

1 PAUL ROLF JENSEN, Application for admission pro hac vice pending  
JENSEN & ASSOCIATES, APC  
2 650 Town Center Drive  
12<sup>th</sup> Floor  
3 Costa Mesa, California 92626  
(714) 662-5527  
4

5 Specially appearing for defendant ROGER J. STONE, JR. And  
6 STOP THE STEAL, erroneously sued as STOP THE STEAL, INC.,  
7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF ARIZONA**  
10

11 ARIZONA DEMOCRATIC PARTY,	)	CASE NO: CV-16-03752-PHX-JJT
12 Plaintiff,	)	
13 vs.	)	SUPPLEMENTAL POINTS AND
14 ARIZONA REPUBLICAN PARTY, DONALD	)	AUTHORITIES IN OPPOSITION TO MOTION
J. TRUMP FOR PRESIDENT, INC., ROGER J.	)	FOR TEMPORARY RESTRAINING ORDER;
15 STONE JR., and STOP THE STEAL, INC.,	)	DECLARATION OF PAUL ROLF JENSEN
16 Defendants.	)	
17	)	

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I**

20 **COUNSEL MAKES ONLY A LIMITED AND SPECIAL APPEARANCE**

21 The Court yesterday was most gracious as to permit attorney Paul Jensen to make a limited  
22 appearance because personal jurisdiction as well as the validity of service is contested, but  
23 nevertheless allowed Jensen to argue the merits and fully participate in the hearing. The Court  
24 invited Jensen to file a written brief, and so with continued appreciation for the Court's indulgence,  
25 this brief is hereby submitted without intending that it constitute a waiver of the jurisdictional and  
26 service arguments made yesterday.  
27

II

THE PLAINTIFF'S EVIDENCE AND RANK CONJECTURE DO NOT MERIT  
THE EXTREME RELIEF OF PRIOR RESTRAINT ON DEFENDANTS' FIRST AMENDMENT  
RIGHTS

Core political speech deserves the highest protections the law can afford. The right is enshrined in the very first of the amendment to our Constitution. Only upon the highest showing of imminent harm is prior restraint justified. In denying the restraining order sought in the Pentagon Papers case, the Supreme Court held, "Any system of prior restrains of expression comes to this Court bearing a heavy presumption against its constitutional validity." *New York Times v. Sullivan*, 403 U.S. 713, 714 (1971), citing *Bantam Books v. Sullivan*, 382 U.S. 58, 70 (1963).

There is NO evidence here of any threatened or likely harm that needs the drastic and invasive cure of prior restraint. None. As evidenced by the following declaration of Jensen, today's press reports of early voting make no reference to any problems that a single voter has encountered, and the only evidence before this Court is that there has never been any evidence in the past of any problem.

To be sure, Chairman Graham has been quoted as saying: "This way people just know a little bit more that they're being watched and their behavior needs to stay in line with the law, and that's what we to ask to maintain the integrity of the vote."<sup>1</sup> Taken in context, Chairman Graham's words do not imply anything improper and certainly can't overcome plaintiff's "heavy presumption". By the same token, Mr. Stone has certainly been quoted a decade ago in the New Yorker as saying some very controversial things. He doesn't like Hillary Clinton and makes no secret about it. But even taking word in every single document submitted by the plaintiffs in evidence (even setting aside the hearsay and objectionable nature of those words) they do not come close to suggesting Stone has

---

<sup>1</sup>This is the full quote which was truncated by Plaintiff.

1 some impropriety planned for Arizona. The relief sought is completely disproportional to the  
 2 demonstration of any likely harm. "Public policy requires that preliminary injunctions, especially  
 3 those that stand to potentially chill a person's right to free speech, no matter how disagreeable that  
 4 speech may be, should only be granted in the most extraordinary of circumstances and upon the most  
 5 conclusive showing of all of the Dataphase elements. *Northland Ins. Companies v. Blaylock*, 115  
 6 F.Supp.2d 1108, 1125 (D. Minn. 2000).

### 8 III

#### 9 STOP THE STEAL ISN'T REQUIRED TO BE SCIENTIFIC IN ITS EXIT POLL

10 What Mr. Stone and Stop the Steal refer to as an "exit poll" certainly don't meet the  
 11 parameters for the plaintiff's expert, but that is of no moment whatsoever. Put differently, Stop the  
 12 Steal's efforts might not be successful or achieve its ends, but even exit polling that fails to meet the  
 13 standard of plaintiff and its expert is nevertheless still protected under the First Amendment and not  
 14 in any way improper.

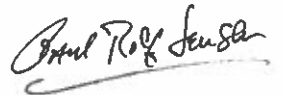
### 16 IV

#### 17 CONCLUSION

18 For all of the reasons above and which were argued by us yesterday, the Court should DENY  
 19 all relief sought by the Arizona Democratic Party in this action

21 Dated: 4 November 2016

Respectfully submitted,

23 

25 PAUL ROLF JENSEN

1  
2 I, Paul Rolf Jensen, declare as follows:

- 3 1. I am an attorney at law duly licensed to practice in the State of California, and my  
4 application to practice before this court in this case *pro hac vice* is pending. The  
5 following facts are true based on my personal knowledge. If called and sworn as a  
6 witness, I could and would testify competently thereto.  
7 2. Attached hereto as Exhibit 1 is a true and correct copy of a news story I accessed this  
8 morning.  
9 3. Attached hereto is a true copy of the most recent filing with the Internal Revenue  
10 Service of Stop the Steal which was prepared under my direction.  
11 4. All of the statements I made yesterday in open court concerning Mr. Stone, Stop the  
12 Steal and Brad Boeck were true and correct of my own knowledge.

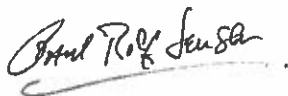
13 I hereby swear under penalty of perjury under the laws of the United States and of California  
14 that the foregoing is true and correct. Executed on November 4, 2016 at Costa Mesa, California.  
15

16   
17

18 PAUL ROLF JENSEN  
19

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on November 4, 2016, I electronically transmitted the attached document  
22 to the Clerk's Office using the CM/ECF System for Filing.  
23

24   
25

26 PAUL ROLF JENSEN  
27  
28

**EXHIBIT 1 FOLLOWS**

# They're back! Long waits dog early-voting sites in metro Phoenix

Mary Jo Pitzl and Emily Balli, The Republic | [azcentral.com](http://azcentral.com) 8:57 p.m. MST November 3, 2016



(Photo: David Wallace/The Republic)

Tonya MacBeth showed up at her local early-voting site Thursday morning, eager to cast her ballot. But an hour and 40 minutes later, she left concerned that the lines could, once again, deter voters.

"I think they're just completely overwhelmed," MacBeth said of city workers staffing the site at Cave Creek Town Hall.

Indeed they are. Town Manager Peter Jankowski is one of those workers. They have seen waits of two to three hours this week, as people from outside the small north Valley enclave drive in to cast a ballot in advance of Nov. 8.

Thirty people left Wednesday without voting, discouraged by the long wait or pulled away by other appointments, he said.

Jankowski faults the Maricopa County Recorder's Office for not providing enough sites for in-person early voting.

"We all know it's a crazy election," he said. It should have been easy to anticipate voter enthusiasm in what has been one of the most contentious presidential elections in decades, he said.

**AZCENTRAL SURVEY:** [Take our survey about the 2016 election \(http://static.azcentral.com/election-survey/\)](http://static.azcentral.com/election-survey/)

Although there are 25 sites throughout Maricopa County, the next closest to Cave Creek Town Hall to the east, west and south are all miles away, in downtown Scottsdale, downtown Glendale and downtown Phoenix. People don't want to drive that far, Jankowski said.

About 4:00 p.m. Thursday at the Cartwright School District Annex building in Maryvale, voters were told they would have to wait about 90 minutes to cast a ballot.

Rebecca Martinez, 50, was one of the roughly 60 voters there. She said she had considered voting Wednesday but was told it would take four hours, so she decided to wait a day.

"Yesterday I decided it was too long of a wait," Martinez said. "But it's worth waiting the hour and a half as long as our votes count."

At Scottsdale City Hall, Susette Faulkner, 51, waited more than two hours to cast her early vote. Once she realized how long it was going to take, she rearranged plans for work and to babysit her grandson.

Thursday was the first time she voted early. And while she would rather not have waited, she thought more people should be upset with the way the election has played out over the past year than the actual voting process.

"It would be nice to be able to come in and out quicker, but I think this is the least of the problem," Faulkner said.

Although hundreds of people were willing to wait for two hours, others left when they were told how long it would be. At one point, Faulkner said a man began to yell because he was angry about voting paperwork.



**AZCENTRAL**

[Can I change my vote? \(And other questions about voting in Arizona\)](#)

[my-vote-and-other-questions-voting-arizona/93171472/](#)

## County: Vote at less-popular sites



Ben Lane, a Phoenix deputy city clerk, said Phoenix City Hall has not had many long lines for early voting. (Photo: Emily Balli/The Republic)

County officials, who were excoriated for long lines during the March presidential-preference election ([/story/news/politics/elections/2016/06/24/who-knew-beforehand-arizonas-disastrous-presidential-primary-election-plan/85556756/](#)), say they're aware of long waits at several sites, and will send extra equipment to address what is expected to be a closing rush Friday, the last day of in-person early voting.

But they say the best option is to hit one of the less-popular sites.

"We have had low voter turnout at our two offices downtown, at the city of Phoenix building downtown, Maryvale, South Phoenix, ASU, Buckeye, and Litchfield Park," spokeswoman Elizabeth Bartholomew said in an email response to questions. Long waits have been reported in Scottsdale, Chandler, the county offices in Mesa and Glendale. A full list of the sites, a few of which will be open Saturday, is [here](#) (<http://recorder.maricopa.gov/elections/evlocations.aspx>).

Just after noon on Thursday at Phoenix City Hall, fewer than 10 people waited in line.

Ben Lane, a Phoenix deputy city clerk, said there have been no long waits or complaints from voters. He said fewer people voted at City Hall on Thursday compared with the day before, and that the busiest times were early in the morning and during lunch.



**AZCENTRAL**

[Arizona leads nation in early-voting surge by Latinos](#)

(<http://www.azcentral.com/story/news/politics/elections/2016/11/03/arizona-leads-nation-early-voting-surge-latinos/93129112/>)

Sivakumar Velagapudi, a Phoenix water-services employee, voted early on Thursday. He said it was easy and convenient.

The remote sites operate like the vote centers the county experimented with in March: Voters can show up at any location and get a ballot. That takes extra time, because staffers must verify the voter's information against the county database, print a ballot that has the proper congressional, legislative and local candidates, and then deliver it to the voter.

With only one printer and four staffers in Cave Creek, that takes time, said City Clerk Carrie Dyrek.

The county's promise to send more equipment won't be any help, Dyrek said. They need staff, and that must come at town expense. Besides, there's no  
<http://www.azcentral.com/story/news/politics/elections/2016/11/03/long-waits-...> 11/4/2016

## Concerns about going to the polls



Scottsdale residents Susette Faulkner (center) and Dolores Van Nutt pass the time as they wait to vote at Scottsdale City Hall on Nov. 3, 2016. Faulkner and Van Nutt said they had been there more than two hours. By midafternoon, there were approximately 100 people waiting to vote early. (Photo: David Wallace/The Republic)

In Scottsdale, Karin Cather showed up at her city hall late Wednesday to vote, only to be advised the wait would be 2½ to three hours. She left, hoping to return Thursday.

"I'm going to vote, don't get me wrong," she said. And she wants to vote early to avoid hassles on Election Day.

"I'm afraid, a little bit," she said. All the talk about [voter intimidation](#) ([/story/news/politics/elections/2016/11/03/judge-hear-arizona-suit-targeting-trump-backers-intimidation/93241370/](#)) and harassment made her leery of going to the polls Tuesday.

### What's on the ballot? Who's running?

Get the lowdown, including side-by-side comparisons of the candidates and their stances on key issues — in their own words. And generate a sample ballot of your voting district.

[azvotes.azcentral.com](http://azvotes.azcentral.com)

(<http://c3.thevoterguide.org/v/phoenix16/build.do>)

She returned Thursday about 9 a.m., and this time, the wait was 1 1/2 hours. She said city officials told her about 500 people have been voting at Scottsdale City Hall each day.

Despite the wait, people were courteous and chatted easily, Cather said — even though she suspected there were conflicting political ideologies.

The reports of long wait times have exasperated the Arizona Advocacy Network, a progressive-leaning organization that reached out to County Recorder Helen Purcell after the March election. The group pushed for even more early-voting sites.

Samantha Pstross, the group's executive director, sent a letter to Purcell late Wednesday asking her to request help from the U.S. Justice Department for Election Day voting.

Alisha Vandriel, a Scottsdale Community College student who went to Scottsdale City Hall to vote between classes, said the wait was "annoying, but expected."

She saw a silver lining in the situation. "I'm kind of happy that a lot of people are here because it seems like people actually care about this election," she said.



Experts predict long lines for some on Election Day in Maricopa County

(<http://www.azcentral.com/story/news/politics/elections/2016/10/31/experts-predict-long-lines-some-election-day-maricopa-county/93021800/>)

OUR BEST OFFER: Digital Access FOR ONLY **\$9.99/YEAR**

SUBSCRIBE NOW  
([https://fullaccess.azcentral.com/subscribe?source=benbarnovember&utm\\_campaign=91](https://fullaccess.azcentral.com/subscribe?source=benbarnovember&utm_campaign=91))

Reach the reporter at [maryjo.pitzl@arizonarepublic.com](mailto:maryjo.pitzl@arizonarepublic.com) (<mailto:maryjo.pitzl@arizonarepublic.com>) and follow her on Twitter [@marvipitzl](https://twitter.com/marvipitzl) (<https://twitter.com/marvipitzl>).

Read or Share this story: <http://azc.cc/2fk74Fc>

EXHIBIT 2 FOLLOWS

Form <b>8872</b> (November 2002) Department of the Treasury Internal Revenue Service	<b>Political Organization</b> <b>Report of Contributions and Expenditures</b>	OMB No. 1545-1696
▶ See separate instructions.		
<b>A For the period beginning</b> 10/01/2016 <b>and ending</b> 10/19/2016		
<b>B Check applicable box:</b> <input checked="" type="checkbox"/> Initial report <input type="checkbox"/> Change of address <input type="checkbox"/> Amended report <input type="checkbox"/> Final report		
<b>1 Name of organization</b> Stop The Steal		<b>Employer identification number</b> 81 - 2115618
<b>2 Mailing address (P.O. box or number, street, and room or suite number)</b> 3843 S Bristol Street Suite 312		
<b>City or town, state, and ZIP code</b> Santa Ana, CA 92704		
<b>3 E-mail address of organization:</b> no@email		<b>4 Date organization was formed:</b> 04/06/2016
<b>5a Name of custodian of records</b> Brad Boeck		<b>5b Custodian's address</b> 3843 S Bristol Street Suite 312 Santa Ana, CA 92704
<b>6a Name of contact person</b> Brad Boeck		<b>6b Contact person's address</b> 3843 S Bristol Street Suite 312 Santa Ana, CA 92704
<b>7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number</b> 3843 S Bristol Street Suite 312		
<b>City or town, state, and ZIP code</b> Santa Ana, CA 92704		
<b>8 Type of report (check only one box)</b>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> First quarterly report                (due by April 15)  <input type="checkbox"/> Second quarterly report                (due by July 15)  <input type="checkbox"/> Third quarterly report                (due by October 15)  <input type="checkbox"/> Year-end report                (due by January 31)  <input type="checkbox"/> Mid-year report (Non-election                year only-due by July 31)         </div> <div style="width: 45%;"> <input type="checkbox"/> Monthly report for the month of:                (due by the 20th day following the month shown above, except the                December report, which is due by January 31)  <input checked="" type="checkbox"/> Pre-election report (due by the 12th or 15th day before the election)                (1) Type of election: general                (2) Date of election: 11/08/2016                (3) For the state of: CA  <input type="checkbox"/> Post-general election report (due by the 30th day after general election)                (1) Date of election:                (2) For the state of:         </div> </div>		
<b>9 Total amount of reported contributions (total from all attached Schedules A)..... 9. \$ 7365</b>		
<b>10 Total amount of reported expenditures (total from all attached Schedules B)..... 10. \$ 5300</b>		
Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.		
<b>Sign Here</b>	Brad Boeck _____ Signature of authorized official	10/26/2016 _____ Date

Form 8872 (11-2002)

**Schedule A Itemized Contributions**

Schedule A

<b>Contributor's name, mailing address and ZIP code</b> Aggregate below the threshold NA NA, CA 92626 -	<b>Name of contributor's employer</b> NA <b>Contributor's occupation</b> NA <b>Aggregate contributions year-to-date</b> \$ 4515	<b>Amount of contribution</b> \$ 4515 <b>Date of contribution</b> 10/19/2016
<b>Contributor's name, mailing address and ZIP code</b> Helen Lin 2513 Champions Corner Leander, TX 78641 -	<b>Name of contributor's employer</b> Retired <b>Contributor's occupation</b> Retired <b>Aggregate contributions year-to-date</b> \$ 200	<b>Amount of contribution</b> \$ 200 <b>Date of contribution</b> 10/15/2016
<b>Contributor's name, mailing address and ZIP code</b> Anton Krall Berth Cove 06-27 Singapore, WA 98616 -	<b>Name of contributor's employer</b> Institute of Trading <b>Contributor's occupation</b> Managing Partner <b>Aggregate contributions year-to-date</b> \$ 1000	<b>Amount of contribution</b> \$ 1000 <b>Date of contribution</b> 10/15/2016
<b>Contributor's name, mailing address and ZIP code</b> Erik Foster 311 Maybrook Dr Buda, TX 78610 -	<b>Name of contributor's employer</b> AT and T <b>Contributor's occupation</b> Technician <b>Aggregate contributions year-to-date</b> \$ 500	<b>Amount of contribution</b> \$ 500 <b>Date of contribution</b> 10/17/2016
<b>Contributor's name, mailing address and ZIP code</b> Donald Ausmus 9601 N. 10th Street Unit1 McAllen, TX 78504 -	<b>Name of contributor's employer</b> Retired <b>Contributor's occupation</b> Retired <b>Aggregate contributions year-to-date</b> \$ 200	<b>Amount of contribution</b> \$ 100 <b>Date of contribution</b> 10/08/2016
<b>Contributor's name, mailing address and ZIP code</b> Julian Webb 19 Quirk Ct Newton, MA 02458 -	<b>Name of contributor's employer</b> M. Siedman, Inc. <b>Contributor's occupation</b> Accountant <b>Aggregate contributions year-to-date</b> \$ 500	<b>Amount of contribution</b> \$ 500 <b>Date of contribution</b> 10/15/2016
<b>Contributor's name, mailing address and ZIP code</b> Giles Wormser Dorfstrasse 27 Fruesisberg, NJ 08835 -	<b>Name of contributor's employer</b> Swiss Investment Corp <b>Contributor's occupation</b> Executive <b>Aggregate contributions year-to-date</b> \$ 500	<b>Amount of contribution</b> \$ 500 <b>Date of contribution</b> 10/15/2016
<b>Contributor's name, mailing address and ZIP code</b> William Belcher 86177 Vegas Blvd Yulee, FL 32097 -	<b>Name of contributor's employer</b> Gemini Motor Transport <b>Contributor's occupation</b> Driver <b>Aggregate contributions year-to-date</b> \$ 250	<b>Amount of contribution</b> \$ 50 <b>Date of contribution</b> 10/06/2016

Form 8872 (11-2002)

**Schedule B Itemized Expenditures**

Schedule B

**Recipient's name, mailing address and ZIP code**

Democracy Engine  
2125 Fourteenth Street NW  
Washington, DC 20009 -

**Name of recipient's employer**

NA

**Recipients's occupation**

NA

**Amount of Expenditure**

\$ 300

**Date of expenditure**

10/19/2016

**Purpose of expenditure**

Contributions processing fees

**Recipient's name, mailing address and ZIP code**

A. Miller Research  
6563 E Paseo El Greco  
Anaheim Hills, CA 92807 -

**Name of recipient's employer**

NA

**Recipients's occupation**

NA

**Amount of Expenditure**

\$ 5000

**Date of expenditure**

10/13/2016

**Purpose of expenditure**

Consulting Fees