AFFIDAVIT OF ANDREW JOHN MILLER

Andrew John Miller, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a poll challenger on Tuesday, November 3, 2020 and Wednesday, November 4, 2020.
4. The table I was at was duplicating ballots and had about 25 ballots to duplicate.
5. One poll worker held the original ballot and a second poll worker duplicated the ballot.
6. The poll worker who duplicated the ballot hovered over the ballot and blocked me from being able to see the duplication process.
7. A third worker was blocking anyone from being able to see this duplication process.
8. I informed a supervisor that I was denied access to see the duplication process and need to review the ballots for accuracy. I was informed that I "couldn't because the duplication process was personal like voting."
9. I watched them duplicate 3 or 4 ballots and this happened on each ballot I watched.
10. I challenged these 3 or 4 ballots and the table worker refused to acknowledge my challenge.
11. Additionally, the poll workers refused to enter my challenge into the computer and also refused to enter my challenge into the poll log.
12. On both November 3, 2020 and November 4, 2020, I was instructed to back up 6 feet from the table and I was unable to see what was happening with the ballots from 6 feet away from the table.

1. At one point on November 4, 2020, a democrat challenger was standing between myself and the table where the poll worker was processing the ballots

2. I was instructed to back up 6 feet from the table, however, the democrat challenger, who stood in between where I was standing and the poll worker at the table, was not told they needed to back up.

3. I saw roughly 24 computers on November 3, 2020 and every computer I saw had a red error messages in the lower right-hand corner saying "update overdue." Additionally, not all of the computers indicated the correct time, with some being off by approximately 5 hours. All computers with the incorrect time were synchronized to show the same incorrect time.

Andrew J. Miller

Dated: November 8, 2020

Andrew John Miller 11/8/20

Subscribed and sworn to before me on:
/s/ Kimberly Joi Matson 11/8/2020
Notary public, State of Michigan, County of:
My commission expires: 9/2/2024

Kimberly Joi Matson
Notary Public - State of Michigan
County of Wayne
My Commission Expires 9/2/2024
Acting in the County of Wayne

Declaration of Charles J. Cicchetti, Ph.D.

I, Charles J. Cicchetti, declare and state as follows:

1. I am a resident of the State of California. Since 2016, I have been an independent contractor and work as a Managing Director at Berkeley Research Group, Inc. The views expressed are my own and do not reflect the views of any entities with which I am affiliated. I have personal knowledge of the matters set forth below and could and would testify competently to them if called upon to do so.

Professional Background

2. I am an economist with a BA from Colorado College (1965) and a Ph.D. from Rutgers University (1969), and three years of Post Graduate Research in applied economics and econometrics at Resources For the Future (RFF). I was formally trained statistics and econometrics and accepted as an expert witness in civil proceedings. I have been engaged to design surveys, draw random samples, and analyze and test data for significance, and I have conducted epidemiology analysis using logit models to determine the significance of relative odds of outcomes and relative risk. I have also been tasked with evaluating the work of other experts on the data and methods used and to detect and opine on bias, particularly missing variable bias.

3. I have testified in civil, arbitration, and administrative proceedings as an expert witness hundreds of times since my first appearance in 1967. Much of this work involved data analysis and interpretation, sampling, and survey design.

4. I began my professional career after completing my academic and postdoctoral studies at the University of Wisconsin, Madison, from 1972 to 1985, where I eventually became a tenured Professor of Economics and Environmental Studies. During this period, I also served in other capacities, including an early role as the first economist for the Environmental Defense Fund (EDF), Director of the Wisconsin Energy Office, Special Advisor to the Governor of Wisconsin, and Chair of the Wisconsin Public Service Commission. I had grants from EDF, the Ford Foundation, National Science Foundation, and the Planning and Conservation Fund (California).

5. From 1987 to 1990, I was the Deputy Director of the Energy and Environmental Policy Center at the John F. Kennedy School of Government at Harvard University. I have taught at the

University of Southern California (USC) part-time since 1991, and from 1998 to 2006 I held the Jeffrey J. and Paula Miller Chair in Government, Business and the Economy.

6. I worked for and founded a number of consulting firms specializing in applied economics and econometrics. I currently own Cicchetti Associates, Inc., and I am a member of Berkeley Research Group. I have written more than twenty books and monographs and many peer reviewed articles. A true and correct copy of my *c.v.* is attached as Exhibit 1.

Assignment

7. I was asked to analyze some of the validity and credibility of the 2020 presidential election in key battleground states. I analyzed two things that seem to raise doubts about the outcome. First, I analyzed the differences in the county votes of former Secretary of State Hillary Clinton (Clinton) compared to former Vice President Joseph Biden (Biden). Second, many Americans went to sleep election night with President Donald Trump (Trump) winning key battleground states, only to learn the next day that Biden surged ahead. Therefore, I compared and tested the significance of the change in tabulated ballots earlier in the reporting to subsequent tabulations. For both comparisons I determined the likelihood that the samples of the outcomes for the two Democrat candidates and two tabulation periods were similar and randomly drawn from the same population. I used a standard statistical test in this comparison.

8 I was also asked to compare rejection of ballots in 2016 to 2020 in Georgia. I analyzed data for mail-in ballots and their rejection rates for the two elections. I use this comparison to estimate how the election outcome would be affected if the rejection rate in 2020 was similar to 2016 when there were many fewer absentee mail-in and other early ballots. The increase in voters using early ballots in Georgia for the first time would likely cause errors that would decrease acceptance relative to rejections. Furthermore, the time between the two presidential elections is short enough that significant changes as discussed in this declaration could not be due to underlying changes in demographic factors. It is important to determine if there were instances of opening absentee ballots before election day commenced, which was not permitted. The specific procedures for acceptance/rejection are important because the Settlement reached in Georgia, identified in the complaint, agreed to require three registrars to reject a defective ballot. This change alone would increase acceptance, and likely caused lower rejection rates.

9. I was asked to analyze absentee ballots in Wayne County, Michigan to determine if the reporting satisfied the requirements for tabulating and reporting ballots. I found that Detroit precincts do not provide information on voter registration. These same precincts in Detroit do not report balanced tabulations as required. These failures make it impossible to determine if the ballots tabulated are valid.

I. Z-Scores For Georgia[1]

A. Comparing Clinton in 2016 to Biden in 2020 in Georgia

10. In 2016, Trump won Georgia with 51.0% of the vote compared to Clinton's 45.9% with more than 211,000 votes separating them. In 2016, Clinton received 1,877,963 votes and Trump received 2,089,104. In 2020, Biden's tabulated votes (2,474,507) were much greater than Clinton's in 2016. Trump's votes also increased to 2,461,837. The Biden and Trump percentages of the tabulations were 49.5% and 49.3%, respectively.

11. I tested the hypothesis that the performance of the two Democrat candidates were statistically similar by comparing Clinton to Biden. I use a Z-statistic or score, which measures the number of standard deviations the observation is above the mean value of the comparison being made. I compare the total votes of each candidate, in two elections and test the hypothesis that other things being the same they would have an equal number of votes.[2] I estimate the variance by multiplying the mean times the probability of the candidate not getting a vote. The hypothesis is tested using a Z-score which is the difference between the two candidates' mean values divided by the square root of the sum of their respective variances. I use the calculated Z-score to determine the p-value, which is the probability of finding a test result at least as extreme as the actual results observed. First, I determine the Z-score comparing the number of votes Clinton received in 2016 to the number of votes Biden received in 2020. The Z-score is 396.3. This value corresponds to a confidence that I can reject the hypothesis many times more than one in a quadrillion times[3] that the two outcomes were similar.

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[1] Unless otherwise noted, the data used for Georgia are from the Secretary of State in Georgia.

[2] The mean of a binomial distribution is defined as the probability of candidate getting a vote times the number of votes cast.

[3] A quadrillion is 1 followed by 15 zeros. Z equal to 10 would reject with a confidence of one in a septillion, or one followed by 24 zeros, which would be a billion quadrillion, or a trillion, trillion. As Z increases, the number of zeros increases exponentially. A Z of 396.3 is a chance in 1 in almost an infinite number or outcomes of finding the two results being from the same population, here Georgia voters preferring a Democrat in 2016 being the same as in 2020.

12. Second, since more ballots were cast I performed an additional hypothesis test of the similarity of the Clinton and Biden vote percentages to remove the effect of the difference in the increase number of votes that Biden received relative to Clinton. The estimated Z-score is less because I removed the influence of differences in the number of ballots tabulated in the two elections. I continue to find with very great confidence that I can reject the hypothesis that the percentages of the votes Clinton and Biden achieved in the respective elections are similar. The estimated Z-score is 108.7. The confidence for rejecting the hypothesis remains many times more than one in a quadrillion.[4]

13. There are many possible reasons why people vote for different candidates. However, I find the increase of Biden over Clinton is statistically incredible if the outcomes were based on similar populations of voters supporting the two Democrat candidates. The statistical differences are so great, this raises important questions about changes in how ballots were accepted in 2020 when they would be found to be invalid and rejected in prior elections.

B. Comparing Early and Subsequent Tabulations for Georgia[5]

14. At 3:10 AM EST on November 4 the Georgia reported tabulations were 51.09% for Trump and 48.91% for Biden (eliminating third-party candidates). The total votes reported for the two major candidates were 4,662,328. On November 18 at 2 PM EST, the reported percentages were Trump 49.86% and Biden at 50.14%. The Biden advantage over Trump in the final tabulations reported was less than 14,000 votes, or 0.28%. For this turnaround to occur, the subsequent additional "late" ballots totaling 268,204 votes (5.4% of the votes reported on November 18) had to split 71.60% for Biden and 28.40% for Trump. The two periods report shifts in the percentage favoring Trump from 51.09% to 49.86%, which is a percentage difference of 1.23%.

15. The Georgia reversal in the outcome raises questions because the votes tabulated in the two time periods could not be random samples from the same population of all votes cast. I use a Z-score to test if the votes from the two samples are statistically similar. I estimate a Z-score

[4] The estimated confidence is actually about 1 in 1 with 2,568 zeros.

[e] The data on the tabulations for early balloting compared to the final tabulations come from the same source for the different time periods and the five battleground states that I analyzed. The source used was: https://www.270towin.com/2020-election-results-live/. These are provided by time, date, and state.

of 1,891.[6] There is a one in many more than quadrillions of chances that these two tabulation periods are randomly drawn from the same population. Therefore, the reported tabulations in the early and subsequent periods could not remotely plausibly be random samples from the same population of all Georgia ballots tabulated. This result was not expected because the tabulations reported at 3 AM EST represented almost 95% of the final tally, which makes a finding of similarity for random selections likely and not statistically implausible.

16. Put another way, for the outcome to change, the additional ballots counted would need to be much different than the earlier sample tabulated. Location and types of ballots in the subsequent counts had, in effect, to be from entirely different populations, the early and subsequent periods, and not random selections from the same population. These very different tabulations also suggest the strong need to determine why the outcome changed. I am aware of anecdotal statements from election night that some Democrat strongholds were yet to be tabulated. There was also some speculation that the yet-to-be counted ballots were likely absentee mail-in ballots. Either could cause the latter ballots to be non-randomly different than the nearly 95% of ballots counted by 3AM EST, but I am not aware of any actual data supporting that either of these events occurred. However, given the closeness of the vote in Georgia, 12,670 votes, further investigation and audits should be pursued before finalizing the outcome.

II. Z-Scores for Other Battleground States

17. I analyzed three additional battleground states, Michigan, Pennsylvania, and Wisconsin. I reviewed similar matters related to Clinton/Biden differences and early tabulated results and outcome reversals. The states all had significant increases in early ballots compared to 2016. This is shown in Table 1 for Georgia and the other three battleground states that I analyzed in some detail.

Table 1: Early Ballots and Percent Increases Between 2016 and 2020

State	2016	2020	2020/2016
Georgia	2,438,644	3,957,889	162.30%
Michigan	1,277,405	3,111,414	243.60%
Pennsylvania	288,996	2,504,518	866.60%
Wisconsin	825,620	1,924,838	233.10%

[6] This would be 1 divided by more than 775,000 zeros.

18. I calculated the same Z-scores for Biden and Clinton total ballots and their respective percentage of the votes for the four states. These data were Secretary of State certified tabulations. I analyzed data from what I understand to be a non-partisan neutral source, 270toWin, to compare tabulations when balloting was reported as halted in Georgia discussed above, and Michigan, Pennsylvania, and Wisconsin states at about 3 AM on November 4, 2020. I compared this to the data from other time periods from the same source to avoid any reporting differences. The final tabulations for the two leading candidates that I used in this comparison are tabulations reported November 18, 2020 at 2PM EST.

19. Table 2 shows the Z-scores for Georgia discussed above and the other three states.

Table 2: Z Scores Battleground States

	Biden Votes	**& Clinton Percentage**	**Early to Later**
Georgia	396.3	108.7	1891
Pennsylvania	290.4	90.7	736
Wisconsin	198.5	77	1271
Michigan	333.1	107.4	586

20. I reject the hypothesis that the Biden and Clinton votes are similar with great confidence many times greater than one in a quadrillion in all four states. Similarly, I reject the hypothesis that the Biden and Clinton percentage of the two leading candidates' votes are similar with confidence exceeding many times one in a quadrillion. In fact, the confidence I reject the similarity in these comparisons with the probability of incorrectly rejecting such hypotheses is equal to about one divided by one with a thousand or more zeros. Further, when all four battleground states have the same Clinton to Biden difference, the probability of such a collective outcome is lower by an exponential factor of four, *i.e.,* the improbability of that collective outcome effectively raises the odds of all four having the same result to the fourth power. The probability of there being no meaningful difference in voter preferences for Clinton and Biden would be approximately one divided by one with about a trillion zeros.

21. The degree of confidence is even greater for rejecting the hypothesis that the early morning after election tabulations and the subsequent tabulations were drawn from the same population of all voters. For example, the Z-score for Michigan is the lowest of the four states

shown. The degree of confidence for rejecting the Michigan hypothesis has a one in one with 74,593 zeros. Georgia had tabulated about 95% of the ballots cast by 3 AM EST. The comparable initial period tabulations in Pennsylvania, Wisconsin, and Michigan were 75%, 89%, and 69%. These are large enough to expect comparable percentages and vote margins for random selections of ballots to tabulate early and later. Again, the chance of this happening in all four states collectively is even far more improbable, and would be about one divided by about one with a quadrillion zeros.

III. Comparing 2016 Rejection Rates to 2020 Rejection Rates in Georgia

22. In 2016, the rejection rate for mail-in absentee ballots in Georgia was 6.42%.

2016 Mail-in Absentee Ballots

2016 Mail-in Volume	213,033
2016 Mail-in Ballots Rejected	13,677
2016 Mail-in Rejection Rate	6.42%

23. In 2020, many more mail-in absentee ballots were tabulated in Georgia, while the rejection rate dropped to less than 0.37%.

2020 Mail-in Absentee Ballots

2020 Mail in Volume	1,316,943
2020 Mail in Ballots Rejected	4,786
2020 Mail in Rejection Rate	0.3634%

24. There were 1,316,943 absentee mail-in ballots submitted in Georgia in 2020. The Biden and Trump combined absentees mail-in ballots equaled 1,300,886. There were 4,786 absentee ballots rejected in 2020. This is a rejection rate of 0.3634% out of all the absentee mail-in ballots tabulated. This is much smaller than the number of absentee ballots rejected in 2016, when 13,677 absentee mail-in ballots were rejected out of 213,033 submitted. The 2016 rejection rate was 6.42%, which is more than seventeen times greater than 2020. This decrease in rejection rates is very unexpected, since there was more than a six-fold increase in absentee ballot use.

25. If the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 fewer tabulated ballots for Biden and Trump in 2020. The Secretary of State's certified absentee mail-in ballots for the two major party candidates were

split 34.681% for Trump and 65.319% for Biden. If the higher 2016 rejection rate was applied to the much greater 1,300,886 ballots, and the Biden and Trump shares of rejected ballots was the same as for all absentee mail-in ballots for the two major party candidates, this would decrease Trump votes by 28,965 and Biden votes by 54,552, which is a net gain for Trump of 25,587 votes.

26. The net gain for Trump would be more than the tabulated ballots needed to overcome the Biden advantage of 12,670 votes. Trump would win by 12,917 votes.

IV. Incomplete Ballots and Non-Reporting in Michigan

27. I analyzed the absentee ballot data for Wayne County, Michigan, at the precinct level. I found that 174,384 absentee ballots out of 566,694 absentee ballots tabulated (about 30.8%) were counted without a registration number for precincts in the City of Detroit starting with Absentee Vote County Board 1 (ACVB 1) through (ACVB 134). In Wayne County, Biden won 68.4% of the ballots tabulated.

28. If this same rate was applied to these votes without a registration number, this would cause Biden to lose about 119,300 votes and Trump's comparable loss with 30.3% of the tabulated vote would be about 52,800 votes. This would be a net gain of about 66,500 votes for Trump in one county if votes without a voter registration were not counted. If the percent voting for Biden was greater, the net gain for Trump would be higher. This seems likely since the precincts were all from Detroit that included absentee ballots without registration identification in their tabulation.

29. Michigan requires precincts to balance their reported tabulations. William C. Hartmann and Monica Palmer (Chairperson) are two of the four members of the Board of Canvassers for Wayne County. They signed affidavits (attached to my declaration) attesting they would not certify Wayne County's vote because about 70% of Detroit's 134 AVCB precincts were not balanced. This means the numbers reported must match the votes tabulated and ballots could be misplaced and unexplained mismatches. Given the number of ballots tabulated without a registration and the number of precincts that are not balanced, there is a need for more complete investigations and audits.

V. Summary

30. I examine two reasons why further investigation of the vote tally in Georgia, Michigan, Pennsylvania, and Wisconsin is needed given what, in my opinion, are extremely improbable results in the 2020 election for president. First, Biden outperformed Clinton in both total votes and percentage of the final votes in all four states. Second, Trump led in the voting tabulated before about 3 AM the morning after in all four battlegrounds states. When the additional ballots were added, Biden passed Trump in all four states. Battleground states are, by definition, expected to be close to a 50/50 proposition or coin toss. Biden's collective win in all four of those battleground states were with percentage margins that far exceed Clinton's vote results. I find this statistically to be extremely improbable. In my opinion, this difference in the Clinton and Biden performance warrants further investigation of the vote tally particularly in large metropolitan counties within and adjacent to the urban centers in Atlanta, Philadelphia, Pittsburgh, Detroit and Milwaukee.

31. Data from two different years or in two different time periods for random coin tossing would not be expected to be much different than 50 heads and 50 tails. If there were differences, this would suggest something not expected in a fair coin toss game was affecting the outcome. This could be a defect in the coin or the tossing procedures. Discovering differences would with high probabilities require more analyses and investigations to determine what happened and why. In my analysis, I found that the odds of the Clinton/Biden and early versus later tabulations randomly happening in one state are astronomical, and in all four simultaneously occurring nearly incomprehensible. Accordingly, all four battleground states should be thoroughly analyzed, investigated and audited to determine whether the outcome of the vote is accurate. In my opinion, the outcome of Biden winning in all these four states is so statistically improbable, that it is not possible to dismiss fraud and biased changes in the way ballots were processed, validated and tabulated. If the efforts to uncover mistakes and violations are completed, I would not be surprised that there could be a reversal in the outcome of Biden winning in some or all of these four battleground states.

32. I found in Georgia that the rejection rates for absentee ballots in 2020 were much less than in 2016. This is surprising since so many more voters (more than six times as many) used absentee mail-in ballots in 2020 compared to 2016. I found that if the previous 6.42% rejection rate of absentee mail-in ballots in 2016 applied in 2020, there would be about 83,500 fewer votes

for the two major party candidates. I estimate that if the same split of all absentee mail-in ballots for Trump and Biden was applied to the difference in the votes corresponding to the 2016 rejection rate that Trump would have fewer ballots rejected for a net gain in the margin of more than 25,500 votes, and win the Georgia presidential election by nearly 13,000 votes.

33. The statistical differences that I found in Georgia strongly point to the necessity of reviewing all ballots to make certain the sharp decrease in rejections and/or curing were accurate and legally[7] permitted.

34. I analyzed absentee ballots in Wayne County, Michigan. I found 174,384 ballots in Detroit were not matched to registered voters. I further read the Affidavit of two of the four members of the Canvassing Board and learned that about 70% of the Detroit precincts did not balance the votes tabulated as they are required to do so. Both findings strongly support my opinion that the vote tally is materially inaccurate and warrant an investigation and audit of these results.

Charles J. Cicchetti, Ph.D.

December 6, 2020

Date

[7] I am not an attorney, and this is not intended to be a legal opinion.