

Hints of lawsuit, but no legal action from Lake

By: Nick Phillips Arizona Capitol Times ◉ November 23, 2022



After a campaign in which she all but promised not to accept defeat, Republican gubernatorial candidate Kari Lake has stuck to her word and hasn't conceded the race she lost.

But more than a week after the race was called for Democrat Katie Hobbs, days after the fir were tallied in Maricopa County, it's still not clear what she *will* do.

Lake has strongly insinuated that a lawsuit is on the way and mounting a legal challenge to election loss would follow in the footsteps of former President Donald Trump, who Lake tied closely to during the campaign.

Last week, Lake said in a video statement that she's "still in this fight" and had "assembled the best and brightest legal team." On Nov. 21, she put out a statement saying that "attorneys are working diligently to gather information, whistleblowers are coming forward and the curtain is being lifted."

"We promised Arizonans we will fight for them and we intend to do that by bringing to light the thousands of voters who were disenfranchised with this shotty (sic) election," Caroline Wren, an attorney working for Lake, said in a text message on Nov. 22.

Lake has also posted a steady stream of videos that show voters complaining about their frustrations with snags at Maricopa County voting centers on Election Day.

So what would a lawsuit look like?



Kari Lake, Republican candidate for Arizona governor, speaks at the Conservative Political Conference (CPAC) in D.C. on Aug. 5. (AP Photo/LM)

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corruption or bribery, illegal voting, or an “erroneous count” that gave the wrong candidate largest number of votes.

A successful challenge would need to show that the alleged problems changed the result of election.



Jim Barton

“The conventional wisdom is that you would have to have voters: ‘T people tried to vote and they were not allowed to vote, and they all under penalty of perjury that they would have voted for Kari Lake,’” explained Jim Barton, a Democratic attorney.

“You cannot just say, generically, ‘some parts of this election didn’t, planned.’ That just is not enough,” he added.

Lake’s team does seem to be collecting testimony from voters, who submitted several homemade cell phone videos recounting their El Day experience. Most of the stories center on the well-documented **problems** with ballot tabulation, as well as lines at some polling pla election day.

But **only one** of the videos published so far came from a person who said they actually were to vote. (The woman in the clip said she arrived at 7 p.m. and was turned away from the pol law says that if voters arrive prior to the 7 p.m. closure they’re supposed to be able to vote.)

A **review** of 45 of the videos by the *New York Times* didn’t find any other complaints about l denied the right to vote.

Even so, many of the voters who recorded the videos later posted by Lake seemed convince something went wrong.

One man described his **experience** voting in Anthem, saying the first ballot he filled out was by tabulation machines. He declined to put his ballot into a deposit box for later tabulation, instead started over. The second time, his ballot was read successfully, though he found the experience “frustrating as hell.”

And, he added: “They did blame the printer, but it was probably planned, just to frustrate y leave. That’s what I feel.”

The *Washington Post* has reported that Lake’s attorneys privately acknowledge that any litig would be aimed at narrowing the outcome, not reversing Hobbs’ victory.

And the outcome, while close, wasn’t tight enough to trigger an official recount, even under state law that **expanded** the threshold for automatic recounts. Hobbs won by 17,000 votes, 0.67%.

Maricopa County reported last week that it had **146 provisional ballots** that elections work needed to research in order to determine if they should be counted. The confusion over the ballots was likely related to the Election Day equipment problems.

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Nov. 21, Hamadeh had lost to Democrat Kris Mayes by 510 votes, a margin narrow enough a recount.

A news release announcing Hamadeh's lawsuit cited the 146 provisional ballots and argued some ballots were improperly counted, while others were improperly voided.

Aside from an election contest, Lake's attorneys could try a novel legal approach, but they have given any public indications about what that might be.

Wren, the lawyer working with Lake, didn't reply to a message asking if there would be legal Tim LaSota, another attorney on the Lake team, declined to comment. Ross Trumble, Lake's spokesman, didn't reply to messages.

On Election Day, lawyers for Lake and Republican U.S. Senate candidate Blake Masters sought to keep voting centers open for another three hours in light of the problems with ballot tabulation. A Maricopa County judge **rejected** that plea, saying the campaigns hadn't shown evidence that the snags had actually prevented anyone from voting.

Some critics think Lake won't even bring her complaints to court.

"There's no substantial legal strategy, it's public relations," Barton, the Democratic attorney,

"I will not be surprised if all this yammering on about lawsuits and stuff doesn't just sort of turn into a big fundraising effort that has nothing to do with a lawsuit," he added.

Barrett Marson, a GOP strategist, said he has heard that some attorneys were skittish about their name on a lawsuit challenging Lake's loss, after the professional blowback that some attorneys faced when they brought cases about Trump's losses in 2020 that were ultimately dismissed.

"Nobody's willing to take it," Marson said.

"I think at the end of the day, this is all about ensuring that Katie Hobbs, just like Joe Biden, an illegitimate executive," he added.

Ian Danley, a Democratic consultant, said the saber-rattling and talk of lawsuits "might just be another racket" to drum up donations.

But, he added, "I think that's where Lake runs out of gas. It's just, who's actually going to give to this thing, to pay all these lawyers for all these bullshit lawsuits?"

Tags: Kari Lake, Barrett Marson, lawsuit, Jim Barton, election, Donald Trump, Caroline Wren

Issue: BARRETT MARSON CAROLINE WREN DONALD TRUMP ELECTION JIM BARTON KARI LAKE LAWSUIT

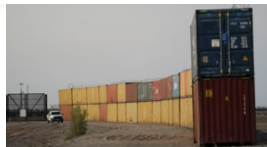
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