



# Cochise County Board of Supervisors

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FRANK ANTENORI  
Chairman  
District 3

The Honorable Pam Bondi  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: Request for Information into VSTL Accreditation and Certification of ES&S Voting Systems Used in Arizona Elections

Dear Attorney General Bondi,

The Cochise County Board of Supervisors respectfully submits this correspondence to request information from the United States Department of Justice concerning the accreditation of Voting System Test Laboratories (VSTLs), the certification of ES&S electronic voting systems, and the use of engineering change orders during the 2022 Arizona general election. These matters present material statutory and constitutional questions that relate directly to the integrity of the electoral process in Arizona.

Pursuant to A.R.S. § 16-442(B), any voting system employed in Arizona elections must (1) comply with the Help America Vote Act of 2002 and (2) undergo testing by a VSTL duly accredited by the United States Election Assistance Commission ("EAC"). Furthermore, Article 7, Section 7 of the Arizona Constitution provides that only lawful votes may be tabulated.

The EAC has invoked 52 U.S.C. § 20971(c)(2) to argue that accreditation remains valid indefinitely absent formal revocation. Respectfully, the plain text of the statute requires renewal on a biennial basis. Pandemic-related justifications are immaterial, as the accreditation in question had lapsed prior to March 2020. The EAC's interpretation appears inconsistent with both the statutory language and congressional intent.

In light of the foregoing, we respectfully request your office investigate the following:

1. The lawfulness of the EAC's VSTL accreditation practices;
2. The validity of certifications issued for ES&S voting systems and associated engineering change orders; and
3. The proper interpretation of federal and state requirements regarding voting system compliance and lawful ballot tabulation.

The Board of Supervisors has a constitutional and statutory obligation to ensure compliance with election law. We therefore request your office's assistance in providing clarification on these matters. Please inform us of any documentation that may assist in fulfilling our duties.

Respectfully submitted,

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Chairman, District 3

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