

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
SPECIAL MEETING HELD ON  
MONDAY, OCTOBER 24, 2022**

A special meeting of the Cochise County Board of Supervisors was held on Monday, October 24, 2022 at 2:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman; Tom Crosby, Supervisor, telephonic

Staff Present: Richard G. Karwaczka, County Administrator  
Sharon Gilman, Deputy County Administrator  
Brian McIntyre, County Attorney  
Christine Roberts, Chief Civil Deputy County Attorney  
Tim Mattix, Clerk of the Board

Chairman English called the meeting to order at 2:00 p.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

***ACTION***

**Board of Supervisors**

1. Order 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.

Chairman English requested those with signs to hold them up now, and then place them under their chairs. She requested all in attendance be courteous to each other and the Board.

Vice-Chairman Judd made a motion to order 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. Supervisor Crosby seconded the motion.

Chairman English stated that her goal is election integrity. The voting machines the Board bought, and the State verified, are secure and accurate. The Board was told by the County Attorney and the State Elections Director that the proposal for a 100% count of paper ballots was not authorized by the legislature as an action that can be taken. If action is taken after being told it is illegal, the Board cannot be represented by County resources, and would have to defend themselves in any actions taken. She cautioned the Board about the consequences of the proposed action, and

discussed her concerns of timing and human error. If the Legislature wishes for this action to be taken, laws would be passed. There is no law, no authority, and no process; she asked the Board to reconsider the action and to direct followers to approach the Legislature to make it legal.

Jennifer Druckman discussed reasons for her opposition to the proposal to hand count ballots.

Fernando Jack Dona discussed reasons for his support of the proposal to hand count ballots.

Jeff Sturges discussed reasons for his opposition to the proposal to hand count ballots.

Elizabeth Lopez discussed reasons for her opposition to the proposal to hand count ballots.

Alex Gulotta discussed reasons for his opposition to the proposal to hand count ballots.

Jenny Walston was called upon but did not speak.

Janessah Yazzie discussed reasons for her opposition to the proposal to hand count ballots.

Oscar Cancio discussed reasons for his opposition to the proposal to hand count ballots.

Jose Maria Roldan Banuelos was called upon but did not speak.

Joan A. Murphy discussed reasons for her opposition to the proposal to hand count ballots.

Rodolfo Valencia discussed reasons for his opposition to the proposal to hand count ballots.

Marco Villalobos discussed reasons for his opposition to the proposal to hand count ballots.

Alejandro Leyva Cuen was called upon but did not speak.

David Medrano was called upon but did not speak.

Heather Borman was called upon but did not speak.

Pinny Sheoran discussed reasons for her opposition to the proposal to hand count ballots.

Elizabeth Bernstein discussed reasons for her opposition to the proposal to hand count ballots.

William Michael King discussed reasons for his opposition to the proposal to hand count ballots.

Stephanie Coronado was called upon but did not speak.

Kitzia Romero was called upon but did not speak.

Elizabeth Zeguro was called upon but did not speak.

Joni Giacomino discussed reasons for her opposition to the proposal to hand count ballots.

Tricia Gerrodette discussed reasons for her opposition to the proposal to hand count ballots.

Margaret Foley Case was called upon but did not speak.

Elisabeth Tyndall discussed reasons for her opposition to the proposal to hand count ballots.

Susan Lynne Dalby discussed reasons for her opposition to the proposal to hand count ballots.

The meeting recessed due to technical audio issues at 2:54 p.m. The meeting reconvened at 2:55 p.m. All Supervisors were present (Crosby telephonically).

Barbara Jennings discussed reasons for her support of the proposal to hand count ballots.

Joel Levin discussed reasons for his opposition to the proposal to hand count ballots.

Radford Hyde discussed reasons for his support of the proposal to hand count ballots.

Richard Alan McGaw was called upon but did not speak.

Allison Holzer Morse discussed reasons for her opposition to the proposal to hand count ballots.

Pamela Gravely discussed reasons for her support of the proposal to hand count ballots.

Timothy Laux discussed reasons for his support of the proposal to hand count ballots.

Daniel Wood discussed reasons for his support of the proposal to hand count ballots.

Brian Steiner discussed reasons for his support of the proposal to hand count ballots.

Onda Jenks was called upon but did not speak.

Jill Hamilton discussed reasons for her opposition to the proposal to hand count ballots.

Robert Paul McGrew, Sr., was called upon but did not speak.

Gisela Aaron discussed reasons for her support of the proposal to hand count ballots.

Stephani Stephenson discussed reasons for her opposition to the proposal to hand count ballots.

Joanne Care was called upon but did not speak.

Joe Gilliland discussed reasons for his opposition to the proposal to hand count ballots.

Michael Brown discussed reasons for his opposition to the proposal to hand count ballots.

Claudia Thomas discussed reasons for her opposition to the proposal to hand count ballots.

Laura Janette Davie discussed reasons for her opposition to the proposal to hand count ballots.

Daniel LaChance discussed reasons for his support of the proposal to hand count ballots.

Madeleine Boleslawski discussed reasons for her support of the proposal to hand count ballots.

Roland Baker discussed reasons for her opposition to the proposal to hand count ballots.

Faith Ramon discussed reasons for her opposition to the proposal to hand count ballots.

Clyde Morris discussed reasons for his opposition to the proposal to hand count ballots.

Kale Kiyabu discussed reasons for his support of the proposal to hand count ballots.

Steven Kron discussed reasons for his support of the proposal to hand count ballots.

Robert Montgomery discussed reasons for his support of the proposal to hand count ballots.

Fred Miller discussed reasons for his opposition to the proposal to hand count ballots.

Kim DePew discussed reasons for her support of the proposal to hand count ballots.

Tamara Rae Birch discussed reasons for her opposition to the proposal to hand count ballots.

Dirk Sigler discussed reasons for his opposition to the proposal to hand count ballots.

James Crawford discussed reasons for his support of the proposal to hand count ballots.

William Michael King was called upon but spoke previously.

The meeting recessed at 4:19 p.m. The meeting reconvened at 4:30 p.m. All

Supervisors were present (Crosby telephonically).

Kori Lorick discussed reasons for her opposition to the proposal to hand count ballots.

Fred Otto discussed reasons for his opposition to the proposal to hand count ballots.

Stephani Stephenson was called upon but spoke previously.

Renata Dany discussed reasons for her support of the proposal to hand count ballots.

Joseph Patterson discussed reasons for his support of the proposal to hand count ballots.

Candace Quibell discussed reasons for her opposition to the proposal to hand count ballots.

Inga McCord discussed reasons for her support of the proposal to hand count ballots.

Carolyn Harris discussed reasons for her opposition to the proposal to hand count ballots.

Joy Banks discussed reasons for her opposition to the proposal to hand count ballots.

Tia V. discussed reasons for her opposition to the proposal to hand count ballots.

The meeting recessed at 4:55 p.m. The meeting reconvened at 5:06 p.m. All Supervisors were present (Crosby telephonically).

Michael Schafer discussed reasons for his support of the proposal to hand count ballots.

Chairman English read the following names of individuals who requested their names be read into the record in favor of item 1: Denis Michael Wolowiecki; Solomon Zaghlul; Cathy Chappell; Erika Prorise; Vinny Paul; Susan and David O'Daniel; Cynthia Lash; Barbara Ann Siewert; Crystal O'Haver; Terra Radliff; Donald Hiatt; Lois Janet Shugarr; Mary Kay Ruwette; Steven D Black; Catherine Kossler; Diane Marino; LouJean Smith; Laura Guthrie; Laurie Johnson; Bruce Phillips; Linda Tarbel; Kenneth Firestone; Kyle Wilson; Michael Wilson; Leslee Wilson; Monica Anghel; Velia Anderson; Mark Anderson; Sharon Fickes; Sarah Anderson; Jennifer Masi; Erin Alstad; Roy W Hiatt, Jr.; Theresa Lynn Bauer; Donna J. Liebel; Mary T Frost; Gwynn Patterson; Sherry L Smith.

Chairman English read the following names of individuals who requested their names be read into the record in opposition to item 1: Leslie J Cox; Mrs. Philip Fahringer; Cathryn Joyce Ory; Kathleen Dubbs; Neil Norton; Nancy L Norton; Carol J. Weber; Michael J Bruwer; Jana Flagler; Margaret Foley Cace; Patricia Tapke; Deborah Anbinder; Lynnwood Hamilton; Sidonia L Glenn; Mary Vaughan Price; JoAnn Caruthers; Lanny Arthur Kope; Nickolas Merritt Waser; Kara Anne Pelletier; Robert Mayes; Diane Puff; Judith Gignac; Christie S Brown; Kenneth Byers; Kate Scott; Robert Lane; Karen Siedenbug Tool; Scott Thomas; Janet Breen; Livingston Sutro; Julia Dockery; Richard Casady; William Tool; Robert Lane; Mary Susan Waser.

Supervisor Crosby stated that Item 2 cites the Board's statutory authority and conforms to the same citation in the November 4, 2020 memo from Attorney General Mark Brnovich, in which the Attorney General advises the Maricopa County Board of Supervisors to increase the hand count to 5%. He asked Supervisor Judd if she could vote on Item 2 instead of Item 1. He stated that the noted statutory hand count process applied to all County precincts is enough to dissuade tampering. He requested to ratify the vote of this meeting at a subsequent meeting.

Vice-Chairman Judd asked who would be responsible for the hand count and noted that Item 1 requested that the Elections Department handle it. Supervisor Crosby stated that Item 2 says the County Recorder or other officer in charge of elections, which is taken from statute. Vice-Chairman Judd agreed to proceed with Item 2.

Mr. McIntyre stated that his comments relate to both items. People may do anything not expressly prohibited by law; government may only take such actions that are expressly permitted. There is no statutory authorization for the proposed separate hand count, or validation. It violates the election statutes and the elections procedures manual. The County has chosen electronic tabulation, as has every other county in the state. The County must follow the rules for that tabulation, to include the limited hand count verification process. The statutes do not provide for any other treatment to handle ballots. The County Attorney's Office and Secretary of State have told the Board this; every other County that has considered this has come to the same conclusion. Ultimately, the Legislature is the proper place to address this. The Board cannot order County employees to violate the law, even if the Board has come to its own conclusion about what the law reads. If asked, he would advise the other involved departments that they may not violate the law. The County has been informed that in the event of a lawsuit, the County will not have insurance coverage. His elected duty is to the Board as an entity and the citizens to ensure the Board does not act illegally. His duty is to defend only those claims which he deems unjust; because he has advised the Board that there is no legal basis for this, he cannot ethically defend the Board against any claims on this matter. The Board will need to pay its own attorney fees, and when opposing parties prevail in their claims, the Board will pay those parties' attorney fees. If the Court finds bad faith by individual Supervisors, the Supervisors may potentially be personally liable. A state law provision permits the Legislature to request a review of local government's actions, and if found to be in violation of state law, it is subject to potential 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 approves these items, it will get sued, and the opposing parties will prevail.

Mr. Bill Hardy, Arizona Counties Insurance Pool (ACIP), stated that insurance is a mechanism for the unknown. Attempting to go against the County Attorney's opinion is an intentional act. It would be improper to expect other counties to pay attorney bills for that sort of action. The County would not have insurance to count on; ACIP would not hire an attorney to defend them. In his experience, there will be lawsuits.

Chairman English called for the vote and it failed 0-3 (Crosby, English and Judd opposed).

2. 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.

In response to Chairman English regarding the difference between this and Item 1, Supervisor Crosby stated that Item 2 comes from statute.

Vice-Chairman Judd made a motion that, pursuant to A.R.S. § 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. Supervisor Crosby seconded the motion.

Vice-Chairman Judd stated that this is an exercise on the people's beliefs, coming together as a community, and First Amendment rights. The testimonies she heard helped her to understand what the people wanted. There will be proof following the hand count. Not everyone has the confidence, faith, or trust in the election system.

Fernando Jack Dona was called upon but did not speak.

Alex Gulotta discussed reasons for his opposition to the proposal to hand count ballots.

Jenny Walston was called upon but did not speak.

Heather Borman was called upon but did not speak.

Elizabeth Bernstein discussed reasons for her opposition to the proposal to hand count ballots.

Elizabeth Zegura was called upon but did not speak.

Joni Giacomino was called upon but did not speak.

Tricia Gerrodette discussed reasons for her opposition to the proposal to hand count ballots.

Elisabeth Tyndall discussed reasons for her opposition to the proposal to hand count ballots.

Susan Lynne Dalby was called upon but did not speak.

Barbara Jennings was called upon but did not speak.

Joel Levin was called upon but did not speak.

Radford Hyde discussed reasons for his support of the proposal to hand count ballots.

Richard Alan McGaw was called upon but did not speak.

Allison Holzer Morse was called upon but did not speak.

Daniel Wood discussed reasons for his support of the proposal to hand count ballots.

Brian Steiner discussed reasons for his support of the proposal to hand count ballots.

Onda Jenks was called upon but did not speak.

Jill Hamilton was called upon but did not speak.

Robert Paul McGrew, Sr. was called upon but did not speak.

Joanne R Care was called upon but did not speak.

Tamara Rae Birch discussed reasons for her opposition to the proposal to hand count ballots.

Dirk Sigler was called upon but did not speak.

James Crawford was called upon but did not speak.

Fred Otto was called upon but did not speak.

Tia V. discussed reasons for her opposition to the proposal to hand count ballots.

Chairman English read the following names of individuals who requested their names be read into the record in opposition to item 2: Leslie Cox; Mrs. Philip Fahringer; Cathryn Joyce Ory; Kathleen Dubbs; Margaret Foley Case; Neil Norton; Nancy L Norton; Carol Weber; Michael Jay Bruwer; Jana Flagler; Deborah Anbinder; Lynnwood Hamilton; Sidonia L Glenn; Mary Vaughan Price; JoAnn Caruthers; Lanny Arthur Kope; Nickolas Merritt Waser; Robert Mayes; Kenneth Byers; Peter Waser.

Chairman English read the following names of individuals who requested their names be read into the record in favor of item 2: Denis Michael Wolowiecki; Solomon Zaghlul; Cathy Chapell; Erika Prosis; Vinny Paul; Susan O'Daniel; David O'Daniel; Cynthia Lash; Barbara Ann Siewert; Crystal O'Haver; Terra Radliff; Donald Hiatt; Lois Janet Shugarr; Mary Kay Ruwette; Stephen D Black; Catherine Kossler; Diane Marino; LouJean Smith; Laura Guthrie; Laurie Johnson; Bruce Phillips; Linda Tarbell; Kenneth Firestone; Kyle Wilson; Michael Wilson; Leslee Wilson; Monica Anghel; Vella Anderson; Mark Anderson; Sarah Anderson; Jennifer Masi; Erin Alstad; Roy W Hiatt, Jr.; Donna Liebel; Sherry Smith.

Vice-Chairman Judd stated that there are risks in everything. She has a lot of confidence in the legal system; she has done research on her own and spoken to many, and is not yet convinced that she is not representing the people. What was said today will help with legislation and teach everyone. She trusts in Lisa Marra, Elections Director.

Chairman English said the Board has not presented her with specific information such as cost, time, or how it will be done, to help her make an informed decision. The state tells the County what it can do. If the state has not given authority, it cannot be done.

Vice-Chairman Judd stated that there are a lot of elements here; she would have liked to delve into the design, but was not given the opportunity to meet with County staff experts. She has the support of state legislators.

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

Chairman English stated that she will confer with the County Attorney regarding the legality of saying that it will move forward.

Supervisor Crosby stated he would like the meeting to be ratified as soon as statutorily possible due to confusion about the cancellation of the meeting.

Chairman English adjourned the meeting at 6:05 p.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board