

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
WORK SESSION HELD ON
TUESDAY, AUGUST 5, 2025**

A work session of the Cochise County Board of Supervisors was held on Tuesday, August 5, 2025, at 2:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Frank Antenori, Chairman; Tom Crosby, Vice-Chairman; Kathleen L. Gomez, Supervisor

Staff Present: Sharon Gilman, County Administrator
Joe Casey, Deputy County Administrator
Denise Riden, Civil Deputy County Attorney
Lara Loewenheim, Clerk of the Board

Attendees: Paul Rice

Chairman Antenori called the meeting to order at 2:06 p.m.

ITEMS FOR DISCUSSION

Board of Supervisors

1. Presentation, discussion and possible direction regarding the accreditation status and legal compliance of voting machines intended for use in upcoming elections.

Vice-Chairman Crosby highlighted ongoing concerns regarding voting machine test labs and engineering change orders between the 2022 primary and general elections. He criticized the Secretary of State's office for repeatedly refusing Mr. Rice to debate or engage, calling it a "forbidden meeting" and suggesting that Mr. Rice has valuable information to share.

Mr. Casey presented this item by using a PowerPoint presentation. Mr. Casey explained that the diagram was created to clarify the roles of various entities involved in the election process, highlighting the flow from the Election Assistance Commission (EAC) creating and accrediting voting system test labs (VSTLs) to the vendor Elections Systems and Software (ES&S) performing testing and generating trusted hashes for equipment. He emphasized the complexity of the process and the importance of understanding how testing, accreditation, and updates are managed within the system.

Mr. Rice presented this item by using a PowerPoint presentation. Mr. Rice outlined a structured approach to his presentation, emphasizing that his focus is on the laws, statutes, and constitutional issues surrounding electronic voting machines in Arizona, rather than partisan or fraud-related concerns. He explained that his goal was to examine key questions about the legality of voting machines, the obligations of county boards of supervisors to use them, and their certification requirements, acknowledging ongoing legal cases related to these issues. He provided a detailed overview of the historical and legal framework established by the Help America Vote Act (HAVA), the role of the Election Assistance Commission (EAC), and the certification process of

voting system testing laboratories (VSTLs), emphasizing the importance of these processes in safeguarding election integrity.

Mr. Rice shared a detailed overview of the commission chairs involved in election oversight, noting that these chairs typically serve one-year terms and that the detailed procedures governing voting systems are outlined in manuals created under the authority of the EAC, which derives its powers from the HAVA law. He explained the legal requirements in Arizona, emphasizing that voting machines used in elections must be certified by accredited laboratories in accordance with the Help America Vote Act, with accreditation serving as a high-standard recognition of compliance, while certification attests that specific testing has been completed successfully.

Mr. Rice explained that according to the 2.0 manual, VSTL accreditation was required to expire after two years, but recent certifications, such as a 2021 certificate, lack an expiration date, contradicting legal requirements. He highlighted that the law allows revocation under specific conditions, but the current certifications appear to violate statutory standards, raising concerns about their validity.

Mr. Rice emphasized that U.S. Code 52, Section 20-971, states that VSTL accreditation can only be revoked with approval from the commission, which has been in place since 2002, and that the law mandates a two-year accreditation period. He noted recent certifications, such as a 2021 letter from the EAC, claim accreditation can last longer, creating a conflicting and potentially invalid situation since the law clearly requires expiration within two years, and ongoing extensions undermine the legal framework designed to ensure the integrity, conflicts of interest, and technical competence of voting system testing labs.

Mr. Rice explained that the state certification process, outlined in law and previously documented in the Election Procedures Manual (EPM), was partially removed when the 2023 manual was issued, leading to confusion over which version is valid. He noted that a court ruling indicated the last valid manual was from 2019, suggesting that the procedures for certifying voting machines used across Arizona should still be based on the 2019 guidelines, raising questions about the current validity of the recent manual and the process's legal standing.

Ms. Avant commented that the EPM for 2023 is valid.

Chairman Antenori explained that the elected Secretary of State has the authority to develop election procedures based on statutes, primarily from Title 16, with the final manual being validated and signed off by the governor and attorney general. He expressed that it would be more appropriate for both legislative and executive branches to sign off on the procedures to ensure proper oversight, noting that the Secretary of State's significant power to modify or add to the Election Procedures Manual can lead to overreach.

Mr. Rice discussed the removal of the 2023 certification and modification procedures from the Secretary of State's manual, noting that these changes were moved to the Help America Vote Act (HAVA) handbook, which he couldn't locate within the manual or online, raising concerns about transparency and record-keeping. He explained that the EAC's records of engineering change orders (ECOs), which should document system modifications, are not being tracked at the state level or publicly accessible, despite claims that they are available on the EAC website.

Mr. Rice emphasized that, based on his review of Arizona statutes, there is no legal requirement for county boards to use electronic voting machines; instead, the statutes

consistently use the word "may," indicating discretion rather than mandate.

Mr. Rice argued that, under Arizona law, canvassing and certifying elections are two separate and distinct actions, with canvassing being mandatory and explicitly required by statute, while certifying is not necessarily mandated. He cited definitions from Black's Law Dictionary and Merriam-Webster to support the fact that canvassing involves examining and counting votes, whereas certifying entails official attestations, which may not be legally required. He emphasized that the statutes show supervisors are not obligated to certify elections if they have knowledge of potential illegalities, and doing so would violate their oath of office. He concluded that Arizona law, as it currently stands, improperly compels supervisors to violate their oath, and the legislature must create mechanisms to address election integrity issues prior to certification to uphold constitutional rights.

The Board discussed the lack of a clear legal process for addressing anomalies or concerns during elections, emphasizing that there is no defined mechanism to pause, investigate, or rectify issues before certification. The Board noted that current laws and deadlines limit the ability to thoroughly investigate potential problems, which can undermine election integrity and violate officials' oaths of office. The Board acknowledged that the absence of a formal process creates risks and called for legislative or judicial action to establish proper checks and balances.

Vice-Chairman Crosby thanked everyone for attending and highlighted that additional information is available online from the Board meeting on February 23, 2023. Vice-Chairman Crosby expressed gratitude to Mr. Rice for his assistance in providing support and information for the discussion.

Supervisor Gomez expressed skepticism about the infallibility of voting machines, citing past issues and concerns about fraud, and that she likes hand counts and precinct voting methods. She emphasized the need for careful scrutiny of election processes and assured the board would work to address these issues moving forward.

Chairman Antenori adjourned the meeting at 3:10 p.m.

APPROVED:

Frank Antenori, Chairman

ATTEST:

Lara Loewenheim, Clerk of the Board