

Where law ends, tyranny begins.

ARIZONA ELECTION CERTIFICATION,
ELECTRONIC VOTING MACHINES, &
COUNTY BOS DUTIES

AN ARIZONA CITIZEN'S ANALYSIS
PRESENTED TO THE COCHISE COUNTY
BOARD OF SUPERVISORS

Arizona State Courts Building

August 5, 2025

8/5/2025

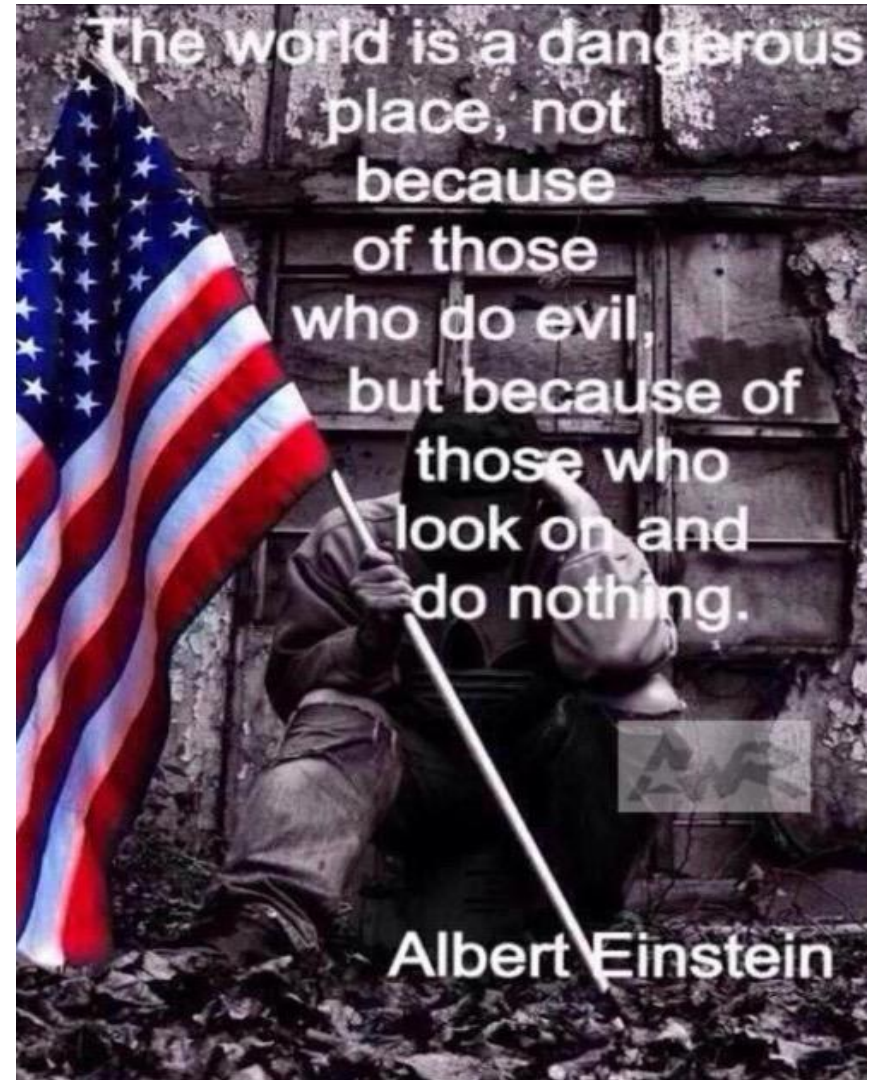
REPORT FORMAT

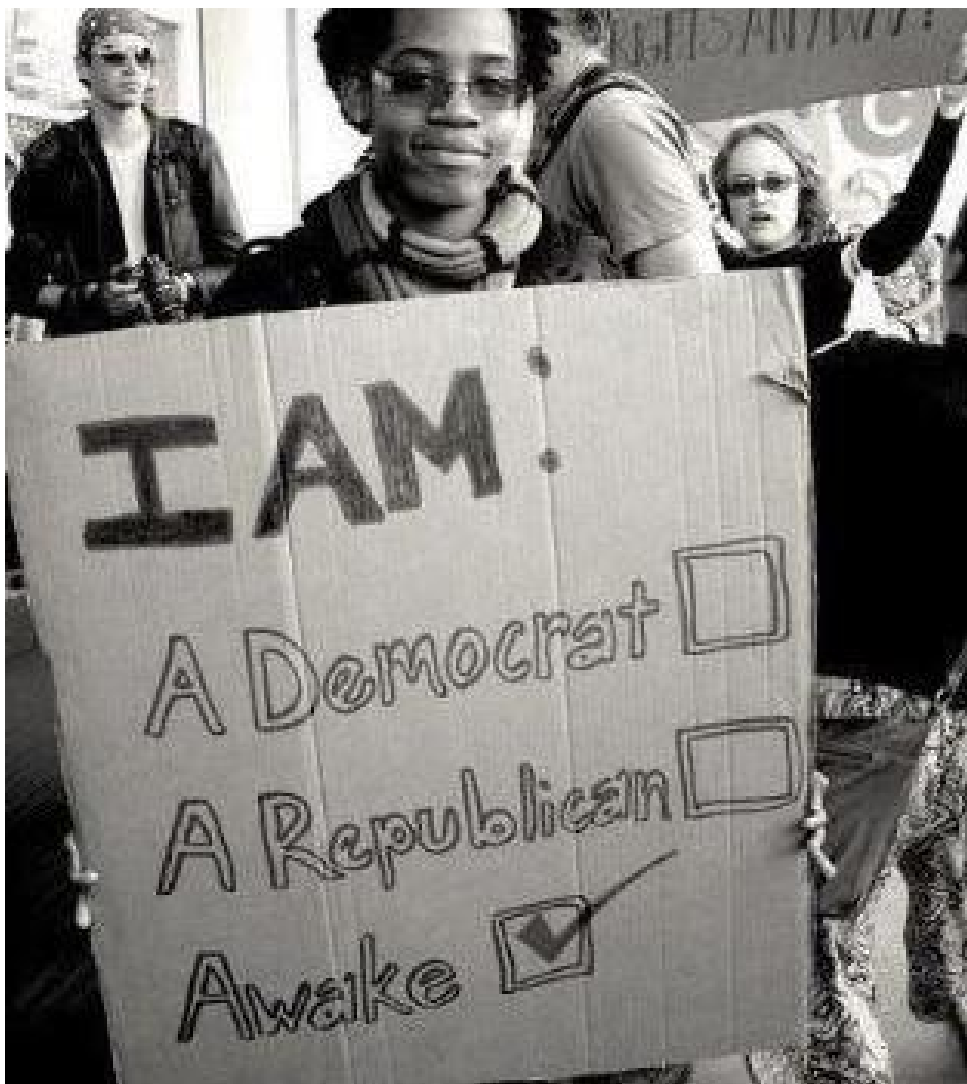
Ask The Question

Present The Facts

Conduct An Analysis

Reach A Conclusion





WHY ARE WE HERE?

What this discussion **IS** about:

- Our Constitution
- Our Election laws
- Protecting our sacred vote
- Exercising our 1st Amendment rights
- Electronic Voting Machines Primary
Count

What this discussion is **NOT** about:

- Election fraud (at the ballot box)
- Partisan politics
- Hand count post election audits
- Logic & Accuracy Testing



THREE PRIMARY QUESTIONS ARE ADDRESSED:

Are electronic voting machines
LEGAL in the state of Arizona?

Are county Boards of Supervisors
OBLIGATED to utilize electronic
voting machines in their elections?

Does Arizona law require county
Boards of Supervisors to **CERTIFY**
their county elections?

A large field of small American flags planted in rows on a green lawn. In the background, there is a school building with a corrugated metal roof and several trees. The scene is outdoors and appears to be a patriotic display.

QUESTION 1:

*Are electronic
voting machines
legal in the state
of Arizona?*

TERMINOLOGY

Help America Vote Act (HAVA)



Elections Assistance Commission (EAC)



Voting Systems Testing Laboratory (VSTL)



Voluntary Voting System Guidelines (VVSG)

Help America Vote Act (HAVA)

- ❑ The Federal “Help America Vote Act of 2002” 52 USC 209 was passed by the US Congress in October 2002 to make sweeping reforms to the nation’s voting process.
- ❑ Created with the intent of assisting states in election administration by providing a more uniform elections process.
- ❑ Reason provided to the public: to reduce the risk of repeating what happened in the 2000 Bush vs. Gore presidential election (hanging chads).
- ❑ Establishes new mandatory minimum standards for all 50 states in several key areas of election administration.
- ❑ Since the US Constitution grants power to the states to legislate and administer federal, state, and local elections, most HAVA provisions are optional (e.g. utilization of electronic voting machines), and need to be formally adopted by the state legislatures to become law.

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

Quoting directly from the law:

H.R. 3295 An Act -

*To establish a program to provide funds to
States to replace punch card voting systems*

*To establish the Election Assistance Commission
to assist in the administration of Federal
elections and to otherwise provide assistance
with the administration of certain Federal
election laws and programs*

*To establish minimum election administration
standards for States and units of local
government with responsibility for the
administration of Federal elections, and*

For other purposes

HAVA MEMBERSHIP - IMPORTANT POINTS - STATE FUNDING

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—

(1) **IN GENERAL.**—The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.

(2) **RECOMMENDATIONS.**—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(A) **IN GENERAL.**—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) **IN GENERAL.**—Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a “qualifying precinct”).

(2) **USE OF FUNDS.**—A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that—

Elections Assistance Commission (EAC)

- ❑ HAVA law ushered in the formation of the Elections Assistance Commission (EAC), which creates the detailed election procedures that states must follow to be compliant under this law.
- ❑ Each state must make its own decision regarding HAVA participation and the degree of compliance it wishes to adopt (above the minimum standards). Those requirements and procedures must then be codified into law. Once codified, the state **MUST** follow those EAC provisions.
- ❑ **HAVA is federal law; state adoption of HAVA becomes state law.**
- ❑ Many of the functions, previously the responsibility of the Federal Election Committee (FEC), were transitioned to the EAC with the passage of HAVA.
- ❑ **One of the most important functions the EAC performs is to accredit the private companies that certify electronic voting machines.**

Voting Systems Testing Laboratory (VSTL)

- ❑ A VSTL is a private company that contracts with the federal government to make sure our electronic voting machines are safe to use in our elections.
- ❑ **Its sole purpose is to assure the public that the integrity and privacy of each person's vote is protected and that the tabulation process reflects, with 100% accuracy, the intent of the voter.**
- ❑ Due to the incredibly important role of the VSTL, they are required to be accredited every 2 years.
- ❑ The process of becoming a government contracted VSTL generally begins with The National Institute of Standards and Technology (NIST). NIST recommends applicants to the EAC for accreditation consideration, which has the power to grant approval.
- ❑ The EAC makes the final decision as to what company becomes a VSTL. The only two VSTL's currently authorized in recent election cycles, and therefore eligible to do this work, are Pro V&V (Huntsville, Alabama), and SLI Compliance (Wheat Ridge, Colorado).

Voluntary Voting System Guidelines (VVSG)

- ❑ Voluntary Voting System Guidelines (VVSG) are a set of specifications and requirements against which voting systems can be tested to determine if they meet required standards.
- ❑ Some factors examined under these tests include basic functionality, accessibility, and security capabilities.
- ❑ While the [Help America Vote Act](#) (HAVA) mandates the EAC to develop and maintain these requirements, adhering to the VVSG is voluntary except in select states where it is required by their own state law.

Source: Elections Assistance Commission

EAC GOVERNANCE

EAC Commissioner Chairs

Thomas Hicks	2/24/22 – 2/24/23
Donald Palmer	2/24/21 – 2/24/22
Benjamin Hovland	2/24/20 – 2/24/21
Christy McCormick	2/24/19 – 2/24/20
Thomas Hicks	2/24/18 – 2/24/19
Matthew Masterson	2/24/17 – 2/24/18
Thomas Hicks	2/24/16 – 2/24/17
Christy McCormick	2/24/15 – 2/24/16

EAC GOVERNANCE

The EAC outlines required procedures and technical standards related to election administration and voting equipment thru the publication of several manuals:

- **EAC Voting System Test Laboratory Manual – Guidelines and procedures for the accreditation and operation of VSTL's**
 - **Version 2.0 effective 5-31-15**
 - **Version 3.0 effective 11-15-22 (?)**

- **EAC Voting System Testing and Certification Manual – Guidelines and procedures for the testing and certification of electronic voting equipment**
 - **Version 2.0 effective 5-31-15**
 - **Version 3.0 effective 11-15-22 (?)**

- **EAC Voluntary Voting Systems Guidelines - set of specifications and requirements to determine if the systems provide all of the basic functionality, accessibility and security capabilities required**

What does the Arizona Constitution and Arizona statutes say about our elections?

AZ Constitution Article 7 Section 7

Highest number of votes received as determinative of person elected

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.

Arizona Revised Statute 16-442(B)

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.

EAC Accreditation and Certification

Merriam-Webster Dictionary -

Accreditation

- to recognize or vouch for as conforming with a standard
- to consider or recognize as outstanding

- A VSTL must be accredited by the EAC in order to test electronic voting systems.

Certification

- to attest as being true or as represented or as meeting a standard
- to recognize as having met special qualifications

- The EAC certifies electronic voting systems that are successfully tested and recommended for approval by the VSTL.

EAC Accreditation and Certification (con't)

What is VSTL accreditation and why is it so important?

Once a company is selected to become a VSTL, that company must be initially accredited, and then re-accredited, by the EAC every two years. This requirement is outlined in the version 2.0 VSTL manual, which is published by the EAC. This accreditation is evidenced by a “Certificate of Accreditation” issued by the EAC to the VSTL.

The accreditation process is not only legally required; it is vital to maintain the integrity of our electronic voting machines. These machines have been deemed “critical infrastructure”, to safeguard our elections and national security. This vetting process includes an assessment of **technical competency, financial stability, records retention, and the possibility of conflicts of interest and foreign influence.**

EAC Accreditation and Certification (con't)

- Section 231(b) of the [Help America Vote Act \(HAVA\) of 2002](#) (42 U.S.C. §15371(b)) requires that the EAC provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards.
- Generally, the EAC considers for accreditation those laboratories evaluated and recommend by the [National Institute of Standards and Technology](#) (NIST) pursuant to HAVA Section 231(b)(1).
- However, consistent with HAVA Section 231(b)(2)(B), the Commission may also vote to accredit laboratories outside of those recommended by NIST upon publication of an explanation of the reason for any such accreditation.

Source: Elections Assistance Commission

EAC Accreditation and Certification (con't)

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 on the [Manuals & Forms](#) page.

Although participation in the program is voluntary, 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. This manual shall be read in conjunction with the EAC's Voting System Testing and Certification Program Manual on the [Manuals & Forms](#) page.

Source: Elections Assistance Commission

EAC Accreditation and Certification (con't)

Voting System Test Laboratories (VSTL)

Pro V&V

6705 Odyssey Dr NW Suite C,
Huntsville, Alabama, 35806

Status: Accredited

Program Manager: Jack Cobb, Laboratory Director

Phone: [256-713-1111](tel:256-713-1111)

SLI Compliance, a Division of Gaming Laboratories International, LLC

Status: Accredited

Program Manager: Traci Mapps, Vice President

Phone: [303-422-1566](tel:303-422-1566)

Source: Election Assistance Commission

VSTL 2.0 Manual – Accreditation Requirements

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:

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.

VSTL 2.0 Manual – Accreditation Requirements (con't)

3.8. Expiration and Renewal of Accreditation. A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.

VSTL 3.0 Manual – Accreditation Requirements

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.

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.

Invalid Accreditation



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

A handwritten signature in blue ink, appearing to read "B. Newby".

Date: 1/10/18

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

EAC Lab Code: 0701

According to the
VSTL Manual 2.0
3.6.1.3

Accreditation
shall NOT
exceed 2 years

Unauthorized
signature is non-
binding.

Must be signed by
the Chair of the EAC
Commission
Matthew
Masterson
VSTL Manual 2.0

Invalid Accreditation



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 2005 and 2015 Voluntary Voting Systems Guidelines (VVSG 1.0 & 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.

Original Accreditation Issued on: 2/28/2007

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Mona Harrington

Date: 2/1/21

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

EAC Lab Code: 0701

Still under VSTL Manual 2.0. A complete Application Package is required with 2-year effective date of Accreditation

Non-Binding Signature. Must be signed by Chair of the Commission Benjamin Hovland VSTL Manual 2.0 3.6.1 and 3.0 Manual

If this was true, then why the need for this certificate or the previous certificate issued on 1/10/18? Why not just post the original accreditation issued on 2/28/27 with 52 USC

Invalid Accreditation



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 Voluntary Voting Systems Guidelines VVSG 1.0, 1.1 & 2.0 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.

Original Accreditation Issued on: 2/24/2015

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Mark A. Robbins

Date: 11/15/22

Interim Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 0701

Back to using a Pro V&V Laboratory Date Further Evidence of Their Incompetence

52 USC still expects a Recertification or Continued Accreditation Multiple Times within the Code

Added VVSG 2.0

Non-Binding Signature Must be Signed by Chair of the Commission Thomas Hicks VSTL Manual 2.0 3.6.1 and New 3.0 Manual



United States Election Assistance Commission

U.S. Election Assistance Commission

VSTL

Certificate of Accreditation

SysTest Labs, LLC
Denver, CO

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 Voluntary Voting Systems Guidelines under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SysTest 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” date (i.e. expiration) is exactly 2 years from signature

Effective Through

July 16, 2011

[Handwritten Signature]

Date: 7/16/09

Chair, U.S. Election Assistance Commission

EAC Lab Code: 0701

Signed by the EAC Chairman



United States Election Assistance Commission

Certificate of Accreditation

SysTest Labs, LLC
Denver, CO

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2002 Voting Systems Standards and the 2005 Voluntary Voting Systems Guidelines under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SysTest 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” date (i.e. expiration) is exactly 2 years from signature

Effective Through

February 28, 2009

A handwritten signature in black ink, appearing to be "J. [unclear]".

Date: 2/28/07

Executive Director, U.S. Election Assistance Commission

EAC Lab Code: 0701

Signed by the EAC Executive Director

Invalid Certificate

United States Election Assistance Commission



Certificate of Conformance



ES&S EVS 6.0.4.0

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)*. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the *EAC Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: EVS

Model or Version: 6.0.4.0

Name of VSTL: SLI Compliance

EAC Certification Number: ESSEVS6040

Date Issued: May 3, 2019

A handwritten signature in blue ink, appearing to be "BDL", written over a horizontal line.

Executive Director

Scope of Certification Attached

VSTL Manual 2.0 requires all EVM software to be certified by an accredited VSTL.

If the VSTL is not accredited on the date of software certification, the Certificate is invalid.

This software upgrade should have never been deployed.

There were no VSTL's legally accredited on the date this Certificate of Conformance was

*52 USC 20971:
CERTIFICATION
AND TESTING
OF VOTING
SYSTEMS*

52 U.S.C. 20971, which pertains to the certification and testing of voting systems, became law as part of the [Help America Vote Act of 2002 \(HAVA\)](#). Specifically, it was enacted as section 221 of HAVA. The act was signed into law on October 29, 2002.

52 USC 20971: CERTIFICATION AND TESTING OF VOTING SYSTEMS

§20971. Certification and testing of voting systems

(a) Certification and testing

(1) In general

The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) Optional use by States

At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) Laboratory accreditation

(1) Recommendations by National Institute of Standards and Technology

Not later than 6 months after the Commission first adopts voluntary voting system guidelines under subpart 3 of part A of this subchapter, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

52 USC 20971: CERTIFICATION AND TESTING OF VOTING SYSTEMS (con't)

(2) Approval by Commission

(A) In general

The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) Accreditation of laboratories not on Director list

The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) Continuing review by National Institute of Standards and Technology

(1) In general

In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

52 USC 20971: CERTIFICATION AND TESTING OF VOTING SYSTEMS (con't)

(2) 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.

(d) Transition

Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of October 29, 2002, shall remain in effect.

(Pub. L. 107–252, title II, §231, Oct. 29, 2002, 116 Stat. 1684 .)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 15371 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

52 USC 20971: CERTIFICATION AND TESTING OF VOTING SYSTEMS (CON'T)

- ❑ In the context of 52 U.S. Code Section 20971 (Certification and testing of voting systems), “revocation” specifically refers to the act of canceling the accreditation of a laboratory that has been approved to carry out testing, certification, decertification, and recertification of voting systems.
- ❑ It means taking away the official approval that allows a laboratory to perform these crucial tasks related to ensuring the integrity of voting technology.
- ❑ 52 U.S. Code Section 20972(c)(2), states that the accreditation of a laboratory for these purposes cannot be revoked unless the revocation is approved by a vote of the Election Assistance Commission.



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

FROM: Jerome Lovato, Voting System Testing and Certification Director
SUBJECT: SLI Compliance EAC VSTL Accreditation
DATE: 1/27/2021

SLI Compliance, a division of Gaming Laboratories International, LLC (SLI) has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

Expiration and Renewal of Accreditation. *A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.*

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, SLI retains its EAC VSTL accreditation.

Electronic Voting Machine State Certification - ARS

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

A. The secretary of state shall appoint a committee of three persons, to consist of a member of the engineering college at one of the universities, a member of the state bar of Arizona and one person familiar with voting processes in the state, no more than two of whom shall be of the same political party, and at least one of whom shall have at least five years of experience with and shall be able to render an opinion based on knowledge of, training in or education in electronic voting systems, procedures and security.

The committee shall investigate and test the various types of vote recording or tabulating machines or devices that may be used under this article. The committee shall submit its recommendations to the secretary of state who shall make final adoption of the type or types, make or makes, model or models to be certified for use in this state. The committee shall serve without compensation.

Electronic Voting Machine State Certification – 2019 EPM

For a new application for certification, the Election Equipment Certification Committee must conduct the following activities in a public meeting:

1. Review the manufacturer's application packet for completeness;
 2. Confirm VSTL approval and EAC certification;
 3. Confirm the voting system under review is the same voting system certified by the EAC;
 4. Review the voting system and test ballots for compliance with the legal standards for certification;
 5. Conduct a demonstration and functionality test; 6.
- Ask questions to the manufacturer's representatives as necessary;
7. Seek legal advice in executive session as necessary; and
 8. Vote on whether to recommend to the Secretary of State approval, conditional approval, or denial of the manufacturer's application.

Electronic Voting Machine State Certification (2019 EPM con't)

The Election Equipment Certification Committee may issue a recommendation to the Secretary of State to approve or deny the application, including partial or conditional approval. The Committee may also recommend specific conditions under which the voting system may be used by a county, city, town, or special taxing district.

The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

Legal Standards for Certification:

A voting system must comply with all federal and state laws, including the following:

1. The voting system must be tested and certified under federal law:
 - a. The voting system must be reviewed and/or tested by an accredited VSTL;
 - b. The voting system must be certified by the EAC; and
 - c. The voting system must otherwise comply with the then-applicable federal Voluntary Voting System Guidelines (VVSG) in effect;

Electronic Voting Machine Modifications (2019 EPM con't)

Application for Recertification of Updated/Modified Systems:

Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections. Like new applications, an application for recertification requires VSTL approval, EAC certification, and certification by the Secretary of State, based on review and recommendation by the Election Equipment Certification Committee. However, depending on the nature of the upgrade/modification, a demonstration and functionality test may not be necessary.

An upgrade or modification is documented through an engineering change order (ECO) prepared by the manufacturer and submitted to the appropriate VSTL. If the VSTL concludes, and the EAC agrees, that the ECO represents a de minimis change to the existing certified voting system, the Secretary of State may:

Electronic Voting Machine Modifications (2019 EPM con't)

1. Notify the Election Equipment Certification Committee that the upgrade or modification has been deemed de minimis by the EAC;
2. Recommend the Committee conduct its review without a demonstration and functionality test; and
3. If the Committee agrees to forego a demonstration and functionality test, schedule a public meeting to review the manufacturer's application for recertification.

If the Election Equipment Certification Committee foregoes a demonstration and functionality test, the Committee must:

1. Review the manufacturer's application for recertification for completeness in a public meeting, whether in-person, telephonically, or by video teleconference;
2. Confirm VSTL approval and EAC certification;

Electronic Voting Machine Modifications (2019 EPM con't)

3. Ask questions to the manufacturer's representatives as necessary;
4. Seek legal advice in executive session as necessary;
5. Make an independent finding that the upgrade or modification is de minimis in nature; and
6. Vote on the manufacturer's application for recertification.

The Election Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting. The Election Equipment Certification Committee may recommend approval or denial of the application, including partial or conditional approval.

If the Committee determines that the upgrade or modification is not de minimis, or the application for recertification otherwise requires additional review or testing, the Committee may vote to schedule a subsequent meeting to conduct a demonstration and functionality test. In that case, the Committee must evaluate the upgraded or modified voting system under the standards applicable to a new application for certification.

Secretary of State Final Decision (2019 EPM con't)

Within a reasonable period after receiving the Election Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on an application for certification or recertification. The Secretary of State may accept, deny, or modify the Election Equipment Certification Committee's recommendation, including issuance of a partial or conditional certification.

The Secretary of State must issue the final decision in writing and notify the manufacturer by mail or email. A final decision denying certification must include notice that the decision constitutes an appealable agency action. The notice must:

1. Identify the statute, rule, or provision upon which the decision was based;
2. Identify with reasonable particularity the reason why certification was denied or conditioned;
3. Include a description of the manufacturer's right to request a hearing on the decision; and
4. Include a description of the manufacturer's right to request an informal settlement conference pursuant to A.R.S. § 41-1092.06.

Electronic Voting Machine Modifications – Important Points

The 2019 Elections Procedure Manual (and prior versions) dedicated 10 pages in Chapter 4: Voting Equipment, to electronic voting machine new certification and modification procedures. Effective with the 2023 EPM, these detailed procedures were removed by the Arizona Secretary of State.

The following explanation was provided in the 2023 Elections Procedure Manual - Summary of Key Changes:

“Part of the Election Equipment Certification Chapter was removed and has been added to the Help America Vote Act of 2002 handbook.”

As outlined in the EPM, An engineering change order (ECO) is a change to a previously EAC-certified voting system’s hardware, documentation, or data. These modifications used to be made available in the Secretary of State website. Currently, information on what **ECO’s have been “state certified” is not available.**

Several Public Open Records requests for documentation pertaining SoS approved ECO’s have been submitted, unsuccessfully, to the Secretary of State (see next slide)

Electronic Voting Machine Modifications – Important Points (con't)

Public Records Request History:

8/17/22 - a formal public records request was made with the SoS to disclose all voting machine “modifications”, proposed by ES&S and adopted by the SoS from Jan 2019 thru Aug 2022. No response provided.

11/21/22 – As a follow-up to this request, Supervisor Crosby submitted a letter of inquiry to the SoS.

2/22/23 – An affidavit was provided to the Cochise County BOS that this request for information remained unanswered.

9/2/23 - Over a year after the original request, another request was re-submitted to SoS. No response.

4/29/25 – Another public records request was submitted with the SoS for the same information. Response from the SoS stated I needed to check with the EAC. A FOIA request was then submitted to the EAC (correspondence provided).

6/11/25 – Another SoS public records request was submitted again. The letter from the EAC was included with this request. Still no request.

SECRETARY OF STATE — PUBLIC RECORDS REQUEST & EAC



U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

VIA EMAIL

June 9, 2025

Paul Rice
hal34@protonmail.com

Greetings:

This letter acknowledges the U.S. Election Assistance Commission's (EAC) receipt of your Freedom of Information Act request (25-0038):

The EAC's records that are responsive to your request are publicly available on the EAC website at <https://www.eac.gov/voting-equipment/engineering-change-orders>.

The Freedom of Information Act does not require Federal Agencies to answer questions, render opinions, or provide subjective evaluations. However, the EAC does not track where Engineering Change Orders (ECOs) have been deployed on a state level. Nor does the EAC track any information on what systems or modifications each state has adopted beyond the EAC's system level map, which is publicly available on the EAC website at <https://www.eac.gov/election-technology/field-services-program>.

This letter completes the response to your request. If you interpret any portion of this response as an adverse action, you may appeal this action to the U.S. Election Assistance Commission. Your appeal must be in writing and sent to the address set forth below. Your appeal must be postmarked or electronically transmitted within 90 days from the date of the response to your request. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

SECRETARY OF STATE — PUBLIC RECORDS REQUEST & EAC



QUESTION 2:

*Are County Boards of Supervisors **OBLIGATED** to utilize electronic voting machines in their county elections?*

ARIZONA REVISED STATUTES
TITLE 16
CHAPTER 4 – CONDUCT OF ELECTIONS
ANALYSIS OF STATUTES

OBJECTIVE

To demonstrate there is no Arizona statutory requirement that state, county, and local authorities utilize electronic voting machines (voting equipment or tabulators) in Arizona elections. A detailed analysis of Arizona Revised Statutes (ARS) reveals that County Boards of Supervisors (BOS), in fact, have complete discretion with regards to the use of this equipment in the conduct of their elections.

OBSERVATION & ANALYSIS

Statutes contained in Articles 1, 4, and 10 have been cited in this analysis of Title 16, Chapter 4.

- Two statutes from Article 1 and three statutes from Article 10 are cited due to relevance to the electronic voting system.
- Every statute from Article 4 has been cited since this article is 100% focused on “voting equipment.”

It is noteworthy to mention that while no requirement can be found in Chapter 4 – Conduct of Elections - mandating the use of electronic voting equipment, the entire Chapter is written in a manner that “assumes” this voting equipment is in place. Policy, procedures, and directives, whether obligatory or non-obligatory, are geared toward an election system based on the use of electronic voting equipment.

Very few references are made to hand counting. This is odd, given there is no statutory language prohibiting a hand count in lieu of the electronic voting machines. Rules and limits to hand counting are guided by statute ONLY in the context of “re-counts” to actual election results tabulated by electronic voting equipment.

The statutes cited in this analysis contain 2 key terms:

“Shall” – used approximately 160 times. Not optional, non-discretionary

“May” – used approximately 20 times. Optional, discretionary.

Given the term “shall” is used 8x as often as “may” in these election statutes, it is clear the Arizona Legislature was deliberate in mandating most election procedures.

However, there IS NOT ONE INSTANCE where use of the word “shall” is associated with use of the electronic voting machines. In fact, statute 16-443 says exactly the opposite (referenced below). When given the opportunity to use the word “shall” in this statute, the Arizona Legislature chose to use the word, “may.”

16-443. Authorization of use at all elections

At all state, county, city or town elections, agricultural improvement district elections and primary elections, ballots or votes may be cast, recorded and counted by voting or marking devices and vote tabulating devices as provided in this article.

CONCLUSION

A review of ARS - Title 16, Chapter 4 provides strong evidence that the Arizona Legislature intended the use of electronic voting machines to be entirely discretionary to the BOS. This is supported in the ARS language, specifically the decision to use the word “may” as opposed to “shall” when referencing use of this equipment.

Therefore, any claim that Arizona state law requires the use of electronic voting machines in state, county, and local jurisdiction elections, whether general or special elections, is unsupported.

ARS Source: [Arizona Revised Statutes \(azleg.gov\)](http://azleg.gov)



QUESTION 3:

*Does Arizona law
require COUNTY
Boards of Supervisors
to **CERTIFY** their
county elections?*

CANVASS VS. CERTIFY WHAT DO THESE TERMS REALLY MEAN?

True or False?

- Canvassing an election and certifying an election are the same thing.
- Canvassing an election and certifying an election are separate and distinct duties.
- Canvassing is required under Arizona Statute. Certification is part of the canvassing process, therefore “ministerial” and required by default.
- Canvassing and certifying are individually required under AZ statute.
- Canvassing is required under AZ statute; certifying is not required (i.e. discretionary).

1. DOES ARIZONA LAW REQUIRE COUNTY BOARDS OF SUPERVISORS TO CERTIFY THEIR ELECTIONS?

A. CANVASSING VS. CERTIFICATION

Canvassing Defined -

Black Law Dictionary

The act of examining and counting the returns of votes cast at a public election. *Bowler vs. Eisenhood*, 1 S. Dak. 577, 48 N. W. 130, 12 L. It.A.705; *Clark*

Merriam Webster 1828 Dictionary

To examine returns of votes; to search or scrutinize; as, to canvass the votes for senators. Examination; close inspection to know the state of; as a canvass of votes.

Merriam Webster Modern Dictionary

To examine in detail. Specifically, to examine (votes) officially for



Canvassing Defined – (con't)

Election Assistance Commission (EAC)

The canvass is a culmination of all the data generated during an election cycle. More importantly, it is a process that allows election officials to confirm the accuracy of the election data and identify areas for improvement. The canvass process aggregates and confirms every valid ballot cast and counted, including mail, uniformed and overseas citizen, early voting, election day, and provisional ballots.



CANVASSING VS. CERTIFICATION



Certification Defined –

Merriam Webster 1828 Dictionary

To testify to in writing; to make a declaration in writing, under hand, or hand and seal, to make known or establish a fact. The judges shall certify their opinion to the chancellor, and upon such certificate, the decree is usually founded.

Merriam Webster Modern Dictionary

To attest authoritatively: such as to confirm, to present informal communication, to attest as being true or as represented or as meeting a standard. To inform with certainty, to assure. To testify to the truth or genuineness of something.

CANVASSING VS. CERTIFICATION



Certification Defined –

Election Assistance Commission

Election certification refers to the process of election officials **attesting** that the tabulation and canvassing of the election are complete and accurate and that the **election results are a true and accurate** accounting of all votes cast in a particular election. After the canvass, election officials certify election results using a variety of methods.

CANVASSING VS. CERTIFICATION



THE ARIZONA CONSTITUTION AND ARIZONA REVISED STATUTES

***Arizona Constitution - Article 5 Executive Department;
Section 10. Canvass of election returns for state officers;
certificates of election:***

“The returns of the election for all state officers shall be canvassed, and certificates of election issued by the secretary of state, in such manner as may be provided by law.”

***Arizona revised Statutes - Title 11 Powers of the Board;
ARS 11-251. Canvass of election; postponements; Item 3:***

“Establish, abolish and change election precincts, appoint inspectors and judges of elections, canvass election returns, declare the result and issue certificates thereof.”

CANVASSING VS. CERTIFICATION



ANALYSIS OF DEFINITIONS

Canvassing is the process of **collecting and accounting** for all votes cast to give assurance that tallying of votes is complete and accurate.

Certification requires an **attestation** by the Board of Supervisors that they believe the canvass accurately reflects the intent of the voter and is free from material error and fraud. Certification can only take place **after** canvassing is complete.

This distinction is also supported in Arizona constitutional and statutory language, which clearly shows the act of canvassing is separate from the act of issuing certificates (i.e. declaring the result and

CANVASSING VS. CERTIFICATION



CONCLUSION

“Canvassing” and “certifying” are independent actions, each serving a different purpose in our elections.

Both are required to complete the election process; however, canvassing does not necessitate certification.

By definition, these terms are not synonymous and should not be used interchangeably.

CANVASSING VS. CERTIFICATION

What does the Arizona Revised Statutes (ARS) Article 11 say about canvassing and certification?

ARS 16-642. Canvass of election; postponements

The governing body holding an election shall meet and **canvass** the election as follows:

The governing body of a county shall meet, and **canvass** as follows:

- (a) For the primary election, not later than the second Monday after the election.

- (b) For the general election, not later than the third Thursday after the election.

The secretary of state shall **canvass** as follows:

- (a) For the primary election, not later than the third Thursday after the election.

- (b) For the general election, not later than the third Monday after the election.

The governing body of a city, town or special district shall meet and **canvass** the election not less than six days and not more than twenty days following the election.





ARS 16-642 (con't)

The governing body of a special district as defined in title 48 shall present to the board of supervisors a certified copy of the official **canvass** of the election at the next regularly scheduled meeting of the board of supervisors. For purposes of contesting a special district election as described in section 16-673, the **canvass** is not complete until the presentation to the board of supervisors is made.

If, at the time of the meeting of the governing body, the returns from any polling place in the election district where the polls were opened and an election held are found to be missing, the **canvass** shall be postponed from day to day until all the returns are received or until six postponements have been had. The subsection does not apply to the county board of supervisors' **canvass** of the primary and general election.

ARS 16-643. Method of Canvass

The **canvass** of the election returns shall be made in public by opening the returns, other than the ballots, and determining the vote of the county, by polling places, for each person voted for and the vote for and against each proposed constitutional amendment and initiated or referred measure appearing upon the ballot at such election.

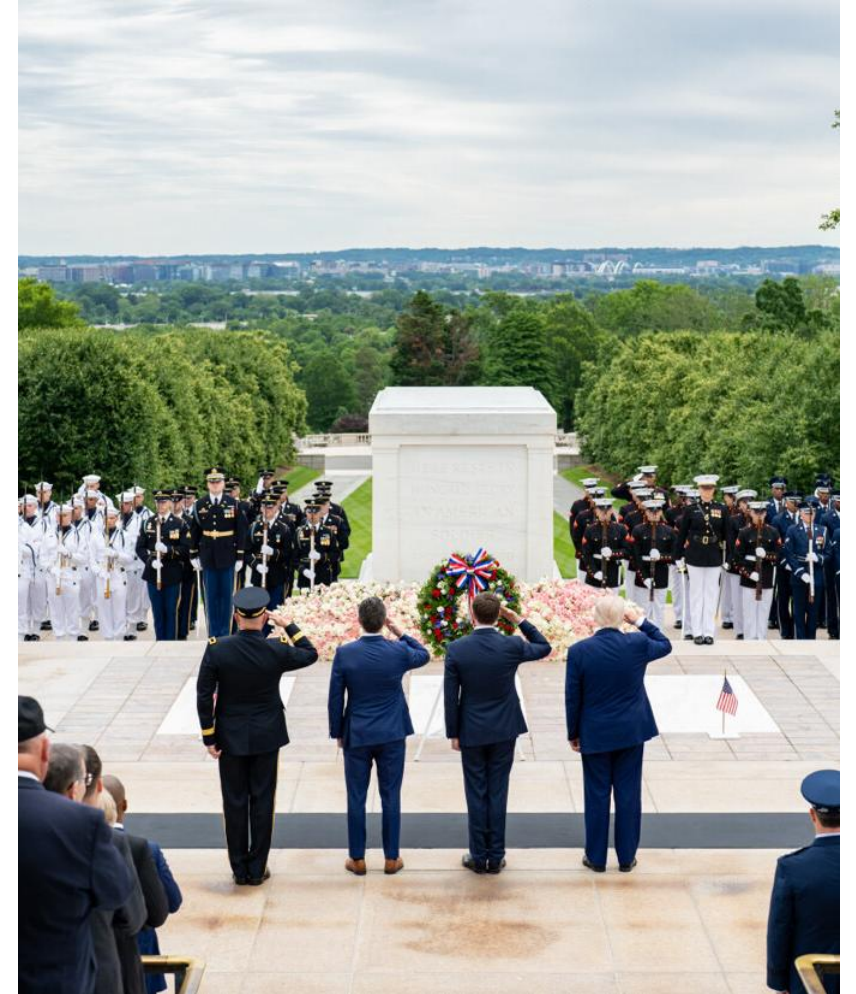
CANVASSING VS. CERTIFICATION

ARS 16-644. Effect of want of form in precinct returns

No list, tally, **certificates** or endorsement returned from any precinct shall be set aside or rejected for want of form, or for not being strictly in accordance with the explicit provisions of this title, if they can be clearly understood, nor shall any declaration of result, commission or **certificate** be withheld or denied by reason of any defect or informality in making the returns of the election in any precinct, if the facts which the returns should disclose can be definitely ascertained.

ARS 16-645. Canvass and return of precinct vote; declaring nominee of party; certificate of nomination; write-in candidates

When the board of supervisors, or the governing body of a city or town, has completed its **canvass** of precinct returns, the person having the largest number of votes, or if more than one candidate is necessary, those candidates to the required number who have received the largest number of votes for the nomination for an office in the political party of which the person was set forth on the ballot as a candidate for the nomination, shall be declared the nominee of the party for that office and shall be given a certificate of nomination for that office by the board or governing body, which shall entitle the person to have the person's name placed on the **official** ballot at the ensuing election as the nominee of the party for the office. When **canvassing** write-in votes the apparent intent of the voter shall be taken into consideration to the extent possible and the standard prescribed for federal write-in candidates in section 16-543.02, subsection C applies.



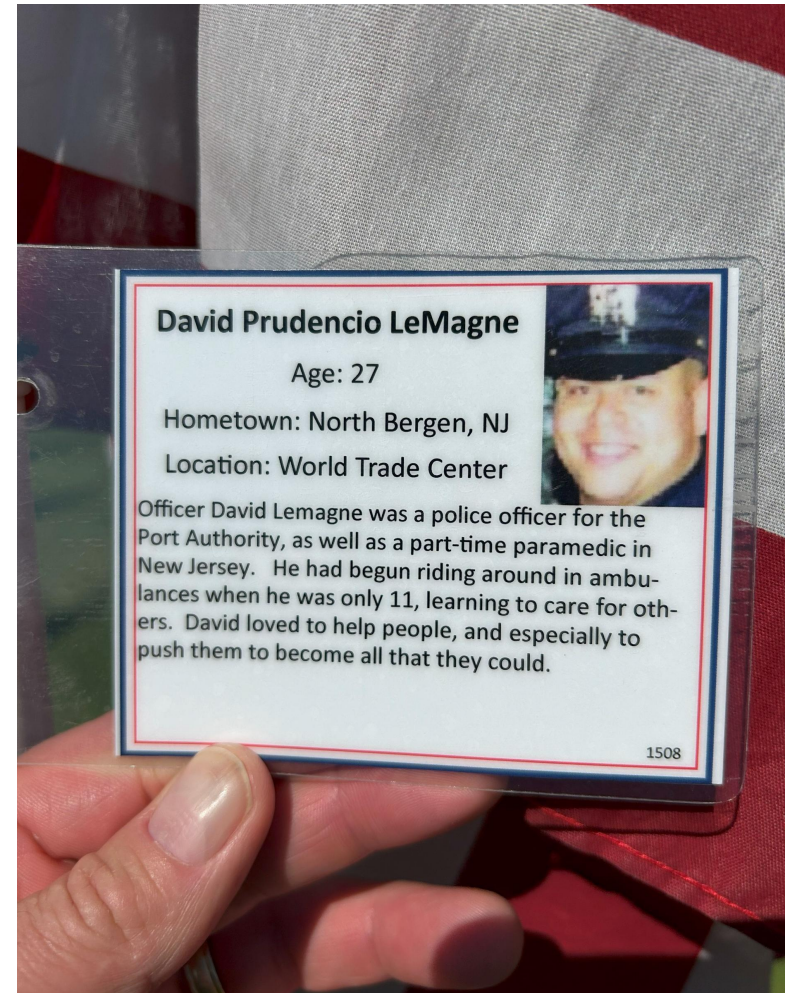
CANVASSING VS. CERTIFICATION

ARS 16-645 (con't)

The board of supervisors shall deliver the official **canvass** by electronic means to the secretary of state within thirteen calendar days after the primary election, and the secretary of state shall on or before the third Thursday following the primary election **canvass** the return and issue a letter declaring nomination as provided in this section to the nominees who filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection D. For any partisan primary election, the governing body or officer in charge of elections shall prepare and transmit to the secretary of state along with the official **canvass** the total by party of partisan ballots selected in that primary election by voters who registered as no party preference, as independents or as members of a political party that is not qualified for representation on the ballot.

A **certificate** of election shall not be issued to a write-in candidate for precinct committeeman or a write-in candidate for a nonpartisan office unless the candidate receives a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

Except as provided in subsection C of this section, a letter declaring nomination shall not be issued to a write-in candidate of a party that has not qualified for continued representation on the official ballot pursuant to section 16-804 unless the candidate receives a plurality of the votes of the party for the office for which the candidate is a candidate.



CANVASSING VS. CERTIFICATION



ARS 16-645 (con't)

Except as provided by subsection C of this section, a letter declaring nomination shall not be issued to a write-in candidate of a party qualified for continued representation on the official ballot unless the candidate receives a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

A certificate of election shall not be issued to presidential electors who are pledged to a write-in candidate for president unless that candidate received the highest number of votes cast for the office of president.

ARS 16-646. Statement, contents and mailing of official canvass

When the result of the **canvass** is determined, a statement, known and designated as the official **canvass**, shall be entered on the official record of the election district that shall show:

The number of ballots cast in each precinct and in the county.

The number of ballots rejected in each precinct and in the county.

The titles of the offices voted for and the names of the persons, together with the party designation, if any, of each person voted for to fill the offices.

The number of votes by precincts and county received by each candidate.

CANVASSING VS. CERTIFICATION

ARS 16-646 (con't)

For each candidate race in each political subdivision prescribed by section 16-204.01, the number of ballots cast and the number of active registered voters in each political subdivision and portion of a political subdivision for which a candidate may be elected.

The numbers and a brief title of each proposed constitutional amendment and each initiated or referred measure voted on.

The number of votes by precincts and county for and against such proposed amendment or measure.

The **certified** permanent copy of the official **canvass** for all offices and ballot measures, except offices and ballot measures in a city or town election and nonpartisan election returns, shall be mailed immediately to the secretary of state who shall maintain and preserve it as a permanent public record.

The board of supervisors shall first mail with a postmark or other similar date and time indicator, then deliver electronically a copy of the official **canvass** for all offices and ballot measures in the primary and general elections to the secretary of state in a uniform electronic computer media format that shall be agreed on between the secretary of state and all county election officials. The uniform format shall be designed to facilitate the computer analysis of election results for offices and ballot measures that are statewide or are common to more than one county. The electronic copy of the official **canvass** from the board of supervisors is sufficient for the secretary of state to conduct and issue the statewide **canvass** if the electronic copy includes a scan or other similar evidence that the paper official **canvass** was mailed before the electronic version was sent.

Well played horse, well played 🕶️



CANVASSING VS. CERTIFICATION

ARS 16-646 (con't)

The **certified** permanent copy of the official **canvass** for all offices and ballot measures in a city or town election shall be filed with the appropriate city or town clerk, or in a special district election with the clerk of the board of supervisors, who shall maintain and preserve it as a permanent public record.

ARS 16-647. Declaration of election to office; delivery of certificate of election

The board of supervisors shall declare elected the person receiving the highest number of votes cast for each office to be filled by the electors of the county or a subdivision thereof, and the clerk of the board shall, unless enjoined from so doing by an order of the court, deliver to each such person, upon compliance with the provisions imposed by law upon candidates for office as conditions precedent to the issuance of such **certificates**, a **certificate** of election, signed by the clerk and authenticated with the seal of office of the board of supervisors.



CANVASSING VS. CERTIFICATION

ARS 16-648. Canvass for state offices, amendments and measures

On the third Monday following a general election, the secretary of state, in the presence of the governor and the attorney general, shall **canvass** all offices for which the nominees filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection E.

The secretary of state, in the presence of the governor and the chief justice of the supreme court, shall **canvass** all proposed constitutional amendments and initiated or referred measures, as shown by the electronic or **certified** copies of the official **canvass** received from the several counties, and forthwith certify the result to the governor.



CANVASSING VS. CERTIFICATION

ARS 16-649. Determination of tie vote; notice to candidates; exception

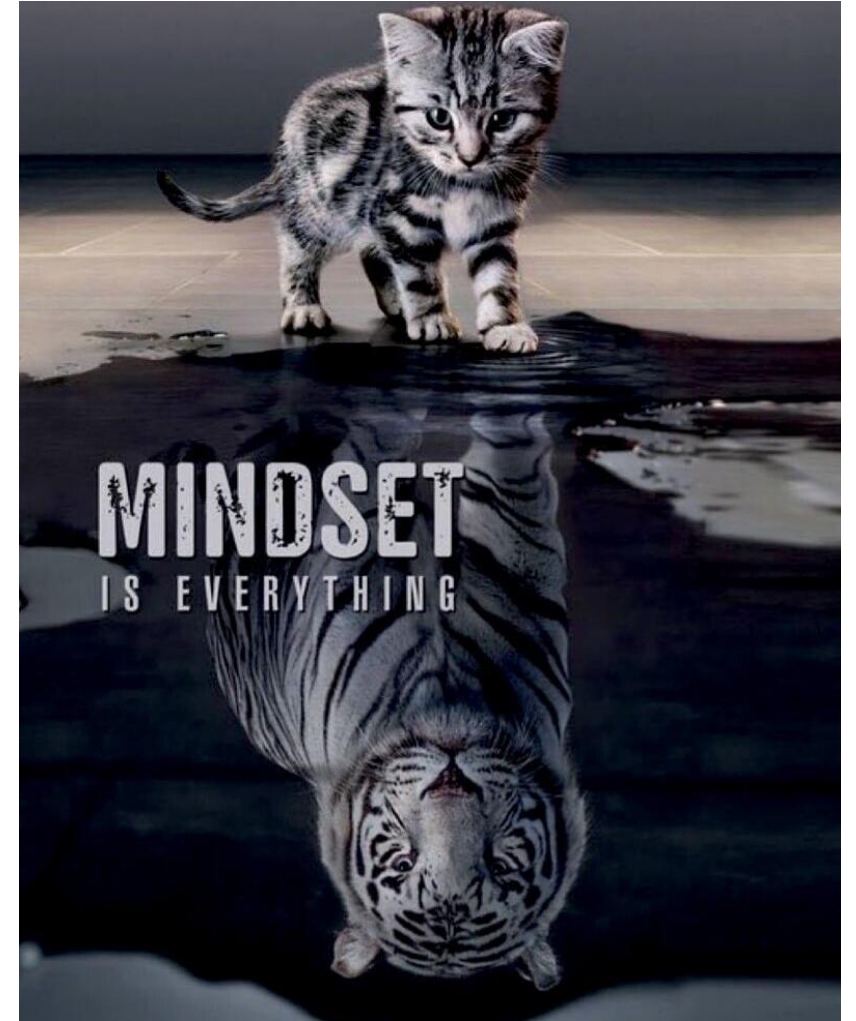
If two or more candidates receive an equal number of votes for the same office, and a higher number than any other candidate, whether upon the **canvass** by the secretary of state or the county board of supervisors, or upon recount by a court, the officer or board whose duty it is to declare the result shall determine by lot and in the presence of the candidates which candidate shall be declared elected.

B. Ten days' previous notice shall be given to candidates for state offices, and five days' previous notice shall be given to candidates for other offices, of the time and place of determining the election by lot, by the officer or board whose duty it is to declare the result of the election.

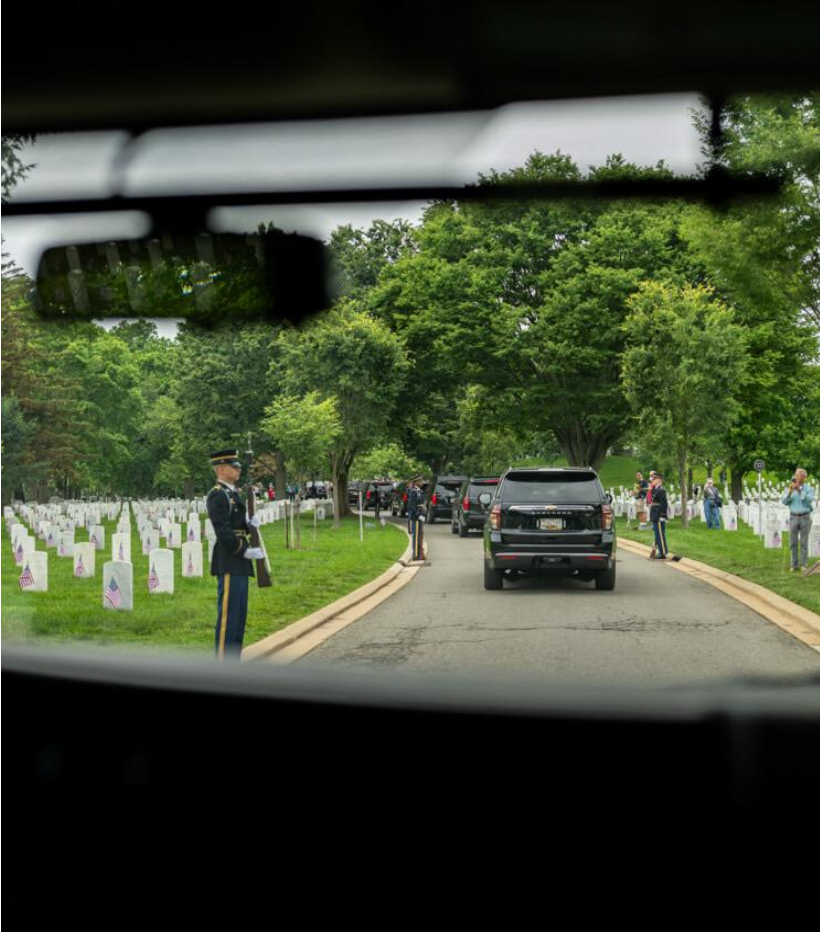
C. The provisions of this section shall not apply to candidates for the executive offices of the state as defined by the constitution.

D. A ballot issue that ends in a tie vote is deemed to have failed.

E. The official subject to a recall shall be certified the winner if the recall election ends in a tie vote



CANVASSING VS. CERTIFICATION



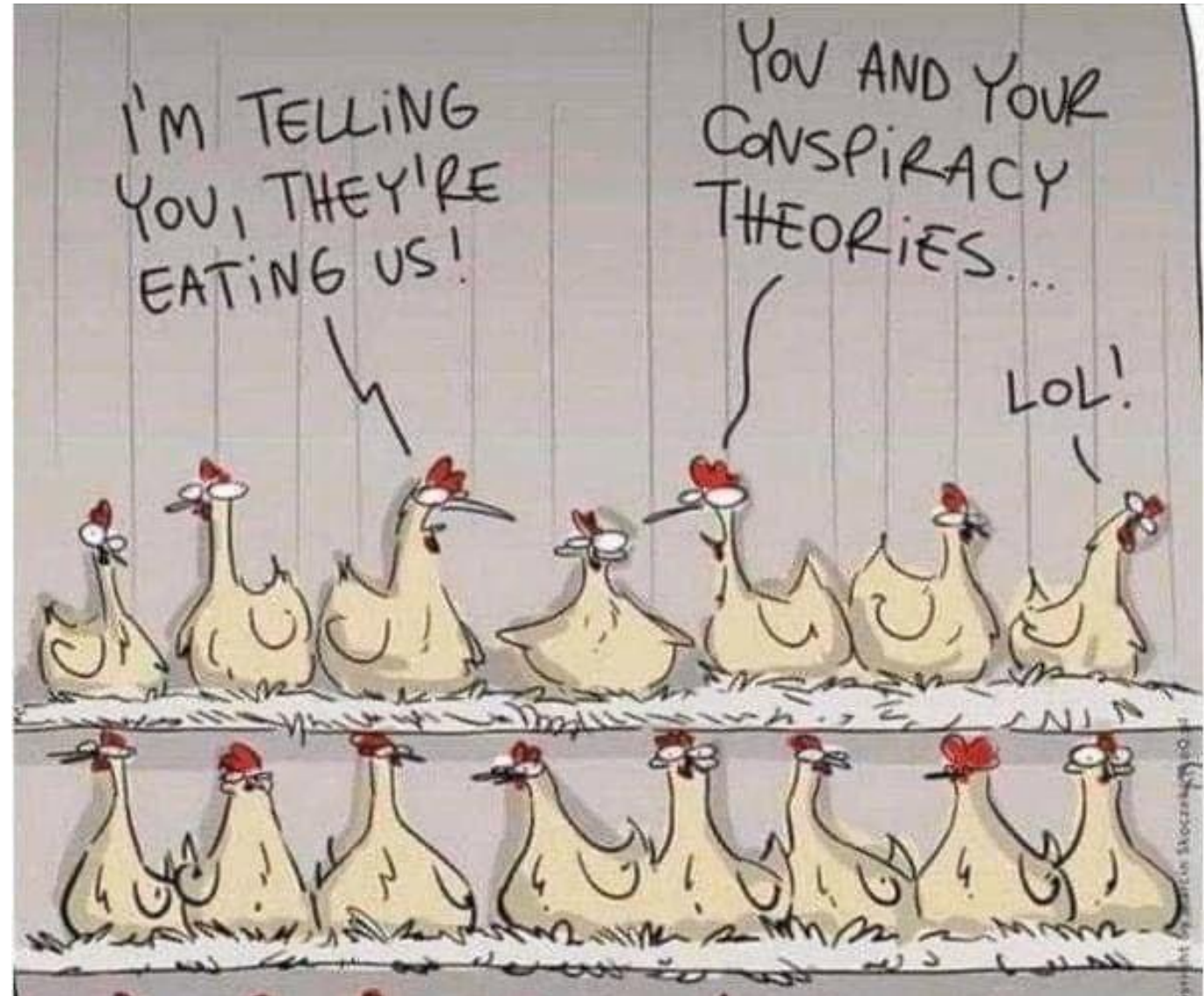
ARS 16-650. Declaration of election to office; delivery of certificate of election

The secretary of state shall declare elected the person receiving the highest number of votes cast for each office for which the nominees filed nominating petitions and papers with the secretary of state pursuant to section 16 311, subsection B and shall, unless enjoined from so doing by an order of court, deliver to each such person, upon compliance with the provisions imposed by law upon candidates for office as conditions precedent to the issuance of the **certificates**, a **certificate** of election, signed by the secretary of state and authenticated with the great seal of the state.

CANVASSING VS. CERTIFICATION

ARS 16-651. Proclamation by governor on amendments and initiated and referred measures

Upon completion of the **canvass** by the secretary of state, the governor shall forthwith issue a proclamation, proclaiming the whole number of votes cast for and against each proposed constitutional amendment, and for and against each initiated or referred measure, and declaring the amendments or measures which are approved by a majority of those voting thereon to be law.



CANVASSING VS. CERTIFICATION



ANALYSIS OF ARIZONA REVISED STATUTES

A review of the ARS shows there is no requirement for county supervisors to certify Arizona elections. While the term “certification” is used in the Article 11 statutes, the mandate to certify is absent.

Conversely, Arizona statutory language is very clear about the requirement for election officials to “canvass” elections.

The Legislature made this very clear by using the non-discretionary word “shall” when addressing county BOS canvassing duties – in both process and timing.

CANVASSING VS. CERTIFICATION



QUESTION:

Where is the language, “Counties shall certify”?

ANSWER: It doesn’t exist.

CONCLUSION:

Canvassing is non-discretionary, obligatory;

Certification is discretionary, non-obligatory.

CANVASSING VS. CERTIFICATION

Would Arizona law violate the people’s constitutional rights if it required a County Supervisor to certify its election results, despite that Supervisor having knowledge of a potential material illegality involved in that election?

As elected officials, Arizona Supervisors must take an oath of office –

ARS 38-231. Officers and employees required to take loyalty oath; form; classification; definition

- E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe to the following oath or affirmation:



ARIZONA GOVERNMENT OFFICIAL OATH OF OFFICE



State of Arizona, County of _____ I,

(type or print name)

do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of

_____ (name of office)

_____ according to the best of my ability, so help me God (or so I do affirm).

(signature of officer or employee)

CANVASSING VS. CERTIFICATION



ANALYSIS OF CONSTITUTIONAL VIOLATION

Pursuant to ARS 38-231, County Supervisors must swear to, and adhere to, an oath of office once elected. That oath requires they support the US Constitution and the laws and Constitution of the State of Arizona - “bearing true faith and allegiance to the same.”

Safeguarding our elections is the most sacred act a County Supervisor will perform under that oath to the Constitution. Each County Board has a duty to oversee those charged with administering the people’s elections to ensure every citizen’s vote is accounted for and properly recorded.

CANVASSING VS. CERTIFICATION



ANALYSIS OF CONSTITUTIONAL VIOLATION (con't)

Therefore, a County Supervisor, acting in good faith, who becomes aware of fraud, malfeasance, or any other potential election illegality CANNOT certify that election while also honoring the oath of office.

Alternatively, a County Supervisor who certifies an election, with knowledge of these potential offenses, violates that sacred oath, bringing offense to the Constitution and abandoning the constituency he or she was elected to represent.

This is exactly what has occurred here in the State of Arizona.

CANVASSING VS. CERTIFICATION



ANALYSIS OF CONSTITUTIONAL VIOLATION (con't)

Arizona government officials and county attorneys continue to perpetuate the idea that a County Supervisor, acting in good faith, while expressing a legitimate concern about the legality of his or her county's election, must FIRST certify and then file suit in the judiciary AFTER the election for that concern to be adjudicated – and do so within 5 days after State certification.

This mandate is an assault on the people's constitutional right to free and fair elections. The Arizona Legislature must act and implement a mechanism by which a valid and material election concern can be addressed and resolved prior to certification – not after.

CANVASSING VS. CERTIFICATION



CONCLUSION:

A judicial order, Arizona statute, or Election Procedure Manual (EPM) mandate, that requires a County Supervisor to certify an election, without a process available to first address and resolve a legitimate concern over an election's legality, is forcing that supervisor to violate his or her oath of office and constitutional duty to fairly represent the people.

That mandate violates the constitutional rights of the county supervisor, county voters, and potentially, every citizen in the State of Arizona – We The People.

End of Slide Presentation