

(Intro music)

Marly Hornik: It doesn't say anywhere in the Constitution that the people shall take the election officials' word for it.

Vic Walczak: There are numerous barriers to people being able to cast their ballots and have them counted.

Bobbie Gross: We want you to look at our elections. We want you to ask questions and get clarification.

Kirk McDaniel: Welcome to Sidebar, a podcast by Courthouse News Service. I'm your host, Kirk McDaniel, and I'm joined by Sidebar reporter Amanda Pampuro. Hey, Amanda.

Amanda Pampuro: Hello, Kirk.

KM: Election Day is drawing near for us here in the U.S. While I'm sure we're all getting a little tired of the ads and hearing about the latest polls, there are those out there who have been thinking a lot about elections ever since the last presidential election ended.

AP: For many Americans, the battle for the truth never stopped.

KM: Are you talking about election deniers or election workers?

AP: Both. I think it's part of the reality we live in that people will have questions whatever the outcome, and lawyers aren't waiting until after the election to call foul. We're seeing an unprecedented number of pre-election challenges, with right-wing groups really drilling deep into the process, jabbing at everything from voting machine testing deadlines to voter registration dates.

KM: Have there really been more problems than usual?

AP: No, to be clear, the uptick in lawsuits isn't linked to any rise in problems with voting security. This is more a product of a polarized nation. But there's a good chance that seeing these lawsuits will make a lot of people think there's a fire when it's mostly smoke.

KM: So, wildfires and elections are truly year-round affairs now.

AP: We're going to talk about the pre-election litigation battles to set the rules for the 2024 election and aftermath, but first I want to take you to Grand Junction, Colorado, the largest city of Mesa County, on the western slope of the Rocky Mountains. Driving through the craggy canyons carved out by the Colorado River, I always think this is God's country because it's so beautiful and marked by very conservative politics. The trouble in Mesa County starts after the 2021 Grand Junction municipal election.

KM: I thought former President Donald Trump said the 2020 election was stolen.

AP: He did and created a lot of panic across the country. But then clerk and recorder Tina Peters came out in November 2020 saying everything was fine in Mesa. After all, Trump won the county by 20 points and Lauren Boebert got voted in.

KM: That was quite a year.

AP: Four seats were up for Grand Junction City Council in April 2021, along with ballot measures to overturn a moratorium on marijuana dispensaries and use associated tax funds to build a new rec center.

Abram Herman: There is this ideological divide of folks, like most of those candidates who are in the conservative bloc, who felt that having a community rec center somehow competes with private business and competes with the private sector.

AP: This is Abram Herman, who ran for city council in April 2021 against Jody Green, a member of a conservative group called Stand for the Constitution, who was also backed by the local GOP.

AH: There were signs that would say, you know, Jody Green, the conservative choice.

AP: I dug up an interview series the Facebook group Christian Women Engaged did with Grand Junction's conservative choice candidates in February 2021. Here's Jody Green.

Jody Green: And the reason why I'm running is because I was asked by some of the members of the Republican Party to run. I prayed about it and then I opened the scriptures and it turned to go serve.

AP: On election night, Herman watched the results come in with a few other candidates at Charlie Dwellington's, a local queer bar recently renamed Good Judy's.

AH: We were sitting there, you know, on our phones refreshing results and the first tranche of results came in and I was like I'm like 20 points ahead in this and we're you know kind of trying to do the math and say, is this a final result, like where are we at? And then at a certain point we realized this is like the result, you know, and it was definitely assimilation. I mean both because, like I, wanted to serve in that capacity, but also it felt like a real turning point for the community. Does the community have an appetite for forward thinking candidates who have this broader view, a more holistic view of what the community could be, or do they want the same mold?

AP: How do you describe yourself politically?

AH: I'm unaffiliated. I, you know, lean left, but I'd say I'm pretty moderate, pretty centrist and also serving these roles, I think you become even more moderate and more centrist because you know we're a nonpartisan body.

AP: The people who supported candidates like Jody Green had been so sure their conservative choice would win.

AH: And what the narrative was among a certain small portion of the community is the liberals are taking over city council. I mean, that's really the thing they were saying, which was just frankly ridiculous, because the four folks who won who they said were the liberals taking over city council were two lifelong Republicans and two unaffiliateds. Immediately when we were sworn in, the Stand for the Constitution group was coming out every single meeting for several months and taking up, you know, an hour plus of public comment. This was coming out of the COVID period, right, and they would come in and they would just rail on us for, you know, lockdowns and mask mandates and vaccination, all these things, none of which had anything to do with municipal government, right? I mean, there are very extreme views and at times insulting views I would say. I'm Jewish and

at one point they came in and they were comparing the unvaccinated to the Jews in the lead up to the Holocaust.

AP: Members of Stand for the Constitution canvassed neighborhoods, going door to door to verify voter rolls. They ran into all the problems county clerks run into.

KM: Wrong addresses? Distrustful homeowners?

AP: Yep. But from the experience, the group concluded Mesa County voter rolls were rife with inaccuracies. The community canvassers brought their data to Peters, along with an Ohio math teacher named Douglas Frank, who is still touring the country on Mike Lindell's bill with an algorithm he claims finds fingerprints of fraud in voter rolls. This method has been debunked, but he continues selling it.

Douglas Frank: And you know I'm not alone. Mike Lindell would say, 'We're gonna have President Trump back in by August.' Remember all that? Yeah, okay, so...

AP: This is a presentation he gave to Republicans in Fayette County, Pennsylvania, last year.

DF: So, anyway, I was working hard on this, so I'm going to give you a spreadsheet that makes it easier for you to find local anomalies. When you find these, you're going to go knock on the door and say 'Hi, Mr. and Mrs. Smith, I'm Doug Frank with the Election Integrity Project of our county and we're just verifying the rolls. Can we ask you some questions, Mr. and Mrs. Smith?' And I say 'Sure,' so you say, 'What's this here in the official rolls of our state that six people live here and five of them voted in the recent primary?' And they look at the list and they say, 'Who are those other four people? It's just been me and mama for the last 10 years here.' And so, what happens when you do that? The first thing is those people now believe in election fraud.

KM: Are people buying this?

AP: From the pre-election litigation, yes.

AH: A few months prior to the November election, like you know, every Republican gets elected, Donald Trump wins by a landslide, but then the exact same clerk and the exact same machines, they're going to say, all of a sudden, something's changed? In that sense, I would say it was pretty immediate as far as at least like the rumblings of you know, oh, this must be Dominion machines because our people didn't win. But I would also say that was a minority opinion.

AP: Herman was appointed mayor earlier this year.

KM: What did Peters do when her neighbors brought her their numbers?

AP: According to a meeting one of her staffers recorded, Tina said OK, let's open up the machines and see if anything's wrong. After the city election, the secretary of state's office is supposed to come through with the voting machine vendor, Dominion, to update the machines in what is called a trusted build, and they tell Tina they're going to wipe the machines. Here she is explaining it at a press conference in October 2021.

Tina Peters: If we remove that, then how would we do an audit? How would we do an audit? So, I made, I made a forensic image before and I made a forensic image after. Thank you.

AP: Peters asked the secretary of state if she could have someone from the public observe the update and they said no because of Covid-19. Next, she went to her IT department looking for a bipartisan pair of techies, but they didn't have anyone who could help. Tina eventually gets credentials for a computer programmer from Stand for the Constitution named Gerald Wood, but he's never formally hired and gives his key card back to the county. Just before the trusted build, Peters gives Gerald's key card to Conan Hayes, a former pro surfer steeped in the Stop the Steal movement who apparently knows how to take forensic images of voting equipment. Hayes tells Peters he can only help her if she hides his identity, because he tells her he's a government informant.

KM: No.

AP: Yes.

KM: If you believe your voting machines were hacked, it seems entirely plausible that an undercover government agent, slash surfer, would be the one to help, I guess.

AP: Hayes backs up the voting machine before and after the trusted build and Peters films the update. That wasn't illegal in 2021.

KM: Is it illegal now?

AP: Yes. Three months later, in August 2021, Ron Watkins-

KM: -the QAnon guy?

AP: The QAnon guy, he leaks the data on Telegram. That wasn't illegal then either. Colorado Secretary of State Jena Griswold, who's a Democrat, sued in civil court to remove Peters from office, fueling the narrative that the Democrats are out to get her, and she is being punished for exposing the truth.

KM: What truth?

AP: Peters gave the voting machine data to a cybersecurity firm, which printed off two reports showing evidence of irregularities.

KM: Really.

AP: Yeah, the district attorney's office investigated the same data cache and confirmed the observations, but explained the irregularities were due to human error. Essentially, the staff reset the machines at one point and a batch of ballots needed reloading, which did not change the election results.

KM: Very interesting.

AP: But Peters points to her reports as proof of fraud and her supporters consider her a hero for trying to prove it. Peters was arrested on 10 charges in 2022, including felony attempt to influence a public servant and impersonation. Local TV station 9News obtained 911 calls from that day.

911 call: I want to talk to whoever the hell put those handcuffs on that nice woman. I saw it on the television. I can't believe it. I'm a Colorado resident and I'm furious.

AP: She is likely going to jail for them since a jury found her guilty on seven charges and she's facing more than 20 years in prison.

KM: So, that's how someone falls into the election denying business.

AP: And the business of defending it. Before the trial, Judge Matthew Barrett ended up limiting a lot of the evidence Peters was allowed to introduce, saying the larger theories of election fraud were totally irrelevant to whether or not she influenced a public servant. Judge Barrett ended up blocking Peters from calling in Dominion's attorney, who she wanted to question on whether he pressured the secretary of state to pursue charges against her.

KM: Is that even relevant?

AP: They also wanted to call in Joseph Oltmann, who hosts a conservative daily podcast called the Conservative Daily Podcast, and he is the origin of the rumor that Eric from Dominion said he would make sure Trump lost the 2020 election. Holtmann's facing defamation claims from Eric Coomer, a guy who actually worked at Dominion until he started getting death threats.

KM: That might prejudice a jury.

AP: The defense did manage to call in Dallas Schroeder, who used to be the clerk of Elbert County until he made unauthorized copies of voting machine hard drives, similar to Tina Peters, except he didn't fake credentials. Schroeder managed to tell the jury his name, but not much else. He sat on the witness stand for about 40 minutes in silence while the attorneys held a bench conference and Barrett ultimately dismissed him. Peters' defense attorneys couldn't even get the court to admit the video footage of the voting machines posted on Telegram. At one point the defense asked Gerald Wood, who was a witness for prosecutors, to confirm if the video they had was the video he had testified about seeing, and Wood said he couldn't be sure because there were a lot of copies out there and he didn't know which one was the original.

KM: That's cold.

AP: To me, the most striking piece of rejected evidence was an attestation from Conan Hayes where he apparently admitted to telling Peters he worked for the government. And, to be clear, I have seen no proof that he worked for the government, but it is totally conceivable that Peters believes he did. Judge Barrett ultimately rejected the request, saying it was prejudicial to the jury and it didn't help her prove her innocence. Here's Judge Barrett questioning Dan Hartman, one of Tina's attorneys.

Judge Matthew Barrett: I don't understand that argument and I know we talked about that before. It seems very circular. Her intent was not to deceive the public servants, but her intent was to preserve the election records. But she intended to deceive the public servants so she could preserve the election records, which was her intent.

KM: He sounds annoyed. Did they just keep trying to admit the same evidence he rejected?

AP: Pretty much.

KM: But why?

AP: Number one, it is her best defense, and her attorneys wanted it on record for an appeal. Two, whether this was their intent or not, it gave people in the gallery and watching online a show. Video of that bench conference has been posted on X not to show how nuanced the whole thing is, but to prove her trial was rigged.

KM: Oh, the multiverse of misinformation. What did Peters have to say?

TP: I just asked that you restrain them and keep them in with that scope and that you rule in favor if my attorneys bring that up. I don't know if I'm allowed to tell the jury that Conan Hayes was in fact a government, had a government security clearance, but the reason I concealed his identity was to protect his safety. I made a promise and to protect his effectiveness for current future investigations, and I discussed his background with him extensively. My attorney verified it, that he did not have a felony or any election-related offenses, and if this is excluded, then this will affect my decision whether or not I'm going to testify today or on Monday, so, I would just like your ruling.

AP: She did not end up testifying before the jury and she didn't want to speak to press after the verdict, so I called her a few days later.

Voicemail: Everyone needs to be involved, to do something. Our republic is in jeopardy right now. Good Americans need to stand up and get involved. I love you, God bless you and thank you. The mailbox is full and cannot accept any messages at this time. Goodbye.

AP: She hasn't responded to my interview requests, but I have no doubt she'll appeal. Tina Peters' conviction still gets used as proof of election fraud among the conservative circles who question election integrity, but it's also a cautionary tale for most Americans who rejected the Big Lie of how misinformation spreads and why it sticks around. This was on my mind when I started seeing dozens of pre-election civil suits walking the same divide and trying to use the courts to launder baskets of misinformation into legal fact.

KM: That doesn't sound good. Tell me more after the break?

AP: Deal.

Nina Pullano: Hey Sidebar listeners. This is Nina Pullano, a former co-host of this very podcast. I want to quickly talk about a new project at Courthouse News that I'm pretty excited about. If you're like me, following legal news can feel like an onslaught of major court cases and seminal rulings that set precedent and lay the foundation for the future of democracy. But by the time Friday rolls around, I feel like I can barely remember what happened on Monday. That's why we started Closing Arguments, a newsletter that unwinds the big news of the week, thanks to our steadfast reporters tracking courts across the U.S. and abroad to help our readers stay up to date and jog that memory. Plus, you'll see what everyone else is reading with our top eight most read stories of the week and get a rundown of new cases and rulings that may have slid under the radar. Sign up on our homepage, courthousenews.com, and find us on Fridays in your inbox. Back to you, Sidebar.

KM: So, Amanda, what kind of pre-election litigation are you seeing this year?

AP: On my beat I usually see a few candidates trying to get on the ballot or voters arguing over ballot language. But since pre-election litigation does vary by state, I checked in with Courthouse News reporter Joe Duhownik in Phoenix, where he seems to see it all.

Joe Duhownik: This year there will be SWAT teams outside the main county elections building, deputies on horseback around other major voting sites. More doors now require special access badges rather than just regular locks and keys, and you know, aside from that, you have independent observers in every room.

AP: The Republican Party of Arizona just settled a civil suit over logic inaccuracy testing timelines and they're still litigating over the new elections manual. In her individual capacity, party chair Gina Swoboda sued the state over voter rolls. Swoboda claims Arizona's voter rolls contain between 500,000 and 1.2 million names that should be removed based on discrepancies between the U.S. Census Bureau's numbers and Arizona's voter files. Dozens of similar cases were filed across the country this year.

JD: One of the biggest claims that has still yet to be proven is that there were a lot of dead people voting or a lot of ballots were being cast in the name of someone who had been dead. That claim, like I said, has not been proven, but it is definitely helping the case with this lawsuit, at least in the court of public opinion. The secretary of state has responded that well, they're saying that it's between 500,000 to 1.2 million and the reason that their numbers are so sparse is because they're simply guessing, and they really don't have the evidence that they think they do.

AP: Swoboda claims having inaccurate voter rolls sows distrust in elections, so the state should remove more names.

JD: The secretary of state says no, we're removing people based on death, based on moving, based on felonies, based on all those things I mentioned. But it's important to remember that if there are more people registered than there are voters, that doesn't necessarily mean that hundreds of thousands of mail-in ballots are going out in the name of dead people being returned to vote. It doesn't necessarily mean that no further eligibility verification takes place. You know, that's why we have signature verification on mail-in ballots. That's why you have to show ID at a polling place. That's why we have laws now about documentary proof of citizenship.

AP: That's one of the reforms you see lawmakers talking about: requiring proof of citizenship to make sure undocumented immigrants aren't voting, and there's no evidence that they are they are. The Biden administration sued Arizona in 2022, challenging its ability to require people to show proof of citizenship to vote, since that isn't required under the National Voter Registration Act. The complaint also asked the court to stop Arizona from quote, "rejecting voter registration forms based on errors or omissions that are not material to establish a voter's eligibility to cast a ballot." So, Arizona is getting it from both sides. You don't remove enough ineligible voters, but you're also removing too many eligible voters.

KM: At least the phantom voter is just haunting Arizona, right?

AP: No, this is happening nationwide. I call them zombie voters because the idea just won't die and it is frightening to a lot of voters. This is the driving force behind many voter ID laws, and it's become a theme in lawsuits backed by the RNC, state Republican parties and right-wing groups. One of

them, United Sovereign Americans, sued Ohio, claiming the state lists 253,486 voters as being registered on New Year's Day.

KM: Ohio registers people to vote on New Year's Day?

AP: No, apparently it's a placeholder. So, when counties moved from paper records to digital, they'd put in New Year's Day instead of the actual registration date, or if you're in a state with a motor voter law and you get your license at 16, they'll put your 18th birthday in as the date of voter registration so it automatically rolls over.

KM: Is that wrong?

AP: It's not exactly accurate, but when United Sovereign Americans claims they've found millions of illegal votes, they're mostly referring to registration inaccuracies like that.

KM: That is quite a leap.

AP: To understand more, I spoke to one organization filing asterisk-style amicus briefs.

Leah Tulin: The sort of most concerning trend, I would say, is lawsuits that have been filed by both the Republican Party and wings of the Republican Party and right-wing groups that are really being used to spread, amplify and sort of create a veneer of legality around election conspiracy theories. My name is Leah Tulin. I am a senior counsel for litigation in the democracy program at the Brennan Center for Justice at NYU School of Law. Categorizing the suits, I would say the main one relates to voter purge lawsuits, right, these are challenges to the way that states and localities are maintaining their voter lists. That's not new. What is new, I would say, is a few things. The volume of the suits that are being filed really close to the election, which even in and of itself sort of belies that this is not really a legal strategy, this is more of a publicity strategy because the NVRA, which is the law at issue, actually prevents purges, systematic list maintenance within a certain period. Trying to draw the court's attention to the fact that this is a national trend and that these are lawsuits that are based on misinformation, that they have the effect of spreading misinformation and disinformation, and really urging the courts to view them in that light and understand them as part of a national trend.

AP: I have to wonder if it's inherently really risky to put a lawsuit based on unproven voting conspiracies in court where it's likely to be dismissed.

LT: Unfortunately, I don't think that's the case, for a couple reasons. The first is just the way the media tends to operate. There is often a big sort of media splash or media coverage when a lawsuit gets filed. When a lawsuit, that same lawsuit, gets dismissed, there's usually less coverage of that. Some of it is procedural too, and there's a great example of this, I think, in a lawsuit brought by this sort of very fringe election denier group, United Sovereign Americans, that just sort of developed out of thin air at the beginning of this year and they filed a lawsuit in Maryland. Basically, the allegation was Maryland has completely lost control of all of its election systems and there were so many problems with the lawsuit in terms of the allegations and the legal theories and the district court dismissed it based on standing, saying that the group didn't have, there was no harm, there was no legal right for them to sue. They've appealed that, but because of that you don't have a court decision saying essentially, these allegations are based on misinformation. They have no basis. In

fact, you know this is essentially conspiracy theories put into a legal complaint. You instead have a sort of very technical decision that says they don't have the legal right to sue, which, again, I think is the right result, certainly in that case and in a lot of these cases, but it doesn't have the effect, even if it does get media coverage, it doesn't have the effect of sort of a court saying these allegations are false.

KM: United Sovereign, aren't they the New Year's Day group?

AP: Yep. They have seven lawsuits to date, including one in Texas. I called up the group's founder to understand the driving force behind the litigation. Her name is Marly Hornik, and she was cooking breakfast for her family while we talked.

Marly Hornik: I'm going to be, I'm still in the kitchen, so I'm going to be making a tiny bit of noise, and I apologize for that. If it's too disruptive, I can sit down, but I'm trying to get some breakfast in the oven for my kiddos still.

AP: Do you mind if I ask you how you became involved in this sort of project? Do you have a legal background or a politics background?

MH: I have neither. I am a homesteader and homeschool mother in the state of New York, who spent many years caring for my family, focusing on my immediate circle, and I became concerned after witnessing, let's say, a lack of investigative will. After the 2020 election, I decided to form an organization that still exists, New York Citizens Audit.

AP: Hornik and members set out to verify public voter rolls line by line. The project ended up being pretty controversial, with the New York attorney general sending a cease-and-desist letter accusing them of voter intimidation. Do you think it's wrong to call you an election denier?

MH: Yeah, I think that's very wrong, actually. I have no other goal than to make sure that elections across the United States of America meet congressional standards of reliability so that all Americans can feel confident in election results, regardless of their party or candidate, you know their particular choices or beliefs. It's so damaging for our country to have this fracturing around election outcomes, and I believe that the unwillingness of our own government officials to have meaningful discussions with citizens about these issues and examine whether or not citizens have in fact, perhaps uncovered meaningful evidence that should be examined it's not personal.

AP: To be clear, United Sovereign isn't challenging the results of any past election and there is no credible evidence to doubt any. But they found millions of errors in voter registration that they think violate federal law.

MH: So when we grant this administrative deference to election officials to decide for us whether or not someone registered to vote on January 1st or any other of these invalid registration dates, registered to vote before they were born, registered to vote on any other federal holiday, registered to vote after they voted. They're just saying to us, basically, take our word for it. We're granting them the privilege of deciding whether 10 million votes are acceptable. They're deciding election outcomes. Now, I'm not saying that means they're bad people. I'm saying they're not doing their job.

AP: I asked Hornik if she worries her lawsuits will support misinformation and sow distrust in elections. She basically told me she doesn't, because she believes she's right.

MH: That's an interesting question. I mean I can't, first of all, I can't possibly be responsible for what other people think. I really can't. If someone decides that on the basis of a well-argued, well-constructed constitutional argument regarding prevention of dilution of the vote as a fundamental protection of every United States citizen's civil rights, if they decide that means that they were treated unfairly personally, I can't be responsible for that. Honestly, that's their mind and I can't go in there.

AP: I asked Hornik's attorney, Bruce L. Castor Jr., the same question

Bruce L. Castor Jr.: I think that people are so distrustful of elections now it couldn't be any worse. I think that ever since the Covid-initiated relaxation of the in-person voting, you know, and remote voting only, I think people have become very distrustful of the voting system. I have been associated with conservative causes around the country and I, of course, represented President Trump in his impeachment trial in 2021. And I've done some other things on the national level for conservative groups.

AP: The Maryland lawsuit was thrown out on standing and Castor came in on the appeal.

BC: The issue in all these cases is going to be the judge is going to say, "Well, how come you are allowed to complain about this?" That's what's called standing. So, the judge might say, and probably will say, "Even if everything you say is right, who were you to be allowed to bring this claim? What bad thing happened to you personally?" And my response to that is it's unreasonable to think that Congress created a scenario where the only people that could enforce it are high government officials and that those high government officials are refusing to do their jobs. The judge in Maryland said that voter groups don't have standing. Nothing bad has happened to them that allows them to complain, because you can't demonstrate factually that they were hurt. And my response is if they don't have the ability to bring such an action, who does?

AP: To be fair, pre-election challenges aren't just coming from the right. The DNC is filing amicus briefs in voter roll lawsuits just as quickly as Republicans file them. Democrats also sued the Georgia Election Board over recent rule changes that could delay election result certification, and affiliates challenged independent candidate Robert F. Kennedy Jr.'s placement on the ballot in several states, which he cited as part of his reason for dropping out and endorsing Trump. There are also plenty of nonpartisan pre-election litigants, like this Pittsburgh civil rights attorney.

Vic Walczak: My name is Vic Walczak, I am the legal director for the ACLU of Pennsylvania. I work out of our Pittsburgh office, and I use he/him pronouns.

AP: Walczak and the ACLU also recently filed challenges against Washington County, asking them to notify voters if they need to cure or correct their ballot, and against Butler County, which offers voters no way to remedy it if they just forgot to put the security slip onto their ballot. Interestingly, the RNC filed to intervene in Butler County, claiming they're fighting quote "efforts to force Butler County to count illegal ballots."

KM: Ballots without a security slip are illegal?

AP: We'll see what the court decides. Another issue that haunts Walczak is misdated ballots.

VW: We looked and found that about half of all the disqualified ballots involved people who forgot or put the wrong date on there and through lawsuits, you know, we're now into our second and third lawsuits, trying to convince the courts that those ballots should count, even if somebody forgets or misdates the envelope, because that date is completely irrelevant. It is not used for anything, right? The only date that's important is whether or not the ballot arrives in the elections office before 8 o'clock on election night.

AP: Walczak estimates 11,000 ballots were disqualified over missed or undated ballot envelopes in 2022. A state court sided with the ACLU in August and Republicans quickly appealed.

KM: Election workers have their work cut out for them this year; dispelling misinformation isn't even their main job. I think they'd be quitting in droves.

AP: They are. I mean, the job typically has pretty high turnover. So, it's not clear if they are quitting over misinformation and voter roll disputes specifically, or if they're just finding better jobs elsewhere. While I was in Grand Junction, I sat down with one clerk who stepped in knowing exactly what she was getting into, taking over for Tina Peters.

Bobbie Gross: So, my name is Bobbie Gross. I am the Mesa County clerk and recorder. So, I was elected in 2022, took office in 2023. My prior experience was I started in the clerk's office in 2007. I started as a frontline motor vehicle clerk and I worked my way up as becoming the motor vehicle manager and then in 2016, I was a co-director in elections, and so I really love the overall process of the clerk of recorder's office. There's always something going on and just we serve the community so much with all of our roles here.

AP: Can you talk me through do you feel like there was a fall in trust after Tina Peters' allegations were filed? What kind of damage controller policies did you do in the wake of that?

BG: I don't know if the trust in elections was damaged by Ms. Peters' actions or not. I think after the 2020 general election, there was a lot of mis- and disinformation out there, that a lot of citizens across the whole United States had some questions about elections and their processes, and so I think, overall, people were just wanting to know exactly how do elections work? What's the protocol? How can you trust that my vote was counted accurately? Everything's done with a bipartisan set of judges. They're actually the ones that conduct our election, right? We just oversee it. Our bipartisan election judges do every single process. They do the signature verification, they open the ballots, they tabulate the ballots. So, they do the work. We just help oversee it, and if they have questions or if they're not sure about a process, we're there to help them, but they're the ones that really help us run our election. It's your neighbors, it's your relatives, it's your co-workers that really are part of the process in elections.

AP: One thing I'm really interested in, because I spend so much time in courts, is that this tension between secure spaces and public access. Do you think there's an inevitable tension in elections between what's public and transparent and what's secure and needs to be locked down?

BG: No, I really don't, because I bring people in for tours, so we go into those secure areas, and we show them the process. So, while being secure, we're still trying to be open and transparent. We're currently working on a project where we're going to upload all of our ballot images along with the cast vote record, so people if they want to do a hand count, they can. They'll be able to see the

ballot image, they'll be able to see the cast vote record, so they'll see how that machine read that ballot and if it's adjudicated, it'll also show what was adjudicated. So, that will be all online so people could actually do their own hand counting if they choose to.

AP: The Board of County Commissioners budgeted \$20,000 for the program.

KM: Is all that extra work working?

AP: Time will tell. I did ask Mayor Herman what he thinks it would take to restore trust in elections to people who hold on to the strongest doubts. Interestingly, he said to keep asking questions.

AH: You kind of have two paths, like what is digging in and doing the work. I mean, there is so much complexity in everything that happens and so you can take the time to dig in, to understand it, to volunteer your time as an election judge, to talk to the people running elections, to really, truly, fully understand the system. And that's a lot of work, it's a lot of time investment, it's a lot of brain power. Or you can go to somebody who has all of the answers in the form of a conspiracy theory, who can spoon feed it to you, who has ulterior motives and that doesn't take any work at all.

KM: Voting has only gotten easier and safer since our country's inception. Fraud does happen, but criminals get caught. One positive development that has come out of these election challenges is that the public has been shown more and more how effective and kind of boring running an election is.

AP: Really, though, as courts decide whether to count misstated ballots or order clerks to correct registration dates, they're doing so behind the scenes, ahead of the election, so the rest of us can focus on what really matters: who and what to vote for.

KM: What is important is to not let misinformation or cynical actors take your motivation to vote away. No matter where you live, get educated on your state's voting laws and get involved in helping your community run the free and fair elections of the future. Thank you, Amanda, for your reporting and thank you for listening. If you liked this episode, drop us a review over at Apple Podcasts, follow us on social media @SidebarCNS, and if you want to read more about elections and the law, check out our reporters' amazing reporting at [courthousenews.com](https://www.courthousenews.com). Next time on Sidebar: after a three-month summer holiday, the Supreme Court justices are returning to the bench. While we can't confirm or deny whether their respite included luxury yachts or private jets, the court's 2024 term is already shaping up to be another blockbuster. Expect to hear about an effort to curb the regulation of DIY untraceable ghost guns, whether Oklahoma will have to execute a man the state believes to be wrongfully put on death row, and the latest on the fight against transgender health care for minors. And that's all before any election challenges reach the court. See you next time.

(Outro music)