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8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Mark Finchem, an individual,
11 Plaintiff/Contestant,
12 v.
13 Adrian Fontes, *et al.*,
14 Defendants/Contestees.

Case No.: CV2022-053927

**NOTICE OF SUPPLEMENTAL
AUTHORITY AND EVIDENCE
IN SUPPORT OF CONTESTANT'S
MOTION FOR RECONSIDERATION**

15 Now comes Contestant, Mark Finchem, by and through counsel undersigned,
16 to supplement his *Motion for Reconsideration* with new authority and evidence as
17 follows:

18 On or about March 22, 2023, the Arizona Supreme Court held in *Lake v.*
19 *Hobbs* that "it was erroneous to dismiss" one of Lake's claims and thus remanded
20 to the trial court to determine issues that may require an evidentiary hearing. *Lake*
21 *v. Hobbs, et al.*, Ariz. Sup. Ct. No. CV-23-0046-PR Order (Mar. 22, 2023) at 3
22 ("Order"). The Supreme Court specifically remanded to the trial court to determine
23 whether "Petitioner can prove her claim as alleged pursuant to A.R.S. 16-672 and
24 establish that 'votes [were] affected "in sufficient numbers to alter the outcome of
the election"' based on a 'competent mathematical basis to conclude that the
outcome would plausibly have been different, not simply an untethered assertion
of uncertainty.'" *Id.* at 3-4.

1 The same rationale applies here to resume Contestant's challenge concerning
2 the 2022 election and in accord with the Supreme Court's directives in Lake. It is
3 incorrect to consider that Contestant is only concerned with 60,000 votes. Based
4 on his experts' opinions and new evidence now before this Court, there are several
hundred thousand ballots in question. Far more than enough to easily turn the
results of the November election.

5 Further, it legitimizes Contestant Finchem's Election Contest. How can Mr.
6 Finchem's case be frivolous if the Arizona Supreme Court has determined there
7 was a possible issue with the processes involved with some of the signature
8 verification procedures. These ballots which may affect the *Lake* case are the exact
9 same ballots in this case. Out of more than 2,521,000 statewide votes Mr. Finchem
10 allegedly lost by a margin of less than 5%. He received support from more than
11 1.2M Arizona voters. If the Supreme Court has determined that there is enough of
12 an issue with the application of certain signature verification policies that Kari Lake
13 should be given an evidentiary hearing on same, so too should Mr. Finchem. And,
14 it should be clear that his concerns about the election were reasoned, his Contest
15 was well-grounded and under the scrutiny of any lens far from frivolous.

16 Notice is also hereby given that Contestant, Mark Finchem, provides this
17 Court with supplemental evidence in support of his *Motion for Reconsideration*.

18 The following list of documents are attached hereto as Exhibits A - J:

- 19 • Exhibit A – Declaration of Denise Marie (a client of the office)
- 20 • Exhibit B – Declaration of Kelly Kuchta
- 21 • Exhibit C – SoS Removal of Tweets Email
- 22 • Exhibit D – CISA Cybersecurity Advisory Committee
- 23 • Exhibit E – Declaration of Andrew Myers
- 24 • Exhibit F – Declaration of Yvonne Nystrom
- Exhibit G – Declaration of Jacqueline Onigkeit
- Exhibit H – Declaration of Leslie White
- Exhibit I – Declaration of Richard Baris
- Exhibit J – Declaration of Shelby Busch

1 A copy of the foregoing was e-filed on March 28, 2023.

2 A copy of the foregoing was emailed this 28th day of March 2023 to the following:

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