Exhibit A

10.22.2024 Email from Aarond Davidson Background on Released Signature Verification Audit Report

Gmail Tracie Halvorsen <tracie.halvorsen@gmail.com>

Fwd: Revised Report

Aaron Davidson [redacted] Thu, Oct 24, 2024 at 11:35 PM
To: Tracie Halvorsen [redacted]

Tracie,

I just wanted to forward this email to you in case you hadn't caught wind of it yet

Aaron

---------- Forwarded message ---------
From: **Aaron Davidson** [redacted]
Date: Tue, Oct 22, 2024, 12:27 AM
Subject: Revised Report
To: Natalie Clawson [redacted]

I just sent it out. Here is the most updated version of the report. Please feel free to send it to whoever you would like to. I also attached the Audit Report and the contract between the LG's Office and Davis County if you want to send that along with it. Here is a list of the people I sent it to:
Brady Brammer
Barbara Petty
Brigham Tomco
Brooks
Cristy Henshaw
Dalane England
Daniel Palmer
David Henkins
Dawn Bates
Douglas Petty
Gayle Ruzicka
Greg Hughes
Jason Kyle
Jeff Burton
Jennifer Brown
Jim Duniggan
Jon Hawkins
Judy Weeks Rohner
Kade Minchey
Katy Hall
Kay Cristopherson
Kera Berkland
Kevin Stratton
Kris Kimball
Kristen Chevrier
Lowell Nelson
Mark Strong
Matt Vasilogambros
Matthew Drackman
Michael S. Kennedy
Michael Smith
Mike Peterson
Mike Shultz
Nelsen Abbott
Noel Quinton
Norm Thurston
Phil Lyman
Rana Williams
Rex Ship
Stephanie Gricius
Thomas Broadbent
Trevor Lee
Tyler Clancy
Val Peterson

Here's to good luck.

Aaron

3 attachments

Audit Report 2024-16 Background.pdf
137K

davis county and LG contract.pdf
5024K

101524 Audit on Signature Verification.pdf
1890K

To Those Who Care,

Thank you for taking the time to seek the truth about what has happened during this 2024 election cycle in regards to the manual candidate qualification process.

With the release of the Report to the UTAH LEGISLATURE "A Performance Audit of the Signature Verification Process Improving Controls and Transparency", Report No. 2024-16 ("The Report"), I would like you to know a few more facts as to what happened behind the scene, to give you some background of what is in the report.

1. The contract that is referred to in The Report between the Lieutenant Governor's Office and the Davis County Clerk's Office was not legally in effect when Davis County performed the signature verification of the candidate signature packets.
    a. Davis County signed the contract on 7/11/23.
    b. Ryan Cowley of the LG's office did not sign the contract until 3/19/24, after the signature verification process of Cox's packets had already been performed by Davis County and returned to the LG's Office.
    c. A State attorney never signed the contract, as required by paragraph 1.d of the contract.
    d. Paragraph 15 of the contract required the contract to be signed before it would become effective.
    e. State law requires the signature verification process to be conducted by "the county clerk of the county in which the packet was circulated" (20A-7-105(5)(a)). Subsection 20A-9-408(9)(b)(i) stipulates that, "In order for a member of the qualified political party to qualify as a candidate … the member shall … **using the same** circulation and **verification requirements described in Sections 20A-7-105**".
    f. The LG's Office did not have the responsibility of the signature verification process to enter into a contract to give it to Davis County Clerk's office. That would have to have been done between all of the County Clerks. The LG's Office's responsibilities only included administrative processes.

    Therefore, the statement made on the last paragraph on page 2 of The Report about having a contract is not valid, because there was no valid contract in place for Davis County to perform the signature verification process for the other County Clerk Offices. Davis County did not have the authority to access the other counties' voter records to access the voters' protected signatures (63G-2-305.5(1)). This is a clear violation of Utah code.

2. The Report references code 20A-9-403 three times; on page 7, 9, and 12. However, Section 403 applies to the signature gathering process for registered political parties and the Republican Party is a qualified political party. Section 408 of Chapter 9 is the applicable code and should have been referenced and there are a few differences between these two the sections. The main difference being subsection 20A-9-408(9)(b)(i) which stipulates that the same verification requirements shall be used for the manual candidate qualification process as is used for manual initiative and manual referendum packets as is described in section 20A-7-105. Some processes were followed, others were not. The processes in 20A-7-105 that were not followed include:
    a. Subsection (5)(a) – "The sponsors … **shall submit** a signed and verified packet **to the county clerk of the county in which the packet was circulated"**. This subsection does not give the LG the option of which county clerk to submit the packets to and to pay

that county clerk to verify the signatures for the whole state. Especially if that LG is on the ballot. This opens a big opportunity for a conflict of interest. There is no separation of duty with this type of arrangement. For the LG to have the option of using just one clerk, should take an act of legislation, not at the sole discretion of the LG. Utah Statutes were not followed in this instance.

b. Subsection (5)(c) – While this process of sending out an email to the signers of the packets was not covered directly in The Report, it was covered in the recommendations (see page 12). I feel that the process of sending out emails should be conducted by the county clerks performing the packet verification. The county clerks should send out an email to each signer to the email address on file for the voter. To have the sponsors of the packets required to perform this process is an encouragement to the sponsors to discourage the signers from including their email addresses in the packets.

c. Subsection (6)(a)(ii) – "Within 21 days after the day on which the county clerk receives the packet, **the county clerk shall**: certify on the petition whether each name is that of a legal voter; **post the name, voter identification number, and date of signature** of each legal voter … on the lieutenant governor's website …". This subsection of code was not followed to any degree. In fact, it was obfuscated by the LG's Office by saying there was no code that required the publishing of the signers' names. The LG's Office also possibly pointed the auditors towards Section 403 and away from section 408 during the audit. The Report, starting on page 13, provides a recommendation that this process should be added by statute. However, since 20A-7-105(6)(a)(ii) already includes the requirement to post the names, the recommendation need only be that the statute be clarified to be applicable to candidate signature packets.

d. Subsection (8)(a) and (9) – "A voter who signs a statewide initiative petition may have the voter's signature removed from the petition". The Report, on page 12, addresses a recommendation of giving voters the ability of removing their name from a packet. Just as the item above, this ability already exists in code, it's just not clear that it applies to candidate signature packets. The recommendation on this item should also be to make the code clearer and that it is applicable to candidate signature packets. Election interference occurred because the signers' names were not published as required by statute, thereby not giving the voters notification their names were on the signature packets and being able to request that they be removed.

3. On page 5 of The Report, it mentions that 13 voters were contacted. Ten of them confirmed that they had signed a petition, two could not recall signing, and one of the voters said they definitely did not sign the petition. That should have been further investigated. If that percentage were extrapolated to the full number of signatures gathered, there could have been about 2,500 voters that did not sign the packet themselves that were counted, which would have caused a serious shortfall of the number of signatures required for Cox to be on the primary ballot.

4. The subjective nature of signature verification was mentioned throughout the report:
   a. Page 1 – "Such errors are likely the product of subjective signature verification standards and human error."

b. Page 2 – "Improved guidelines for signature verification can help reduce the errors we identified in our sample. The standards to verify the actual signatures are subjective; that subjectivity contributed to error rates in signature verification."
c. Page 5 – "Another potential factor is the subjective nature of signature verification standards."
d. Page 8 – "Subjectivity in signature verification standards poses a risk to correctly verifying signatures. This risk highlights a need for further clarification of signature verification standards."
e. Appendix letter from the Lieutenant Governor – "The signature errors identified in the audit were likely due to the subjective nature of the signature verification process".

The Utah universal by-mail ballot process is based upon the presumption that the signature verification process is "safe and secure", but with this audit, it has been revealed that the signature verification process is very subjective, and the Lieutenant Governor even confirmed that fact in her letter. The Utah voting process is not the gold standard it has been touted to be.

Davis County had nothing to do with the maintenance of the voters' signatures of other counties that were used in the signature verification process. This process should remain in the counties of where the signatures are gathered and maintained. Having the county clerks of where the signatures were gathered would also have increased the transparency of the signature verification process.

Having only one County Clerk's Office perform the signature verification process for the entire state placed the entire candidate signature nomination process at risk of the subjective presumptions of that office. This was probably not the intention of the legislature when they wrote the code for the process. This gave the LG the opportunity to select a county clerk that was more agreeable to the wants of the LG. The LG placed the process at risk for manipulation and suspicion, especially since she is on the ballot as a candidate.

5. On page 6, a discussion is presented of the candidates fulfilling the requirements given them. While this may be true, the audit findings show a glaring failure on the LG's part to follow the statutes to prevent such a situation. Had the LG followed the statues as discussed above, the process would have been more transparent, and the shortfall of signatures needed would have been found before there was this situation that required this audit. The Governor fell short of the signature requirements because of the failure of the LG, who is the running mate of the Governor. The LG has held other candidates to strict adherence to the code and were removed as candidates, therefore, the same strictness should be applied to the Governor/Lieutenant Governor ticket as well. They caused their own problem. No excuses should be offered for the issue they caused for themselves.

6. On page 8, it references the 2022-17 audit report, "A Performance Audit of Utah's Election System and Controls" which identified that Utah code had a lack of clear standards for signature verification. The LG's Office has created some additional training, but not sufficient enough for signature verification to not still be an issue. In addition, a GRAMA request for Davis County's

adherence to the training requirements shows that the staff performing the signature verification process had not fully completed all of the required training that the LG's Office has mandated before an elections staff can perform signature verification.

The Lieutenant Governor did not handle the manual candidate signature verification process for statewide candidates according to statute and made a conflict where none would have existed had it been handled properly and transparently. Penalties for these violations should be pursued to assure the public that the security of elections in Utah are taken seriously. Our elected officials, especially the elected official that is designated as the chief election official, should be held to the same standard of following the Utah State statutes as every other law-abiding citizen.

Regards,

Aaron R. Davidson
Utah County Clerk