

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of

DIANE SARE, MARK MURPHY, ADAM  
MOCIO AND SMART LEGISLATION,

Petitioners,

v.

ROCKLAND COUNTY BOARD OF  
ELECTIONS,

Respondent.  
-----X

Index No.: 037390/2024

**PETITIONER'S FIRST SET OF  
REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO  
ROCKLAND COUNTY BOARD OF  
ELECTIONS**

**PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO RESPONDENT ROCKLAND COUNTY BOARD OF ELECTIONS**

Pursuant to the New York Civil Practice Law and Rules and the definitions and instructions that follow, Petitioner SMART Legislation requests that Respondent Rockland County Board of Elections produce the documents sought below that are in its possession, custody, or control.

**DEFINITIONS**

1. The terms "Respondent" and "you" and the "Board of Elections" and the "Board" shall mean and refer to the Rockland County Board of Elections, and any representative or person acting its behalf.

2. The term "Petitioner" shall refer to SMART Legislation, one of the petitioners in the above captioned and numbered cause.

3. The term "Petitioners" shall refer to Diane Sare, Mark Murphy, Adam Mocio, and SMART Legislation, either collectively or individually.

4. The term "Verified Petition" or "Petition" shall refer to collectively to the (a) Verified Petition, which was filed in this action on December 9, 2024 (NYSCEF No. 1) and

(b) Amended Notice of Petition with Exhibits, which was filed in this action on December 16, 2024 (NYSCEF Nos 5-14).

5. “Amended Answer” shall refer to the Amended Answer filed by Respondent in this action on March 31, 2025.

6. The “2020 General Election” shall refer to all election results tabulated by the Rockland County Board of Elections for all races in the General Election held on November 3, 2020 (including, of course, all related voting, including early voting, mail-in voting, affidavit voting, military ballots, etc.).

7. The “2024 General Election” shall refer to all election results tabulated by the Rockland County Board of Elections for all races in the General Election held on November 5, 2024 (including, of course, all related voting, including early voting, mail-in voting, affidavit voting, military ballots, etc.).

8. The words “document” or “documents” are used in their broadest sense and include, but are not limited to, any tangible thing capable of storing information, including the following items, whether printed, typed or recorded or reproduced by hand or electronically, magnetically, optically or in any graphic manner of any kind or nature however produced or reproduced, whether sent or received or neither, whether within the actual or constructive possession, custody, or control of any agent, employee, consultant, or any other person acting or purporting to act on behalf of respondent, including drafts and copies bearing notations or marks not found on the original, and includes, but is not limited to:

- (a) all letters or other forms of correspondence or communication, including envelopes, notes, telefaxes, telegrams, cables, electronic mail messages, telex messages, telephone messages, text messages, chat messages (including reports, notes, notations, and memoranda of or relating to any telephone conversations or conferences or personal interviews);

- (b) all memoranda, laboratory notebooks, research reports, speeches, reports, financial statements or reports, appraisals, estimates, sales proposals, complaints, request for quotation or request for proposal responses, notes, transcripts, tabulations, ledgers, studies, analyses, evaluations, projections, work papers of any type, corporate records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, maps, diagrams, summaries, tables, indexes, extracts, statistical records, compilations, reports and/or summaries of investigations, testing or analyses, marginal notations, desk calendars, appointment books, cloud storage, remote storage, .ftp sites, and diaries;
- (c) all books, manuscripts (whether submitted for publication or not), press releases, magazines, newspapers, booklets, brochures, sales support materials, training materials, pamphlets, circulars, bulletins, notices, speeches, instructions, procedures, protocols, manuals, and articles;
- (d) all minutes, transcripts, notes, presentation materials, and memoranda of meetings;
- (e) all photographs, drawings, microfilm, video tapes, tapes or other recordings, punch cards, magnetic tapes, magnetic disks, optical or magneto-optical disks, print-outs, and other data compilations from which information can be obtained, and any other information recorded in or on any medium whatsoever; and
- (f) all contracts, agreements, understandings, representations, and warranties, and any and all drafts of the foregoing.

9. The term “person” or “persons” mean any natural person, corporation, firm, company, sole proprietorship, joint venture, partnership, association, institute, organization, group of natural persons, or any other business, legal, or governmental entity, including, but not limited to, any person who is an employee, officer, director, consultant, independent contractor, agent, attorney, or representative of respondent.

10. The term “communication,” or any variant thereof, is used in the broadest sense possible, and includes any transmittal of information (e.g., facts, ideas, inquiries or otherwise) in any form (e.g., hard copy, electronic, text message, face-to-face, or otherwise).

11. The terms “related to,” “relates,” “relating to,” “referring to,” “refers to,” and “concerning” are used interchangeably to mean concerning, relating, comprising, involving,

touching, directed to, created by, sent to, received by, copied to, responsible for, or in any way logically or factually connected to the subject of the request.

12. The words “and”, “and/or,” and “or” are each deemed to refer to both their conjunctive and disjunctive meanings. The words “all” and “any” means “each and every” as well as “any one.” The masculine gender is deemed to include the feminine and the neuter where appropriate, and vice versa.

### **INSTRUCTIONS**

1. Each request herein pertains to the Respondent, unless otherwise indicated.
2. If there are no documents responsive to a particular document request, Petitioner requests that Respondent set forth such information in writing.
3. Any word written in the singular herein shall be construed as plural or vice versa as necessary in order to bring within the scope of the discovery request all responses which otherwise might be construed outside its scope.
4. If any privilege and/or work product immunity is asserted as an objection to producing any requested document or thing, or if any document or thing is not produced in full, produce the document or thing to the extent the request for production is not objected to, and in so doing provide the required information and all facts that tend to show or support that any claim of attorney-client privilege.
5. If Respondent maintains that any document or thing requested by Petitioner has been destroyed, set forth the contents of the document or thing, the date of its destruction, the name of the person who destroyed it, and the name of the person who authorized its destruction.
6. Where an objection is made to a request, state all grounds upon which the objection is based and, if applicable, the extent to which the discovery request is nonetheless being answered.

7. No discovery request or part thereof shall be construed as a limitation on any other discovery request or part thereof.

8. Petitioner's discovery requests are continuing. Respondent shall provide, by way of supplementary responses, any additional information that may hereinafter be obtained by Respondent, or any person acting on Respondent's behalf, which will augment or otherwise modify the responses to these requests.

9. All documents should be provided in the original format without adjustments or alterations.

10. All documents shall be provided in digital format and voter data, election results, and other such data should be provided in readily-accessible electronic format, such as Microsoft Excel or .csv format with all available fields; databases in the appropriate, relevant format with all available tables and fields; and should include all metadata.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

#### **REQUEST FOR PRODUCTION NO. 1:**

The Cast Vote Record ("CVR") for 2020 General Election and the 2024 General Election, to include each individual ballot CVR and the master CVR database/spreadsheet that includes the interpretation of all votes cast.

#### **REQUEST FOR PRODUCTION NO. 2:**

All digital ballot images for each ballot cast in the 2020 General Election and the 2024 General Election.

#### **REQUEST FOR PRODUCTION NO. 3:**

All digital ballot images for each ballot scanned in connection with any audit of the 2020 General Election and the 2024 General Election.

**REQUEST FOR PRODUCTION NO. 4:**

Documents concerning the creation, processing, tabulation, storage, and security of digital ballot images for each ballot cast in the 2020 General Election and the 2024 General Election.

**REQUEST FOR PRODUCTION NO. 5:**

Documents concerning the opening, handling, processing, curing, tabulation, storage, and security of mail-in ballots and affidavit ballots in the 2020 General Election and 2024 General Election, including but not limited to logs, proposed cures, cure acceptances, cure denials, affidavit acceptances, affidavit denials, the identity of personnel involved, correspondence of proposed cures, logs of potential cures and the final status of each potential cure with reason for status of cure (if available), and totals.

**REQUEST FOR PRODUCTION NO. 6:**

All documents related to adjudicated and re-made ballots for the 2020 General Election and 2024 General Election, including but not limited to copies of all adjudicated and re-made ballots, whether they were changed, and/or counted and any reasons for decisions made.

**REQUEST FOR PRODUCTION NO. 7:**

Two separate voter databases containing (a) all active and inactive registered voters eligible to vote in the 2020 General Election and (b) all active and inactive registered voters eligible to vote in the 2024 General Election, and including data as to which of the listed voters actually voted in the corresponding General Election.

**REQUEST FOR PRODUCTION NO. 8:**

Current list of registered voters, including all voter history for each such voter.

**REQUEST FOR PRODUCTION NO. 9:**

All documents related to the creation and maintenance of the voter rolls, including but

not limited to, policies, procedures, all logs concerning the actual or potential removal of individuals from the voter rolls, the creation and handling of potentially duplicate records/individuals or duplicate numbers on the voter rolls, and security of the voter rolls.

**REQUEST FOR PRODUCTION NO. 10:**

Results for all elections managed by Respondent starting with the June 28, 2016 Primary Election, broken down by election district and ward. Such election results should also break down results by the timing/method of voting (i.e., Early Voting (where applicable), Election Day, Mail-in/Absentee, Dropbox, Military, Provisional/Affidavit, etc.).

**REQUEST FOR PRODUCTION NO. 11:**

All documents concerning any actual or alleged irregularities, errors, problems, or misalignment of election results or voter rolls relating to the 2020 General Election or 2024 General Election, including but not limited to documents concerning any requests for technical assistance or any necessary troubleshooting.

**REQUEST FOR PRODUCTION NO. 12:**

All documents concerning the mandatory three-percent audit for the 2020 General Election and 2024 General Election, including but not limited to timesheets, personnel involved, lists of all voting machines used in the elections, lists of all voting machines included in the random draw, documentation of which mathematical random process was used in the draw of the machines, lists of the machines selected for the audit, notices provided to the public and candidates about the random draw and the audit, audit records, hand counts, batch reports, batch ID numbers, and tally sheets concerning the processing, completion, and security of the audit, results of the three-percent audit, and the comparison of the results of the audit to the results of the election.

**REQUEST FOR PRODUCTION NO. 13:**

All documents concerning the specifications, setup, operation, management, and security of all hardware (including temporary hardware), software, firmware, wired and wireless networking to include firewalls and similar technology, any VPNs configured on Respondent's systems, website interface and tools, and/or systems used in the administration of the 2020 General Election and 2024 General Election, including but not limited to an inventory of all such tools and systems used; diagrams and schematics showing how machines and/or tools are connected, technical specifications concerning each such tool, its software, firmware, hardware, and/or system; and operator/user manuals and instructions.

**REQUEST FOR PRODUCTION NO. 14:**

All documents concerning voting systems used in the 2020 General Election or the 2024 General Election, including but not limited to, all Certificates of Conformance with version numbers for all systems used; all software and firmware updates and when such updates were implemented; receipts, pricing, invoices, RFPs, bids and contracts concerning the purchase and licensing of such systems; all purchase orders; an inventory of all such voting systems owned or leased by Respondent (including manufacturer serial numbers and Respondent inventory numbers); lists of which voting system equipment was used in each location (whether it be an Early Voting poll site, Election Day poll site, Mail-in voting processing center, or otherwise); all iterations of ERM (Election Reporting Manager) reports; all voting machine reports, including but not limited to Scanner Reports, Ballot-Marking Device Reports, and write-in reports; the long version of the original results tapes (i.e., poll tapes) for each voting machine; and the zero tapes for each voting machine.

**REQUEST FOR PRODUCTION NO. 15:**

All documents concerning logic and accuracy testing for the 2020 General Election and

2024 General Election, including but not limited to (a) documentation of any legal notification to candidates or others; (b) manuals describing the logic and accuracy testing procedures; (c) all test ballots used; (d) results of the logic and accuracy testing; and (e) all documents and communications regarding any discrepancies, irregularities, or troubleshooting in connection with the logic and accuracy testing.

**REQUEST FOR PRODUCTION NO. 16:**

All documents concerning password creation, security, maintenance, storage, and rotation in connection with all of Respondent's systems and daily operations (including, but not limited to hardware, software, firmware, wireless and wired networking, and election systems), including but not limited to password requirements, whether passwords are unique, whether passwords are embedded (either temporarily or permanently), and whether passwords are encrypted.

**REQUEST FOR PRODUCTION NO. 17:**

With respect to all voting systems used in the 2020 General Election and 2024 General Election, all trusted build software that has been placed in escrow with the State of New York as part of system verification procedures; and all items required to make said trusted build software, including but not limited to the checksum verification and the versions of the software that are currently running on all of Respondents' voting systems.

**REQUEST FOR PRODUCTION NO. 18:**

All documents concerning procedures used to ensure the integrity and authenticity of data, files, software, or hardware, in connection with any part of the election system (including, but not limited to hardware, software, firmware, wireless and wired networking, and election systems), including but not limited to any hash live system verification processes.

**REQUEST FOR PRODUCTION NO. 19:**

All documents concerning any vendors used by Respondent (including but not limited to Clear Ballot, Election Systems & Software (ES&S), Pro V&V, SLI, NYSTEC, software and firmware providers and installers, network providers, any network provider for electronic poll books (including temporary networks), maintenance contractors, ballot-programming contractors, ballot-printing contractors), including but not limited to communications, contracts, manuals, protocols, procedures, vendor assessments, all RFPs, approved and rejected bids for all vendors, and all payments made to/from vendors.

**REQUEST FOR PRODUCTION NO. 20:**

Forensic grade copies of the storage devices from each of the following devices, including all unused space and all partitioned and unpartitioned space, including but not limited to computers, voting machines of any type (scanner, BMD, or any type not mentioned), internal and external drives, embedded storage, electronic poll books, servers, ballot on demand machines, flash drives, cradle point routers, routers, cables, wired and wireless networking devices, UPS devices, or any other device not mentioned used in any part of the election process since January 1, 2020.

**REQUEST FOR PRODUCTION NO. 21:**

Logs for all devices used in the election process or in connection with Respondents' other systems, software, or hardware since January 1, 2020, including but not limited to all systems, networks, software or hardware, system logs or configuration files, log aggregation tools, event logs, error logs, ISP logs, syslogs, out of band remote management tools on a dedicated management network, service logs, maintenance logs, update logs, application logs, and logs of each and every instance any system was accessed remotely.

**REQUEST FOR PRODUCTION NO. 22:**

All documents concerning software and firmware updates, and all known physical or system vulnerabilities (both addressed and unaddressed) to any hardware, software, or wired or wireless networking systems that are in any way used in the administration of any election.

**REQUEST FOR PRODUCTION NO. 23:**

Sample seals and locks for each type of seal and lock used by Respondent in the 2020 General Election and 2024 General Election for voting machines, ballots, ballot boxes, ballot bags, flash drives, equipment envelopes and any other equipment or information that is sealed in connection with the administration of any election.

**REQUEST FOR PRODUCTION NO. 24:**

All documents related to seals and locks for election materials and/or machinery used by Respondent in connection with the 2020 General Election and 2024 General Election, including but not limited to purchase orders, logs demonstrating whether and when seal numbers are checked each time election materials and/or machinery changes hands or locations; logs concerning when seals and locks are opened or closed; security procedures and authorizations concerning access to all seals and locks; documentation concerning the numbering, tracking, and logging of seals and locks and how (if at all) duplicate seals are avoided, or if they are used; the identity of personnel who have access to seals and locks and sealed/locked material; training; procedures and protocols concerning what actions are or should be taken when seals/locks are broken, missing or do not match; any instances in which seals/locks were reported as broken, missing, or as failing to match; and chain-of-custody documentation.

**REQUEST FOR PRODUCTION NO. 25:**

All documents related to the transport and security of ballots, voting systems, and related equipment for the 2020 General Election and 2024 General Election, including but not limited to

logs, protocols, procedures for arrival at and departure from locations, manuals, requirements, training, and chain-of-custody documentation.

**REQUEST FOR PRODUCTION NO. 26:**

All databases related to the administration of the 2020 General Election and 2024 General Election, including but not limited to electronic poll book databases, ballot-building databases, databases of all sample ballots, and ballot order forms.

**REQUEST FOR PRODUCTION NO. 27:**

All documents in connection with the 2020 General Election and 2024 General Election concerning ballot storage, voting system storage, security and other protocols, chain-of-custody and site security procedures, including but not limited to site security for storage of devices both when in use and not in use; training procedures and manuals; photos and documentation concerning locks used on ballot and equipment storage rooms and facilities; documentation concerning the individuals who had or have access to such storage rooms and facilities and related access logs; information concerning any security breaches (including entry by unauthorized personnel or any physical damage to any space where voting systems or ballots are stored); diagrams and layouts of all of Respondent's facilities, including locations in which ballots or election equipment are stored; any maintenance or construction in any locations in which ballots or election equipment are stored; lists of all personnel and access privileges; and keycard badge scan logs.

**REQUEST FOR PRODUCTION NO. 28:**

All documents concerning the recruitment, training, vetting, and management of personnel employed or contracted by Respondent, including but not limited to training procedures and logs, manuals and instructions, poll worker manuals, background checks, clearances, and optional or required certifications.

**REQUEST FOR PRODUCTION NO. 29:**

All documents concerning the design, installation, and maintenance of software, firmware, wireless and/or wired networks including but not limited to network access logs, design schematics, security patches, security protocols, audits, any malware or viruses identified, any remote access software in use, software updates, and all procedures and logs concerning the management and handling of any vulnerabilities.

**REQUEST FOR PRODUCTION NO. 30:**

All documents concerning flash drives used in the 2020 General Election and 2024 General Election, including but not limited to manuals and instructions for using the flash drives in any capacity, how they are procured, stored, repaired, formatted, re-used, and disposed of (if applicable), how votes are loaded on flash drives, how votes are transported on flash drives, how votes are extracted from flash drives, any documents related to troubleshooting of flash drives, any documents related to errors associated with flash drives, and documents sufficient to identify any individual involved in any of these activities related to flash drives.

**REQUEST FOR PRODUCTION NO. 31:**

All meeting minutes, transcripts and videos for all meetings and hearings held by Respondent from January 1, 2020 through the present.

**REQUEST FOR PRODUCTION NO. 32:**

For the past six (6) years, any and all documents concerning any and all personnel policies of Respondent, including but not limited to: (a) employee discipline policies, including but not limited to, counseling, written warnings, suspension, demotion, and termination policies; (b) retaliation policies; and (c) internal complaint or grievance procedures.

**REQUEST FOR PRODUCTION NO. 33:**

Documents sufficient to identify and describe all part-time employees, full-time

employees, service providers, agents, contractors, subcontractors of Respondent (including titles and job descriptions) including but not limited to, organizational charts, lists of Respondent's office locations, telephone lists, e-mail lists or directories, and Human Resources records and spreadsheets from January 1, 2020 to the present.

**REQUEST FOR PRODUCTION NO. 34:**

All documents you referred to, relied upon, consulted, or used in any way to draft the Verified Answer, or your response(s) to interrogatories that have been, or will be, propounded by Petitioner in this action.

**REQUEST FOR PRODUCTION NO. 35:**

All documents concerning Respondent's document destruction and/or document retention policies.

**REQUEST FOR PRODUCTION NO. 36:**

All documents concerning any communications between or among Respondent, its agents, or anyone else, including third parties, concerning this lawsuit or any possible dispute between Respondent and any of the Petitioners.

**REQUEST FOR PRODUCTION NO. 37:**

All documents relating to each expert the Board intends to call as a witness at trial, including but not limited to resumes, curriculum vitae, reports, and all documents and communications sent to or received from each expert.

**REQUEST FOR PRODUCTION NO. 38:**

All affidavits, sworn statements, notes, and other documents sent to, received from, or otherwise relating to any person you intend to call as a witness at trial, either in person, through deposition testimony, or through an affidavit.

**REQUEST FOR PRODUCTION NO. 39:**

All affidavits, sworn statements, statements, and communications relating to the allegations in the Verified Petition and/or Amended Answer in this action.

**REQUEST FOR PRODUCTION NO. 40:**

All documents relating to Petitioner or any of the Petitioners.

**REQUEST FOR PRODUCTION NO. 41:**

All Documents concerning any information that supports or refutes, or tends to support or refute, any of the allegations in any pleadings filed in this lawsuit.

**REQUEST FOR PRODUCTION NO. 42:**

All Documents that support any affirmative defense or counterclaim you have raised or will raise.

Dated: June 23, 2025  
New York, NY

Respectfully submitted,

/s/ Aaron S. Foldenauer  
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