MUELLER & ASSOCIATES, INC.
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
808 S. 7th Street
Las Vegas, NV 89101
Telephone: (702) 382-1200
Facsimile: (702) 637-4817
Email: electronicservice@craigmuellerlaw.com
Attorney for *Contestant Joey Gilbert*

FIRST JUDICIAL DISTRICT COURT

CARSON CITY, NEVADA

JOEY GILBERT, an individual, Plaintiff, vs. JOSEPH LOMBARDO, putative Republican candidate for Governor of Nevada. Defendant.	**CASE NO. 22 OC 000851B** **DEPARTMENT 2**

APPENDIX ONE TO CONTESTANT'S OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS

COMES NOW, Contestant, Joey Gilbert, by and through his attorney CRAIG MUELLER, ESQ. of MUELLER & ASSOCIATES, INC., and hereby submits his APPENDIX TO CONTESTANT'S OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS, as follows:

EX.	APPX.	DESCRIPTION	PAGES
1.	I.	Statement of Contest filed July 15, 2022	On File
2.	I.	Deposition Transcript of Mark Wlaschin (Excerpts)	001-007
3.	I.	Deposition Transcript of Joe Gloria (Excerpts)	008-011
4.	I.	(Initial) Expert Report of Oliver A. Hemmers, Ph.D. dated July 2, 2022	012-016
5.	I.	Deposition Transcript of Oliver A. Hemmers (Excerpts)	017-032
6.	I.	(Initial) Expert Declaration of Walter C. Daugherity, Ph.D. dated July 14, 2022, and C.V. of Walter C. Daugherity, Ph.D.	033-054
7.	I.	Deposition Transcript of Walter C. Daugherity (Excerpts)	055-066
8.	I.	(Initial) Expert Declaration of G. Donald Allen, Ph.D. (undated)	067-071

9.	II.	C.V. of G. Donald Allen, Ph.D.	072-121
10.	II.	Clark County, 2022, Primary Precinct Analysis, by Edward Solomon	122-162
11.	II.	(Revised) Expert Declaration of G. Donald Allen (undated)	163-169
12.	II.	Deposition Transcripts of G. Donald Allen (Excerpts)	170-185
13.	III.	(Revised) Expert Declaration of Walter C. Daugherity, dated July 25, 2022	186-193
14.	III.	Deposition Transcript of Walter C. Daugherity (Excerpts)	194-210
15.	III.	Deposition Transcript of Michael C. Herron (Excerpts)	211-221
16.	III.	Expert Report of Michael C. Herron, dated August 1, 2022 (without Appendices)	222-273
17.	III.	Amended Expert Report of Oliver C. Hemmers, dated August 9, 2022	274-278
18.	IV.	Expert Report of Justin R. Grimmer, dated August 1, 2022	279-283
19.	IV.	Transcript of Aug. 10, 2022 Hearing on Motion for Summary Judgment	284-334
20.	IV.	Demand Letter to Contestant's Counsel, dated July 27, 2022	335-336

DATED this 2nd day of September 2022.

MUELLER & ASSOCIATES, INC.

CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
808 S. 7th Street
Las Vegas, Nevada 89101
Counsel for Contestant, Joey Gilbert

DECLARATION OF CRAIG A. MUELLER, ESQ.

I, CRAIG A. MUELLER, ESQ., declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada, the owner of the law firm of MUELLER & ASSOCIATES, INC., and I represent the Contestant in this matter. I make this declaration in support of Contestant's Opposition to Defendant's Motion for Sanctions. I am over eighteen years of age, have personal knowledge of the facts set forth herein, and am competent to testify to the facts stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Statement of Contest, filed with the Court on July 15, 2022 (the Statement of Contest is on file with the Court and therefore is not reproduced with these exhibits).

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Mark Wlaschin.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition transcript of Joe Gloria.

5. Attached hereto as Exhibit 4 is a true and correct copy of the (Initial) Expert Report of Oliver A. Hemmers, Ph.D. dated July 2, 2022.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition transcript of Oliver A. Hemmers.

7. Attached hereto as Exhibit 6 are true and correct copies of the (Initial) Expert Declaration of Walter C. Daugherity, Ph.D. dated July 14, 2022, and the C.V. of Walter C. Daugherity, Ph.D.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition transcript of Walter C. Daugherity.

9. Attached hereto as Exhibit 8 is a true and correct copy of the (Initial) Expert Declaration of G. Donald Allen, Ph.D.

10. Attached hereto as Exhibit 9 is a true and correct copy of the C.V. of G. Donald Allen, Ph.D.

11. Attached hereto as Exhibit 10 is a true and correct copy of the Clark County, 2022, Primary Precinct Analysis, prepared by Edward Solomon.

12. Attached hereto as Exhibit 11 is a true and correct copy of the (Revised) Expert Declaration of G. Donald Allen.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the deposition transcripts of G. Donald Allen.

14. Attached hereto as Exhibit 13 is a true and correct copy of the (Revised) Expert Declaration of Walter C. Daugherity, dated July 25, 2022.

15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the deposition transcript of Walter C. Daugherity.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the deposition transcript of Michael C. Herron.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Expert Report of Michael C. Herron, dated August 1, 2022, without appendices.

18. Attached hereto as Exhibit 17 is a true and correct copy of the Amended Expert Report of Oliver C. Hemmers, dated August 9, 2022.

19. Attached hereto as Exhibit 18 is a true and correct copy of the Report of Justin R. Grimmer, dated August 1, 2022.

20. Attached hereto as Exhibit 19 is a true and correct copy of the Transcript of August 10, 2022 Hearing on Motion for Summary Judgment.

21. Attached hereto as Exhibit 20 is a true and correct copy of a letter sent by J. Colby Williams, Esq. to Craig Mueller, Esq. on July 27, 2022.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 2nd day of September 2022.

CRAIG A. MUELLER, ESQ.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the service of the foregoing **APPENDIX TO CONTESTANT'S OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS** was served on the 2nd day of August 2022 via email to all parties on the e-service list as follows:

CAMPBELL & WILLIAMS
DONALD J. CAMPBELL, ESQ. (1216)
djc@cwlawlv.com
J. COLBY WILLIAMS, ESQ. (5549)
djc@cwlawlv.com
PHILIP R. ERWIN, ESQ. (11662)
pre@cwlawlv.com
SAMUEL R. MIRKOVICH, ESQ. (11662)
srm@cwlawlv.com
Attorneys for Defendant Joseph Lombardo

An Employee of Mueller & Associates, Inc.

MUELLER & ASSOCIATES, INC.

EXHIBIT 1

EXHIBIT 1

STATEMENT OF CONTEST
FILED JULY 15, 2022

(ON FILE WITH THE COURT)

EXHIBIT 2

EXHIBIT 2

FIRST JUDICIAL DISTRICT COURT
CARSON CITY, NEVADA

JOEY GILBERT, an individual,

Plaintiff,

vs.

STEVE SISOLAK, in his official capacity as Governor of Nevada; BARBARA CEGAVSKE, in her official capacity as Secretary of State; and JOSEPH GLORIA, in his official capacity as Clark County Registrar of Voters; JAMES B. GIBSON in his official capacity as Chairman of the CLARK COUNTY BOARD OF COMMISSIONERS, and DEANNA SPIKULA, in her official capacity as Washoe County Registrar of Voters; and VAUGHN HARTUNG, in his official capacity as Chair of the WASHOE BOARD OF COUNTY COMMISSIONERS; and JOSEPH LOMBARDO, putative Republican candidate for Governor of Nevada; and DOES 1-10; and ROES 1-10,

Defendants.

Case No. 22 OC 000851B
Dept No. I

VIDEOTAPED REMOTE VIDEOCONFERENCE DEPOSITION OF
MARK ALAN WLASCHIN
Taken on Tuesday, August 2, 2022
At 1:00 p.m.
WITNESS APPEARING REMOTELY FROM
Carson City, Nevada

REPORTED REMOTELY BY: JO A. SCOTT, RPR, CCR NO. 669

the results are handed to the Secretary of State, does anybody in your office do a quick one-over and make sure, a common sense check on the results? 13:51:59 13:52:03 13:52:07 13:52:10

A. We review and post the results. There is a -- there's a multiperson process to verify the information received from the county matches what we put into our system to publish. 13:52:10 13:52:14 13:52:18 13:52:20

But in regards to, you said a common sense check? 13:52:23 13:52:26

Q. Yes, sir. If there was a candidate, a fringe candidate, who wears -- you know, puts his name on the ballot, and suddenly he gets 98 percent of the vote, no one has ever heard of him, does anybody do any check to see if these results make any sense? 13:52:27 13:52:33 13:52:35 13:52:38 13:52:40 13:52:43

A. Thankfully, sir, we're not political scientists, so, no, we don't review the -- we don't try to interpret the voter's will or intent. 13:52:44 13:52:47 13:52:49

We simply verify the information provided from the counties matches what we receive at the state, and that those, again, are what were provided, and then those go into the system. 13:52:52 13:52:53 13:52:56 13:52:59

Q. Right. Is there anybody in your office who is a political science major who kind of 13:53:02 13:53:03

studies voting trends and patterns at all? 13:53:06
A. Not that I know, sir. And they 13:53:08
wouldn't -- that isn't our role with the Office of 13:53:10
the Secretary of State, so I don't think that 13:53:13
would come up. 13:53:15
Q. Okay. So nobody -- for example, there's 13:53:16
nobody whose desk -- or sits at a desk and says, 13:53:19
You know, last cycle, you know, 35 percent of the 13:53:23
voters voted by mail-in, this time it's 45, maybe 13:53:25
we'll get 55 next time, nobody is looking at those 13:53:30
sort of trends or patterns at all? 13:53:32
A. I look at those trends and patterns, sir, 13:53:34
but really more out of a fiscal and operational
impact so that I can better support the 13:53:38
Secretary's statutory role. 13:53:40
When we notice, for example, an increase 13:53:42
in mail ballot usage, that identifies that there 13:53:44
are going to be different tools needed at the 13:53:47
county levels, that will then also translate to 13:53:50
additional workers needed, and likely increased 13:53:53
funding. 13:53:56
But that's at more of a very functional 13:53:57
project management point of view, and is not 13:54:00
driven by or suggesting any sort of, again, voter 13:54:04
preferences or those sorts of things. 13:54:08

Q. Now, the political parties, is there any difference between mail-in voting and street voting; do they have a preference, Republicans want to vote one way and Democrats vote another? 13:54:10 13:54:12 13:54:14 13:54:19

A. It would appear that way, sir, out of the 2020 election cycle. 13:54:21 13:54:23

Q. Okay. 13:54:25

A. And in my review of the 2022 election cycle, it does seem like there is slightly similar trends. But ultimately, again, I wouldn't say necessarily -- I mean, it's only been two election cycles that we have mail ballots going to every active registered voter. I would call that a trend, necessarily. 13:54:25 13:54:28 13:54:32 13:54:37 13:54:39 13:54:43 13:54:44

Q. All right. And have you noticed any differences in preferences for candidates based on method of voting? 13:54:45 13:54:47 13:54:50

A. That I have not, sir, no. 13:54:51

Q. You have not noticed any? 13:54:53

A. No. 13:54:55

Q. Okay. Now, there are algorithms in the machine; you would agree? 13:54:55 13:55:07

A. There are algorithms? 13:55:10

Q. Yes, sir. 13:55:13

A. No. There is software that -- but not -- 13:55:13

to be? 13:58:04

MR. MIRKOVICH: Object to form. Lacks foundation. Incomplete hypothetical. 13:58:05 13:58:06

BY MR. MUELLER:

Q. Sir, would you answer it, please? 13:58:10

A. Would you be able to repeat the question, please? 13:58:11

Q. If I were to tell you what the percentage of votes were for the two candidates on the mail-in -- or on the street vote and the early voting, that I could use a formula to predict with 100 percent accuracy what the mail-in ballots turned out to be? 13:58:13 13:58:15 13:58:18 13:58:20 13:58:24 13:58:28

A. I don't think I would believe you. 13:58:29

Q. I wouldn't believe me, either. 13:58:31

So you would agree that that is an indication of a flawed election? 13:58:33 13:58:36

MR. MIRKOVICH: Object to the form of the question. 13:58:37 13:58:38

THE WITNESS: I would say that's indicative -- I don't know how that would be possible, nor do I think that would be accurately reflected. 13:58:39 13:58:40 13:58:43 13:58:47

It may be worth noting that those rolls that you were talking about, we already do an 13:58:47 13:58:49

additional audit to match those against the cast vote record to verify -- 13:58:51 13:58:55

BY MR. MUELLER:

Q. Mr. -- sorry. 13:58:57

MR. MIRKOVICH: Hold on. He isn't concerned, and he'll have the next question for you. 13:58:59 13:59:01

Go ahead, Mr. Wlaschin.

BY MR. MUELLER:

Q. Sir, I appreciate it, and I'll let you -- I'll let you have the floor. You can say everything you want to amplify. I'm not trying to shut you down here. But I would like you to go back to my question. 13:59:03 13:59:05 13:59:06 13:59:10 13:59:11

If I were to tell you there was a formula that could predict all of Clark County's ballots, mail-in ballots without any reference to looking at them, you would agree that that's a flawed election, correct? 13:59:12 13:59:14 13:59:18 13:59:20 13:59:23

MR. MIRKOVICH: Same objection.

THE WITNESS: I would agree that that's -- I simply wouldn't believe it. I wouldn't agree to it. I wouldn't -- I wouldn't even -- I don't think it's true. I don't think it would be possible. 13:59:26 13:59:26 13:59:29 13:59:31 13:59:35

BY MR. MUELLER:
Q. If it's demonstrated mathematically beyond a reasonable doubt, you would agree that something was deeply wrong with this election? 13:59:36 13:59:37 13:59:39
MR. MIRKOVICH: Same objection. 13:59:42
THE WITNESS: If that were the case, if it was proven that the percentages of the voter preferences could be identified and were uniformly examined across precincts and by different voting methods, then that would absolutely be suspect, and I would look into it. 13:59:44 13:59:45 13:59:50 13:59:55 13:59:59 14:00:03
BY MR. MUELLER:
Q. All right. Now, let me ask you another question, sir. After a vote, the machines have been voted, the night's over, everyone has popped their champagne, or they've read their acceptance speech, we're all done with the election until the next one, what -- how long are those machines supposed to be left alone before they're touched? 14:00:05 14:00:06 14:00:09 14:00:12 14:00:16 14:00:18 14:00:21
A. So the night of an election -- and, again, I think this may be a little bit of a misconception. The election isn't over on election night. We have, again, mandatory, by statute now, four days to accept mail ballots. So even the day after the election, there is still a 14:00:23 14:00:26 14:00:28 14:00:31 14:00:34 14:00:37

EXHIBIT 3

EXHIBIT 3

FIRST JUDICIAL DISTRICT COURT

CARSON CITY, NEVADA

JOEY GILBERT, an individual,

Plaintiff,

vs.

CASE NO.: 22 OC 000851B

STEVE SISOLAK, in his official capacity as Governor of Nevada; BARBARA CEGAVSKE, in her official capacity as Secretary of State; and JOSEPH GLORIA in his official capacity as Clark County Registrar of Voters, JAMES B. GIBSON, in his official capacity as Chairman of the CLARK COUNTY BOARD OF COMMISSIONERS, and DEANNA SPIKULA in her official capacity as Washoe County Registrar of Voters and VAUGHN HARTUNG in his official capacity as Chair of the WASHOE BOARD OF COUNTY COMMISSIONERS, and JOSEPH LOMBARDO, putative Republican candidate for Governor of Nevada; and DOES 1 through 10 and ROES 1-10,

Dept. No. I

Defendants.
_____/

RECORDED VIDEOCONFERENCE DEPOSITION OF

JOE GLORIA

Taken on Wednesday, August 3, 2022

At 2:06 p.m.

Reported remotely via Zoom by:

Barbara Kulish, CCR #247, RPR

of the mail-in ballots, it calls into question whether the mail-in ballots were calculated by algorithm or simply counted.

Do you have any explanation reasonably how that could have happened? 14:38:37

MR. MIRKOVICH: Same objection, also asked and answered. 14:38:42

MR. MUELLER: It wasn't answered at all. In fact, he punted the question. 14:38:44

BY MR. MUELLER: 14:38:47

Q. Now, the question I have for you, sir, is very simple. 14:38:47

Is it a reasonable thing to believe in this election result when I know mathematically the results don't look like they reflect reality? 14:38:49

MR. MIRKOVICH: Same objection. 14:38:58

THE WITNESS: Sir, I don't believe I can accurately answer that question for you without knowing more about exactly what you're using to develop that formula. I don't know anything about how you're making your prediction on what those numbers should be. 14:39:00

BY MR. MUELLER: 14:39:12

Q. And my colleague did not share with you the expert mathematicians' reports. 14:39:12

You're giving an opinion as an expert, are 14:39:21

you not, sir?
A. Yes, sir. An expert in elections, that's correct. 14:39:25
Q. Okay. As an expert in elections, I'm asking you a very simple opinion question. 14:39:28
Is it reasonable to believe in results that can be predicted by mathematical formula? 14:39:33
A. I don't know what your mathematical formula is, sir, so I don't know -- 14:39:40
MR. MIRKOVICH: Objection. Asked and answered. Go ahead, Mr. Gloria. Sorry about that. 14:39:43
BY MR. MUELLER: 14:39:45
Q. Sir, I can tell you what the mail-in ballots are without even looking with 100 percent accuracy in all of your Clark County precincts by mathematical formula. Is that reasonable in your opinion as an expert witness? 14:39:46
A. No. 14:39:58
MR. MIRKOVICH: Same objections. 14:39:59
BY MR. MUELLER: 14:39:59
Q. All right. And why isn't that reasonable? 14:40:01
A. Again, as I communicated earlier, I don't know what the variables are in your formula. So without looking at that -- and even then it's still an estimate. No, there's no way. I don't know of anybody 14:40:02

who accurately predicts exactly what the turnout for an election would be in any election.

Q. All right. So if that were to occur, you would agree that there's something deeply flawed with the election results as reported? 14:40:18

MR. MIRKOVICH: Objection to form, incomplete and improper hypothetical. 14:40:25

BY MR. MUELLER: 14:40:27

Q. You're an expert witness, sir, called an expert in elections. Now, I'm telling you a hypothetical. You agree that that's not normal, correct? 14:40:27

MR. MIRKOVICH: Same objections. 14:40:36

THE WITNESS: Sir, I can't answer your question based on the variables that -- and I've said this four times, I think. I don't know the details of what your Ph.D. folks have put into that formula. I would not agree that -- I don't know of anybody who puts out election predictions on what turnout would be that are ever accurate. 14:40:38

BY MR. MUELLER: 14:40:56

Q. Yes, sir. But if I could show that they were all 100 percent accurate without even looking, you agree that's not a fair election? 14:40:56

MR. MIRKOVICH: Same objections. 14:41:04

EXHIBIT 4

EXHIBIT 4

Dr. Oliver A. Hemmers

281 Gingerbread Street
Henderson, NV 89012
Phone: (702) 525-8767 Email: Oliver.Hemmers@gmail.com

July 02, 2022

Craig A. Mueller, Esq.
Mueller and Associates
808 South Seventh Street
Las Vegas, Nevada 89101

Re: Request for an expert opinion on the 'Clark County, 2022, Governor Primary Precinct Analysis' Summary

Dear Mr. Mueller:

I was initially contacted on June 30, 2022 and was requested to provide my expert opinion as a mathematically trained physicist on the Summary of a report on the Clark County, 2022, Governor Primary Precinct Analysis.

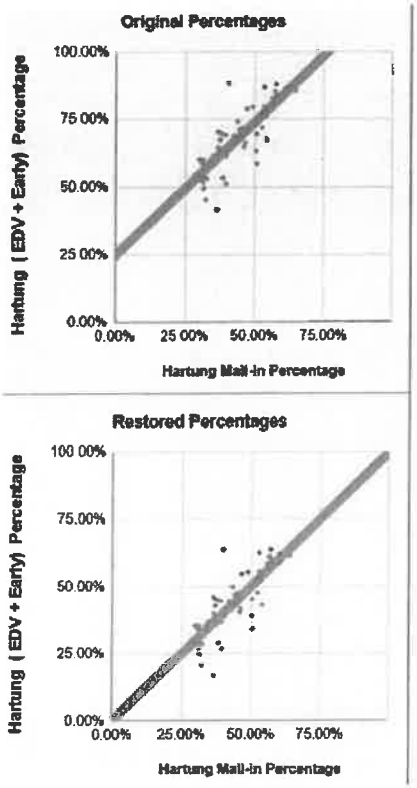
My educational background is in quantum physics, specifically atomic and molecular physics, and I received a PhD in that field from the Institute for Radiation and Nuclear Physics at the Technical University in Berlin, Germany (1993). I worked in my area of research for 27 years and designed/built unique elementary particle analyzers and containment vessels capable of spectroscopically analyzing gaseous, liquid and solid samples for photo absorption, electron and ion emissions including partial-differential cross sections within high-vacuum experimental chambers. The required data analysis involved statistical particle distribution and regression analysis, and mathematical data interpretation techniques to discern real physics-based data from experimental artifacts, fake signals, and electronic interferences.

Opinion on the Summary Report titled 'Clark County, 2022, Governor Primary Precinct Analysis'

1) The paper under review [1] claims that a mathematical analysis can determine the difference between a fair and an unfair election, and where the unfair election is an election for which the results are predetermined algorithmically. It is assumed that causality is a valid assumption during an election where the effect cannot precede the cause, more specific that knowing the aggregate percentage of votes for a candidate cannot precede the election day and mail-in percentages. This might seem to be a trivial assumption, but it lies at the very core of the analysis.
2) In the preface, two examples are presented for a bivariate analysis [2] related to election results. A bivariate (Two-Variables) is described as follows [2]: The analysis of two specific variables to determine the empirical relationship present between them is referred to as bivariate analysis and it is considered to be one of the simplest forms of quantitative analysis. It is of utmost help when it comes to testing simple hypotheses of association and determining the extent to which it becomes easier to predict the value of one particular variable, given the value of the other variable is already known. There are three main types of bivariate analysis:
    a. **Scatter Plots:** It makes use of dots to represent the values for two different numeric variables. In other words, it provides us with a visual idea of what pattern the variables are following.

b. **Regression Analysis:** This involves a wide range of tools that can be utilized to determine just how the data points might be related. It tends to provide us with an equation for the curve/line along with giving us the correlation coefficient.
c. **Correlation Coefficients:** This shows how one particular variable moves about with relation to another.

3) In certain cases of bivariate data, one variable is said to determine or influence the other one. These two types of variables are distinguished as independent and dependent variables. The former refers to a situation wherein neither of the variables is considered to be dependent on each other.[2]
A simple example is the relationship that exists between teenagers reading (independent variable) and their scores in English (dependent variable). **Cause -> Effect**
4) The paper specifically uses the bivariant real number plane formular and the West vs. East paradigm to calculate the results as shown in [3,4].
5) The Preface concludes with a brief explanation how the election results were successfully restored for the 2020 Election of Hartung vs. Baker [4]. The data and calculations are shown in [4]. The data can be shown in form of two graphs, one is the original data (top), and one is the restored data (bottom).



The blue dots represent the results of the individual election precincts, and the red curve is a polynomial (quartic) fit through the blue data cluster. The fact that in the top graph the red line does not end at 0%/0% as shown in the bottom graph, means that there is a problem with the election results. In a fair election, the sum of the Early Day and Election Day votes should produce very similar results to the Mail-in votes when the regressions analysis has a high confidence (usually called R^2), meaning the x-values and the y-values should be similar (when x is 10% then y should be close to 10% as well) and not off by 25%.

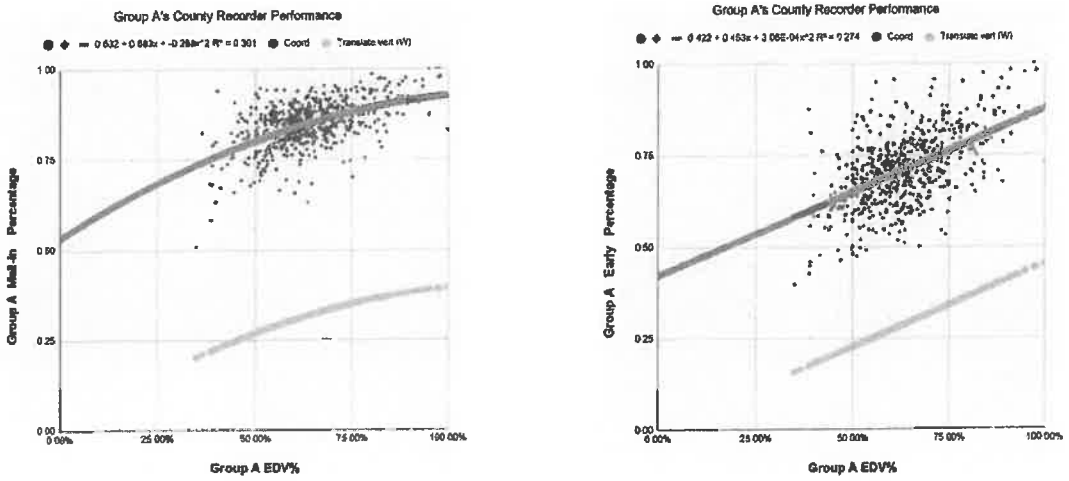
a) Even when Hartung received 0% of the Mail-in votes, he would "magically" receive 25% of the combined Election Day and Early Votes. This is impossible. Also, should Hartung receive 100%

of the Election Day and Early Votes then Baker would "magically" receive 25% of the Mail-in votes (100% minus his 75% =25%). Again, this is not possible in a fair election.

b) Even though this discrepancy is not proof of fraud nor an explanation of what type of fraud rigged the election, it is still possible to correct the numbers and restore the true values, as if there was a fair election. The result is shown in the bottom picture and the calculated values can be found in [4].

c) This method of the applied Election Restoration Algorithm has been successfully used over the past two years not only on Hartung vs. Baker but also for Maricopa, Philadelphia, Atlanta, Dallas and Tarrant, Macomb and Oakland, as well as the last federal election.

6) The same methods [5] that have been honed and applied to various elections over the past two years, have been applied to the Group B vs Group A candidates in the 2022 Gubernatorial Primary [6].



a. As an example, the Group A data is shown in the two figures above. The blue dots are from [6], the red curve is a polynomial fit through the blue dots and the pink line is an extrapolation of the polynomial fit using the shown equation in the graph. Both have the Election Day vote percentages on the x-axis. As for the y-axis, the left graph has the Mail-in percentages and the right graph the Early vote percentages. It can be seen that the y-intercepts and the polynomial spines between the two graphs are quite different. Reference [1] shows the restored positions of Group A's Election Day percentage which are virtually the same in both graphs [1].

b. In order to be able to restore the original data it is important to identify what part of the data is authentic in order to make the corrections to the illegal data. As written in [1], for the illegal equations that govern the percentages of ballots cast between Group B vs Group A, the input percentage is h (as shown on page 3 in [1]), which is equal to Group B's Mail-in vote divided by Group A's combined Early and Election Day votes. From that we know that Group A's Mail-in vote and Group A's Early and Election Day votes are authentic.

c. Therefore, you can restore Group A's and Group B's totals and then multiply the individual vote totals of each candidate in each group by the net proportions of change between collectives of Group A and B in each precinct.

Summary

1) Reference [1] and the included references therein describe how using a restoration algorithm that is based on the well-established mathematical Bivariate Analysis [2] in particular the Bivariate Real Number Plane Formula [5], which has been applied numerous times over the past two years for many US county elections can also be applied to the recent 2022 Gubernatorial Primary in Nevada.

2) For the mathematical restoration of the original data, it is not necessary to claim fraud nor to know any specifics of the fraud.
3) The applied restoration of the official election results shows a significant difference between original and restored election data for all candidates reviewed.

Professional Opinion and Basis of these Opinion

It is my professional opinion that the reviewed paper [1] including the references therein is based on established statistics and statistical analyses and correct in its described methods that have been applied numerous times over the past two years. It is also evident that a restoration of the 2022 Gubernatorial Primary election data is necessary in order to correct for obvious major flaws in the original data. This restoration will affect all candidates' election results significantly.

Information considered in Formulating the Above Opinions

1. "Clark County, 2022, Governor Primary Precinct Analysis; Summary".
2. Bivariate Analysis - Types and Examples (vedantu.com)
3. Restored Nevada 2022 Primary Elections - Google Sheets
4. Restored Washoe Elections - Google Sheets
5. Clark and Washoe Precinct Analysis - Google Docs
6. Clark County, NV (clarkcountynv.gov)

Attachments

Curriculum Vitae of Dr. Oliver Hemmers

Compensation

My fee schedule is $200.00 per hour plus expenses. To review all materials to date and prepare this report, I have spent 11 hours. I have not been compensated, yet.

Should you require clarification of any of the material contained herein, please do not hesitate to contact me.

Thank you for the opportunity to assist you in this matter.

Sincerely,

Dr. Oliver A. Hemmers

2) For the mathematical restoration of the original data, it is not necessary to claim fraud nor to know any specifics of the fraud.
3) The applied restoration of the official election results shows a significant difference between original and restored election data for all candidates reviewed.

Professional Opinion and Basis of these Opinion

It is my professional opinion that the reviewed paper [1] including the references therein is based on established statistics and statistical analyses and correct in its described methods that have been applied numerous times over the past two years. It is also evident that a restoration of the 2022 Gubernatorial Primary election data is necessary in order to correct for obvious major flaws in the original data. This restoration will affect all candidates' election results significantly.

Information considered in Formulating the Above Opinions

1. "Clark County, 2022, Governor Primary Precinct Analysis; Summary".
2. Bivariate Analysis - Types and Examples (vedantu.com)
3. Restored Nevada 2022 Primary Elections - Google Sheets
4. Restored Washoe Elections - Google Sheets
5. Clark and Washoe Precinct Analysis - Google Docs
6. Clark County, NV (clarkcountynv.gov)

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Dr. Oliver A. Hemmers

EXHIBIT 5

EXHIBIT 5

FIRST JUDICIAL DISTRICT COURT

CARSON CITY, NEVADA

JOEY GILBERT, Plaintiff, vs. STEVE SISOLAK, in his official capacity as governor of Nevada; BARBARA CEGAVSKE, in her official capacity as Secretary of State; and JOSEPH GLORIA in his official capacity as Clark County Registrar of Voters; JAMES B. GIBSON, in his official capacity as Chairman of the CLARK COUNTY BOARD OF COMMISSIONERS; and DEANNA SPIKULA in her official capacity as Washoe County Registrar of Voters;	)	CASE NO. 22 OC 00851B DEPT. NO. 1 ...

VIDEOTAPED ZOOM DEPOSITION OF

OLIVER HEMMERS, PH.D.

Taken on Thursday, July 28, 2022

At 9:02 a.m.

At 281 Gingerbread Street

Henderson, Nevada 89012

Reported by: JoAnn Melendez, CCR 370

opinion about voting machines. 09:38:17
BY MR. MIRKOVICH: 09:38:17
Q. Let's bring up, if we could, Tab 5. And 09:38:22
we'll mark this as Exhibit 10. 09:38:25
Dr. Hemmers, do you have this document up 09:38:39
in front of you? 09:38:42
A. Yeah. 09:38:44
Q. I'll represent to you that this is a 09:38:45
screen shot taken of a post on your Facebook page. 09:38:47
Do you recognize your photograph and name 09:38:52
there at the top? 09:38:54
A. Yes. 09:38:55
Q. And this was a post you made on March 09:38:55
28th of this year about some news about an 09:38:59
announcement related to Elon Musk. 09:39:04
Do you see that? 09:39:07
A. Yeah. 09:39:08
Q. And this was something you posted that 09:39:09
day on Facebook, correct? 09:39:10
A. Yes. 09:39:12
Q. And the article is related to brain and 09:39:15
personality downloads that can be used for robots; 09:39:21
is that right? 09:39:25
A. Yes. 09:39:25
Q. And I think this is a comment you made 09:39:25

be less than 1? 10:49:29

A. Well, it's -- it's always less than 1 when you normalize it to a 0 to 1 or 0 percent to 100 percent. 10:49:33 10:49:37 10:49:42

Q. Did you perform any mathematical analysis, Dr. Hemmers, to reach your conclusion that a linear regression should occur on a 45 degree line? 10:49:44 10:49:56 10:50:00 10:50:04

A. Yeah. In the 2012 election, that's the Obama and Romney, that's what -- exactly what happens, right. And in the -- on page 3 on my report, you see that it doesn't happen. And that's -- that's the fact that we were caused a concern. 10:50:04 10:50:14 10:50:18 10:50:23 10:50:27 10:50:33

Q. What portion of page 3 of your report are you referencing that you say is related to the 2012 election? 10:50:33 10:50:35 10:50:38

A. Well, I'm saying that on the -- on the page 3 of my report, the regression analysis shows that the regression curve is not starting at about 0, but at a different value. 10:50:39 10:50:42 10:50:46 10:50:54

So the -- the mail-in vote percentage and election day vote percentages are not the same. Not even close. 10:50:57 10:51:03 10:51:08

Q. Dr. Hemmers, did you do any independent 10:51:12

research or study related to how elections are administered in Nevada? 10:51:17 10:51:20

A. No. 10:51:22

Q. Any independent study or research related to elections in Clark County, Nevada? 10:51:23 10:51:26

A. No. 10:51:27

Q. Do you know who it is that oversees the administration of elections in Clark County? 10:51:28 10:51:32

A. You mean the person or -- 10:51:35

Q. Person or people. 10:51:39

A. No. 10:51:40

Q. Either. 10:51:40

A. I don't know. I just found out about it from the filing, right. Because they were all listed there. 10:51:41 10:51:44 10:51:49

Q. Do you have any knowledge or understanding of the voting equipment used in Clark County? 10:51:50 10:51:51 10:51:54

A. No. 10:51:54

Q. Do you know what machine or software is used? 10:51:55 10:51:57

A. No. 10:51:58

Q. Then it would stand to reason then that you don't know anything about how those machines or software programs are calibrated, audited or 10:51:58 10:52:01 10:52:04

certified, right? 10:52:08
A. That's correct. 10:52:09
Q. You don't know what human oversight is involved in the election process in Nevada or in Clark County, correct? 10:52:09 10:52:14 10:52:17
A. That's correct. 10:52:18
Q. You don't have any knowledge of how mail-in ballots -- excuse me -- mail-in ballots are handled in Nevada or Clark County, correct? 10:52:19 10:52:24 10:52:26
A. Correct. 10:52:28
Q. You don't have any knowledge about the recount procedures in place in Nevada and specifically in Clark County, Nevada, correct? 10:52:29 10:52:39 10:52:41
A. Correct. 10:52:44
Q. And you don't know anything about what software -- or excuse me. 10:52:45 10:52:47
You don't know anything about what safeguards are implemented in tabulation software used in Nevada, correct? 10:52:48 10:52:50 10:52:55
A. That's correct. 10:52:57
Q. Let's go ahead and go off the record. We'll take another short break. 10:52:58 10:53:01
THE VIDEOGRAPHER: The time is approximately 10:53 a.m. and we are going off the record. 10:53:03 10:53:04 10:53:08

(Whereupon, a break was had.) 10:53:09
THE VIDEOGRAPHER: The time is 11:05:04
approximately 11:05 a.m. and we are back on the 11:05:04
record. 11:05:08
MR. MIRKOVICH: I'll pass the witness. 11:05:09
EXAMINATION 11:05:09
BY MR. MUELLER: 11:05:09
Q. Dr. Hemmers, good morning. How are you? 11:05:15
A. I'm doing good today. Thank you. 11:05:18
Q. All right. Sir, I would like to go 11:05:20
through some of your formal training and expertise. 11:05:23
Can you outline briefly your undergrad -- 11:05:25
secondary school, undergraduate and then graduate 11:05:29
degrees? 11:05:33
A. I got a degree in physics from Technical 11:05:34
University of Berlin, and I got a Ph.D. in quantum 11:05:44
physics from the combined Max Planck Institute and 11:05:50
Technical University of Berlin position. 11:05:56
Q. And you were a German citizen raised in 11:05:58
Berlin and was educated in Germany, correct? 11:06:02
A. That's correct. 11:06:05
Q. And it's my understanding -- I've only 11:06:06
been to Berlin once. It is my understanding is the 11:06:09
Max Planck Institute's considered the best school 11:06:11
for physics in the world? 11:06:15

A. It is, yeah. 11:06:16
Q. All right. Sir, is it possible to study physics beyond a casual level without mathematics? 11:06:17 11:06:22
A. No, it is not. 11:06:25
Q. In fact, at a higher level, mathematics and physics actually merge into one field, do they not? 11:06:27 11:06:30 11:06:33
MR. MIRKOVICH: Objection; leading. 11:06:33
BY MR. MUELLER: 11:06:33
Q. Is that a fair assessment, Doctor? 11:06:35
A. Yes. 11:06:37
Q. All right. Now, what was your doctoral dissertation, sir? 11:06:37 11:06:41
A. It was on correlation effect of small molecules and the interaction of sequitur radiation. 11:06:43 11:06:48
Q. And what sort of mathematics did you use in your doctoral dissertation? 11:06:52 11:06:55
A. Well, it's -- it's -- it's a very specific one. Mathematics you can say in general is a branch of calculus, right. It's like part of the calculus type of world. 11:06:58 11:07:04 11:07:09 11:07:13
Q. Sir, in -- from the North -- North Germany to Las Vegas, by what mechanism did you end up moving out here? 11:07:16 11:07:21 11:07:24
A. I got a stipend from the German Research, 11:07:26

which donates portions to the German -- German Research Society. They paid for a couple of years my research to be conducted at Lawrence Berkeley National Lab at the position of health at UNLV. 11:07:39 11:07:40 11:07:45 11:07:51

Q. All right. And how long did you actually end up residing at UNLV as an academic? 11:07:56 11:07:58

A. Until 2014. So about 20 years. 11:08:04

Q. So 20 years here in Las Vegas? 11:08:07

A. Yes. 11:08:08

Q. Sir, how many peer reviewed technical publications have you authored? 11:08:09 11:08:13

A. Over a hundred. 11:08:16

Q. All right. And most of them are regarding what topics, sir? 11:08:17 11:08:18

A. Most of them are in regards to the quantum physics research, the new field that I opened up of effectively higher order effects of total interactions with atoms and molecules. 11:08:21 11:08:26 11:08:30 11:08:40

Q. And without getting too specific, sir, when you do that sort of work, you gather large amounts of data to see if you can prove or disprove a theory? 11:08:43 11:08:46 11:08:49 11:08:52

A. Yes. 11:08:52

Q. All right. And when you get this large amount of data to prove or disprove a theory, what 11:08:53 11:08:55

type of mathematics do you use? 11:09:00
A. It's mostly statistical analysis because 11:09:02
we have data sets that are effectively, you know, 11:09:05
again, dots that you have to integrate, that you 11:09:10
have to find the means, the statistical regressions 11:09:14
and, you know, range of error and so on, 11:09:19
distributions. And it was up to five dimensional, 11:09:24
the data set. 11:09:29
Q. All right. So managing and manipulating 11:09:29
and inter -- reviewing sets of data is exactly what 11:09:32
you've done for most of your adult life? 11:09:36
A. That's true, yeah. 11:09:39
Q. All right. Now, turning to the case at 11:09:41
hand, sir, were you requested by me to independently 11:09:43
look at the data set from this election? 11:09:47
A. Yes. 11:09:50
Q. And did you do independent work on this 11:09:50
data set? 11:09:53
A. Yes. 11:09:54
Q. All right. And independently of anybody 11:09:54
else, without reference to anybody, did you reach a 11:09:58
conclusion after looking at the data set, 11:10:01
specifically the Clark County voting precinct 11:10:03
report? 11:10:06
A. Yes, I did. 11:10:06

Q. And what was that conclusion that you reached, sir? 11:10:07 11:10:09

A. That there's a serious issue with the data set that has -- has published. 11:10:10 11:10:12

Q. All right. And when you say "serious issue," sir, what would you -- could you be more specific? 11:10:16 11:10:18 11:10:21

A. It doesn't follow the basic premise of -- of the method of voting being independent on how the data was done effectively prevented. 11:10:22 11:10:32 11:10:41

So in other words, the -- the data is -- is effectively, yeah, almost invalid in the way it's presented in my opinion. 11:10:46 11:10:52 11:11:01

Q. And, sir, did you get a chance to look at the voting precincts in Clark County? 11:11:02 11:11:07

A. Yes. 11:11:09

Q. And did you find a mathematical relationship between the percentage of street and early voting and the mail-in voting? 11:11:09 11:11:13 11:11:16

A. Yeah. There are -- they don't follow, right. I guess I analyzed the two graphs on page 3. That's effectively what I did on my report. I came back and I came -- came up with the same graphs, the same regression analysis as presented. I did not use my own pictures, but effectively I got the exact 11:11:19 11:11:23 11:11:28 11:11:31 11:11:35 11:11:39

same results. 11:11:43

Q. And did -- so there -- in the mathematical relationship between the street vote and the mail-in vote, did you calculate what the formulation was? 11:11:46 11:11:49 11:11:51 11:11:54

A. What -- effectively what you do is you print those -- print all precincts these little dots and then you do a regression analysis to get the average. And that average does not fit that the mail-in vote percentages and the street vote percentages are about the same. 11:11:57 11:12:04 11:12:10 11:12:14 11:12:20 11:12:24

Q. All right. And so is there -- the mathematical formulation, does it hold true in all 590 something precincts in Clark County? 11:12:26 11:12:28 11:12:34

A. Yes. 11:12:36

Q. And is that possible, is that even mathematically possible that they all have the same percentage? 11:12:37 11:12:40 11:12:42

A. No, it is not. 11:12:42

Q. All right. It's like flipping a coin heads or tails 598 times and getting 598 heads? 11:12:43 11:12:45

A. That's about right, yeah. 11:12:50

Q. So what -- what's been purported to have happened can not actually ever happen? 11:12:51 11:12:56

A. That's correct. 11:12:58

Q. Now, sir, my colleague has asked you about an individual by the name -- what's his -- what's his name? 11:12:59 11:13:07 11:13:10

MR. LOBELLO: Solomon. 11:13:14

BY MR. MUELLER: 11:13:14

Q. Solomon. Or a gentleman named Solomon? 11:13:15

A. Yes. 11:13:19

Q. Have you met him? 11:13:19

A. On Zoom meetings twice. 11:13:21

Q. All right. So you had some Zoom meetings, but do you have any personal familiarity with him? 11:13:24 11:13:26 11:13:29

A. No. 11:13:29

Q. All right. And at my request, did you independently review his work to see if it was scientifically and mathematically valid? 11:13:29 11:13:32 11:13:34

A. That's what I did, yeah. 11:13:37

Q. All right. And did you form an opinion that his work was generally sound? 11:13:39 11:13:40

A. Yes. 11:13:43

Q. Now, sir, you and I have been acquainted on a couple other occasions, correct? 11:13:44 11:13:51

A. Yes. 11:13:53

Q. Is there anything in our relationship that affects or would affect your opinions that 11:13:54 11:13:55

you've expressed here today? 11:13:58
A. No. 11:13:59
Q. Now, you don't have any opinion on how this formulation occurred. Only that there's a mathematical relationship between the street votes and the mail-in votes that simply can't exist? 11:14:00 11:14:12 11:14:14 11:14:17
A. That's right. 11:14:20
Q. Now, did you have a chance to speak with Dr. -- what's -- Don Allen? Did you -- 11:14:21 11:14:30
A. Yeah, yeah. We -- we talked again on the Zoom meetings. 11:14:33 11:14:36
Q. Right. 11:14:38
A. Yeah. 11:14:38
Q. Did you have a chance to review his work? 11:14:38
A. I was -- I was reading the -- the court filing that was filed that I -- I went with looking at his work, but I did not really do any, you know, deeper digging into his -- or anything, right. 11:14:43 11:14:50 11:14:54 11:15:01
Q. You saw it in the complaint, but you've done nothing to independently opine on his work? 11:15:03 11:15:06
A. Yeah, exactly. 11:15:09
Q. And there's another expert -- 11:15:09
MR. LOBELLO: Daughtry (phonetic). 11:15:09
BY MR. MUELLER: 11:15:09
Q. Daughtry. Mr. Daughtry. Did you get a 11:15:15

chance to review his work? 11:15:16
A. No, I did not. Beyond the complaint, I did not do any analysis, reviews needed to in his work. 11:15:18 11:15:25 11:15:30
Q. All right. So your opinions here today are entirely based on your independent review of the data and not influenced by any of the other witnesses in the case; Mr. Solomon, Mr. Allen or Dr. Daughtry? 11:15:30 11:15:32 11:15:35 11:15:40 11:15:44
A. That's correct. 11:15:44
Q. Now, sir, data regression, at the highest level when you get a data set, you are trying to find a mathematical formulation to describe the -- the results, correct? 11:15:45 11:15:54 11:15:56 11:15:59
A. Yes. 11:16:00
MR. MIRKOVICH: Objection to form, leading. 11:16:01 11:16:02
BY MR. MUELLER: 11:16:03
Q. And when you do that occasionally, you have to do different areas of mathematics, correct? 11:16:03 11:16:06
MR. MIRKOVICH: Objection to form, leading. 11:16:10 11:16:11
BY MR. MUELLER: 11:16:11
Q. In physics, sir. This is your bread and butter. You do have to use mathematics to describe 11:16:13 11:16:15

relationships, correct? 11:16:18
A. Yes. 11:16:19
Q. All right. Is it unusual to have to try several different branches or types of mathematics to find a relationship before you finally succeed? 11:16:19 11:16:22 11:16:24
A. Yep, that's correct. 11:16:28
Q. All right. So if someone tried a one branch of math the first time and didn't work, you can try a different type of math to see if it would work, correct? 11:16:30 11:16:32 11:16:35 11:16:38
A. That's correct. 11:16:38
Q. Now, my colleague has men -- mentioned regression to the mean. 11:16:39 11:16:42
There are other types of regressions, correct, sir? 11:16:43 11:16:46
A. Yes. 11:16:46
Q. There is least square regressions? 11:16:47
A. Yes. 11:16:50
Q. Can you name two or three other types of regressions? 11:16:50 11:16:53
A. Well, those are the most commonly used in the regression analysis, it's the least square regression, regression to the mean. I'm not quite sure, you know. That depends on also if you -- if you use base it on an exponential functional 11:16:55 11:17:01 11:17:04 11:17:10 11:17:14

polynomial or, you know, other type of function in your regression analysis. 11:17:18 11:17:23

Q. All right. So, sir, data sets come in two access sets, X and Y, and then some data sets come in three dimensions and sometimes four and five dimensions, correct? 11:17:25 11:17:27 11:17:32 11:17:36

A. That's right. 11:17:36

Q. All right. The data set or analyzing a three dimensional data set is called a -- if I'm correct, it's called a trans -- or a transformation? 11:17:36 11:17:38 11:17:40

MR. MIRKOVICH: Objection; form, leading. 11:17:42

THE WITNESS: Yeah. Okay. 11:17:46

BY MR. MUELLER: 11:17:46

Q. All right. Now, did you have any occasion to review Mr. Solomon's third and fourth order data -- regressions data transformation? 11:17:48 11:17:50 11:17:56

A. No, I did not. I just have reviewed and analyzed what's on page three of my report. And it doesn't require any higher order analysis. 11:18:01 11:18:07 11:18:12

Q. Okay. And you're comfortable that it's a simple linear regression as sufficient to uncover the -- the problems that we've uncovered here, correct? 11:18:18 11:18:20 11:18:23 11:18:26

A. Well, you know, one is a polynomial and the other one is a linear regression. And, you 11:18:27 11:18:30

EXHIBIT 6

EXHIBIT 6

DECLARATION OF EXPERT WALTER C. DAUGHERITY

WALTER C. DAUGHERITY declares, under penalty of perjury, that the following is true and correct.

1. I am a Senior Lecturer Emeritus in the Department of Computer Science and Engineering at Texas A&M University and also a computer consultant to major national and international firms, as well as to government agencies, including classified work.

2. Prior to my retirement in 2019, I taught computer science and engineering at both the undergraduate and graduate levels for 37 years, the last 32 years being at Texas A&M University. Courses I developed and taught include courses in artificial intelligence, expert systems, programming and software design, quantum computing, and cyberethics.

3. I have published 26 research articles related to expert systems, fuzzy logic, noise-based logic, and quantum computing from over $2.8 million in funded research projects, plus conference papers and other publications.

4. As a computer expert I have consulted for major national and international firms, including IBM Federal Systems Division, *New York Times*, *Washington Post*, *Los Angeles*

Times, Southwestern Bell Telephone, Fulbright & Jaworski (Houston), and Phonogram B.V. (Amsterdam), and also for government agencies such as Cheyenne and Arapaho Tribes of Oklahoma, Texas Department of Agriculture, U. S. Customs Service, and classified work.

5. Further details about my qualifications are included in my Curriculum Vitae attached as Exhibit A.

6. I have reviewed the reports by Edward Solomon furnished to me which mathematically analyze the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, as well as other races. In order to check results in those reports I downloaded the official election data posted by the Clark County Election Department at https://www.clarkcountynv.gov/government/departments/elections/past_elections.php.

7. In my expert opinion these reports overwhelmingly demonstrate clear and convincing evidence that the election results analyzed in these reports were not produced by accurate counting of the votes cast, but were instead artificially contrived according to a predetermined plan or algorithm.

8. The first key finding of the Edward Solomon reports for the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, is that certain ratios calculated from the mail-in and in-person totals, which should be independent, are in fact dependent. (Independent variables cannot be predicted from one another; for example, knowing that the time the first person in line at precinct 1 voted was at an even number of minutes past the hour, say 7:04 or 7:06 A.M., does not allow us to predict whether the first person in line at precinct 2 voted at an even number of minutes past the hour or an odd number of minutes past the hour.)

9. In this primary race, as in each election, votes for each candidate are reported in three categories: mail-in (absentee), early vote (in-person), and election day (in-person). Since

each voter choosing a particular candidate can vote in any of these three ways, the totals should be independent. For example, knowing how many mail-in and early in-person votes Joey Gilbert received does not provide enough information to know how many election day in-person votes he received. In other words, you could not bet on a particular exact number of election day in-person votes and expect to win the bet, since the exact number is unpredictable.

10. Since there were so many candidates in addition to Joey Gilbert, the following precinct analysis divides all the votes into two categories, "Lombardo" and "Gilbert et al." Using the same variable names as in the Edward Solomon reports, and considering only votes prior to election day, let

a be Lombardo's mail-in vote total,

b be Gilbert et al.'s mail-in vote total,

c be Lombardo's early in-person vote total, and

d be Gilbert et al.'s early in-person vote total.

11. Clearly these numbers should be independent, that is, knowing some of the numbers should not allow exactly predicting the other numbers. For example, knowing that in precinct 1000, b=13, c=21, and d=32 should not allow an exact prediction of a, Lombardo's mail-in vote total. In an honest and fair election we could only estimate that since Lombardo received $c/(c+d)$=0.396226, that is, 39.6% of the early in-person vote, we would expect that Lombardo would also receive about 39.6% of the mail-in vote, since the way people cast ballots does not influence their choice.

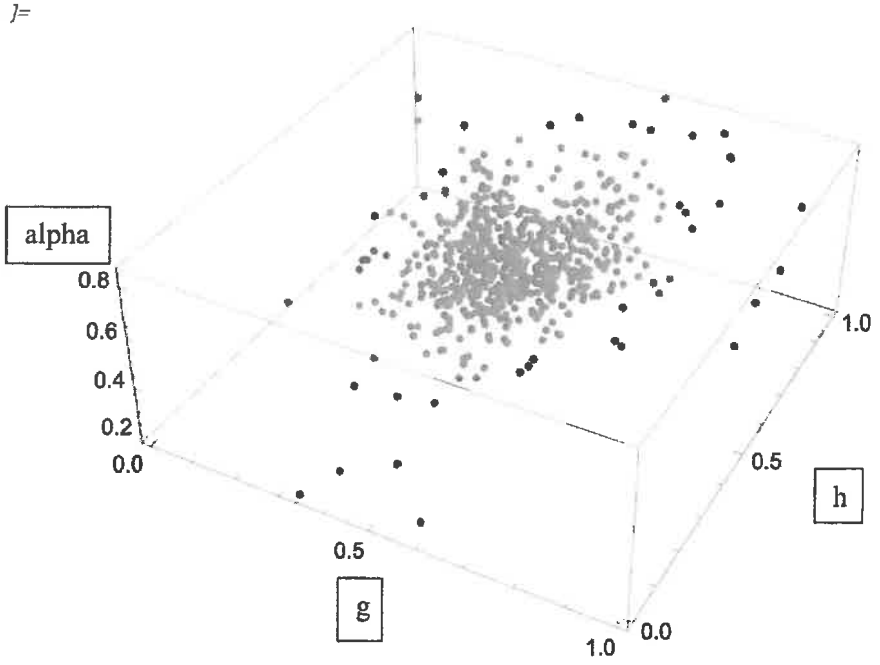
12. Solving $a/(a+b)$=0.396226 for a yields 21.53125, which rounds up to 22 votes. This estimate is only a "best guess," and the true number of mail-in votes could be anything: 22, or higher, or lower, so a bet on 22 would only win once in a while, not very often.

13. However, in the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, the four numbers ***a***, ***b***, ***c***, and ***d*** were not only not independent, as they should be in a fair and honest election, they were so tightly dependent that ***a*** can be exactly predicted from ***b***, ***c***, and ***d*** not only in precinct 1000 (yielding 25, *the exact number of mail-in votes for Lombardo*), but also is *every single precinct in the entire county*!

14. This is a total of 669 precincts with an exact prediction, omitting precincts with zero votes or missing data on the Clark County Elections Department's website. Note that 25, the actual count, is close to the estimate of 22, but not exact, whereas the dependent formula described next gives exactly 25.

15. I calculated the values Edward Solomon names ***g***, ***h***, and ***alpha*** for each ballot style (*i.e.,* split precinct) for this county, and graphed (***g***, ***h***, ***alpha***) as (***x***, ***y***, ***z***), respectively, which produced the following graph, where each point is one precinct:

Out[ ]=

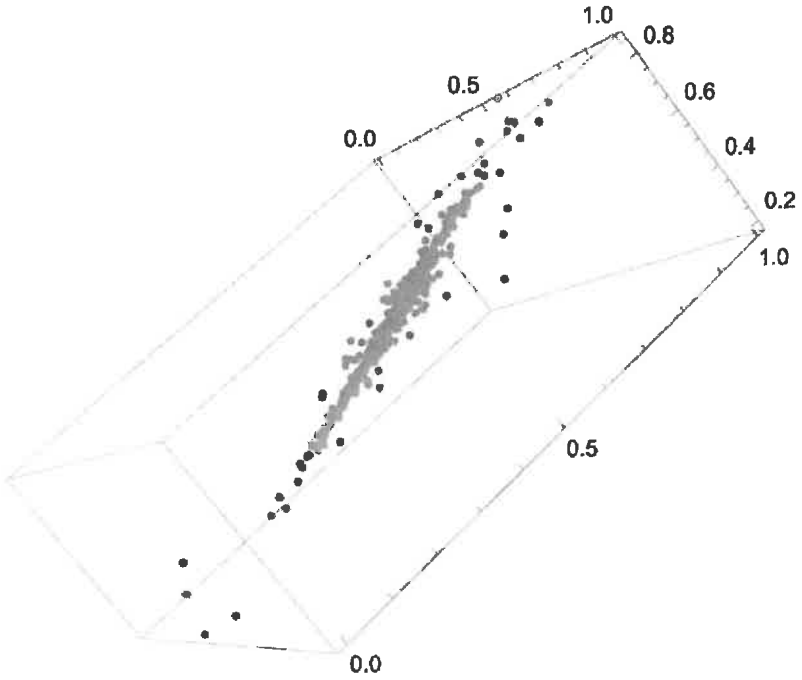


16. From the initial vantage point, the graphed data appears to be uncorrelated

(independent), as it should in a fair election, but by rotating the 3-dimensional graph it becomes clear that the points lie very close to a 2-dimensional plane, indicating strong correlation (dependence) which should not occur in a fair election.

17. Here is the same graph rotated to a different point of view, looking at the plane edge-on:

Out[ ]=



which of course looks like a line. This improper dependence confirms that the election results in the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, were artificially contrived.

18. Using the standard mathematical method of least-squares linear regression, the equation of the plane is

$$g = 0.01818144438 + 1.758536682\ alpha - 0.8083882873\ h,$$

which is used in the following paragraphs.

19. As an example of how this improper dependence could be used to manipulate an

election, consider the following scenario: If ***alpha*** were hypothetically predetermined for each precinct in this 2022 Republican gubernatorial primary from this plane, then after the early in-person votes for candidate Lombardo are counted, and the mail-in and early in-person votes for Gilbert et al. are counted, the exact required mail-in vote for candidate Lombardo can be calculated *without counting*.

20. Specifically, the following procedure would *exactly* predict the required mail-in vote for candidate Lombardo *for nearly every single precinct in the county*:

Let ***alpha*** be the value for the precinct hypothetically predetermined from the plane,

b be Gilbert et al.'s mail-in vote total,

c be Lombardo's early in-person vote total, and

d be Gilbert et al.'s early in-person vote total.

Then Lombardo's mail-in vote count ***a*** is given exactly by the formula

$a = \frac{(b+d)(1-alpha)}{alpha} - c$, rounded to the nearest integer.

21. For example, in precinct 1012 suppose ***alpha*** were hypothetically set in advance to 0.463855422 from the 2-dimensional plane described in ¶ 19 above. Then counting 95 mail-in votes for Gilbert et al. (***b***), 45 early in-person votes for Lombardo (***c***), and 59 early in-person votes for Gilbert et al. (***d***) and substituting those values into this formula gives $a = 133$, the exact required number of mail-in votes for Lombardo, *before those votes have even been counted.* After counting, mail-in ballots can be added or removed to adjust the total to the required 133.

22. In my expert opinion the foregoing calculations overwhelmingly demonstrate

clear and convincing evidence that all of the election results analyzed above were not produced by accurate counting of the votes cast, but were instead artificially contrived according to the same (or a very similar) predetermined plan or algorithm.

23. Due to the prohibitive amount of calculation to accomplish this by hand, it is clear that computer software must have been used. Such manipulating software could be installed in a variety of ways, including vendor programming, operating system components, open-source or commercial off-the-shelf libraries, remote access, viruses or other malware, etc.

24. Unless and until future proposed electronic voting systems (including hardware, software, source code, firmware, etc.) are made completely open to the public and also subjected to scientific analysis by independent and objective experts to determine that they are secure from manipulation or intrusion, in my professional opinion as a computer expert, electronic voting systems should not even be considered for use in any future elections, as they cannot be relied upon to generate secure and transparent election results free from the very real possibility of unauthorized manipulation. My professional opinion as a computer expert is therefore that hand-marked hand-counted paper ballots should be used instead.

25. I have personal knowledge of the foregoing and am fully competent to testify to it at trial.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 14, 2022.

W. C. Daugherity

Walter C. Daugherity

EXHIBIT A

Curriculum Vitae of Walter C. Daugherity

Walter C. Daugherity
10895 Lakefront Drive
College Station, TX 77845
(979) 845-1308 (Office)
Walter.Daugherity@post.Harvard.edu

EDUCATION

Ed.D., Mathematical Education, Harvard University, Cambridge, Massachusetts, 1977. Dissertation: "On the Ordering of Topics in the Teaching of Mathematics." Advisor: Marc Lieberman.

M.A.T., Mathematics, Harvard University, Cambridge, Massachusetts, 1967 (age 20).

B.S., Mathematics, Oklahoma Christian College, Oklahoma City, Oklahoma, 1966 (3 years). Minors: Physics and chemistry, German.

EXPERIENCE

1973 to present	Daugherity Brothers, Inc., (Computer consultants), Bethany, Oklahoma. Co-founder, chairman, and president. Clients include IBM Federal Systems Division, New York Times, Washington Post, Los Angeles Times, Cheyenne and Arapaho Tribes of Oklahoma, Southwestern Bell Telephone, Fulbright & Jaworski (Houston), Texas Department of Agriculture, Phonogram B.V. (Amsterdam), and U. S. Customs Service.
1987 to present	Texas A & M University, College Station, Texas. Visiting Assistant Professor/Senior Lecturer/Senior Lecturer Emeritus, Departments of Computer Science and Engineering and Electrical and Computer Engineering, College of Engineering.
1989-91	Texas A & M University System, College Station, Texas. Director, Knowledge Systems Research Center, Computer Science Division of the Texas Engineering Experiment Station.

1984-87	Blinn College, Brenham, Texas. Computer science instructor. Part-time 1984-86, full-time 1986-87.
1978-80	Rose State College, Midwest City, Oklahoma. Data processing instructor (part-time).
1971-73	ECRM, Bedford, Massachusetts. Systems programmer.
1970-71	Harvard Computing Center, Cambridge, Massachusetts. Telecommunications specialist.
1969-70	Computer-Aided Instruction Laboratory, Harvard University, Cambridge, Massachusetts. Systems programmer.
1968-70	Harvard University, Division of Engineering and Applied Physics, Cambridge, Massachusetts. Teaching fellow (for George Mealy and Thomas Bartee).
1967	Driscoll Junior High School, Brookline, Massachusetts. Mathematics teacher.
1967	University of Oklahoma Medical Center Computing Facility, Oklahoma City, Oklahoma. Programmer.
1966	University of Central Oklahoma Data Processing Center, Edmond, Oklahoma. Programmer.
1965	Oklahoma Christian University of Science and Arts, Oklahoma City, Oklahoma. Statistical programmer.
1963	University of Oklahoma Computer Center, Norman, Oklahoma. Lab instructor.

RESEARCH AND DESIGN

1. Refereed Publications

Daugherity, W. C., and Kish, L. B., "More on the Reference-Grounding-Based Search in Noise-Based Logic," *Fluctuation and Noise Letters*, Vol. 21, No. 3, 2250023, 2022.

Kish, L. B., and Daugherity, W. C., "Entanglement, and Unsorted Database Search in Noise-Based Logic," *Applied Sciences*, Vol. 9, No. 15, 3029, 2019.

Kish, L. B., and Daugherity, W. C., "Noise-Based Logic Gates by Operations on the Reference System," *Fluctuation and Noise Letters*, Vol. 17, No. 4, 1850033, 2018.

Daugherity, W. C., and Coulson, R. N., "Knowledge Engineering for Sustainable Agriculture Management," *Proceedings of ICAST 2001 Conference* (Beijing, China, November 2001), 2:266, 2001.

Coulson, R. N., Saarenmaa, H., Daugherity, W. C., Rykiel, E. J., Saunders, M. C., and Fitzgerald, J. W., "A Knowledge System Environment for Ecosystem Management," book chapter in Klopatek, J. and Gardner, R. (eds.), *Landscape Ecological Analysis: Issues and Applications*, Springer-Verlag, 57-79, 1999.

Coulson, R. N., Daugherity, W. C., Rykiel, E. J., Saarenmaa, H., and Saunders, M. C., "The Pragmatism of Ecosystem Management: Planning, Problem Solving and Decision Making with Knowledge-Based Systems," *Proceedings of Eco-Informa '96 Global Networks for Environmental Information Conference* (Lake Buena Vista, Florida, November 1996), 10:342-50, 1996.

Coulson, R. N., Fitzgerald, J. W.*, Daugherity, W. C., Oliveria, F. L., and Wunneburger, D. F., "Using Spatial Data for Integrated Pest Management in Forest Landscapes," *Proceedings of the 11th Conference on Geographic Information Systems: Integrating Spatial Information Technologies for Tomorrow* (Vancouver, British Columbia, Canada, 1997).

Daugherity, W. C.; Harris, C. E., Jr.; and Rabins, M. J., "Introducing Ethics and Professionalism in REU Programs," *Proceedings of the 1995 World Conference on Engineering Education* (Minneapolis, Minnesota, October 1995).

Coulson, R. N., Daugherity, W. C., Vidlak, M. D.*, Fitzgerald, J. W.*, Teh, S. H.*, Oliveria, F. L., Drummond, D. B., and Nettleton, W. A., "Computer-based Planning, Problem Solving, and Decision Making in Forest Health Management: An Implementation of the Knowledge System Environment for the Southern Pine Beetle, ISPBEX-II," *Proceedings of the IUFRO Symposium on Current Topics in Forest Entomology* (Maui, Hawaii), 1995.

Yen, J., Daugherity, W. C., Wang, H.*, and Rathakrishnan, B.*, "Self-Tuning and Self-Learning Fuzzy Systems," book chapter in Yen, J., Langari, R., and Zadeh, L. (eds.), *Industrial Applications of Fuzzy Logic and Intelligent Systems*, IEEE Press, 1995.

* Graduate Research Assistant I funded

Daugherity, W. C., Video review of *Introduction to Biological and Artificial Neural Networks for Pattern Recognition,* by Steven K. Rogers, in *IEEE Transactions on Neural Networks*, Vol. 5, No. 5, 1994.

Teh, S. H.*, Daugherity, W. C., and Coulson, R. N., "A User-Centric Methodology for Building Usable Expert Systems," *Proceedings of the 7th International Conference on Industrial and Engineering Applications of Artificial Intelligence and Expert Systems* (Austin, Texas, May-June 1994), 45-48, 1994.

Daugherity, W. C., "A Neural-Fuzzy System for the Protein Folding Problem," *Proceedings of the Third International Workshop on Industrial Fuzzy Control & Intelligent Systems (IFIS `93)* (Houston, Texas, December 1993), 47-49, 1993.

Daugherity, W. C., "A Partially Self-Training System for the Protein Folding Problem," *Proceedings of the World Congress on Neural Networks (WCNN `93)*, (Portland, Oregon, July 1993). Invited paper.

Yen, J., Wang, H.*, and Daugherity, W. C., "Design Issues of Reinforcement-Based Self-Learning Fuzzy Control," *Proceedings of the World Congress on Neural Networks (WCNN `93)*, (Portland, Oregon, July 1993).

Daugherity, W. C., "Characterizations of Fuzzy Operations," *Proceedings of the Second International Workshop on Industrial Fuzzy Control & Intelligent Systems* (College Station, Texas, December 1992), 234, 1992.

Yen, J., Wang, H.*, and Daugherity, W. C., "Design Issues of a Reinforcement-Based Self-Learning Fuzzy Controller for Petrochemical Process Control," *Proceedings of North American Fuzzy Information Processing Society* (Puerto Vallarta, December 1992), 1992.

Yen, J., Wang, H.*, and Daugherity, W. C., "An Adaptive Fuzzy Controller with Application to Petroleum Processing," *Proceedings of IFAC Workshop on Intelligent Manufacturing Systems* (Dearborn, October 1992), 1992.

Yen, J., Daugherity, W. C., and Rathakrishnan, B.*, "Fuzzy Logic and Its Application to Process Control," *Proceedings of CAPA Technology Conference* (Houston, May 1992), 78-86, 1992.

* Graduate Research Assistant I funded

Daugherity, W. C., Rathakrishnan, B.*, and Yen, J., "Performance Evaluation of a Self-Tuning Fuzzy Controller," *Proceedings of the IEEE International Conference on Fuzzy Systems (FUZZ-IEEE)* (San Diego, March 1992), 1992.

Daugherity, W. C., "An Application of Geometrical Reasoning to a Combinatorial Problem," *Proceedings of the Seventh Annual Conference on Applied Mathematics* (Edmond, Oklahoma, April 1991), pp. 226-232, 1991.

Daugherity, W. C., Review of *Data Communications Dictionary*, by Charles J. Sippl, in *Computing Reviews*, Vol. 17, No. 9, pp. 335-336, 1976.

Daugherity, W. C., "Circuits for Dial-up and Local Use of a Stand-alone PDP-8," *Proceedings of the Digital Equipment Computer Users Society*, Vol. 2, No. 2 (Los Angeles, December 1975), pp. 413-414, 1976.

Daugherity, W. C., Review of *Effective Use of ANS COBOL Computer Programming Language*, by Laurence S. Cohn, in *Computing Reviews*, Vol. 16, No. 10, p. 441, 1975.

Manwell, T., Daugherity, W., Desch, S., and Stolurow, L., "Tom Swift and His Electric Bilingual Grandmother," *ACM SIGCUE Bulletin*, Vol. 7, No. 1, pp. 5-17, 1973.

Daugherity, W. C., "A Telephone Amplifier," *Transactions of the Oklahoma Junior Academy of Science*, Vol. IV, pp. 130-132, 1961.

* Graduate Research Assistant I funded

2. Other Publications

Daugherity, W. C., "Honors Section," in Rabins, M. J., and Harris, C. E. Jr. (eds.), *Engineering Ethics Teaching Manual*, 1997.

Daugherity, W. C., "Honors Section," in Rabins, M. J., and Harris, C. E. Jr. (eds.), *Engineering Ethics Teaching Manual*, 1996.

Allen, G. D., Nelson, P., Jarvis, R. D., and Daugherity, W. C., "System Impact of Hit Assessment Capability for NPB Discrimination: Analysis of the Case of No-Hit Assessment," *Weapons Lab/TALN Technical Report*, Kirtland Air Force Base, May, 1990.

3. Other Conference Papers and Presentations

Coulson, R. N., and Daugherity, W. C., "A Knowledge Engineering Approach for Ecosystem Management," 11th Annual Landscape Ecology Symposium, International Association for Landscape Ecology - Integration of Cultural and Natural Ecosystems Across Landscapes: Applications of the Science, Galveston, Texas, 1996.

Coulson, R. N., and Daugherity, W. C., "Decision Support Systems for Forest Pests: Where Do All the Knowledge-Based Systems Go?", North American Forest Insect Work Conference, San Antonio, Texas, 1996.

Daugherity, W. C. and Coulson, R. N., SPBEBE (Economic and Environmental Impact Assessment for Southern Pine Beetle Suppression Projects), computer code, developed for the USDA Forest Service, Forest Health Protection, 1996-1997.

Coulson, R. N., and Daugherity, W. C., "Knowledge System Environment for Ecosystem Management," Global Studies Seminar, Battelle Pacific Northwest Laboratories, Richland, Washington, 1995.

Daugherity, W. C. and Coulson, R. N., ISPBEX-II (Integrated Southern Pine Beetle Expert System), computer code, developed for the USDA Forest Service, Forest Health Protection, 1994.

Daugherity, W. C., and Yen, J., "Tutorial on Neuro-Fuzzy Systems," Third International Workshop on Industrial Fuzzy Control & Intelligent Systems Houston, Texas, December 1993.

Daugherity, W. C., "Introduction to LISP with an On-line Demonstration," Houston Geotech '91, Houston, Texas, 1991.

Daugherity, W. C., "The Universal Classification Problem," South Central Regional Conference of the Association for Computing Machinery, Austin, Texas, 1984.

4. Research Projects

"Remote Laboratory Data Entry and Retrieval System," Texas Department of Agriculture, Walter C. Daugherity, 1986, $3,000 (Daugherity 100%).

"Electrochemical Modeling of a Sinter Plate, Sealed Design Nickel-Cadmium (Ni-Cd) Battery Cell," National Aeronautics and Space Administration, Ralph E. White, Walter C. Daugherity, 1 graduate student, 1989, 25% of my salary 1989-90 (Daugherity 100%).

"Application of Reasoning under Uncertainty to Process Control," Texaco, Walter C. Daugherity and John Yen, 1 graduate student; competitive and peer-reviewed, September 1990, $18,000.

"Design of a Computational Classroom," Texas A & M University, Walter C. Daugherity, September 1990-May 1991, $60,000 (Daugherity 100%).

"Design of a Second Computational Classroom," Texas A & M University, Walter C. Daugherity, January 1991-December 1992, $153,000 (Daugherity 100%).

"Development of Honors Courses in Artificial Intelligence and Analysis of Algorithms," Texas A & M University, Walter C. Daugherity, James Abello and Arkady Kanevsky, 2 graduate students, competitive, September 1991-May 1991, $11,000 (Daugherity 50%).

"Integrated Southern Pine Beetle Expert System"; USDA Forest Service; Robert N. Coulson, Walter C. Daugherity, and Jeffrey W. Fitzgerald; 5 graduate students; competitive and peer-reviewed; 1985-1992, $974,120.

"Distributed Data-Base Support for the ISPBEX Expert System"; USDA Forest Service; Robert N. Coulson, Walter C. Daugherity, and Jeffrey W. Fitzgerald; 1 graduate student; competitive and peer-reviewed; 1992-93; $35,000.

"Integrated Southern Pine Beetle Expert System II"; USDA Forest Service; Robert N. Coulson, Walter C. Daugherity, and Jeffrey W. Fitzgerald; competitive and peer-reviewed; March 1993-February 1994; competitive and peer-reviewed; $170,000.

"Ecological Modelling of Regional Responses to Global Changes: A Knowledge System Environment for Planning, Problem-Solving and Decision Making"; Battelle Pacific Northwest Laboratory; Robert N. Coulson and Walter C. Daugherity; competitive and peer-reviewed; June-December 1995; $39,996.

"Fitness of a Genetically Modified *Gliocladium virens* in Soil and Rhizosphere"; USDA Cooperative State Research Service; Charles M. Kenerley and Walter C. Daugherity; 1 senior associate, 2 graduate students, and 1 undergraduate student; competitive and peer-reviewed; September 1996-August 2001; $254,450 (Daugherity 50%).

"Southern Pine Beetle Biological Evaluation and Economic Evaluation Program Conversion"; USDA Forest Service, Forest Health Protection; Robert N. Coulson (PI) and Walter C. Daugherity (Co-PI); competitive and peer-reviewed; 1996-1997; $16,421.

"The Texas Imported Fire Ant Survey: The Fire Ant Spatial Information Management System (FASIMS)"; Texas Agricultural Experiment Station; Robert N. Coulson (PI) and S. Bradleigh Vinson, Maria D. Guzman, Douglas F. Wunneburger, and Walter C. Daugherity (Co-PI's); competitive and peer-reviewed; January 1998-December 1998; $50,000.

"Special Topics in Computer Science Concepts and Programming"; Academy for Advanced Telecommunications and Learning Technologies; Walter C. Daugherity; competitive and peer-reviewed; June 1998-May 1999; $5,000 (Daugherity 100%).

"Object Modeling Techniques Support for National Simulation Center Tactical Directorate"; U. S. Army through prime contractor Cubic Applications, Inc.; Walter C. Daugherity, James A. Wall, and José Salinas; competitive; September 1998-April 1999; $74,498 (Daugherity 20%).

"The Fire Ant Spatial Information Management System (FASIMS)"; Texas Department of Agriculture, Texas Imported Fire Ant Research and Management Plan; Robert N. Coulson (PI) and Douglas F. Wunneburger, S. Bradleigh Vinson, and Walter C. Daugherity (Co-PI's); competitive and peer-reviewed; 1999-2001; $220,000.

"Evaluating the Impact of Southern Pine Beetle on Ecologically Sustainable Forest Management"; USDA Forest Service; Robert N. Coulson and Walter C. Daugherity; 1 graduate student and 1 undergraduate student; competitive and peer-reviewed; 2000-2003, $90,000.

"Honey Bee Initiative"; State of Texas; Robert N. Coulson (PI), Walter C. Daugherity (Consultant); 2 graduate students; competitive; September 2001-August 2002; $40,000.

"Increasing Computer Science Retention by Developing and Deploying Self-Paced Learning Modules"; State of Texas; Jennifer Welch and Frank Shipman (Co-PI's), Lawrence Petersen, Walter C. Daugherity, and Lauren Cifuentes (Key Personnel); 10 undergraduate students; competitive; June 2002-August 2004; $422,692.

"Facilitating the Transition to Java in High School Computer Programming Classes"; Texas A&M University System Academy for Educator Development; Walter C. Daugherity; 1 graduate student; competitive and peer-reviewed; December 2003-September 2004; $2,966 (Daugherity 100%).

"Instructional Technology Enhancements for Computer Teaching Labs," Texas A&M University, Walter C. Daugherity, competitive, January 2004-August 2004, $20,000 (Daugherity 100%).

"Increasing Computer Science Retention with Peer Teachers and Learning Modules"; State of Texas; Valerie Taylor and Jennifer Welch (Co-PI's), Lawrence Petersen, Walter C. Daugherity, and Joseph Hurley (Key Personnel); undergraduate students; competitive; September 2004-August 2005; $173,158.

Cumulative total: $2,845,801

5. Research Proposals
Note: Funded proposals are listed in section 4 above.

"Automated Support for VLSI Standard Cell Optimization," Texas Advanced Technology Program, Walter C. Daugherity, competitive and peer-reviewed, July 1989, not funded, $233,887.

"Integration of Computer Software Models for NiCd Battery Design," National Aeronautics and Space Administration, Ralph E. White and Walter C. Daugherity, competitive and peer-reviewed, 1990, not funded, $125,000.

"Innovative Use of Supercomputers and Parallel Computers in Grades K-8," Department of Energy, Paul Nelson, Walter C. Daugherity and Bahram Nassersharif, competitive and peer-reviewed, December 1990, preproposal submitted, $885,000.

"Integration of Texas Junior Colleges into State and National Computer Networks," Texas Advanced Technology Program, Walter C. Daugherity and Charles H. Beard, competitive and peer-reviewed, July 1991, not funded, $174,219.

"Adaptive Fuzzy Control for Industrial Processes," Texas Advanced Research Program, John Yen and Walter C. Daugherity, competitive and peer-reviewed, July 1991, not funded, $177,064.

"Development of a Fuzzy Logic Tuner for a PID Controller," Texaco, John Yen and Walter C. Daugherity, 1992-93, not funded, $200,000.

"National Center For Ecological Analysis and Synthesis," National Science Foundation; Robert N. Coulson, Walter C. Daugherity *et al.*, competitive and peer-reviewed, July 1994, not funded, $10,000,000.

"Development of a Fungal Growth Model for Risk Assessment," Texas Advanced Research Program, Charles M. Kenerley and Walter C. Daugherity, competitive and peer-reviewed, July 1995, not funded, $203,792.

"Intelligent Vehicle Navigation System," Texas Advanced Technology Program, Walter C. Daugherity and Jeffrey W. Fitzgerald, competitive and peer-reviewed, July 1995, not funded, $195,058.

"Innovative Programs to Increase the Enrollment in Computer Science," Texas Technology Workforce Development Grant Program, Valerie Taylor and Frank Shipman (co-PI's), Lawrence Petersen, Walter C. Daugherity, and Joseph Hurley (Key Personnel), competitive and peer-reviewed, March 2005, pending, $69,760.

6. New Design Methods, Techniques, or Concepts Developed

Null Modem

I independently invented the null modem in 1969 and constructed one for Harvard University (which is still operational!).

Computer Keyboard National Standard

As a member of the Harvard-MIT Terminal Committee, I participated in the development of the national standard for computer keyboards (*e.g.*, putting braces above brackets for the benefit of programming languages). Nearly every computer terminal and keyboard since then (*e.g.*, VT100, PC) uses this layout.

Integrated User Training

I invented the method of training users about additional features of an application program by integrating the information with the operation of the program (see Manwell, Daugherity, *et al.* under Publications, above). This is now widely adopted, *e.g.*, by Microsoft for its Windows operating systems in the "Getting Started" panel.

Object-Oriented Database

I independently invented and implemented an object-oriented database to support arbitrary combinations of data types.

Self-Organizing Fuzzy Controller

In collaboration with Balaji Rathakrishnan (a Graduate Research Assistant I funded) and John Yen, I developed a new systematic methodology for constructing and tuning fuzzy logic controllers. The research project was funded by Texaco (see the preceding section for details) for use in its refineries.

TEACHING

1. New Courses Developed

CPSC 111/211/311 Java and C-based sequence - Member of curriculum subcommittee, taught 111 and 211
CPSC 210 (Honors) - Data Structures
CPSC 320 (Honors) - Artificial Intelligence
CPSC 489 - Object-Oriented Programming, Systems, and Languages
CPSC 635 - Natural Language Processing (taught by Dr. P. Mayer)
CPSC 689 - Symbolic and Algebraic Computation (not taught)
CSCE 489/PHIL 382 (with Glen Miller [PHIL]) - Ethics and Cybertechnology
ENGR/PHIL 482 (Honors) - Ethics and Engineering
PHIL 282 (with Glen Miller [PHIL]) – Ethics in a Digital Age
PHYS/ELEN 674 (with David Church [PHYS]) - Special Topics in Quantum Computing (the first course at Texas A&M in quantum computing, and, to the best of my knowledge, the first course in quantum computing anywhere in Texas), taught Spring, 2005, for the fifth time.
A Distance Learning section of CPSC 601 - Programming in C and Java, taught Spring, 2003.
Two sections of CPSC 111 - Computer Science Concepts and Programming taught with student peer teachers as assistants, Fall, 2002.
Honors section of CPSC 111 - Computer Science Concepts and Programming taught with student peer teachers as assistants, Fall, 2004.
Developed (with Lawrence Petersen) an intensive summer training program in Java and Software Engineering for high-school computer science teachers, taught Summer, 2003.
Developing an intensive summer training program in Data Structures for high-school computer science teachers, taught Summer, 2004; I was also completely responsible for recruiting teachers, getting them admitted, arranging for housing, and so on.

2. Courses Taught

A. Graduate

CPSC 601	Programming in C and Java
CPSC 602	Object-Oriented Programming, Development, and Software Engineering
CPSC 614	Computer Architecture
CPSC 625	Artificial

Intelligence CPSC 632 Expert Systems
CPSC 681 Graduate Seminar
CPSC 685 Problems
CPSC 691 Research
PHYS/ELEN 674 Quantum Computing (co-teacher)

B. Undergraduate

CPSC 111 Computer Science Concepts and Programming
CPSC 111H Computer Science Concepts and Programming (Honors)
CPSC 120 Programming II
CPSC 120H Programming II (Honors)
CPSC 203 Introduction to Computing
CPSC 206 Structured Programming in C
CPSC 210 Data Structures
CPSC 210H Data Structures (Honors)
CPSC 211 Data Structures and Implementations
CPSC 211H Data Structures and Implementations (Honors)
CPSC 285 Special Topics - Data Structures for Teachers
CPSC 289 Special Topics - Java and Software Engineering for Teachers
CPSC 311 Analysis of Algorithms
CPSC 320/420 Artificial Intelligence
CPSC 320H/420H Artificial Intelligence (Honors)
CPSC 321 Computer Architecture
CPSC 464 Integrated Systems Design Automation
CPSC 485 Problems
CPSC/ELEN 485H Problems (Honors theses)
CPSC 489 Object-Oriented Programming, Systems, and Languages
CSCE 113 Intermediate Programming and Design
CSCE 121 Introduction to Program Design and Concepts
CSCE 121H Introduction to Program Design and Concepts (Honors)
CSCE 315 Programming Studio
CSCE 410 Operating Systems
CSCE 489 Cyberethics (co-teacher)
ENGR 112 Foundations of Engineering II
ENGR 112H Foundations of Engineering II (Honors)
ENGR/PHIL 482H Ethics and Engineering (Honors)

PROFESSIONAL OUTREACH

1. Director, Knowledge Systems Research Center

2. Invited Significant Seminars or Lectures

Daugherity, W. C., "Computers and Privacy," Phi Theta Kappa Honor Society State Convention, Blinn College, Brenham, Texas, 1985.

Daugherity, W. C., and DeSoi, J. F., "Objected-Oriented Programming," Second Annual Texaco Artificial Intelligence Symposium, Houston, Texas, 1989.

Daugherity, W. C., "A Self-Tuning Fuzzy Controller," ARRI Conference on Fuzzy Logic, Arlington, Texas, March 1992.

Daugherity, W. C., Yen, J., and Langari, R., "Tutorial on Fuzzy Logic," Second International Workshop on Industrial Fuzzy Control & Intelligent Systems, College Station, Texas, December 1992.

Daugherity, W.C., "A Partially Self-Training System for the Protein Folding Problem," World Congress on Neural Networks, Portland, Oregon, July 1993.

Daugherity, W.C., "Neuro-fuzzy Systems," Third International Workshop on Industrial Fuzzy Control & Intelligent Systems, Houston, Texas, December 1993.

Daugherity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, College Station, Texas, Summer 1994.

Daugherity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, Austin, Texas, Summer 1994.

Daugherity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, College Station, Texas, Summer 1995.

Daugherity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, Austin, Texas, Summer 1995.

Daugherity, W.C., "Public-Key Cryptography Meets Quantum Computing: Why Secret Agencies are Quaking in their Boots." Quantum Computing Seminar, Texas A&M University, April 9, 2001.

Daugherity, W.C., "Quantum Computing 101: How to Crack RSA." DefCon X, Las Vegas, NV, August 4, 2002.

Daugherity, W.C., "Computer Ethics." ENGR 482 Ethics and Engineering, Texas A&M University, April 14-16, 2003.

Daugherity, W.C., "Incorporating Computer Ethics into an Engineering Ethics Course." University of Texas Ethics Conference, Austin, Texas, April 16, 2004.

Daugherity, W.C., "Computer Ethics." ENGR 482 Ethics and Engineering, Texas A&M University, November 8-10, 2004.

Daugherity, W.C., "[My] 53 Years of Computing History," CSCE 681 Open Graduate Seminar, Texas A&M University, November 18, 2015.

3. Consulting

St. Joseph's Hospital, Bryan, Fall 1990, at no charge.
Other clients include IBM Federal Systems Division, *New York Times*, *Washington Post*, *Los Angeles Times*, Cheyenne and Arapaho Tribes of Oklahoma, Southwestern Bell Telephone, Fulbright & Jaworski (Houston), Texas Department of Agriculture, Phonogram B.V. (Amsterdam), and U. S. Department of the Treasury.

HONORS AND AWARDS

Oklahoma Junior Academy of Science, elected to membership, 1961, Oklahoma State University
National Science Foundation, Institute for High Ability Secondary School Students, 1962, University of Oklahoma
Westinghouse, Science Talent Search national finalist, 1963 National Merit Scholarship test, highest score in Oklahoma, 1963
Frontiers of Science, scholarship, 1963, Oklahoma City, Oklahoma
Engineering Club of Oklahoma City, award, 1963, Oklahoma City, Oklahoma
Oklahoma Christian College, full scholarship (top entering freshman), 1963, Oklahoma City, Oklahoma
National Science Foundation, Undergraduate Research Participation Program, 1965, University of Oklahoma, Norman, Oklahoma
Alpha Delta Tau, National Honor Society, 1966

Who's Who in American Colleges and Universities, 1966

Graduate Record Exam in Mathematics, scored 800, 1966

Harvard University, Prize Fellowship, 1966

National Science Foundation, Academic Year Institute, 1967

Phi Delta Kappa, National Honor Society, 1967

Harvard University, Class Marshal for the Graduate School of Education, 1967

Harvard University, Bowdoin Prize, bronze medal and cash award for outstanding writing, 1973

Association for Computing Machinery, selected as a reviewer for *Computing Reviews*, 1975

Association for Computing Machinery, Outstanding Regional Intercollegiate Programming Contest Director Award, 1993, Indianapolis, Indiana

World Congress on Neural Networks, Neural Systems Session Co-chair, 1993, Portland, Oregon

Graduate Student Council, 1997 Outstanding Graduate Faculty Award citation: "For your time and dedication to graduate students at Texas A&M."

Named by the TAMU System to The Academy for Educator Development, a major component of The Texas A&M University System's Regents' Initiative for Excellence in Education, 2003 (one of only two faculty members selected from the entire College of Engineering).

Winner, $500 cash prize, Texas A&M University Academic Integrity Week Essay Competition (Faculty Category), 2004.

Texas A&M University, Department of Computer Science & Engineering, 2009 Undergraduate Faculty Award citation: "In grateful appreciation of dedicated service, exemplary attitude, and significant contribution."

Qualified for American MENSA, 2015.

Oklahoma Christian University, Department of Mathematics and Computer Science, 2015

Distinguished Alumnus Award citation: "For outstanding vision, dedication, and commitment to excellence."

EXHIBIT 7

EXHIBIT 7

FIRST JUDICIAL DISTRICT COURT

CARSON CITY, NEVADA

JOEY GILBERT, an individual, Plaintiff, vs. STEVE SISOLAK, in his official capacity as Governor of Nevada; BARBARA CEGAVSKE, in her official capacity as Secretary of State; and JOSEPH GLORIA in his official capacity as Clark County Registrar of Voters, JAMES B. GIBSON, in his official capacity as Chairman of the CLARK COUNTY BOARD OF COMMISSIONERS, and DEANNA SPIKULA in her official capacity as Washoe County Registrar of Voters and VAUGHN HARTUNG in his official capacity as Chair of the WASHOE BOARD OF COUNTY COMMISSIONERS, and JOSEPH LOMBARDO, putative Republican candidate for Governor of Nevada; and DOES 1 through 10, and ROES 1-10, Defendants.	Case No.: 22 OC 000851B

DEPOSITION OF DR. WALTER C. DAUGHERITY

via ZOOM VIDEOCONFERENCING

Taken on JULY 29, 2022

at 11:19 A.M., CDT

Reported by: John Fahrenwald, CCR NO. 965

was probably a recommendation from Robert Beetles. 9:29:50AM

Q. And how do you know Mr. Beetles?

A. He was on a Zoom call with other people discussing elections. And, I guess, got my name from -- from that group. 9:30:20AM

Q. About when was the Zoom call that you're referring to?

A. It was probably a month, month-and-a-half ago.

Q. Was it before or after the Republican Gubernatorial primary in 2022? 9:30:34AM

A. Let's see. The date of the primary -- let me look -- was June 14th.

It was before that.

Q. This is -- this case, Dr. Daugherity, this is not your first time being involved in an election fraud matter. 9:31:00AM Correct?

A. Correct.

Q. You testified in relation to the Lake v. Hobbs case in Arizona; isn't that right?

A. Correct. 9:31:14AM

Q. And you were retained in that that matter by Kari Lake. Correct?

A. By the law firm.

Q. Okay. So Ms. Lake's law firm?

A. Yes. 9:31:23AM

Q. And in that case, Ms. Lake's side was objecting to the use of voting machines; is that correct? 9:31:24AM

A. Yes.

Q. And you've raised concerns by way of your expert opinions in this matter about voting machines. Correct? 9:31:37AM

A. What do you mean by "this matter"?

Q. This case, Gilbert v. Sisolak, et al., defendants here in Nevada?

A. Yes, I have.

Q. Mr. Sullivan was involved in the Lake v. Hobbs matter as well, was he not? 9:31:55AM

A. I don't know. He was not expert witness there.

Q. Setting aside legal disputes, you've also been an outspoken critic of voting machines for several years now, have you not? 9:32:16AM

A. Not that long. But as a computer expert, I know that given enough time and access, any computer can be hacked. And therefor they should not be considered trustworthy for elections.

Q. And a time period for my question was several years that you've espoused these viewpoints about voting machines. You said not quite that long. 9:32:33AM

So how long has it been?

A. I would say about a year and a half is when I first received the data from Arizona, which I analyzed and 9:32:52AM

showed mathematically impossible patterns. 9:32:59AM

Q. And the data you reference from Arizona was related to the general election in 2020; is that correct?

A. Yes, it was. But I didn't receive it until maybe a year after the election. 9:33:18AM

Q. During this year-and-a-half period, you've made a number of internet posts and given interviews wherein you've espoused your views about voting machines and how -- basically critical comments about voting machines. Correct?

A. Yes. Like I said voting machines are computers and computers can be hacked, so they aren't trustworthy for elections. 9:33:38AM

Q. You posted a video in October of 2021 titled "How to steal an election." Correct?

A. Yes. 9:33:53AM

Q. You've given other interviews and sat on different programs espousing your views about voting machines. Correct?

A. Yes.

Q. You filed a report in Mesa County, Colorado, related to the election process there. Right? 9:34:02AM

A. Yes. Examining the voting machine there showed that unauthorized databases were created and election records were deleted.

Q. That was the nature of your complaint; is that 9:34:21AM

right? 9:34:23AM

A. It's not a complaint. It's a fact.

Q. In your view it's a fact. That's why you put it into a report that was submitted to the election authorities in that jurisdiction; is that correct? 9:34:34AM

A. The report that I coauthored with Jeffrey O'Donnell was prepared for the law firm of Mark McCulloch and Karen Cooke.

Q. Doctor --

A. I was a subcontractor. 9:34:59AM

Q. Doctor -- Dr. Daugherity, we provided you with some exhibits today. I'd ask that that you reference the document sent to you. It's titled No. 8. And Document No. 8, I believe, is the report you submitted with your coauthor in Mesa Country, Colorado. 9:35:14AM

Would you please bring that up, please?

MR. MIRKOVICH: We'll have this document marked as Exhibit 12.

(Exhibit No. 12 was marked for identification.)

THE WITNESS: Yes, I have it. 9:35:24AM

Q. (BY MR. MIRKOVICH:) All right. This is a copy of the report you submitted in Mesa County, Colorado; is that correct?

A. Yes.

Q. If you scroll through it, it appears to be a true 9:35:31AM

and accurate copy of that report. Right? 9:35:35AM

A. It appears to be.

Q. The district attorney in Mesa County, Colorado didn't agree with your reported findings, did they?

A. No. And that was very disappointing because the two main findings was that there are unauthorized databases, and he didn't look at the databases. 9:35:48AM

And that there were election records deleted, and he didn't look at that either. So his report was very disappointing. 9:36:00AM

Q. The district attorney found that some of the allegations made in your report -- that which you submitted with your coauthor -- were false.

Did they not?

A. He claimed that, but he did not state a single conclusion from this report that was false. Beginning on page 3, there is a list of findings -- of 7 findings and implications. 9:36:11AM

And if you will go down to the end of the text before the pages and pages of computer data, you will see the conclusions -- No. 1, 2, 3, 4, 5 -- on pages 29 and 30. 9:36:28AM

The district attorney did not state a single one of our findings or conclusions was incorrect or false or give any reason to believe that any of our findings or conclusions was false. 9:36:58AM

Q. In the documents we provided to you, Dr. Daugherity, there's a document there, Document No. 9. That's the DA's report in response to your report in Mesa County, Colorado. 9:37:01AM

Would you please bring that up? 9:37:12AM

MR. MIRKOVICH: And while the deponent does that, let's go ahead and mark this document as Exhibit No. 13, please.

(Exhibit No. 13 was marked for identification.)

Q. (BY MR. MIRKOVICH:) Do you have Exhibit No. 13 in front of you, sir? 10:31:03AM

A. I only have 9.

Q. And sorry for the juxtaposition of numbers. But Tab 9 is what we've marked as Exhibit 13, and that is the report from the district attorney in Mesa County, Colorado. Is it not? 9:37:42AM

A. Yes.

Q. You've seen that document before. Correct?

A. I believe so. Yes, I've seen it.

Q. And scrolling through the version you have now, it appears to be a true and accurate copy of that report. 9:37:53AM

Does it not?

A. Except for some highlights that I don't think were in the original.

Q. Okay. But other than that, it appears to be a 9:38:05AM

true and accurate copy? 9:38:09AM

A. With the addition of highlights, yes.

Q. Understood.

You've also performed work in some type of expert capacity for Mike Lindell, have you not? 9:38:19AM

A. Not directly. But the Lindell Legal Offense Fund is part of the support for the Lake v. Hobbs preliminary injunction hearing in Arizona.

Q. And Mr. Lindell's Legal Offense Fund is a fund of money that supports election contests nationwide; is it not? 9:38:47AM

A. I believe so.

Q. And that's why they call it an offense fund as opposed to defense because it's used to pay for contests throughout the Country. Correct?

MR. MUELLER: Objection. 9:39:06AM

MR. MIRKOVICH: You'll still go ahead and answer the question, Dr. Daugherity, in spite of Counsel's objection.

THE WITNESS: I don't know why they chose the name. 9:39:17AM

Q. (BY MR. MIRKOVICH:) Mr. Lindell is a noted election conspiracy theorist, is he not?

MR. MUELLER: And also relevance, Counsel. Are we going to be here all day? I don't know anything about Colorado. It's not anywhere in our pleadings. Can we move 9:39:33AM

on? 9:39:37A

MR. MIRKOVICH: No speaking objections, please.

Q. (BY MR. MIRKOVICH:) Dr. Daugherity, Mike Lindell is an election conspiracy theorist, is he not?

A. I don't believe that's an accurate characterization. 9:39:46A

Q. And Mike Lindell is the gentleman, who I believe is CEO of a company called My Pillow; is that right?

A. I believe so.

Q. He's been the subject of numerous defamation lawsuits as a result of his election conspiracy theories; has he not? 9:39:55A

MR. MUELLER: I ask to log a continued objection as to relevance.

THE WITNESS: I know he has been sued. I don't know the grounds or the details. 9:40:10A

Q. (BY MR. MIRKOVICH:) Let's go ahead and bring up Document 4 that we provided to you, please.

A. Before we leave this document from -- let's see. Document 9, after that was issued, I prepared a summary of the defects in this report. How would I go about including that in the record? 9:40:24A

Q. You'd have to ask your counsel.

THE WITNESS: Okay. Mr. Mueller, how would I go about including in the record a list of defects in 9:40:46A

A. The two occasions that I have been a computer -- the two legal cases I have been a computer consultant for are this one and Lake, et al. v. Hobbs, et al. 9:44:37AM

Q. And other than these two election contests and the baby monitor case some years ago, are there any others? 9:44:54AM

A. Legal cases, no.

Q. Have your expert opinions ever been stricken or limited by a Court?

A. No.

Q. The matter that you mentioned earlier, related to the baby monitor is a case called Graves v. CAS Medical Systems, Inc.; is that correct? 9:45:11AM

A. I would have to look it up. I don't remember the title of the case.

Q. Kareem and Tara Graves were plaintiffs for the baby you mentioned whose name was India. Correct? 9:45:26AM

A. Oh, oh. Yes, yes. That's was the parents whose baby died when the monitor failed. It was a computerized device and it failed.

Q. And your opinion was that it failed. That was your expert opinion in the case. Correct? 9:45:43AM

A. There's no question that it failed. The baby died.

Q. Well, the Court disagreed with your opinion as to whether the device failed or not. 9:45:55AM

Do you recall that? 9:45:57A
A. No, it was settled out of court by the insurance company.
Q. Well, if it was settled, it would have been settled after the District Court excluded your expert opinions in that case for being unreliable. 9:46:05A
Were you not familiar with that?
A. No, I was not informed of that.
Q. So you weren't familiar with the fact that this District Court opinion, striking your opinions in that matter as unreliable, went up to Supreme Court of South Carolina. The cite's 401SC6732012. 9:46:17A
A. I wasn't notified of that. I did the deposition and then I was told that the insurance company had settled and that's the last I heard of it. 9:46:36A
Q. And so you were unaware then that Justice Kaye Hearn of the South Carolina Supreme Court in the majority opinion wrote, quote, "Dr. Daugherity simply assumed the alarm did not sound and provided no reason for discounting the evidence to the contrary, other than the assertion of the person alleging a failure. Thus, Dr. Daugherity did not objectively discount the evidence of complaint error." 9:46:52A
You had no knowledge of that?
A. I have no knowledge of that. 9:47:06A

Q. Okay. And what the Supreme Court was saying there is that you simply assumed that there was a failure because that's what the party who retained you was alleging and that you didn't objectively review the evidence. 9:47:08AM

Do you understand that? 9:47:20AM

A. That's not correct. I objectively reviewed the evidence. I examined the hardware, the software, and the interface device for the transducers.

Q. Isn't this Graves' opinion similar to what you're doing here, which is trying to get to a desired result to help the party that retained you? 9:47:38AM

A. Not at all. The purpose of data analysis is like detective work. You look for patterns that shouldn't be there that are and patterns that should not be that aren't.

And so I was asked to analyze the data for the Clark County -- let me see -- June 14th primary, which I did. And I found patterns that should not be there in a fair election. 9:47:55AM

A fair election is not predictable. A predictable election is not fair. 9:48:17AM

Q. You assume to know what a fair election looks like in terms of vote share across voting methods. Correct?

A. No. I did not assume that. I just gave it as an example of how you would be unable to predict from knowing mail-in votes and early in-person votes for a candidate you 9:48:36AM

EXHIBIT 8

EXHIBIT 8

DECLARATION OF EXPERT G DONALD ALLEN

G DONALD ALLEN declares, under penalty of perjury, that the following is true and correct.

1. I am a Professor Emeritus in the Department of Mathematics at Texas A&M University and also an author of numerous works pertaining to mathematics, politics, as well as to government agencies, including classified work.
2. Prior to my retirement in 2017, I taught Mathematics at both the undergraduate and graduate levels for 46 years. I developed many graduate courses in problem-solving and related subjects. I developed the online masters program in mathematics, first in the USA, beginning in 2001, and various computer codes relating to numerical analysis.
3. I have published more than 80 research articles related to operator theory, functional analysis, mathematics education, nutronics, political systems, and some philosophy topics. I've also reviewed dozens of mathematical papers submitted for publication. As well, I've published books in linear algebra, history of mathematics, and calculus. In addition, prior to retirement I was a Principal Investigator (PI) or co-PI on more than $10 million in grant funding.
4. I have reviewed, mathematically, the reports by Edward Solomon furnished to me which mathematically analyzes the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, as well as other races.

5. In my expert opinion, these reports demonstrate clear and convincing evidence that the election results analyzed in these reports were not produced by accurate counting of the votes cast, but were instead artificially contrived according to a predetermined plan or algorithm.
6. In the paragraphs below, we summarize the salient points of the report by Mr. Solomon, simplifying his notation, and clarifying how relatively simple it is to manipulate election outcomes using voting algorithms. Yet, the problem has two parts. The first is to establish the election is incorrect. However, the important component is to estimate what the vote total should be.
7. The basic configuration for Candidate A and Candidate B where there are only mail-in and election-day votes. Assume the proportion of the mail-in votes for Candidate A is h. Therefore the proportion of mail-in votes for Candidate B is $1-h$. Actual vote totals can be computed by multiplying the total number of mail-in votes. Similarly, the proportion of election day votes for Candidate A is k and the proportion of election-day votes for Candidate B is $1-k$. Again, the total votes for each is obtained by multiplying by the total number of election-day votes. Now let M be the number of mail-in ballots and K be the number of votes on election day. Then, the proportion of votes for Candidate A is

$$\frac{hM+kK}{M+K}$$

If voting has been algothmized by adjusting the proportion of k to a new proportion r the vote total will be the same but the net proportion can be made to whatever, say $r < 0.5$, it is only required to solve the equation

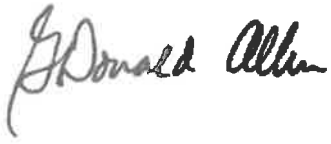
$$\frac{(1-h)M+(1-k)K}{M+K}=1-r$$

for k. This is done to favor Candidate B. A similar equation is to favor Candidate A. This new value is merely programmed to change votes to obtain the desired proportion. Programming this is remarkably simple. Going into any election, if the mail-in data is known, and a good estimate of K is known, the equation has a unique solution. If accurate poll data is known, and it generally is, then all we need is M and we can use the poll estimates to reflect the proportions and then estimate what value k should be to obtain the desired proportion r to be programmed in.

All this is for just one voting station and literally could not be detected. However, if the same or similar proportion obtains over hundreds of precincts, then error is ascertained. That is, plotting the values of h and k of actual election results will reveal that k seems to be constant over all voting stations or precincts

8. If there is some control over the total number of mail-in ballots, say by supplementing mail-in ballots after the election-day ballots are counted, then both h and k can be manipulated, to a value where the equation above is solved for h to determine the number of ballots that need to be added. In the absence of both proportions, then poll numbers must be used to fix h and then estimate k based on the desired proportion r.
9. If all mail-in ballots total are known beforehand, and if algorithms are applied as above with differing values of k, massive evidence of error can be detected by noting the proportion of votes for Candidate B generally computes to the same total proportion over the spectrum of reporting stations.

10. In each of these cases, the algorithmic is clear and essentially proved. Please note that while a mathematical proof is desired, we are working with field data, and therefore must be replaced with statistical proof for example as applied to forensic psychology.
11. Another, more complex example of algorithmic error, is absolutely clear and convincing when the computed proportions between Candidates A and B do not add up to one. These values we never see, as all reported numbers are lumped together for presentation. Even in the case of newly discovered ballots, we often see total vote proportions change as the count is reported, though this is less indicative of error.
12. How to estimate the votes Candidate A would have if the algorithm flaws did not occur? For this, we use a statistical argument and assume the mail-in proportions, which are assumed to be known and correct are the same as the election-day voting proportions. Alternatively, we know an established relationship between the two. From this, we can back-project to what the values of k should have been for each precinct. These in turn can be averaged in a weighted scheme (by numbers of voters) to gain the average value of k. Using the standard deviation we estimate the range of all k values within two standard deviations and compute the expected vote count. In this way, the number of votes lost to Candidate A can be estimated. Alternatively, precinct by precinct poll numbers could be used, thus canceling the effects of mail-in voters that are known to behave in different ways from election day voters. Such are standard methods in statistical analysis. In this particular case, they apply to the Gilbert and Sheriff's election results. Solomon uses a geometrical argument, rotating actual results to assumed slope one expectations.



G. Donald Allen