

## The Forbidden Meeting

Background:

I was made aware of issue about the voting machine test labs and engineering change orders between the primary and general elections of 2022.

The election hand count issue in Cochise County “came to a head” Oct. 24, 2022 when County Atty. By saying the Board will violate the law, McIntyre gave cover to elections director Marra to be insubordinate in reference to the order by majority vote of the BoS to conduct a “day of” hand count according to ARS 16-602B. **(See McIntyre Comments 10-24-2022)**

The following day, State elections director Lorick did not say 16-602B was illegal, and outlined how it must be performed according to the ARS's: **(See SoS, Lorick latter pgs 1-2, 10-25-2022)**

From Nov 18, 2022, Nov 28, 2022 to Dec 2, 2022 I tried to get the Secretary of State's Office to debate Paul Rice et al on the issue of Voting System Test Labs accreditation and voting machines 3 times.

Nov 18, 2022 Minutes excerpt:

Kori Lorick, State Elections Director speaking on behalf of the Secretary of State, responded to concerns regarding the certification of voting machines.

Supervisor Crosby discussed information Mr. Rice requested from the Secretary of State's Office, and asked how it would impact the Board's certification.

Ms. Lorick was present electronically, and presented last, so ***no other presenters could rebut her comments.***

Nov 18, 2022 transcript excerpt:

KL – Ok, thank you. My name is Kori Lorick, and I am the State Elections Director, speaking on behalf of the SoS office in Phoenix, Arizona. So, I want to address the comments about election equipment that were raised today. The equipment used in Cochise County is properly certified, under both federal and state laws and requirements. **The claims that the SLI testing labs were not properly accredited are false. The United States Election Assistance Commission has addressed this issue, explaining that an administrative error led to the lab not receiving an updated certificate.** This did not mean that the lab was out of compliance, nor does it mean that they had lost accreditation. **Under HAVA, a federal lab's accreditation cannot be revoked unless the EAC votes to do so, and they have not.** Mr. Wood, Mr. Steiner, and Mr. Rice raised the same claims to the Arizona Supreme Court earlier this year, and the court summarily rejected them.

The following documents refute what Lorick says above:

**(See attached document: ---SNIP---, Q&A with Chris Wlaschin)**

**(See attached document: VSTL's final letter, especially pg 3, paras 10-11)**

**((See attached memo from Michael Shafer to BoS's dated Nov 26, 2022)**

It is no surprise that the highest court and highest offices in the State can stonewall citizen patriots. The Supreme Court didn't consider the documentation that Rice et al presented.)

(Cont. Lorick) The voting equipment has been thoroughly tested both in the certification process and during both the pre- and post-election logic and accuracy testing. The county's hand-count audit also demonstrated that the election equipment accurately counted the ballots. Cochise county voters should have confidence that every eligible vote was properly counted. Finally, I want to thank Director Lisa Marra and the elections team in Cochise for conducting another well-run election. Thank you.

AE – Board members, do you have any questions for the SoS, for the County Attorney, or anyone at this time?

TC – Sure. Ms. Lorick, if you're still handy, I would have asked Mr. Rice or one of our other presenters – **what information did you request from the SoS that was not provided....** because I didn't understand what you said. And since Ms. Lorick is here, **I would suggest, and ask, that Mr. Rice perhaps be able to ask Ms. Lorick...**  
(AE interrupts TC)

(See attachment Crosby letter to SoS dated Nov 21, 2022, in which it is noted that Rice asked SoS about Engineering Change Orders in Aug of 2022)

**AE – No, let's not go there.**

TC – Oh, ok.... that's fine, that's fine. **Then, what would obtaining that information have to do with our action item today – this is what I would have asked Mr. Rice if I had the opportunity, which is, item number one - accepting the elections results. I'm just going to repeat that. What information did you request from the SoS that was not provided? You talked about like a 3-month lag. What would obtaining that information have to do with our action item number one today, which is accepting the elections results, and then I would have asked Mr. Rice – would the county elections director be more likely to obtain the critical information?....and we'll look into that hopefully, if Ms. Marra is able to obtain the information that Mr. Rice was not able to. Would you like me to comment further? Is this my turn to comment?**

Later Lorick Nov 18, 2022 transcript exerpt:

KL – So it raised questions about the accreditation of the lab, which is very different than the certification of the equipment, but I believe it's been confounded between the issues tonight – so just being very clear, **the issue is the**

accreditation of the labs, which the labs have been properly accredited the entire time, and the election equipment is properly certified.

(See attachment: VSTL's Final Letter, Summary of Facts, misapplication of Title 51)

(See attachment: SNIP, quote from Christopher Wlaschin of ES&S)

After a great deal of discussion, Nov 18, 2022 transcript excerpt: **Two criteria must be met to un-table the issue the next meeting Nov. 28, 2022;**

1. The time and the date
2. Evidence and **confirmation by persons (not documents)**

TC – Ok. Therefore, I move we table accepting the election results until Monday, the 28<sup>th</sup> of November at 10:00am, until such evidence about lawful certification by an accredited laboratory is presented and **confirmed by persons** with expertise in that field.

PJ – I second it.

AE – Ok, we have a motion and a second. All those in favor say, aye.

TC – Aye.

PJ – Aye.

*E-mails 2*

My intentions repeated here, to have presenters, not documents is very clear to Mr. Mattix;

**From:** Crosby, Tom <[TCrosby@cochise.az.gov](mailto:TCrosby@cochise.az.gov)>

**Sent:** Monday, **November 21**, 2022 9:54 AM

**To:** **Mattix, Timothy** <[TMattix@cochise.az.gov](mailto:TMattix@cochise.az.gov)>

**Subject:** format for meeting the 28th with machine accreditation presenters

Hi Tim,

I'm about to have a zoom meeting or Phone meeting with Karwaczka. What I have in mind is a certain amount of time for the subject matter experts and SoS representatives, then conclusions.

There should be adequate time for presentations prior to vote on canvass.

**This email inquiry to Ms. Lorick is also clear; a human, not documents**

**From:** Crosby, Tom  
**Sent:** Monday, November 21, 2022 5:31 PM  
**To:** Kori Lorick <[KLorick@azsos.gov](mailto:KLorick@azsos.gov)>  
**Subject:** RE: Letter regarding county canvass

**Ms. Lorick, should we expect your participation, or SoS office representative in our meeting the 28<sup>th</sup>?**

**Thanks,  
Tom Crosby**

Here **Mr. Mattix shows his intention to have written material, and doesn't answer my direct question about presenters.**

**From:** Crosby, Tom  
**Sent:** Tuesday, **November 22, 2022 8:11 AM**  
**To:** Crosby, Tom <[TCrosby@cochise.az.gov](mailto:TCrosby@cochise.az.gov)>  
**Subject:** RE: Material for Nov. 28 Canvass Meeting

**Mr. Mattix,**

**If it looks like there is an effort to railroad the meeting to a foregone conclusion, I will not be happy or quiet about it.**

Tom Crosby

**From:** Crosby, Tom <[TCrosby@cochise.az.gov](mailto:TCrosby@cochise.az.gov)>  
**Sent:** Monday, **November 21, 2022 5:44 PM**  
**To:** Crosby, Tom <[TCrosby@cochise.az.gov](mailto:TCrosby@cochise.az.gov)>  
**Subject:** RE: Material for Nov. 28 Canvass Meeting

Thanks Mr. Mattix,  
What will the format of the meeting be? **Do we expect the SoS office to be represented?**

Tom Crosby

**From:** Crosby, Tom  
**Sent:** Monday, November 21, 2022 5:42 PM  
**To:** tom crosby <[tomskydog1@gmail.com](mailto:tomskydog1@gmail.com)>  
**Subject:** FW: Material for Nov. 28 Canvass Meeting

**From:** Mattix, Timothy <[TMattix@cochise.az.gov](mailto:TMattix@cochise.az.gov)>  
**Sent:** Monday, November 21, 2022 5:06 PM  
**To:** BOS-Supervisors <[BOSSupervisors@cochise.az.gov](mailto:BOSSupervisors@cochise.az.gov)>  
**Cc:** Karwaczka, Richard <[RKarwaczka@cochise.az.gov](mailto:RKarwaczka@cochise.az.gov)>; Gilman, Sharon <[SGilman@cochise.az.gov](mailto:SGilman@cochise.az.gov)>  
**Subject:** Material for Nov. 28 Canvass Meeting

Good afternoon,

The written material for the Board's Nov. 28 Special Meeting is attached. The first attachment is the same material from the Secretary of State's Office that was sent directly to the Board from Ms. Lorick this afternoon. The remaining attachments are the materials presented by Mr. Steiner and Mr. Wood at the Nov. 18 Special Meeting.

These materials will also be attached to the agenda, which will be posted on Wednesday, Nov. 23.

**Mattix deposition Feb 13, 2025**

12:27:29 to 12:28:29

Q. ·Yes, please, that paragraph. ···

A. ·"Supervisor Crosby made a motion to table ·· accepting the election results until such evidence about ·· the lawful certification and accreditation by a laboratory ·· is presented and confirmed by people with ex-" -- "by ·· persons with expertise in that field." ···

Q. ·Okay. · Is it -- So, this language explicitly ·· **tabled accepting the election results until after, quote, ·· such evidence about lawful certification by an accredited**

laboratory is presented and confirmed by persons with expertise; is that right? . . .

. . . . . MR. LAWSON: Objection to form and foundation. . . . .

THE WITNESS: This motion is, yes.

BY MR. GRIMM: 16 . . . Q. Okay. Now, you're the one that drafted the November 28 agenda, right? 18 . . .

A. I drafted the agenda and the minutes. . . . Q. . .

GRIMM Okay. Now, even though the Board voted on November 18 on a specific prerequisite to vote to accept the election results, you chose to exclude that language from the November 28 agenda, right? . . . . . MR. LAWSON:

Objection to foundation. . . . .

THE WITNESS: That's correct

Q. And the November 18 motion says nothing about presenters submitting written materials; is that right? . . .

A. That's correct. . . .

Q. Okay. The November 18 motion only mentions evidence being presented and confirmed by persons with expertise, right?

. MR. LAWSON: Objection to form and foundation. . . . .

. THE WITNESS: This motion is, yes.

BY MR. GRIMM: . . . Q. Okay. Now, you're the one that drafted the November 28 agenda, right? . . .

A. I drafted the agenda and the minutes. . . .

Q.: Okay. Now, even though the Board voted on November 18 on a specific prerequisite to vote to accept the election results, you chose to exclude that language from the November 28 agenda, right? . . . . .

MR. LAWSON: Objection to foundation. . . . .

THE WITNESS: That's correct. .

BY MR. GRIMM: . . . .

Q.: And the November 18 motion says nothing about presenters submitting written materials; is that right? . . . .

A.: That's correct. . . .

Q.: Okay. The November 18 motion only mentions evidence being presented and confirmed by persons with expertise, right? . . . .

A.: That's correct.

Mattix deposition 12:31:29 to 12:31:48;

Q.: So, despite the Board voting to allow presenters to present, you wrote the agenda in such a way that there was no mention of the presenters presenting, right? . . . . .

MR. LAWSON: Objection to foundation. . . . .

THE WITNESS: Correct, I did, because -- because that was not included in the motion.

Mattix deposition 12:35:55 to 12:37:05

Q.: Well, you -- I asked if the reason that you interpreted the November 18 vote to mean that all that was needed was a written submission was that the chairperson did not believe that any further presentations were needed. . .

A. · Okay. · There were myself, Mr. Karwaczka, · Ms. Gilman, who discussed it. · We sent it on to the attorney's office. · They reviewed it. · And then Ms. English was the final reviewer. · So, there were four · or five staff members. · ·

Q. · That decided that no further speaking · presentations were needed? · · · · ·

MR. LAWSON: · Objection to foundation. · · · · ·

THE WITNESS: · Yes. · ·

BY MR. GRIMM: · 3 · · ·

Q. · Okay. · But, there was a vote that speaking · presentations were needed from English and -- not from · English, from Mrs. Judd and Mr. Crosby, right? · · · · ·

MR. LAWSON: · Objection; form and foundation. · · · · ·

· THE WITNESS: · No. · If -- if we go back to · the motion that he made that they voted on, which is on · Page 652, that motion does not say anything.

Fundamental to our system of government, The people may do anything not expressly prohibited, the Government may only take such actions expressly permitted.

There is no statutory authorization for this proposed hand count and it violates the election statutes and the elections procedure manual. This County has chosen electronic tabulation as has every other county in the state. Because of that we must follow the rules for that tabulation, to include the limited hand count verification process.

The statutes do not provide for any other treatment or handling of ballots.

ARS 16-624 specifically mandates that ballots are held in a secure facility managed by the county treasurer for six months and then "shall" be destroyed without opening or examining the contents. The only other place for holding these records anticipated in the statute is "the court" IF there is a recount or "contest" begun within six months.

We have told you this, the secretary of state has told you this, every other county to address the issue has reached the same conclusion, including most recently Pinal county.

Ultimately, the legislature is the proper place to address this. That's how government works, not unilaterally deciding to go a new direction because of the will of a vocal portion of the public.

You can't order county employees to violate the law, even if you have come to your own conclusion about what that law reads, despite my advice. If requested, I would advise the other involved departments that they may not violate the law.

You've also now been informed that in the event of a suit, the county will not have insurance coverage.

My duty is to the board as an entity. It is also to the citizens of this county to ensure the Board does not act illegally. I have a duty to defend only those claims which I deem unjust, because I have advised the board that there is no legal basis for this, I cannot ethically defend you against any claims over this action. The Board will pay its own attorney fees, when the opposing parties prevail in their claims, the Board will pay those parties attorney's fees. If a court finds bad faith on the part of individual supervisors you will be potentially personally liable for those actions.

Additionally, there is a state law provision which permits any state legislator to request review of a local government's actions and if found to be in violation of state law, that local government is subject to loss of state funding.

Because there is no specific authority granted in the statutes or the EPM, the Board will violate the law if it votes to approve these items. The Board WILL get sued. And the opposing parties WILL prevail. I reiterate, do not attempt to order this separate hand count "audit".



**KATIE HOBBS**  
SECRETARY OF STATE

October 25, 2022

*Via Email*

Cochise County Board of Supervisors  
Tom Crosby, [tcrosby@cochise.az.gov](mailto:tcrosby@cochise.az.gov)  
Ann English, [aenglish@cochise.az.gov](mailto:aenglish@cochise.az.gov)  
Peggy Judd, [pjudd@cochise.az.gov](mailto:pjudd@cochise.az.gov)

**Re: 2022 General Election Hand Count Audit**

Dear Cochise County Board of Supervisors:

Last week, the Secretary of State's Office wrote to warn you against proceeding with a full hand count of all ballots cast in Cochise County during the November 2022 General Election. As detailed in that letter, a full hand count would not only have been illegal but would also have (1) undermined the orderly administration of this election, (2) raised serious security and ballot chain of custody concerns, (3) caused voter confusion in the middle of early voting and mere weeks before Election Day, and (4) threatened the County's ability to timely canvass the election as required by law.

For all these reasons, the Secretary listened carefully to yesterday's Board meeting and is grateful the Board took her cautionary words seriously and voted unanimously to reject "a hand count of all ballots cast in the General Election to be held on November 8, 2022, to be completed prior to Canvass of Election Results." This item should never have found its way onto the Board's agenda, and the Secretary applauds the other Cochise County officials, including the County Attorney, and numerous Arizonans who also spoke out against that dangerous course of action. Their courage and commitment to uphold the Constitution and laws of the State of Arizona—in the face of unfounded efforts to sow chaos, doubt, and distrust in our elections—deserves our recognition and praise.

Despite the Board's rejection of a full hand count, it did approve the following secondary agenda item:

Pursuant to ARS 16-602 B; the County Recorder or other officer in charge of elections shall take such action necessary to perform a hand count audit of all County precincts for the 2022 General Election to assure agreement with the

voting machine count. Such audit shall be completed prior to the canvass of general election results by the Board of Supervisors.

The Secretary, like the Cochise County Attorney, continues to have serious concerns about the legality of this agenda item, particularly considering the lack of any details as to how the Board intends to proceed and the fact that the election is just two weeks away. But because the Board voted to conduct a full precinct hand count audit “pursuant to” A.R.S. § 16-602(B), the Secretary believes it is important to lay out precisely what that statute and the 2019 Election Procedures Manual (“EPM”) require. After all, the Board has only those powers “expressly conferred by statute,” and the Board “may exercise no powers except those specifically granted by statute and in the manner fixed by statute.” *Hancock v. McCarroll*, 188 Ariz. 492, 498 (App. 1996) (citations omitted).

Under A.R.S. § 16-602(B) and the EPM, the County’s precinct hand count audit must comply with the following, among other, requirements:

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).
2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).
3. The precinct hand count audit cannot begin “until all ballots voted in the precinct polling places have been delivered to the central counting center” and “[t]he unofficial vote totals from all precincts [have been] made public.” A.R.S. § 16-602(B)(1).
4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected “by lot.” Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.
5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit “shall not proceed” unless the political parties provide the recorder or other officer in charge of elections with “a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

# 11-18-22 Minutes

Supreme Court and were turned down. In response to the Board, Ms. Lorick stated that a case filed with the Arizona Supreme Court earlier this year raised questions about the accreditation of the lab. The labs have been properly accredited the entire time and the election equipment is properly certified. Supervisor Crosby stated that the opposing viewpoint was not allowed and requested that both sides be allowed to speak.

Ms. Roberts stated that there is a motion on the floor that has not been seconded; conversation is continuing without there being a second. Chairman English stated that there was not a second and the Board is back to original motion. Discussion ensued regarding the ability of the speakers to respond to the information from Ms. Lorick.

Supervisor Crosby appealed the decision of the Chair to not allow the presenters to present. Chairman English stated that all presenters had the opportunity to present.

Vice-Chairman Judd asked that the motion be repeated. Supervisor Crosby repeated the motion as follows: table accepting the election results until such evidence about lawful certification by an accredited laboratory is presented and confirmed by persons with expertise in that field.

Vice-Chairman Judd stated that there was not a time certain in the motion and an item cannot be tabled without a time certain. In response to Vice-Chairman Judd, Ms. Roberts stated that Monday, November 28, 2022 is the last day to certify the election results.

Supervisor Crosby restated the motion as follows: table accepting the election results until Monday the 28th of November, until such evidence about lawful certification by an accredited laboratory is presented and confirmed by persons with expertise in that field. Vice-Chairman Judd seconded the motion.

Chairman English requested clarification on who will decide that the information is correct. Supervisor Crosby stated that the Board will decide. In response to Chairman English, Supervisor Crosby confirmed that information will be provided directly to the Board. Supervisor Crosby stated that three presenters tonight have quite a bit of information, and confirmed that he will consider them the experts in the field. Chairman English requested that Ms. Lorick provide the requested information to the Clerk of the Board. Supervisor Crosby clarified that it will be made public and Chairman English confirmed.

In response to the Board, Ms. Lorick confirmed her understanding of the request and stated that she also provided information to Vice-Chairman Judd today. Vice-Chairman Judd stated that the information did not address whether SLI Compliance was accredited at the time, and requested to see the letter from the federal government stating that SLI was always in compliance.

Chairman English requested the meeting time be included in the motion.

Supervisor Crosby restated the motion as follows: table accepting the election results until Monday the 28th of November, at 10:00 a.m., until such evidence about lawful certification by an accredited laboratory is presented and confirmed by persons with expertise in that field. Vice-Chairman Judd seconded the motion.

Chairman English called for the vote and it was approved 2-1 (English opposed).

Can I know what the EAC did from Systems & Software (ES&S) provided from its operations on the Election System (ES&S) designed to provide information and transparency to the public regarding voting machines and software.

After such session with a Q&A session and the Q&A sessions are published here

## SNIP

Q: Did the accreditation of the lab that certified ES&S 6.0.4.0 used in Cochise in 2022 lapse before that election?

A: Yes, I've received that question many times. The situation as I know it is that the EAC is charged by law to accredit voting system test labs. They inspect them, they send a team to the lab to make sure that they are following the lab manual, the testing procedures, and then they issue an accreditation letter to that lab. During Covid the EAC did not send people to the lab to re-accredit that lab. After the fact they issued a letter stating that the lab accreditation didn't... wasn't withdrawn or didn't fail is that the EAC didn't do their job to go out and check the lab again. So, they extended the accreditation of the lab which covered 6.0.4.0 and other versions that were tested during that time.

Here is the web page with the videos of the ES&S demos with Chris Wlaschin @ ES&S  
<https://www.cochise.az.gov/907V/ding-Equipment-Demonstrations-at-Cochi>  
Here is the written Q&A that they didn't have time addressing at the meetings. This is what I took the snip from:  
<https://www.cochise.az.gov/DocumentCenter/View/16813/ELECTION-SYSTEMS-AND-SOFTWARE-PRESENTATIONS--January-17-2024---Q-and-A-SESSIONS>

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VIA FAX/ EMAIL

November 26, 2022.

**Re: Response to Chair Ann English Regarding *Wood v. Brnovich* CV-22-0217-SA  
In Support of "NAE" vote for Certification of Election Results**

To Madam Chair and all interested parties,

Please take notice of Michael Schafer's response to Madam Chairs' question at the November 18, 2022, special board meeting on whether or not the supreme court previously adjudicated testing lab accreditation for the electronic voting machines.

*1. Background*

On November 18, 2022, Kori Lorick, the state elections director on behalf of the Secretary of State's office, contended the EAC's lapse of lab accreditation was due to an "administrative error." Additionally, Ms. Lorick stated the Supreme Court rejected hearing the case *Wood v. Brnovich, No. CV-22-0217-SA (Ariz. S. Ct., Order, September 8, 2022)*, regarding this issue.

Madam Chair asked Ms. Lorick to clarify if she also contends "the primary presenters (Daniel Wood, Brian Steiner, and Paul Rice) had presented the same information to the supreme court and turned the case down. Is that correct, Ms. Lorick?"

Ms. Lorick stated, "A case was filed with the Arizona supreme court this year that raised questions about the accreditation of the labs."

*2. Facts about the Case*

On August 31, 2020, the Arizona Supreme Court received Daniel Wood, Brian Steiner, and Paul Rice's Verified Petition for Writ of Mandamus as *Wood v. Brnovich, No. CV-22-0217-SA (Ariz. S. Ct., Order, September 8, 2022)*.

The Petitioners requested the court issue a Writ of Mandamus compelling the Arizona Secretary of State, Governor, Attorney General, and Chief Justice to decertify the Arizona 2020 presidential election, recall Arizona's Biden electors, remove the Maricopa County votes from the 2020 presidential election results and order Maricopa County rerun the Arizona 2020 presidential

election because the 2020 election is *void ab initio* (invalid from the beginning) and therefore could not be certified.

On September 8, 2022, Arizona Supreme Court refused to hear the question on the validity of the certification of the electronic voting machines. Therefore, *Wood v. Brnovich*, *supra* is neither relevant nor pertinent, as purported by Ms. Lorick in raising the case.

As Ms. Lorick stated, *Wood v Brnovich* was filed but not determined. Therefore, no authority exists to support that a ruling ever took place at the Supreme Court regarding the validity of the accreditation of the voting machine test labs. It is irrelevant and unusable as a defense.

### 3. *Facts about test lab accreditation from compliance experts*

Michael Schafer, a subject matter expert (*see* CURRICULUM VITAE incorporated by reference) on the specific accreditation of testing laboratories by the EAC (Election Assistance Commission), on Labs: "Pro V&V", and "SLI Compliance", a Division of Gaming Laboratories International, LLC, was asked in 2020 to evaluate if these specific labs met the standards of accredited test labs.

Just Based upon the *Voting System Test Laboratory Program requirements alone shown in the currently posted Manual, Version 2.0 ("VSTL"), section 3.6.1.*, Michael Schafer asserts that **the VSTL manual requires that the Chair of the EAC Commission must be the signer of the Lab's Accreditation Certificate.** In this instance, the Chair of the Commission was Thomas Hicks. Thomas Hicks did not sign the accreditation certificate. Mona Harington, Executive Director, signed it. (*See Declaration in support of test lab accreditation by reference*)

- 3.6. Grant of Accreditation. Upon a vote of the EAC Commissioners to accredit a laboratory, the Program Director must inform the laboratory of the decision, issue a Certificate of Accreditation, and post information regarding the laboratory on [www.eac.gov](http://www.eac.gov).

**3.6.1** Certificate of Accreditation. A Certificate of Accreditation will be issued to each accredited laboratory. The certificate will be signed by the Chair of the Commission and state:

- The name of the VSTL;
- The scope of accreditation, by stating the VVSG version(s) to which the VSTL is competent to test;
- The effective date of the certification; and
- The technical standards to which the laboratory was accredited.

THEREFORE, Michael Schafer determined Pro V&V and SLI Compliance are not accredited test labs to the compliance standard set out by the EAC's *VSTL, section 3.6.1*.

*4. Conclusion*

Michael Schafer, a subject matter expert on accredited test labs, determined that both EAC's test laboratories are not accredited test labs due to a Non-Binding Signature. The signature must be signed by Chair of the Commission Thomas Hicks according to the compliance standard outlined in the EAC's *VSTL, section 3.6.1*.

**WHEREFORE**, based on the foregoing, Michael Schafer respectfully requests Madam chair and other board members vote "NAE" to certify the November 8, 2022, election results and perform the full hand count.

Respectfully,



By \_\_\_\_\_  
Michael Schafer  
President, Chief Executive Officer  
Compliance Testing LLC

**DECLARATION REGARDING TEST LAB ACCREDITATION FAILURE**

I, Michael Schafer, alleging himself to be conscientiously scrupulous of taking an oath, being solemnly affirmed according to law, on his affirmation, says the following.

I am a subject matter expert in the accreditation of Laboratories to ISO17025, the same preliminary accreditation the Voting Machine Labs hold as a prerequisite to having an EAC (Election Assistance Commission) as a Voting System Test Lab (VSTL).

**1.0 EXAMINATION QUESTION TO BE ANSWERED:**

**1.1** Shortly after the 2020 election, I was asked to compare the accreditation of the test laboratories of Pro V&V and SLI Compliance, a Division of Gaming Laboratories International, LLC.

## **2.0 Methodology - Accepted Methodology:**

**2.1** A process of analysis, comparison, evaluation, and verification is conducted between the known requirements, standards and questioned Certification documents. In efforts to compel an industry standard for expressing opinions based on the expert's conclusions, a statement will be expressed consistent with the terminology and level of reasonable certainty based on the expert's experience in this field.

## **3.0 Range of Variation:**

**3.1** Accreditation of laboratories Pro V&V and SLI Compliance, a Division of Gaming Laboratories International, LLC, were provided and contemporaneous to the accreditation standards raised in the Voting System Test Laboratory Accreditation Program Manual. adherence to the program's procedural requirements is mandatory for participants. The procedural requirements of this Manual will supersede any prior laboratory accreditation requirements issued by the EAC."<sup>1</sup>

## **4.0 Governing Provisions of Accreditation:**

### **A. Legal Standard**

**4.1.** *Ariz. Rev. Stat. § 16-442 B.* "Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the Help America Vote Act of 2002, and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the Help America Vote Act of 2002 ("HAVA")).

**4.2.** *52 U.S. Code § 20921 – ESTABLISHMENT* "There is hereby established as an independent entity the Election Assistance Commission."

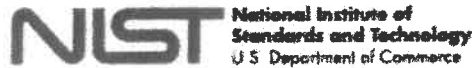
**4.3.** *52 U.S. Code § 20962 - Process for Adoption.*

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<sup>1</sup> See:

<https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl>

4.4. 52 U.S. Code § 20922 - DUTIES to include Information relating to the testing, certification, decertification, and recertification of voting system hardware and software and further establishes the requirement of NIST's VVSG 2.0.



**Purpose**

The VVSG will be used by voting system manufacturers and voting system test labs. Manufacturers will refer to the requirements in the VVSG when they design and build new voting systems; the requirements will inform them in how voting systems should perform or be used in certain types of elections and voting environments. Test labs will refer to the VVSG when they develop test plans for verifying whether the voting systems have indeed satisfied the requirements. The VVSG, therefore, serves as a very important, foundational tool for ensuring that the voting systems used in U.S. elections will be secure, reliable, and easier for all voters to use accurately.

4.5 In order to meet its statutory requirements under HAVA §15371(b), the EAC has developed the EAC's Voting System Test Laboratory Accreditation Program. The procedural requirements of the program are established in the proposed information collection, the EAC Voting System Test Laboratory Accreditation Program Manual ("VSTL")<sup>2</sup>, which establishes a framework of requirements under the EAC Voting System Certification Program.

4.6 Pursuant to VSTL section 3.6.1., Certificate of Accreditation. "A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission..."<sup>3</sup>

**3.6.1** Certificate of Accreditation. A Certificate of Accreditation will be issued to each accredited laboratory. The certificate will be signed by the Chair of the Commission and state:

**5.0 Observations and Evaluations:**

**A. Observations**

**5.1 Pro V&V**

Lab Accreditation was Signed by Mona Harrington Date 2/1/21, Executive Director U.S. Election Assistance Commission.<sup>4</sup>

<sup>2</sup> See: [https://www.eac.gov/sites/default/files/eac\\_assets/1\\_28\\_VSTLManual%20-%208%2015%20FINAL.pdf](https://www.eac.gov/sites/default/files/eac_assets/1_28_VSTLManual%20-%208%2015%20FINAL.pdf)

<sup>3</sup> See: <https://www.eac.gov/vvsg-20>

<sup>4</sup> See: [https://www.eac.gov/sites/default/files/voting\\_system\\_test\\_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf](https://www.eac.gov/sites/default/files/voting_system_test_lab/files/Pro%20V%26V%20Accreditation%20Certificate.pdf)

Mona Harrington

Date: 2/1/21

*Mona Harrington  
Executive Director, U.S. Election Assistance Commission*

EAC Lab Code: 1501

**THE ABOVE SHOWS THAT THE CHAIR OF THE COMMISSION  
DID NOT SIGN AS REQUIRED BY VSTL SECTION 3.6.1.**

**Voting System Test Laboratory Program Manual, Version 2.0**

3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

- 5.2 **SLI Compliance**, a Division of Gaming Laboratories International, LLC Accreditation Certificate was Signed by Mona Harrington Date 2/1/21, Executive Director U.S. Election Assistance Commission. <sup>5</sup>

Mona Harrington

Date: 2/1/21

*Mona Harrington  
Executive Director, U.S. Election Assistance Commission*

EAC Lab Code: 0701

**THE ABOVE SHOWS THAT THE CHAIR OF THE COMMISSION  
DID NOT SIGN AS REQUIRED BY VSTL SECTION 3.6.1.**

**Voting System Test Laboratory Program Manual, Version 2.0**

3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

<sup>5</sup> See:

[https://www.eac.gov/sites/default/files/voting\\_system\\_test\\_lab\\_files/SLI%20Certificate%20of%20Accreditation%202021.pdf](https://www.eac.gov/sites/default/files/voting_system_test_lab_files/SLI%20Certificate%20of%20Accreditation%202021.pdf)

## B. Evaluations

- 5.3. According to 3.6.1. of the Voting System Test Laboratory Program Manuel Version 2.0 the current issue on the web site, states the certificate "shall be signed by the Chair of the Commission."

### Non-Binding Signature.

The signature must be signed by Chair of the Commission Thomas Hicks VSTL Manuel 2.0 § 3.6.1.<sup>6</sup>

In this instance, the Chair of the Commission was Thomas Hicks who did not sign as required and the person who signed the certificates was Mona Harrington, Executive Director (not the Chair).

It was also observed that **there were additional issues and concerns on the EAC Lab Accreditation documentation**, but the lack of a proper signature is sufficient evidence to prove the Lab's lack of accreditation.

<https://rumble.com/v1pkgmb-the-voting-machines-cannot-be-used.html>

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<sup>6</sup> See:

<https://www.eac.gov/about-eac/commissioner-thomas-hicks>

## 6.0 Conclusion

Based on the foregoing governing authorities, the accreditation certificate was not signed pursuant to applicable authority and is therefore null and void and would require a hand count of the ballots.

**THEREFORE**, in my expert opinion, the November 8, 2022, election results can NOT be certified via a machine count, because as shown herein above, the Certificate did not comply with the standards set forth in the EAC Manual and therefore, the lack of certification of the voting machines fails to comply with the EAC VSTL requirements, HAVA, and A.R.S. § 16-442(B) thereby also violating the ARS Constitution Article 7 Section 7. (Only Legal Ballots may be counted). Machine counted votes would not be legal ballots.

I declare under penalty of perjury of the laws of the State of Arizona that the foregoing is true and correct.

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Michael Schafer, President , CEO Compliance  
Testing, LLC

## **CURRICULUM VITAE**

Michael Schafer, CEO  
Compliance Testing, LLC  
1724 S Nevada Way  
Mesa, AZ 85204  
602-770-9776 | ms@compliancetesting.com

Michael Schafer ("Mr. Schafer") is a subject matter expert and eighteen-year veteran in the accreditation of laboratories to ISO17025. Mr. Schafer is President and Chief Executive Officer of a regulatory test lab with an ISO 17025 accreditation. The company also has and FCC and ISED-Canadian approved Telecommunicatinos Certification Body approved by both the FCC and ISED-Canada to certify the documentation required for a grant to sell the tested products in the US and Canada. The lab specializes in testing and certifying electronic devices and complex transmitters for the Federal Communications Commission and Department of Homeland Security.

Schafer's Services Include:

- Testing to Federal Communications, Industry Canada Standards and European Test Standards
- Emissions and Immunity Testing for FCC (Federal Communications Commission), & CE Mark and DHS Land Mobile Radio and communications infrastructure in the area of P25 Interoperability testing, Performance Testing and ISSI-CSSI Testing
- FCC and ISED- (Canadian) Telecommunications Certification Body
- Creation of Certifiable FCC, ISED, P25, CE Test Reports
- Identification of appropriate Test Standards and international testing and certification directives for products to enter Global Markets and be approved for sale in multiple countries
- Custom and specialized testing and reporting requirements based on the Client's requirements
- Traffic Radar verification testing
- Submission for worldwide conformity and interface with government regulatory agencies

Mr. Schafer has maintained accreditation for his Test Lab for approximately eighteen years. Mr. Schafer graduated Magna Cum Laude from the University of Pennsylvania, Wharton Business School, with a Bachelor of Business Administration in Management and Finance.

Mr Schafer previously owned and operated a software development company for the Real Estate Appraisal Industry.

2022-11-28 SOS Evidence

NPT  
Valid  
P-2  
EAC  
Rules



United States Election Assistance Commission

Certificate of Accreditation

SLI Compliance,  
Division of Gaming Laboratories International, LLC  
Wheat Ridge, Colorado

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2002 Voting Systems Standards, the Voluntary Voting Systems Guidelines versions 1.0 and 1.1 under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Effective Through

January 10, 2021

this shows 3 years and the NIST and VSTL limit is 2 years.

compare to analysis, showing a modification date in the PDF where Brian Newby no longer worked at EAC and this is the incorrect signer, it must be the Chairman

Brian Newby signature

Date: 1/10/18

Brian Newby, Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 0701

McVernot sig

3.6.1. Certificate of Accreditation. A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

## Summary of Facts

### **Arizona Revised Statute (ARS) 16-442B reads as follows:**

*“Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the help America vote act of 2002 and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002.*”

### **Article 7, Section 7 of the Arizona Constitution reads as follows:**

*“In all elections held by the people in this state, the person, or persons, receiving the highest number of **legal votes** shall be declared elected.”*

Therefore, any election machine or device not meeting the requirements of ARS 16-442B and used to tabulate Arizona voter ballots renders those **ballots illegal** and non-certifiable – effectively disqualifying them from the vote count. ES&S tabulators counted 100% of the Cochise County ballots (and twelve other Arizona counties).

### **The ES&S electronic voting machines used by Cochise County, Arizona to tabulate the 11/8/22 mid-term election were not certified according to Arizona law.**

Arizona law requires an accredited Voting System Testing Lab (VSTL) to evaluate and assess the election machines and software. The VSTL responsible for evaluating the ES&S software (original build) used in the 11/8/22 election was SLI Compliance.

The Elections Assistance Commission (EAC) is responsible for the issuance of a Certificate of Accreditation to the VSTL – if accreditation requirements are satisfied. Once accredited, SLI compliance is legally able to conduct the testing and due diligence necessary to certify the ES&S election machine hardware and software.

Once VSTL machine and software testing is successfully complete, the EAC issues a Certificate of Conformance to demonstrate that the ES&S electronic voting machines have met testing requirements.

The following events and timeline show the Arizona Secretary of State and the EAC failed to demonstrate Arizona legal and constitutional compliance:

## Unlawful Use of the ES&S Electronic Voting Machines

1. The EAC issued Certificates of Accreditation to SLI Compliance on 1/10/18 and 2/1/21 (**Attachments 1a & 1b**).
2. The EAC issued a Certificate of Conformance for ES&S software version 6.0.4.0 on 5/3/19 (**Attachments 2a & 2b**). This was the software employed by the machines in the 11/8/22 mid-term elections.
3. Accreditation requirements for this election are governed by version 2.0 of the VSTL manual. The EAC violated the law when issuing these Certificates of Accreditation:
  - a. Accreditation lasts for ONLY 2 years, at which time, re-accreditation must be applied for. Therefore, the certificate issued on 1/10/18 expired on 1/10/20 - not 1/20/21 as indicated on the document.
  - b. Certificates of accreditation MUST be signed by the acting EAC Commissioner. The acting commissioner signed neither certificate. Both certificates were signed by an EAC employee other than the acting Commissioner, rendering these certificates invalid.
4. Since the ES&S Certificate of Accreditation issued 1/10/18 is invalid, the EAC Certificate of Conformance for the ES&S version 6.0.4.0 software issued on 5/3/19 is invalid. This makes use of the electronic voting machines in the 11/8/22 mid-term elections unlawful, resulting in zero legal votes.

## Misapplication of Title 52 US Code

5. On 11/18/22, three Arizona citizens who did extensive due diligence on the machine certification issue presented the group's findings to the Cochise County Board of Supervisors (BOS) in a public meeting. The citizen group shared this information for the purpose of educating the BOS and the public about Arizona election law and where the violations had occurred. The group recommended that the BOS defer certification of the election until proof of machine certification by an accredited VSTL could be shown.
6. Two of the three supervisors agreed, and by a majority vote, certification was tabled, until an Arizona Superior Court judge stepped in and ordered the BOS to "canvass" the election – which two of the three supervisors did. They then "certified" the canvass, which then allowed the Arizona Secretary of State to certify Arizona.
7. Approximately one year later, the Arizona Attorney General filed charges against the two supervisors who initially questioned the legality of the election. One supervisor,

Tom Crosby, remains under indictment and appears to be headed for a trial this spring.

8. In the 11/18/22 public meeting, the Arizona State Elections Director, Kori Lorick appeared remotely, to assure the BOS and Cochise County residents that the machines were properly certified – offering no reason other than because she and the EAC said so.

9. Three days later, on 11/21/22, Secretary of State provided a letter from the EAC, asserting certification was in place according to Title 52 US Code – Section 20971 (**Attachment 3**).

10. Unfortunately, the EAC intentionally misapplies statute by cherry picking language in that code section to support legality of the machines. Title 52 US Code -Section 20971(c)(2) reads as follows:

***Approval by Commission required for revocation –***

*“The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.” (see Attachments 4a & 4b)*

11. The EAC argues this code section allows for the accreditation of a VSTL indefinitely – with no fixed time, unless the Commission decides to revoke it. A full review of all of Title 52 US Code – Section 20971 reveals the clear intent of this language is to define the circumstances under which the commission “may revoke” an existing accreditation that falls within the 2-year active accreditation period, as outlined in the version 2.0 VSTL manual.

12. The EAC also argues that due to the onset of COVID, the law allows for an extension of time past the normal deadline for the VSTL to become re-accredited. This is interesting, given:

a. The EAC had already argued re-accreditation was indefinite - according to US Code 52; AND

b. The COVID pandemic began in March 2020, two months past the 1/10/20 two-year re-accreditation deadline.

See attachments 5 & 6 for additional detail regarding the information presented in this summary.

End of Summary of Facts



# Cochise County Board of Supervisors

Public Programs... Personal Service  
www.cochise.az.gov

**TOM CROSBY**  
Supervisor  
District 1

Katie Hobbs, Secretary of State  
Kori Lorick, State Elections Director

via email to

Dear Secretary Hobbs and Ms. Lorick:

Thank you for your prompt response, even before I've started this letter. I believe you are familiar with the 3 gentlemen we had as presenters for our last meeting when we tabled the canvass. There were many issues which prompted us to do so. We will thoroughly review the information you emailed to me this afternoon.

To review some of my comments from past meetings, on October 24<sup>th</sup>, 2022 I said, "I believe that the statutory hand count applied to all precincts is ample to dissuade any tampering one might contemplate."

On November 18<sup>th</sup>, 2022 I said, "I expect that the hand count at whatever of the several levels contemplated would have confirmed the results posted. I have attempted, and I believe Ms. Judd at least agrees that we have attempted everything we could think of in the way of court action to confirm the accuracy of our voting machines."

"Reference the Court cases: At present, my observation is it is either *effectively illegal*, or otherwise impossible to confirm the 100% accuracy of our voting machines."

I was trying to avoid lawsuits. I was trying to get some way to avoid the issue we are left with now, which is the accreditation of the laboratories responsible for voting machine certification.

I believe our presenters did a very thorough job explaining their viewpoints, leaving me with doubt as to the foundational issue of that certification. In fact, the presenters indicate confidence that your office cannot produce the several examples of documented proof I will note, nor has your office responded thus far to the Public records request, also pertinent to the accreditation issue at hand.

Pg 1 of 4

1415 Melody Lane, Building G  
Bisbee, Arizona 86603  
520-432-8200  
520-366-2406 cell  
520-432-5016 fax  
tcrosby@cochise.az.gov

It is important to distinguish between the "certification" of an electronic voting machine and the "accreditation" of the VSTL. The job of the VSTL is to assure the EAC that the machine is working properly, which results in the issuance of a machine certificate. However, the VSTL must be LAWFULLY accredited at the time the machine certification is granted. A company that is NOT accredited at the time the certificate is issued, makes that certificate null and void.

Documentation of the following issues for the voting system machines used in Cochise County is requested thusly:

**3.6.1. Certificate of Accreditation.** A Certificate of Accreditation shall be issued to each laboratory accredited by vote of the Commissioners. The certificate shall be signed by the Chair of the Commission and state:

**3.6.1.1. The name of the VSTL;**

**3.6.1.2. The scope of accreditation, by stating the Federal standard or standards to which the VSTL is competent to test;**

**3.6.1.3. The effective date of the certification, which shall not exceed a period of two (2) years; and**

**3.6.1.4. The technical standards to which the laboratory was accredited.**

**3.6.2. Post Information on Web Site.** The Program Director shall make information pertaining to each accredited laboratory available to the public on EAC's Web site. This information shall include (but is not limited to):

**3.6.2.1. NIST's Recommendation Letter;**

**3.6.2.2. The VSTL's Letter of Agreement;**

**3.6.2.3. The VSTL's Certification of Conditions and Practices;**

**3.6.2.4. The Commissioner's Decision on Accreditation; and**

**3.6.2.5. The Certificate of Accreditation.**

To Secretary Katie Hobbs, and Kori Lorick

Nov 21, 2022

I understand that we are all busy, but the proximity of our Nov. 28<sup>th</sup>, 2022 meeting dictates a prompt response, as this request speak directly to the accreditation issue at hand. The following is a public records request dated Aug. 17, 2022;

Amy,

Thank you very much for your reply. I would like to request that this public records request remain open. A couple questions and a follow-up request:

- 1) If Arizona Secretary of State office is not provided, and it does not maintain, copies of Certificates of Conformance issued by EAC, can you tell me where I can obtain a copy of these?
- 2) The document entitled, "Arizona Secretary of State - Engineering Change Orders (ECO) made to Certified Voting Systems Pursuant to A.R.S. 16-442", contains a directive to the reader at the bottom of that schedule, which states:

**"This is a summary of the certified engineering change orders made to vote tabulating equipment that was previously certified by the Secretary of State. Copies of the actual certifications can be obtained by contacting the Secretary of State's Office."**

- 3) I would like to respectfully request that the certificates referenced in the SOS document listed in number 2 above, to be provided to me, issued in the same time range as listed in my original public record's request (1/1/19 thru 8/16/22).
- 4) ECO's must be submitted to, and approved by, the EAC and VSTL - voting system testing lab (SLI Compliance) prior to the committee's adoption consideration, and certification of these ECO's by the Secretary of State.

Can you tell me how the SOS verifies these ECO's have been approved, and what, if any document is provided by the VSTL/EAC to SOS to confirm this?

Regards,

Paul Rice - Arizona Citizen

To Secretary Katie Hobbs, and Kori Lorick

Nov 21, 2022

Your response to these issues is most sincerely appreciated,

---

**Tom Crosby**

**Cochise County Board of Supervisors**

Excerpts from 11-28-2022 Cochise BOS meeting

Tom Crosby – The discussion goes like this...in my opinion, this meeting is mis-agendized, as I have noted before, and in my humble opinion, the chair is sometimes unfair and desires to squash opposition. ~~in~~ the politically liberal viewpoint that may prevail at Melody Lane, does not prevail in this county. Although **Madam English is well aware of that, I suspect she took bad advice to do wrong again, from the county attorney.** This meeting agenda should have provided for interaction between subject matter experts on voting machines and representatives of the SOS's office. Included for my colleagues today is my letter from last week, emailed, hard copied, and distributed widely, to the state Elections Director and SOS. It delineates the continued concern of the group I'll refer to as, "Paul Rice et al". In that group's opinion, the Secretary has not been responsive in providing proof of lawful accreditation of voting machine laboratories. In my opinion, that lack of response would seem to suggest the inability to provide the requested proof by the Secretary. That stipulation of proof and confirmation was included in the motion to table, from our last meeting on this subject, and is not met. The chairperson and the advice she likely got, as well as the lack of response from the Secretary of State's office, is the cause of this delay. I wonder, **Madam Judd, are you able to hear my motion which is coming up?**

\*\*\*\*\*

AE – Ok. We have a motion and a second. If there's no further discussion from the group on this, I'd like to say there is no reason for us to delay. We have heard from every person, more than once, how they feel about the certification of the machines. We have heard from the SOS's office, who is in charge of elections. We have been presented materials that was asked for at the last meeting, from both sides, and I feel you both have the information necessary in order to make **this decision that is non-discretionary on our part to certify the election for Cochise County,** no matter how you feel about what happened in Maricopa, or Pima, or Mohave, or Apache. We're here to talk about Cochise County and our election.

\*\*\*\*\*

AE – Ok, the motion was to accept the election results certified and submitted by the Cochise....

TC – No, no, no....the motion was remove from the table.

AE – Remove from the table....the exception.....accepting the results certified. You read the whole thing.

TC – I'll read it again. I move....

AE – I heard you the first time.

TC – I move, we remove from the table, the November 18<sup>th</sup>, 2022 special meeting, accept the election results certified and submitted by Cochise County Elections Department as the official canvass for the general election, held on November 8<sup>th</sup>, 2022. And I expect to vote no on that. Not....I do not want to remove that from the table. It will remain on the table until Friday.

AE – And I seconded it, so....let me understand what you're asking for here.

TC – I don't want to remove this item from the table.

AE – Ok. But the motion is to remove it from the table. Is that clear Ms. Judd?

PJ – Yes.

ARS 16-442. Committee approval; adoption of vote tabulating equipment; experimental use; emergency

B. Machines or devices used at any election for federal, state or county offices **may only be certified** for use in this state and may only be used in this state if they comply with the help America vote act of 2002 and if those machines or devices have been tested and approved by a **laboratory that is accredited** pursuant to the help America vote act of 2002.

Hearing Dec 1. 2022

at 31:58 **Judge McGinley** asks if Crosby wishes to address the court

CROSBY: Would that include a question, like "What is the definition of canvass and what is the definition of approve or certify?"

COURT: Are you asking the court to define statute for you, sir?

CROSBY: Well . . . just pass, I'll just read what I have for you.

(parentheses ((the request for continuance)). I also would have liked him to consider what I refer to as the McIntyre threatening letter, as to why it was difficult to obtain counsel)

---

At 1:03:46. McGinley says, "I'm not going to tell anybody what to do, other than this writ of mandamus, which is, you will meet today, **you will canvass** the election. Are there any questions about the court's orders today's date?"

I already asked him the questions noted, "what's the definition of canvas?" and he answered with question back.

**Furthermore, I have not heard any argument that the case was NOT removed to federal court prior to the judge's ruling Dec 1. 2022.**

