s coup.

Indicating her intentions to appeal and courting the same elements that stormed the Capitol on January 6, 2021, Lake retweeted on December 25 a video from the speech she gave earlier this month at the fascistic Turning Point conference in Phoenix. In her speech, Lake told those in attendance, who included neo-Nazis, Proud Boys and Republican lawmakers, that Republican election officials who did not back her legally baseless campaign to overturn the 2022 election were “corrupt” and “need to be locked up.”



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