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

STATE OF ARIZONA,

Plaintiff,

v.

KELLI WARD (001),
Counts 1-9

TYLER BOWYER (002),
Counts 1-9

NANCY COTTLE (003),
Counts 1-9

JACOB HOFFMAN (004),
Counts 1-9

ANTHONY KERN (005),
Counts 1-9

Case No: *CR 2024-006850*

93 SGJ 81

INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: CONSPIRACY, a Class 2 Felony,
in violation of A.R.S. § 13-1003

**COUNT 2: FRAUDULENT SCHEMES AND
ARTIFICES**, a Class 2 Felony, in violation
of A.R.S. §13-2310(A)

**COUNT 3: FRAUDULENT SCHEMES AND
PRACTICES**, a Class 5 Felony, in violation
of A.R.S. § 13-2311

JAMES LAMON (006),
Counts 1-9

ROBERT MONTGOMERY (007),
Counts 1-9

SAMUEL MOORHEAD (008),
Counts 1-9

LORRAINE PELLEGRINO (009),
Counts 1-9

GREGORY SAFSTEN (010),
Counts 1-9

MICHAEL WARD (011),
Counts 1-9

[REDACTED]

JOHN EASTMAN (013),
Counts 1-9

BORIS EPSHTEYN (014),
Counts 1-9

JENNA ELLIS (015),
Counts 1-9

CHRISTINA BOBB (016),
Counts 1-9

MICHAEL ROMAN (017),
Counts 1-9

COUNTS 4-9: FORGERY, Class 4 Felonies,
in violation of A.R.S. § 13-2002(A)

[REDACTED]

Defendants.

The 93rd State Grand Jury accuses **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED] [REDACTED]** charging on this 23rd day of April, 2024, that in or from Maricopa County, Arizona:

I. CHARGES.

COUNT 1
CONSPIRACY, A CLASS TWO FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] [REDACTED]**

JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED] with the intent to promote or aid in the commission of an offense, agreed with one and/or more persons **KNOWN** and/or **UNKNOWN**, that at least one of them or another person would engage in conduct constituting one or more of the following offenses, in particular:

- 1) **FRAUDULENT SCHEMES AND ARTIFICES**, in violation of A.R.S. § 13-2310(A);
- 2) **FRAUDULENT SCHEMES AND PRACTICES**, in violation of A.R.S. § 13-2311(A);
- 3) **FORGERY**, in violation of A.R.S. § 13-2002(A)(1) & (A)(3);
- 4) **CHANGING VOTE OF ELECTOR BY CORRUPT MEANS OR INDUCEMENT**, in violation of A.R.S. § 16-1006(A)(3);
- 5) **TAMPERING WITH A PUBLIC RECORD**, in violation A.R.S. § 13-2407(A)(3);
- 6) **PRESENTMENT OF FALSE INSTRUMENT FOR FILING**, in violation of A.R.S. § 39-161.

In furtherance of this conspiracy and to effect the foregoing objects thereof, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009),**

GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED]
JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA
BOBB (016), MICHAEL ROMAN (017), and [REDACTED] and their co-
conspirators did commit one or more of the following overt acts, including but not
limited to: the overt acts described in Counts 2 through 9, and Section II of this
Indictment (which is incorporated herein by reference as if set forth in full), in
violation of A.R.S. §§ 13-1003, 13-2310(A)(1), 13-2311(A), 13-2002(A)(1) & (A)(3),
16-1006(A)(3), 13-2407(A)(3), 39-161, 13-301, 13-302, 13-303, 13-304, 13-701,
13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 2
FRAUDULENT SCHEMES AND ARTIFICES, A CLASS TWO FELONY

From on or about November 3, 2020 and continuing through on or about
January 6, 2021, KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003),
JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT
MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009),
GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED]
JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA
BOBB (016), MICHAEL ROMAN (017), and [REDACTED] pursuant to a
scheme or artifice to defraud, knowingly obtained any benefit by means of false

or fraudulent pretenses, representations, promises, or material omissions, to wit: preventing the lawful transfer of the presidency of the United States, keeping President Donald J. Trump in office against the will of Arizona voters, and depriving Arizona voters of their right to vote and have their votes counted under the United States Constitution, Arizona Constitution Article 7, and Arizona Revised Statutes, Title 16, by means involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2310(A), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 3
FRAUDULENT SCHEMES AND PRACTICES, A CLASS FIVE FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, in a matter related to the business conducted by any department or agency of this state or any political subdivision thereof, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED]** pursuant to a scheme or artifice to defraud or

deceive, knowingly falsified, concealed or covered up a material fact by any trick, scheme or device or made or used any false writing or document knowing such writing or document contained any false, fictitious or fraudulent statement or entry, to wit: two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Arizona Secretary of State, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2311(A), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 4
FORGERY, A CLASS FOUR FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED]** [REDACTED] falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that

contained false information, to wit: a certificate of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the President of the United States Senate, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 5
FORGERY, A CLASS FOUR FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED]** [REDACTED] falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: one of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona

Republican electors with the Arizona Secretary of State, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 6
FORGERY, A CLASS FOUR FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED]** [REDACTED] falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: the second of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Arizona Secretary of State, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3),

13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 7
FORGERY, A CLASS FOUR FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED] [REDACTED]** falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: one of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Archivist of the United States, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 8
FORGERY, A CLASS FOUR FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED] [REDACTED]** falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: the second of two certificates of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Archivist of the United States, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

COUNT 9
FORGERY, A CLASS FOUR FELONY

From on or about November 3, 2020 and continuing through on or about January 6, 2021, with intent to defraud, **KELLI WARD (001), TYLER BOWYER (002), NANCY COTTLE (003), JACOB HOFFMAN (004), ANTHONY KERN (005), JAMES LAMON (006), ROBERT MONTGOMERY (007), SAMUEL MOORHEAD (008), LORRAINE PELLEGRINO (009), GREGORY SAFSTEN (010), MICHAEL WARD (011), [REDACTED] JOHN EASTMAN (013), BORIS EPSHTEYN (014), JENNA ELLIS (015), CHRISTINA BOBB (016), MICHAEL ROMAN (017), and [REDACTED] [REDACTED]** falsely made, completed or altered a written instrument and/or offered or presented, whether accepted or not, a forged instrument or one that contained false information, to wit: a certificate of votes for President Donald J. Trump and Vice President Michael Pence, filed by the Arizona Republican electors with the Chief Judge of the Federal District Court for the District of Arizona, involving, but not limited to, the acts described in Section II, in violation of A.R.S. §§ 13-2002(A)(1) & (A)(3), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, and 13-2314.

II. THE CONSPIRACY AND SCHEME.

In Arizona, and the United States, the people elected Joseph Biden as President on November 3, 2020. Unwilling to accept this fact, Defendants and unindicted coconspirators schemed to prevent the lawful transfer of the presidency to keep **Unindicted Coconspirator 1** in office against the will of Arizona's voters. This scheme would have deprived Arizona voters of their right to vote and have their votes counted.

After the general election on November 3, 2020, Defendants raised false claims of widespread election fraud in Arizona to pressure election officials to change the outcome of a democratic election. Those efforts failed when the Maricopa County Board of Supervisors, Secretary of State, and Governor certified Arizona's election. Republican Presidential Elector Defendants then voted for President Donald Trump and Vice President Michael Pence on December 14, 2020, falsely claiming to be the "duly elected and qualified Electors for President and Vice President of the United States from the State of Arizona."

Defendants deceived the citizens of Arizona by falsely claiming that those votes were contingent only on a legal challenge that would change the outcome of the election. In reality, Defendants intended that their false votes for Trump-Pence would encourage Pence to reject the Biden-Harris votes on January 6,

2021, regardless of the outcome of the legal challenge. When combined with the six other States where Republican electors sent in uncertified votes for Trump-Pence, Defendants wanted Pence to either declare **Unindicted Coconspirator 1** the winner of the election, delay the proceeding and have individual state legislatures determine their electors, or have Congress resolve any claimed uncertainty about the validity of election results in Arizona and six other states in **Unindicted Coconspirator 1's** favor. The scheme failed when Vice President Michael Pence accepted all certified Biden-Harris votes on January 6, 2021.

A. Background on Presidential Election Procedures.

Defendants deceived the public by arguing the scheme to have Republican electors vote for Trump-Pence in Arizona and six other states was legal. Thus, background on presidential election laws is necessary to understand the scheme.

Presidential elections happen on the first Tuesday of November, following the first Monday, every four years. In 2020, the Presidential Election fell on November 3, 2020. **Unindicted Coconspirator 1** ran for reelection with then-Vice President Pence against now-President Biden and now-Vice President Harris.

The popular vote does not determine the President. Instead, the Constitution of the United States provides that "Electors" select the President and Vice President of the United States. This system is known as the Electoral College.

In the Electoral College, each state and the District of Columbia determines how Presidential Electors are selected, and each state's Presidential Electors equals the number of that state's congressional delegation. With the exception of Maine and Nebraska, all states award their entire allotment of Presidential Electors to the person who won the popular vote in that state. A simple majority of Presidential Electors then selects the President and Vice President. There are 538 electors, so it takes 270 votes to win.

The Electoral Count Act of 1887 (ECA), which was in place in 2020, provides the procedure for selecting the President and Vice President in the Electoral College. The ECA first required that each state determine the Presidential Electors at least six days before the electors' vote. The determination is called a "certificate of ascertainment" and must be issued by the executive officer of each state.

Under the ECA, each state's Presidential Electors meet and vote "on the first Monday after the second Wednesday in December." In 2020, the electors met and voted on December 14. This also meant the last date for the certificate of ascertainment was December 8, 2020. The electors must send the certificates of their votes, along with the certificate of ascertainment, as follows: one copy to the President of the Senate; two copies to the chief election officer of their state;

two copies to the Archivist of the United States; and one copy to the Chief Judge of the federal District Court where the electors assembled.

The ECA then provided that the Vice President, sitting as the President of the Senate, hold a joint session of Congress on January 6 following the election. At that joint session, the Vice President was directed to open the Presidential Elector votes in alphabetical order by state so the votes could be counted. After the votes are counted, the Vice President declares the next President and Vice President.

Arizona has nine congressional seats and two senators, so it has 11 votes in the Electoral College. Each political party selects its own Presidential Electors, and State law provides that Arizona's Presidential Electors are awarded based on the winner of the popular vote in Arizona. The law provides that Presidential Electors cannot vote for anyone other than the certified winner of the election. Arizona law first requires that counties count the votes in their respective counties following the election. Determining the vote count is called a canvass. Once complete, the county boards of supervisors must certify the canvass and report the results to the Secretary of State. The Secretary of State must then determine the statewide vote totals and certify the winner of all general elections on the "fourth Monday following the general election." In 2020, that date was November 30.

On November 30, the Arizona Secretary of State certified Biden-Harris as the winners of Arizona's popular vote. That same day, Governor Ducey issued a certificate of ascertainment, listing the Biden-Harris electors as Arizona's Presidential Electors. Accordingly, the Biden-Harris electors assembled, voted, and mailed their votes on December 14, 2020, consistent with the ECA.

B. Defendants – Arizona Fake Electors.

In 2020, the following Defendants were selected as Arizona Republican Party Presidential Electors:

- **KELLI WARD (001). WARD (001)** was the chair of the Arizona Republican party. She organized the fake electors' vote on December 14, 2020, and voted for Trump-Pence as a fake elector, falsely stating that she was "duly elected and qualified." After voting, **WARD (001)** declared the Arizona Republican electors as the "true electors." She later urged Pence to accept false electoral votes for Trump-Pence on January 6, 2021. She did not withdraw her vote even though no legal challenge successfully changed the outcome of Arizona's 2020 Presidential Election.
- **TYLER BOWYER (002). BOWYER (002)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was "duly elected and qualified." After voting, **BOWYER (002)** made statements indicating that he intended to have Pence accept the false electoral votes for Trump-Pence on January 6, 2021. **BOWYER (002)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona's 2020 Presidential Election.
- **NANCY COTTLE (003). COTTLE (003)** was the chairperson of the Arizona Republican Presidential Electors. She voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that she was "duly elected

and qualified.” **COTTLE (003)** did not withdraw her vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.

- **JACOB HOFFMAN (004).** **HOFFMAN (004)** was a representative-elect in the Arizona Legislature in November 2020. **HOFFMAN (004)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” Following his vote as an Arizona Republican elector, **HOFFMAN (004)** urged Pence, in a letter dated January 5, 2020, to delay accepting Arizona’s certified Democrat elector votes on January 6, 2021, during the Joint Session of Congress in Washington D.C. **HOFFMAN (004)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **ANTHONY KERN (005).** **KERN (005)** was a member of the Arizona Legislature who had lost his bid for reelection in the November 2020 election. **KERN (005)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” Following December 14, 2020, **KERN (005)** continued to urge Arizona officials and Pence to accept the Arizona Republican electors’ votes on January 6, 2021. **KERN (005)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **JAMES LAMON (006).** **LAMON (006)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **LAMON (006)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **ROBERT MONTGOMERY (007).** **MONTGOMERY (007)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **MONTGOMERY (007)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **SAMUEL MOORHEAD (008).** **MOORHEAD (008)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly

elected and qualified.” **MOORHEAD (008)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.

- **LORRAINE PELLEGRINO (009). PELLEGRINO (009)** was the Secretary of the Arizona Republican fake presidential electors. She voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **PELLEGRINO (009)** did not withdraw her vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **GREGORY SAFSTEN (010). SAFSTEN (010)** was the Executive Director of the Arizona Republican Party. He helped **KELLI WARD (001)** organize the fake electors’ vote on December 14, 2020, and voted for Trump-Pence as a fake elector, falsely stating that he was “duly elected and qualified.” **SAFSTEN (010)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.
- **MICHAEL WARD (011). WARD (011)** voted for Trump-Pence as a fake elector on December 14, 2020, falsely stating that he was “duly elected and qualified.” **WARD (011)** did not withdraw his vote even though no legal challenge successfully changed the outcome of Arizona’s 2020 Presidential Election.

C. Defendants.

Defendants’ attempts to declare **Unindicted Coconspirator 1** and Pence the winners of the 2020 Presidential Election contrary to voter intent and the law, involved numerous other charged and uncharged coconspirators. The following is a brief summary of the remaining Defendants’ roles in the scheme to keep **Unindicted Coconspirator 1** in office against the will of Arizona voters:

- [REDACTED] An attorney for **Unindicted Coconspirator 1** who was often identified as “the Mayor.” He spread false claims of election fraud in Arizona and nationally shortly after November 3, 2020. He presided over a “hearing” in downtown Phoenix on November 30, 2020, where he falsely claimed that Arizona’s election officials “have made no effort to find out” if the results of the recent presidential election were accurate. He pressured the Maricopa County Board of Supervisors and Arizona legislators to change the outcome of Arizona’s election, and he was responsible for encouraging Republican electors in Arizona and in six other contested states to vote for Trump-Pence on December 14, 2020.
- **JOHN EASTMAN (013)**. **EASTMAN (013)** was an attorney who encouraged the Republican electors to vote on December 14, 2020, and spread false claims of widespread election fraud. He also pressured the legislature in Arizona and six other states to change the outcome of the election. For example, on January 4, 2021, **EASTMAN (013)** pushed then-Arizona Speaker of the House Rusty Bowers to convene a Special Session to decertify Arizona’s presidential electors, telling him to “just do it and let the court sort it out.” Bowers declined to do so. Also on January 4, **EASTMAN (013)** met at the White House with **Unindicted Coconspirator 1**, Pence, and others to convince Pence to reject or at least delay the confirmation of the lawfully chosen electors two days later at the Joint Session of Congress.
- **BORIS EPSHTEYN (014)**. **EPSHTEYN (014)** was an attorney and was an advisor to the Trump Campaigns in 2016 and 2020. **EPSHTEYN (014)** assisted [REDACTED] in implementing the scheme to submit false Republican electors’ votes for Trump-Pence in Arizona and to obstruct the certification process during the January 6, 2021, Joint Session of Congress in Washington D.C.
- **JENNA ELLIS (015)**. **ELLIS (015)** was an attorney for the Trump Campaign and worked closely with [REDACTED]. She made false claims of widespread election fraud in Arizona and in six other states. **ELLIS (015)** encouraged the Arizona Legislature to change the outcome of the election. She also encouraged Pence to accept the false Arizona Republican electors’ votes on January 6, 2021.

- **CHRISTINA BOBB (016).** **BOBB (016)** was an attorney for the Trump Campaign and worked closely with [REDACTED] **BOBB (016)** lobbied Arizona’s Republican legislators after the 2020 presidential election to disregard the popular vote in Arizona. She additionally helped organize the false Arizona Republican electors’ votes on December 14, 2020.
- **MICHAEL ROMAN (017).** **ROMAN (017)** was the Director of Election Day Operations for the Trump Campaign. He worked closely with [REDACTED] **EPSHTEYN (014), Unindicted Coconspirator 4,** and others to organize the false Republican electors’ votes in Arizona and in six other states.
- [REDACTED] was **Unindicted Coconspirator 1’s** Chief of Staff in 2020. He worked with members of the Trump Campaign to coordinate and implement the false Republican electors’ votes in Arizona and six other states. [REDACTED] was involved in the many efforts to keep **Unindicted Coconspirator 1** in power despite his defeat at the polls.

D. Unindicted Co-Conspirators.

The following individuals are included as unindicted members of the conspiracy:

- **Unindicted Coconspirator 1.** A former president of the United States who spread false claims of election fraud following the 2020 election.
- **Unindicted Coconspirator 2.** A former member of the Arizona Legislature who spread false claims of election fraud following the 2020 election. **Unindicted Conspirator 2** helped organize and distribute a false document on December 14, 2020, titled, “Joint Resolution of the 54th Legislature.”
- **Unindicted Conspirator 3.** A former member of the Arizona Legislature who spread false claims of election fraud following the 2020 election. **Unindicted Coconspirator 3** helped organize a “hearing” at a hotel in Phoenix on November 30, 2020, that both [REDACTED] and [REDACTED]

JENNA ELLIS (015) attended. **Unindicted Conspirator 3** additionally signed the false December 14, 2020, “Joint Resolution of the 54th Legislature.”

- **Unindicted Coconspirator 4.** An attorney for the Trump Campaign who drafted memos that encouraged having the fake Republican electors vote on December 14, 2020. **Unindicted Coconspirator 4** helped plan and organize the fake electors’ vote on December 14, 2020, in Arizona, Georgia, Michigan, Pennsylvania, Nevada, New Mexico, and Wisconsin.
- **Unindicted Coconspirator 5.** An Arizona attorney who worked for the Trump Campaign. **Unindicted Coconspirator 5** helped organize the Arizona Republican electors’ vote on December 14, 2020, and previously represented the Republican Party, and **KELLI WARD (001)** in a lawsuit against the certified Arizona Democrat electors.

E. The 2020 Presidential Election.

The 2020 Presidential Election occurred during a global pandemic. In response to the pandemic, many states had expanded mail-in voting and that expanded mail-in voting delayed the final vote.

i. Background.

As states continued to count votes after election day on November 3, 2020, it became apparent that Biden would win, and **Unindicted Coconspirator 1** would lose the election. **Unindicted Coconspirator 1** had suggested before the election that expanded mail-in voting was “very dangerous” because mail-in ballots are “fraudulent in many cases.” Those statements turned into claims of outright fraud immediately following the election.

While **Unindicted Coconspirator 1** himself was unwilling to accept that he lost the election, [REDACTED] had confided in a White House staff member in early November 2020 that **Unindicted Coconspirator 1** had lost the election. Nevertheless, **Unindicted Coconspirator 1** wanted to keep fighting the election results, and [REDACTED] [REDACTED] wanted to “pull this off” for **Unindicted Coconspirator 1**.

Arizona was ultimately decided by 10,457 votes or 0.31% of the ballots cast. Biden won by small margins in five other states: (1) Georgia, 11,779 votes or 0.24%; (2) Michigan, 154,188 votes or 2.78%; (3) Nevada, 33,596 votes or 2.39%; (4) Pennsylvania, 81,555 votes or 1.16%; and (5) Wisconsin, 20,681 votes or 0.63%. Excluding Nevada, these states all had Republican-controlled Legislatures in 2020. New Mexico, where Biden won by a wider margin—99,720 votes or 10.79%, also had a Democrat-controlled legislature in 2020. These seven states became the focus of legal challenges and false claims of widespread election fraud.

ii. Arizona Election Lawsuits.

In Arizona, multiple parties filed election lawsuits after November 3, 2020. All were unsuccessful, but some were still pending on December 14, 2020, when

the Arizona Republican electors assembled to vote. None of these lawsuits would have changed the outcome of the election.

The first suit, *Aguilera v. Fontes*, Maricopa County Superior Court No. CV2020-014562, was filed the day following the election, based on complaints about electronic ballot counting from two voters. It was dismissed by the court on November 29, 2020, for failure to state a claim on which relief could be granted. An appeal was filed on December 29, 2020, which was eventually denied on June 15, 2021, for lack of jurisdiction.

The Trump Campaign next filed a suit on November 8, 2020, in *Trump v. Hobbs*, Maricopa County Superior Court No. CV2020-014248. The claims relating to the Presidential election were dismissed five days later because the lawsuit would not have changed the outcome of the election. That prompted **KELLI WARD (001)** to text [REDACTED] "WTH," and ask [REDACTED] "[a]re our lawyers in AZ afraid of being blackballed by the left," and conclude "[i]t sounds like that's a total cop out."

The Arizona Republican Party sued Adrian Fontes, then the Maricopa County Recorder, on November 12, 2020, in *Arizona Republican Party v. Fontes*, Maricopa County No. CV2020-014553. The court dismissed the claim six days

later, finding the “Arizona Republican Party’s case was meritless.” It was not appealed.

KELLI WARD (001) sued all eleven Democrat Party electors on November 30, 2020, in *Ward v. Jackson*, Maricopa County Superior Court No. CV2020-015285. Phoenix-based Trump Campaign attorney **Unindicted Coconspirator 5** told all eleven Arizona Republican electors, “[p]lease be aware that while I will be representing you ‘in name’ as presidential electors, I am also the attorney for the Arizona Republican Party and Donald J. Trump for President, Inc.” and that he was waiting on “Guiliani [sic] to personally approve” the lawsuit. All eleven electors agreed to join the suit, but for “legal/optical reasons, Kelli [was] . . . the only plaintiff.”

The court dismissed the suit on December 4, 2020, finding that Maricopa County election officials followed the process for signature verification “faithfully in 2020” and found “no misconduct, no fraud, and no effect on the outcome of the election.” The court additionally found that “the evidence did not prove illegal votes, much less enough to affect the outcome of the election” and that **KELLI WARD (001)**, “has not proven that the Biden/Harris ticket did not receive the highest number of votes.”

KELLI WARD (001) appealed to the Arizona Supreme Court on December 4, 2020. The court denied her appeal, writing that the allegations in the suit were not “sufficient to call the election results into question,” that “there are no allegations of any violation of the EPM [Elections Procedures Manual] or any Arizona law,” and that “the challenge fail[ed] to present any evidence of ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive the highest number of votes for office,’ let alone establish any degree of fraud or a sufficient error rate that would undermine the certainty of the election results.” At the request of the Trump Campaign, **Unindicted Coconspirator 5** expedited an appeal to the United States Supreme Court before December 14, 2020. He later wrote to a Pennsylvania attorney, “Also just FYI—I recall now there was a rush to file our petition in order to give legal ‘cover’ for the electors in AZ to ‘vote’ on the 14th”

All eleven Arizona Republican electors and others sued Governor Doug Ducey on December 2, 2020, in Arizona Federal District Court Case *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH. The court dismissed their complaint on December 9, 2020, finding that the plaintiffs’ claims, “fail in their particularity and plausibility” and that their “‘expert reports’ reach implausible conclusions, often because they are derived from wholly unreliable sources.” The plaintiffs appealed

to the Ninth Circuit the following day, and the appeal was dismissed on April 13, 2021.

Two other election lawsuits were filed in Arizona, *Stevenson v. Ducey*, Maricopa County Superior Court No. CV2020-096490, and *Burk v. Ducey*, Pinal County Superior Court No. CV2020-01869. The plaintiffs in *Stevenson* voluntarily dismissed their case on December 7, 2020. Both the trial court, on December 15, 2020, and later the Arizona Supreme Court, on January 5, 2021, concluded that the plaintiff in *Burk* lacked standing to sue because she was not registered to vote.

F. Pressure on Arizona Election Officials.

In Arizona, Defendants, unindicted coconspirators, and others pressured the three groups of election officials responsible for certifying election results to encourage them to change the election results: (1) Maricopa Board of Supervisors; (2) the Arizona Legislature; and (3) the Governor. This pressure campaign was initially focused on the Maricopa County Board of Supervisors. As it became clear that they would not change the election results, the pressure campaign moved to the Arizona Legislature and Governor Ducey.

i. Maricopa County Board of Supervisors.

The Maricopa Board of Supervisors oversees elections in Maricopa County. In 2020, the Maricopa County Board of Supervisors had five members, four of which were Republican: Steve Chucri, Bill Gates, Clint Hickman, and Jack Sellers.

Almost immediately after the election, **KELLI WARD (001)** sent messages to each of the Republican members suggesting serious election fraud and malfeasance had occurred. **KELLI WARD (001)** urged the supervisors to delay certifying Maricopa County's results, and she urged the Republican supervisors to contact lawyers associated with the Trump Campaign about the alleged election fraud.

██████████ unindicted coconspirators, and others also tried to contact the Republican Supervisors. For example, an Arizona Congressional Representative sent a text message to ██████████ on November 8, 2020, that he had "placed some calls to the board of supervisors without connecting so far," later writing, "I can give you some idea what's going on with the county supervisors." **KELLI WARD (001)** sent ██████████ a text message on November 13, 2020, "Just talked to POTUS. He may call the Chairman of the Maricopa Board of Supervisors," who was then Clint Hickman. Hickman later

received a call from the White House Switchboard on New Year's Eve, but he did not answer.

By mid-November, the Tea Party Phoenix Metro, sent an email to its subscriber list, which included **SAFSTEN (010)**, stating, "By the way, if the electoral college doesn't result in 270 electoral votes for either Presidential candidate, the 12th amendment is exercised, and guess what . . . Trump wins (because the House didn't go the way the Dems counted on it going), and our republic is saved from globalists!!" It then encouraged members to rally at the Maricopa County Board of Supervisors building to a "Stop the AZ Steal' protest rally against the County Board of Supervisors certifying the election results."

The Maricopa County Board of Supervisors unanimously certified the results of the election in November 2020. Some Defendants posted on social media urging others to contact the Maricopa County Board of Supervisors about delaying certification of the election. Following such posts, others publicly attacked the Republican Board of Supervisors, including threatening the Supervisors and their families.

On December 15, 2020, the Senate Judiciary Committee subpoenaed Maricopa County's voting machines. [REDACTED] was interviewed about the subpoena and stated that it was intended to "start forensically examining the

voting machines in Arizona.” The Board of Supervisors sued to quash the subpoenas on December 18, 2020, in *Maricopa v. Fann*, Maricopa County Superior Court CV2020-016840. All eleven Republican electors moved to join the suit on behalf of the Legislature, recognizing that a possible goal of the subpoenas was to “ensur[e] that their rivals, the Democratic Party’s electors, are not considered by Congress.” After filing the motion to intervene, **KERN (005)** wrote, “[g]reat move AZ GOP Electors! All 11 of us ;),” promoting a post by the Republican Party of Arizona arguing that “the Legislature should use its power to hold them [the Board of Supervisors] in contempt and throw them in jail.”

Throughout December, [REDACTED] [REDACTED] then urged the Republican members of the Board of Supervisors to assist in obtaining access to vote-counting machines and ballots. In a voice message to Gates on Christmas Eve, for example, [REDACTED] asked to get access to the vote counting machines and ballots, stating, “[y]ou know, I really think it’s a shame that Republicans sort of are both in this, kind of, situation.” That day he also called Sellers and left the following message: “We’re all Republicans, I think we all have the same goal. Let’s see if . . . we can get this done outside of the court.”

ii. Arizona Legislature.

Russell “Rusty” Bowers served in the Arizona Legislature from 2015 until the beginning of 2023. He was elected in 2019 to a two-year term as the House and was Speaker of the House in 2020.

Bowers reported extensive pressure to take action after the election. He noted on November 11, 2020, “getting hundreds of emails demanding that I do my constitutional duty and name electors that will vote for Trump” and “very strange and unsettling phone calls telling me to do my duty and vote to elect electors who will vote for Trump.” On November 20, 2020, he wrote, the situation was “very stressful—attacks and tens of thousands of emails to intimidate me.”

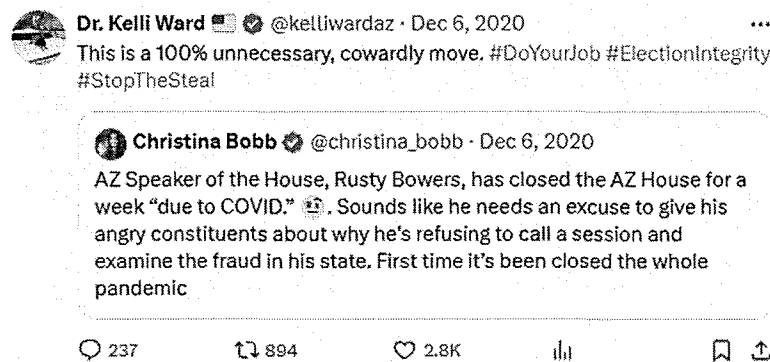
Bowers received a call from the White House on November 22, 2020. In that call, ██████████ explained he understood there was a law in Arizona that would allow the legislature to meet and if there was sufficient doubt about the legality of the election, the legislature could vote to disallow Biden’s electors and put in Trump’s electors. ██████████ alleged Arizona had 14,000 dead people voting, 4,000 or 5,000 military ballots stolen, and 200,000 non-citizens voting. Bowers asked for evidence. ██████████ said he had the names and would give the names to Bowers.

On December 1, 2020, ██████████ held a meeting at the Arizona Legislature with three associates, including **JENNA ELLIS (015)**. Also present at the

meeting were several Republican legislators, including Bowers. [REDACTED] and his team asked Bowers to hold a committee hearing on the election. When Bowers asked for any proof of election fraud, [REDACTED] said he had proof, but **ELLIS (015)** advised that it was left back in the hotel room. Bowers left the meeting shortly thereafter. The alleged proof was never provided to Bowers.

Bowers issued a press release on December 4, 2020, rebutting the allegations of election fraud. The next day he wrote, “threats and intimidation all day—thousands of demanding emails, everyone is a constitutional scholar which I am not. I just will not change the rules after the people voted!” On December 14, 2020, the day the Arizona Republican electors voted, Bowers wrote, “Hard days. . . Their hatred is pronounced,” referring to outside emails.

CHRISTINA BOBB (016) and **KELLI WARD (001)** posted on social media on December 6, 2020 the following:



On January 4, 2021, Bowers spoke with attorney **JOHN EASTMAN (013)**. In the conversation, **EASTMAN (013)** explained that a supermajority was not needed to convene a committee of the legislature. On January 6, 2021, Bowers spoke with an Arizona Congressional Representative. That Representative asked Bowers to support decertification of the election. Bowers declined because he did not believe the election was fraudulent.

iii. Governor Doug Ducey.

At the end of 2020, Arizona's Governor was Doug Ducey. On the day that then-Governor Ducey signed the certificate of ascertainment, which certified the vote, Governor Ducey received a call from the White House, which he did not answer. That day, **Unindicted Coconspirator 1** posted a series of tweets berating Governor Ducey for certifying the election. On the night of the certification, [REDACTED] posted on Twitter that Governor Ducey should not have certified the vote.

G. The Fake Electors Scheme.

Discussions about using the Republican electors to change the outcome of the election began as early as November 4, 2020. Those plans evolved during November based on memos drafted by Trump Campaign attorney **Unindicted Coconspirator 4**.

As an example, the then-United States Secretary of Energy texted [REDACTED] on November 4, 2020, "HERE's an AGGRESSIVE STRATEGY: Why can't the states of GA NC PENN and other R controlled state houses declare this is BS (where conflicts and election not called that night) and just send their own electors to vote and have it go to the SCOTUS."

Similarly, [REDACTED] received a text on November 5, 2020, that **Unindicted Coconspirator 1** should "urge GOP officials in close states to expose shenanigans and, if necessary, to refuse to seat Biden electors in the event of a fake count." That same day, **Unindicted Coconspirator 1's** son texted [REDACTED] [REDACTED] a more developed plan revolving around the electors: "It's very simple If through our lawsuits and recounts the Secretary of States on each state cannot 'certify' that states vote the State Assemblies can step in and vote to put forward the electoral slate Republicans control Pennsylvania, Wisconsin, Michigan, North Carolina etc. we get Trump electors."

An Arizona Congressional Representative similarly texted [REDACTED] on November 6, 2020:

I'm sure you have heard of this proposal. It is to encourage the state legislatures to appoint a look doors [sic] in the various states where there's been shenanigans. If I understand right most of those states have Republican Legislature's [sic]. It seems to be

comport with glorified [sic] Bush as well as the Constitution. And, well highly controversial, it can't be much more controversial than the lunacy that were sitting out there now. And It would be pretty difficult because he would take governors and legislators with collective will and backbone to do that. Is anybody on the team researching and considering lobbying for that?

██████████ responded, "I love it."

i. Unindicted Coconspirator 4's Memos and the Trump Campaign's Response.

Unindicted Coconspirator 4 began working as an attorney for the Trump Campaign on a pro bono basis in mid-November 2020. He prepared three memos outlining how to use fake electors to overturn the election: (1) the November 18, 2020, memo; (2) the December 6, 2020, memo; and (3) the December 9, 2020, memo.

Unindicted Coconspirator 4 claimed that under the ECA the electors needed to vote on December 14, 2020, to be counted. **Unindicted Coconspirator 4** argued that if there was a pending legal challenge that could change the outcome of the election from Biden-Harris to Trump-Pence, the Republican electors were required to meet and vote on December 14, 2020. If they did not, then the Vice President could not count the votes for Trump-Pence on January 6,

2021, even if **Unindicted Coconspirator 1** and Pence won a lawsuit that changed the outcome the election.

As support, **Unindicted Coconspirator 4** cited the Hawaii election from 1960. There, initial election results showed that Richard Nixon and Henry Cabot Lodge won the popular vote during the presidential election, defeating John Kennedy and Lyndon Johnson by just 140 votes. Nixon was certified the winner by the Governor in November of 1960. A Hawaii court ordered a recount on December 13, 1960, which was pending on December 19, 1960, when the electors were required to meet and vote.

The Nixon-Lodge electors met and voted on December 19, 1960. On that day, the Kennedy-Johnson electors also met and voted. On December 30, 1960, Hawaii's courts determined that Kennedy-Johnson won the popular vote. The Governor then certified the Kennedy-Johnson electoral votes on January 4, 1961, and Congress received them on January 6, 1961. Nixon, who was the Vice President, and therefore Senate President, accepted the Kennedy-Johnson elector votes.

None of **Unindicted Coconspirator 4's** memos suggested that Republican electors precisely follow what occurred in the 1960 Hawaii election. Trump-Pence had lost in Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and

Wisconsin. **Unindicted Coconspirator 4** suggested that in each of these seven states the Trump Campaign should have the Republican electors vote on December 14, 2020, although none had a pending recount. As it became apparent that no election challenge would succeed by January 6, 2021, **Unindicted Coconspirator 4** departed further from the Hawaii example. Each memo is summarized below.

- November 18, 2020: This seven-page memo discussed only the Wisconsin Trump-Pence electors. In it, **Unindicted Coconspirator 4** concluded that the Trump-Pence electors must vote on December 14, 2020, in the event “a court decision (or, perhaps, a state legislative determination) rendered after December 14 in favor of the Trump-Pence slate of electors” changed the outcome of the Wisconsin election.
- December 6, 2020: This six-page memo argued that the Trump-Pence electors in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin should meet and vote on December 14, 2020. It appeared to depart from the November 18, 2020 Memo in parts by suggesting that only a pending lawsuit, rather than a decision in favor of Trump-Pence, was necessary for the Vice President to reject the Biden-Harris electors on January 6, 2021. **Unindicted Coconspirator 4** outlined the general procedure the Republican Electors needed to follow when voting. In the December 6, Memo. **Unindicted Coconspirator 4** claimed he was “not necessarily advising this course of action” and that it was “a bold, controversial strategy.”
- December 9, 2020: This five-page memo outlined the Electoral Count Act procedure requirements for

presidential electors. It additionally discussed the state law requirements for presidential electors in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin.

A Wisconsin attorney working on election challenges for the Trump Campaign, sent **Unindicted Coconspirator 4's** analysis to Trump Campaign Deputy Manager Justin Clark on November 25, 2020. Clark and other campaign officials supported **Unindicted Coconspirator 4's** recommendation to have the Republican electors vote in Wisconsin because they believed the lawsuit in Wisconsin could change the outcome of Wisconsin's election. Following both the ECA and the 1960 Hawaii election models, Campaign officials concluded that the Wisconsin Republican electors should vote on December 14, 2020, for Trump-Pence in the event their lawsuit succeeded.

Unindicted Coconspirator 4 later insisted that Clark receive a copy of his December 6, 2020 Memo, writing a Wisconsin attorney, "I feel this memo—on why it's important all electors vote in all 6 contested states should vote on Dec. 14—should get to Justin Clark and others involved with national strategy ASAP." A Wisconsin attorney forwarded that memo, telling **Unindicted Coconspirator 4**, "I have bypassed Justin and am tryouts [sic] no [sic] to get it circulated at the White House." A Wisconsin attorney then sent **Unindicted Coconspirator 4's** December 6, 2020 Memo to **BORIS EPSHTEYN (014)**.

The memo eventually made its way to members of the Trump Campaign, some who questioned **Unindicted Coconspirator 4's** plan to have the Republican electors vote in all six listed states. With the exception of Wisconsin and possibly Georgia, they concluded that there were no pending lawsuits that could change the outcome of the election in the remaining six states. Trump Campaign officials also had general concerns about [REDACTED] efforts. For example, Advisor Jason Miller wrote [REDACTED] on December 6, 2020, “[a]ll guidance appreciated, as the legal turf war thing is new to me!”

ii. [REDACTED] *takes control of the Fake Electors Scheme.*

[REDACTED] and his team disagreed with the other's concerns, and their effort was bolstered by Texas' decision to sue Georgia, Michigan, Pennsylvania, and Wisconsin on December 8, 2020, to temporarily prevent the presidential electors from voting in those states, in *Texas v. Pennsylvania*. On December 9, 2020, **EPSHTEYN (014)** moved forward with having Republican electors vote in the seven contested states, including Arizona, by writing a Wisconsin attorney and **BOBB (016)**, “Question per Mayor-do you think you could prepare a sample elector ballot for Wisconsin.” If so, **EPSHTEYN (014)** then asked if **Unindicted Coconspirator 4** would prepare sample ballots for “PA, Georgia, Michigan, AZ,

Nevada and New Mexico,” which was the first time New Mexico was listed for challenges. **Unindicted Coconspirator 4** responded, “[O]h absolutely” and that he “will do a memo on specifics of each state.” By December 11, 2020, **Unindicted Coconspirator 4** and a Wisconsin attorney had prepared a draft press release following the Trump-Pence elector voting plan, which they emailed to **EPSHTEYN (014)**, **MICHAEL ROMAN (017)**, and Joshua Findlay.

On December 11, 2020, the United States Supreme Court dismissed *Texas v. Pennsylvania*. At that point, some Trump Campaign officials determined the fake elector plan was legally unsound, but ██████████ wanted “to keep fighting.” Campaign attorneys then passed “everything off” to **Unindicted Coconspirator 4**. Clark emailed **Unindicted Coconspirator 4** that morning, “Josh [Findlay] has been running point on our contacts with electors. He can provide an update and hand off what he has to you this morning.” Findlay told **Unindicted Coconspirator 4**, “[i]t is my understanding from Rudy’s team that you are now running point on this. I am happy to hand off what has been done so far.”

Trump Campaign officials then deferred much of the Republican elector plan to ██████████ **EPSHTEYN (014)**, and **Unindicted Coconspirator 4**. **Unindicted Coconspirator 4** had emailed party officials in several of the contested states that he “talked with . . . Mayor Giuliani [sic], who is focused on doing

everything possible to ensure that that all the Trump-Pence electors vote on Dec. 14.” **Unindicted Coconspirator 4** included instructions for voting and a certificate of the vote template, concluding “Pretty simple!”

*iii. **ROMAN (017)** refuses to add contingency language to the Republican electors’ vote certificates.*

During a conference call on December 12, 2020, a Pennsylvania attorney expressed concern that the certificate of vote falsely claimed that the Republican electors were the “duly elected and certified electors.” He requested adding language to the certificates indicating that the Trump-Pence electors’ votes were contingent on being certified the duly elected and qualified electors.

Based on that call, **Unindicted Coconspirator 4** texted **ROMAN (017)**, “Mike, I think the language at start of certificate should be changed in all states. Let’s look at the language carefully.” **ROMAN (017)** responded, “I don’t.” **Unindicted Coconspirator 4** then offered to “help with drafting in a couple hours,” but **ROMAN (017)** responded “fuck these guys.”

Pennsylvania insisted on the language. **Unindicted Coconspirator 4** prepared a draft and sent **ROMAN (017)** and Findlay the following email on December 13, 2020:

Mike, here is my suggested language for dealing with the concern raised in the PA conference call about

Electors possibly facing legal exposure (at the hands of a partisan AG) if they seem to certify that they are currently the valid Electors.

Easily fixed

It strike [sic] me that if inserting these few words is a good idea for PA, it might be worth suggesting to Electors in other states.

Pennsylvania attorneys eventually added the following introduction to their elector vote certificates:

WE, THE UNDERSIGNED, on the understanding that if, as a result of a final non-appealable Court Order or other proceeding prescribed by law, we are ultimately recognized as being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Pennsylvania, hereby certify the following

By December 12, 2020, **Unindicted Coconspirator 4** had prepared documents for each state except New Mexico. **ROMAN (017)** asked **Unindicted Coconspirator 4** to prepare New Mexico. He did, and included his drafted contingency language as follows, “WE, THE UNDERSIGNED, on the understanding that it might later be determined that we are the duty elected and qualified Electors”

iv. Trump Campaign members refuse to support the Fake Electors Scheme.

The following day, Jason Miller texted Justin Clark, White House attorney Eric Herschmann, and campaign communications director Tim Murtaugh:

Just got a call from Rudy:

-He said tomorrow our local counsels in four states are filing federal cases to keep the effort going (I didn't understand merits of cases), and that POTUS was aware of this.

-He said he's optimistic we win in Wisconsin state court tomorrow.

-He also said Boris [Epshteyn] has been coordinating state elector whip effort and I should connect with he and Christina BOBB.

All I know tomorrow is Elector Voting Day and that train you hear coming down the track isn't Burlington Northern.

Murtaugh had prepared the following statement for December 14, 2020, "As election contests continue in various states, the only prudent course was to have the President's electors vote in those places to preserve the campaigns [sic] rights." During the text conversation, Clark responded, "Now, I am not sure what Rudy is telling the president on this stuff so I'm not sure what his expectations are. . . . Here's the thing the way this has morphed it's a crazy play so I don't know who wants to put their name on it," referring to the statement Murtaugh

prepared. [REDACTED] scheduled a conference call to discuss with **BOBB (016)**, **ELLIS (015)**, and others, which was shared in the text message thread, to which Herschmann responded, “[c]ertifying illegal votes.” Murtaugh eventually wrote that he was “not comfortable putting that statement out. . . . I can’t stand by it. From the looks of it, neither can any of you.” Clark responded, “I cannot. They need to put their names on it. Rudy, Boris and Jenna.” Herschmann responded, “I agree.”

*v. **EASTMAN (013)** Pressures Pence to Change the Vote on January 6.*

On December 23, 2020, **EASTMAN (013)** wrote a memo laying out a scenario for January 6, 2021. In that memo, he recommended that Pence refuse to count Arizona’s certified Democratic electors because there were “multiple slates.” After refusing to accept the six other states with fake Republican electors, Pence would determine **Unindicted Coconspirator 1** the winner of the election because **Unindicted Coconspirator 1** would have had the majority of the remaining votes: “232 votes for Trump, 222 votes for Biden. Pence then gavels President Trump as re-elected.”

EASTMAN (013) circulated a lengthier memo on January 3, 2021, discussing the “January 6 scenario” and “**War Gaming the Alternatives.**” **EASTMAN’s (013)**

clear intention was to change the result of the 2020 Presidential election on January 6, 2021, writing, “[t]he stakes could not be higher.” Without action from Pence, **EASTMAN (013)** concluded that “the sovereign people no longer control the direction of their government” and “will have ceased to be a self-governing people.”

EASTMAN (013) met with Pence and members of his staff on January 4, 2021, telling Pence that he could reject electoral votes or delay the vote count and ask state legislatures to reexamine the election to declare a winner. Pence rejected those ideas, but on January 5, 2021, **EASTMAN (013)** again met with Pence’s Chief Counsel, Greg Jacob, to ask Pence to reject the certified Biden-Harris electors during the counting of the electoral vote at the Joint Session of Congress. During that meeting, **EASTMAN (013)** admitted that his plan would lose if it went before the U.S. Supreme Court.

H. Arizona Republican Electors Involvement in the Fake Electors Scheme.

On December 8, 2020, a Wisconsin attorney sent **Unindicted Coconspirator 4** and a Trump Campaign staffer, an email that said, the Trump Campaign staffer “is in touch With [sic] White House, Arizona and PA. They are interested. I am copying them so they can work directly with you and link to the other States.”

That day, **Unindicted Coconspirator 5** called **Unindicted Coconspirator 4** to discuss having the Arizona Republican electors vote on December 14, 2020, prompting a Wisconsin attorney to text **Unindicted Coconspirator 4**, "Heard Rudy et al are pushing this and you spoke to Arizona. Congratulations."

Unindicted Coconspirator 4 responded:

Hi, I talked to [**Unindicted Coconspirator 5**] in Arizona, and emailed him info, including a draft of the footnote explaining that both electoral slates voting is not an odd thing

He told me Rudy is really pushing this, and he was trying to understand exactly why

He asked if I talked to Rudy; I said Jim did, and also Rudy apparently read the memo

I got across that unless the Arizona Trump votes are sent to Congress on time, there's no real excuse to debate Arizona

He also gets that Biden making the safe harbor doesn't prevent Congress from debating, or the Senate from voting as it wants, though the Electoral Count Act obviously is politically problematic

I told him we might file in WI Supreme Court with that footnote by Saturday, which could help with messaging

Feel free to pass this on to Rudy. It sounds like the states will do this if Rudy insists, especially if the President has specifically asked Rudy to make sure this happens. If any

state is uncertain, maybe a call from the President would be worthwhile. Sounds like he's really hands on!

Arizona GOP Director **GREGORY SAFSTEN (010)** called **Unindicted Coconspirator 4** on December 10, 2020, to discuss “the logistics of the electors voting on Dec. 14.” That prompted **Unindicted Coconspirator 4** to email **SAFSTEN (010)** and **Unindicted Coconspirator 5** the documents he prepared for the Arizona Republican electors.

KELLI WARD (001) organized Arizona Republican electors for December 14, 2020, and worked directly with **SAFSTEN (010)**, **Unindicted Coconspirator 4**, and a Republican National Committee attorney for planning. **Unindicted Coconspirator 4** emailed **Unindicted Coconspirator 5** on December 11, 2020, to confirm that he still planned to file an appeal in *Ward v. Jackson*, writing:

Reason is that Kelli Ward & [**Unindicted Coconspirator 2**] just spoke to the Mayor about the campaign’s request that all electors vote Monday in all contested states.

Ward and [**Unindicted Coconspirator 2**] are concerned it could appear **treasonous** for the AZ electors to vote on Monday if there is no pending court proceeding that might, eventually, lead to the electors being ratified as the legitimate ones.

Which is a valid point—in the Hawaii 1960 incident, when the Kennedy electors voted there was a pending recount.

Unindicted Coconspirator 4 followed, “Just spoke with [**Unindicted Coconspirator 5**]. I now [sic] longer see cause for concern. His Supreme Court filing is at the printer.” **Unindicted Coconspirator 5** confirmed, “Correct. The attached are being ‘e-filed’ as we speak”

On December 13, 2020, **KELLI WARD (001)** sent **Unindicted Coconspirator 4** an email with concerns that certified Democratic electors for Biden-Harris would not be voting in the state capitol building. **Unindicted Coconspirator 4** responded that Arizona law did “not specify a location for the vote” and that voting did not need “to be in the capitol bldg.”

The Arizona Republican electors met on December 14, 2020, at the Arizona Republican Party Headquarters, posting a picture to twitter.com. The Arizona Republican electors additionally recorded themselves voting and posted the video to social media websites, prompting **KELLI WARD (001)** to write, “Oh yes we did! We are the electors who represent the legal voters of Arizona! #Trump2020 #MAGA.” The Arizona Republican Party’s official statement was largely copied from a template that **Unindicted Coconspirator 4** and a Wisconsin attorney prepared for all states. The party claimed it was following what happened in 1960 in Hawaii until there was “a final resolution of Arizona’s 11 electoral votes.”

In late December 2020, the Trump Campaign had Pennsylvania attorney Bruce Marks and **EASTMAN (013)** file an appeal to the United States Supreme Court regarding Pennsylvania's election in *Trump v. Boockvar*. Following that decision, Marks emailed a Wisconsin attorney, "[t]he Campaign wants us to work together with professor eastman to file an Article II cert petition from Wisconsin." Related to that discussion, Marks emailed **Unindicted Coconspirator 5** asking questions about his Supreme Court appeal in *Ward v. Jackson*. That prompted **Unindicted Coconspirator 5** to respond, "(Also just FYI – I recall now that there was a rush to file our petition in order to give legal 'cover' for the electors in AZ to 'vote on the 14th . . . that discussion is below, as well as [**Unindicted Coconspirator 4's**] comments on the petition.)"

Marks responded by questioning how *Ward v. Jackson* would change the outcome of the election:

Even if the court erred in not allowing further examination, what is the argument that reason further discovery would have led to changing the election, if the error rate is 2%, the higher number, and the ballots at issue is 450,000?

The petition does not argue that these ballots (9,000 at my estimate) were improperly counted for Biden when they should have been counted for Trump.

Thanks, we are trying to understand this in formulating the [Supreme Court] strategy.

All 11 Arizona Republican electors, **KELLI WARD (001)**, **TYLER BOWYER (002)**, **NANCY COTTLE (003)**, **JACOB HOFFMAN (004)**, **ANTHONY KERN (005)**, **JAMES LAMON (006)**, **ROBERT MONTGOMERY (007)**, **SAMUEL MOORHEAD (008)**, **LORRAINE PELLEGRINO (009)**, **GREGORY SAFSTEN (010)**, and **MICHAEL WARD (011)**, joined then-Texas Congressional Representative Louie Gohmert in suing Pence on December 27, 2020. Their complaint alleged that “Gohmert will object to the counting of Arizona electors voting for Biden, as well as to the Biden electors from the remaining Contested States.” The plaintiffs attempted to have the court declare that Pence could “exercise the exclusive authority and sole discretion in determining which electoral votes to count for a given State.” **KELLI WARD (001)** explained the purpose of the suit on twitter:



Dr. Kelli Ward @kelliwardaz · Dec 30, 2020

“Friendly” in that we are in the same political party - but know this: we are suing VP Pence to ensure he understands that he has the power to do his constitutional duty on January 6. And we expect him to do it. That’s it.



The Epoch Times @EpochTimes · Dec 30, 2020

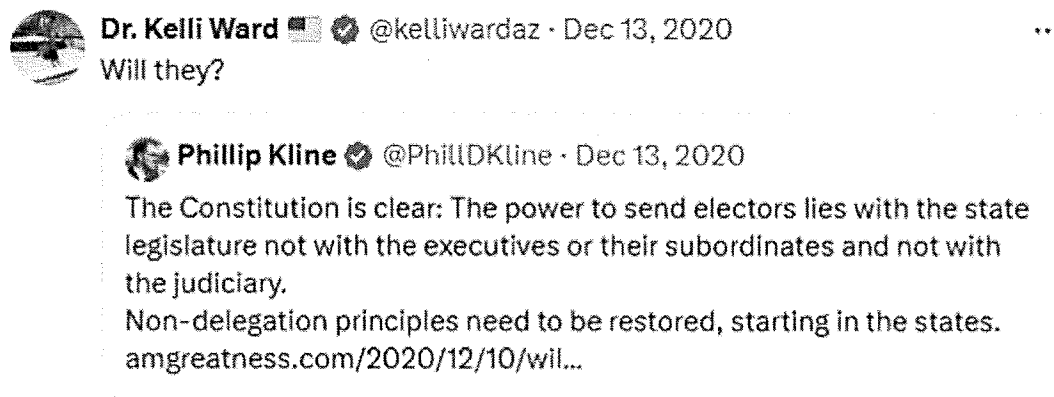
#Arizona GOP Chairwoman @KelliWardAZ, a co-plaintiff in a lawsuit against VP @Mike_Pence, described the suit as a “friendly” one.

The lawsuit, according to Ward, argues that the “Constitution takes precedent over statute.” theepochtimes.com/arizona-gop-ch...

In addition to their lawsuit against Pence, other Arizona Republican electors made statements directly contradicting any intention that their votes would only be used if they succeeded in a legal challenge that changed the outcome of Arizona's election.

i. KELLI WARD (001).

The day before voting as a Republican elector, **KELLI WARD (001)** posted to twitter indicating that her goal was to have the Arizona Legislature certify the fake Republican electors' votes:



On December 15, 2020, **KELLI WARD (001)** posted a video explaining why she and the other "true" electors had voted for **Unindicted Coconspirator 1** on December 14, 2020. She stated, "We believe that we are the electors for the legally cast votes here in Arizona."

Leading up to January 6, 2021, **KELLI WARD (001)** continued calling for the Arizona Legislature to change the outcome of the election. She published Pence's

January 6, 2021, letter explaining that he would accept the certified Democratic electors for Biden-Harris on January 6, 2021, and wrote, “Pray that @VP @Mike_Pence doesn’t send our Republic to it’s [sic] demise—crashing and burning into socialism, communism, & tyranny.” Later that day, she thanked Arizona Congressman for objecting to Arizona’s certified Democratic electors’ votes during the Joint Session of Congress. And when Congress adjourned because the January 6, 2021 rioters breached the Capitol, she wrote, “Congress is adjourned. Send the elector choice back to the legislatures.”

ii. TYLER BOWYER (002).

BOWYER (002) made public statements demonstrating the contingency plan was cover for his attempt to change the outcome of the election. On November 27, 2020, he wrote, “#BidenCheated” and “Americans deserve the true election results.”

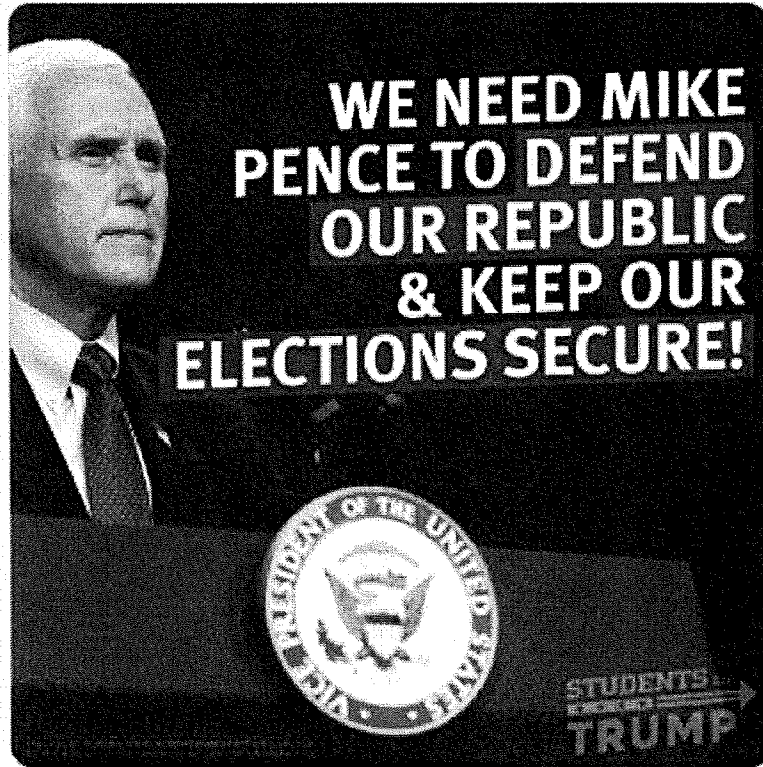
On December 15, 2020, after voting for Trump-Pence, **BOWYER (002)** wrote, “this just gives potential ground to not accept electors from states with competing electors.” **BOWYER (002)**, after *Gohmert v. Pence* was filed, posted to twitter:



Tyler Bowyer @tylerbowyer · Dec 28, 2020

It's pretty simple: The President of the United States Senate (VP) has the awesome power of acknowledging a specific envelope of electoral votes when there are two competing states— or none at all.

The 12th amendment covers dispute resolution when it occurs in the House of Reps.



He followed with:



Tyler Bowyer

@tylerbowyer

We don't live in a Democracy. The presidential election isn't democratic.

11:01 PM · Dec 28, 2020



iii. JACOB HOFFMAN (004).

HOFFMAN (004) signed the fake December 14, 2020, “Joint Resolution of the 54th Legislature” declaring that “the Legislature is required to exercise its best judgment as to which slate of electors the voters prefer” and requesting “that the alternate 11 votes electoral votes be accepted for to Donald J. Trump or to have all electoral votes nullified completely until a full forensic audit can be conducted.”

On January 5, 2021, **HOFFMAN (004)** sent a letter to Pence asking him to “delay the certification of the election results and instead seek clarification from the Arizona Legislature as to which slate of Presidential Electors are proper and accurate.” **HOFFMAN (004)** was later interviewed by a reporter on January 11, 2021. When asked about voting as an elector, he responded:

In unrepresented times, unprecedented action is occurred. There is no case law, there’s no precedent that exists as to whether or not an election that is currently being litigated in the courts has due standing. Which is why, we felt it appropriate to provide Congress and the Vice President with dueling opinions.

iv. ANTHONY KERN (005).

On December 15, 2020, **KERN (005)** was interviewed by a reporter for Epoch Times. He was asked about the Republican electors voting on December 14, 2020. He responded:

So yesterday, as you know, December 14, the electors cast their vote for the presidential, uh, elect. In Arizona and several other states, the Biden electors voted for Biden and the Trump electors at the same time voted for President Trump. So both those slates of electors went to the Capitol. And uh and on January 6, Vice President Mike Pence gets a choice on which electors he's going to choose, and I'm, I'm almost positive that the, uh that, on January 6 there going to be a contested uh electoral process and if that's contested there's going to be a debate, and once there's debate, they're going to come back and vote, and it's going to be just a nice constitutional lesson for all America to see.

On December 17, 2020, **KERN (005)** posted on social media, "I'm calling on @SpeakerBowers and @dougducey to call an emergency session to decertify the Biden electors. Then I want a grand jury convened based on the evidence brought to light today. The Coup cannot hide in the darkness." He later suggested that Americans "[c]all or email" certain US Senators "and ask to object to the Biden electoral ballots," and he falsely claimed on December 31, 2020, that "[a] majority of legal Arizona voters chose @realDonaldTrump for a second term. #J6 #DoNotCertify."

On January 5, 2021, **KERN (005)** spoke at “Stop the Steal” rally in D.C., claiming **Unindicted Coconspirator 1** was the “true winner” of the election, and would be named President the following day at the Joint Session of Congress.

*v. **SAMUEL MOORHEAD (008).***

On June 18, 2022, **MOORHEAD (008)** wrote on Twitter.com:

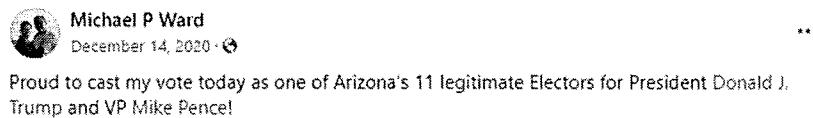
We need to take some action about the 2020 election. I advocate in AZ the legislature decertify the slate of Biden Electors and certify the slate of Trump electors. I would hate to go to my grave knowing the electoral vote I cast was not counted.”

*vi. **MICHAEL WARD (011).***

Before voting as a fake elector, **MICHAEL WARD (011)** accompanied his wife, **KELLI WARD (001)**, to Washington D.C., where he posted a picture of Kelli talking to **Unindicted Coconspirator 1**:



Following his vote on December 14, 2020, **MICHAEL WARD (011)** posted to Facebook.com:



As late as May 2022, **MICHAEL WARD (011)** continued to reinforce that the election was stolen, writing on Twitter: "Hey #J6 FU."

Based on the above, and other information reviewed, Defendants and their unindicted coconspirators deceived the public with false claims of election fraud in order to prevent the lawful transfer of the presidency, to keep **Unindicted Coconspirator 1** in office against the will of Arizona's voters, and deprive Arizona voters of their right to vote and have their votes counted. By sending in false

electoral votes, they obtained a benefit under Arizona law by creating the opportunity for Pence to reject the legitimate certified Democratic electoral votes for Biden-Harris and declare **Unindicted Coconspirator 1** the winner of the 2020 Presidential election.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

True Bill
(A "True Bill")

KRISTIN K. MAYES
ATTORNEY GENERAL
STATE OF ARIZONA

Dated: 4/23/2024


NICHOLAS KLINGERMAN
Assistant Attorney General


Foreperson of the Grand Jury