Subject: Brott, Symantha shared the folder "22-342 American Oversight" with you
Date: Tuesday, March 26, 2024 at 2:08:07 PM Eastern Daylight Time
From: Brott, Symantha
To: AO Records
Attachments: AttachedImage, AttachedImage, AttachedImage, AttachedImage, AttachedImage

EXTERNAL SENDER

Brott, Symantha shared a folder with you

Good morning,

Please find the following exchange file containing the responsive documents to your records request (PRR 22-342), submitted on November 11, 2022.
Items #1 and #3 did not have any responsive records.

Your records request is now closed. If you wish to submit a new request, please do so using the online submission form on the Cochise County website.

Thank you,

Symantha Brott
Public Record Coordinator

AMERICAN OVERSIGHT

22-342 American Oversight

This link only works for the direct recipients of this message.

Open

Microsoft

Privacy Statement

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gail Griffin
Subject: Meeting Tuesday afternoon
Date: Thursday, October 6, 2022 10:04:00 AM

Dear Gail,
We need something on the legality and possibility of full hand count under the current approved voting procedures. Do you think we can have it by Monday? Our work session in Tuesday afternoon.
Thanks,
Peggy

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

AMERICAN OVERSIGHT

From:	Crosby, Tom
To:	Mattix, Timothy
Cc:	Tricia Gerrodette; Elizabeth Bernstein
Subject:	AG BRNOVICH to Hickman Maricopa BOS"s
Date:	Wednesday, October 26, 2022 3:57:00 PM
Attachments:	Hickman AG 2020-11-04 Letter to Hon. Hickman RE-Hand Count Audit_0.pdf

---

Mr. Mattix, I referred to this memo on the 24th.

Tom Crosby

AMERICAN OVERSIGHT

MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

November 4, 2020

Via Email

The Honorable Clint Hickman
Maricopa County Board of Supervisors
510 South 3rd Avenue
Phoenix, Arizona 85003

Re: Hand Count Audit

Dear Chairman Hickman:

Maricopa County will soon begin the manual hand count of certain precincts and early voting batches in accordance with A.R.S. § 16-602. Because of widespread concern raised about the ballot marking procedure in Maricopa County election day voting centers, we suggest Maricopa County consider expanding the hand count audit to five per cent of the voting center locations, which it may do in accordance with A.R.S. § 16-602(B)(1) and Chapter 11, Section III(A) of the Elections Procedures Manual.

Although at this point in time we have no reason to believe the tabulation equipment did not work properly, an expanded hand count may help alleviate concern and provide public confidence in the integrity of the vote tabulation process. Thank you for your prompt attention to this matter.

Sincerely,

Joseph Kanefield
Chief Deputy & Chief of Staff

cc: Scott Jarrett, Director of Elections Day and Emergency Voting, Maricopa County

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Robert Montgomery
Subject: another volunteerFW: TODAY VOTE HAND COUNT BALLOTS
Date: Sunday, November 6, 2022 6:08:00 AM

From: deborahcatlett[redacted]@aol.com>
Sent: Monday, October 24, 2022 5:19 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: TODAY VOTE HAND COUNT BALLOTS

CAUTION: EXTERNAL EMAIL*

Good morning Tom!

Sending you a quick email to support you and your YES VOTE today on the HAND COUNTING OF BALLOTS in the upcoming election!
If more volunteers are needed for the hand count, please contact me, my info is below!

God Bless and thank you!

Sent from my Galaxy

Sent from my Galaxy

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Election Results Batch Records: 11 x 17 paper, Up to 9 Races: 4 Candidates/ Race: Adjust as necessary, and use back for additional races if necessary.

		1 Race 1				2 Race 2				3				4				5				6				7				8				9			
Row	Ballot#	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R
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RD ____ ED ____ BR ____

Under penalty of law, to the best of my knowledge I certify that the above information is correct.

Employee Name (Print) _____

Employee Number _____

Employee Signature _____

Observer 1 Name (Print) _____

Observer 1 Number _____

Observer1 Signature _____

Observer 1 Party _____

Observer 2 Name (Print) _____

Observer 2 Number _____

Observer2 Signature _____

Observer 2 Party _____

AMERICAN OVERSIGHT

Question Results: Subtotals 1

		1 Question 1				2 Question 2				3				4				5				6				7				8				9			
Row	BRS #	A	B	C	?	A	B	C	?	A	B	C	?	A	B	C	?	A	B	C	?	A	B	C	?	A	B	C	?	A	B	C	?	A	B	C	?
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19	Grand Total Votes: 11+16																																				
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23	Adjudication Check																																				
24	Into Adj,																																				
25	Rej at Adj																																				
26	Counted																																				
27	% of Tot																																				

Batch Record Sub-Totals 1

Under penalty of law, to the best of my knowledge I certify that the above information is correct.

Employee Name (Print) _____

Employee Number _____

Employee Signature _____

Observer 1 Name (Print) _____

Observer 1 Number _____

Observer1 Signature _____

Observer 1 Party _____

Observer 2 Name (Print) _____

Observer 2 Number _____

Observer2 Signature _____

Observer 2 Party _____

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Tricia Gerrodette; Elizabeth Bernstein
Cc: Mattix, Timothy
Subject: Crosby message
Date: Tuesday, October 25, 2022 11:17:00 AM

Hello ladies,

I hope I reference the correct Ms. Bernstein, who I thought gave a good explanation of hand count procedure.

I believe the presence to two agenda items on last night's meeting agenda is the result of convoluted open meeting laws and attempted administrative response to those.

If I run into other emails from me about the two items I will try to further explain. I will also scan and send you the memo (Bnrovich to Maricopa BOS Hickman) I referenced from 2020 about increasing the statutory handcount.

So, in order not to telegraph what is obvious anyway between Ms. Judd and myself, as to our relative positions, I presume, but I do not know, that the administrators of the agenda posted items delayed as much as possible, so that Ms. Judd and I didn't see the agenda any earlier than the public.

The operative assumptive principal, is that if either of us submits an agenda item, it can be reasonably inferred that we support our own agenda item, thereby telegraphing what our vote will be, and amounting, in some opinions, as an unposted meeting. Not my opinion, however.

The open meeting laws CANNOT be meant to stop the government from functioning. The true intent is to stop "back room" legal decisions.

I revised my #2 item from what I originally sent approximately the 13th. I based it on the noted ARS section. #1 basically said 100% of ballots. My revised #2 said all precincts according to the procedures noted by Ms. Bernstein.

There was hardly anybody who noted or questioned ***why*** there were two seemingly similar items? People primarily wanted to vent.

That is why I had to wait until my turn for discussion of item #1 (her's) to ask if she could go with mine (#2) instead. She did, and we both voted against her item, and for mine.

Best wishes, I thought you were both pretty reasonable.

Tom Crosby

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Kale Kiyabu
Cc: Tom Giuffrida; drjoe
Subject: Crosby message 10-1- 2022 1:22 PM Confidence in a tally
Date: Saturday, October 1, 2022 1:23:00 PM

I haven't seen any other date for the hand count work session except the 11th at 230 PM. In my opinion, however, it is more important to attend the regular meeting at 1000 and voice your concerns at call to the public. You wont be able to do that at the work session.

Crosby

From: Kale Kiyabu [redacted]@yahoo.com>
Sent: Saturday, October 1, 2022 8:29 AM
To: English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Cc: Stevens, David <DStevens@cochise.az.gov>; Marra, Lisa M <LMarra@cochise.az.gov>; Karwaczka, Richard <RKarwaczka@cochise.az.gov>
Subject: Confidence in a tally

CAUTION: EXTERNAL EMAIL*

Good morning!

I see from the Herald Review that you will be holding a meeting on Tuesday to discuss a hand count of all ballots.

I think a 100% hand count of all ballots after they have been tallied in the current normal counting is necessary for confidence of all voters.

From speaking primarily with David Steven on our process, I believe that our county does a great job in processing ballots to reach an accurate tally.

Having said that, that doesn't matter, if there is low confidence in that tally by half or more of the people you serve. I believe the people that are asking for a 100% hand count are asking to do this in addition to what is currently done.

Prior to automation, there was a 100% hand count of all candidates on all ballots.

The quote below is from the article linked below. Normally this hand count would not have happened, Mrs. Spears went from 3rd in the primary to 1st, from 3031 votes to 6651. The original top vote getter went from 5226 to 3928, from 1st to 3rd. In addition, the hand count total for all district 2 candidates was 15,449 vs 12,639 by the machines; **2810 votes were not counted by the machines!** The machines missed 18% of the total casted votes.

"Had Spears not raised questions on Election Night, it's unclear whether the result would be in doubt at all. Some precincts were reporting she received zero votes –

AMERICAN OVERSIGHT

including her own precinct. Spears took pictures of the precinct-level results and showed them to Decaturish on Monday during day two of the hand count. Her supporters, including commissioners Jeff Rader and Ted Terry, began publicly raising questions about what happened."
Hand count in District 2 DeKalb Commission race changes runoff picture – Decaturish - Locally sourced news

I wonder if they verified all tallies. From this article it does not seem that they were.

Thank you,
Kale Kiyabu
District 1, Sierra Vista

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Tricia Gerrodette
Subject: crosby message ref Supreme Court
Date: Saturday, November 12, 2022 2:39:00 PM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

AMERICAN OVERSIGHT

From: Crosby, Tom
To: drjoe; DD L; Tom Giuffrida
Subject: FW: 100 Audit Hand Count Volunteer Signup
Date: Sunday, November 6, 2022 5:45:00 AM
Attachments: image001.png

From: Stevens, David <DStevens@cochise.az.gov>
Sent: Thursday, November 3, 2022 4:22 PM
To: Stevens, David <DStevens@cochise.az.gov>
Subject: 100 Audit Hand Count Volunteer Signup

Great news, the final rosters are in and the total amount of volunteers for the 100% Audit Hand Count is 290. The minimum required is 4 per precinct or 220. Participation by party is also outstanding. The list of parties are

Republican
Libertarian
Democrat
Independent
Party non Designated
Other

It's a great feeling to see so many people from so many parties participating in the election process.

David

cochisecounty

David W. Stevens BS/CIS, TS/SCI, CSM, CERA(p)
Cochise County Recorder
520-432-8350
dstevens@cochise.az.gov

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: FW: a proposal regarding vote counting
Date: Thursday, October 27, 2022 5:38:00 PM

Hi Peter,

We are doing something very similar. The reason for the hand count to be completed before the Canvas of election, 20 days post-election, is that it is in statute. We are not (at least I was never and won't) use the hand count to
Determine whether I support or machine counted results or not.

Actually, Your suggestion and observation is very well thought out and presented. I appreciate that. It was quite a day. I am anticipating a perfect match between the hand count and machines. I know our county runs a clean safe election. I want everyone to be able to see that. AND if it is not perfect, we have two years to figure that out… and we will.

Thanks,
Peggy

From: Mattix, Timothy <TMattix@cochise.az.gov>
Sent: Wednesday, October 26, 2022 2:26 PM
To: BOS-Supervisors <BOSSupervisors@cochise.az.gov>
Cc: Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>
Subject: FW: a proposal regarding vote counting

FYI

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board

From: Peter Waser [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 12:55 PM
To: Board <Board@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>
Subject: a proposal regarding vote counting

CAUTION: EXTERNAL EMAIL*

To: Tom Crosby, Ann English, Peggy Judd

AMERICAN OVERSIGHT

Dear Cochise County Supervisors:

I drove down from Portal and attended the first 2½ hours of yesterday's discussion of voting procedures in Bisbee. After stripping away the negativity and vituperation expressed in many of the comments it seems to me that there was an obvious shared concern about election security.

Proponents of a full hand count are concerned that machines can be manipulated, while opponents are concerned that hand counts are time-consuming, expensive and subject to human bias and error. This is true despite the fact that Cochise County has long-tested checks and procedures for dealing with these problems, and that no problems have been reported in County during recent elections.

Perhaps this is naïve and too late, but I'd like to suggest that the commissioners consider a two-pronged approach:

1) During the upcoming election, stick with the standard, state-approved, existing procedures for vote tallying, including machine tabulation with a hand audit of randomly-chosen subsets of the ballots. The result of this count, as in the past, would be certified as the official election result.

2) At the same time, put in place a system for hand counting all ballots that includes ALL THE SAME SAFEGUARDS present in the current audit of ballot subsets. This count would serve as an experimental test of the validity of the machine count but it would not be official; there would be no time pressure and it would not be used to delay certification. If the hand and machine counts agree, the county would have the data necessary to reassure us voters that the system that has worked in the past continues to be safe and secure. If they don't agree, further analysis could clarify whether the mismatch was due to inaccuracy of the machine count, or inaccuracy or bias in the hand count. If the data showed the machine count to be at fault, this would be a basis for changing to a hand count statewide in the next election, and we'd have an idea of the actual time and money costs of a full hand count.

This two-pronged approach would allow you to spend our tax dollars to produce data that would tell us whether there's any real basis to all the criticisms we've heard of our hardworking election officials and volunteers, rather than pissing it away on legal fees.

Respectfully,

Peter Waser

[redacted], Portal, AZ

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: tom crosby
Cc: DD L
Subject: FW: Checking in on the Hand Count
Date: Friday, October 14, 2022 11:25:00 PM
Attachments: B77E5AB7616C4B0794273A260A0E358B.png

I'm expecting to see a guy named Rice tomorrow in PHX. I will look at the site you referenced on my home computer. I saw a news conference w Kari Lake, and she doesn't like voting machines either. With God's grace She, Finchem, and Hamadeh will win.

Crosby

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 7:52 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

Hi Tom,

Also please check this out:

https://us01.l.antigena.com/l/-fyVTc5m-j9lO-Cm2ndZFT94465KEBgauCfBi58S3zG-dsOdF-NW~JmEMoRHUsyReG2~dLFkEvP-HrKWwaNt4EUYrwecXZ-Zr1fHJB4TyUS-fHa17iQc2Bmgy-xSb7gm9Symn1tJQhQ7lYSjQHWIcgPfKLANgp4gYuN79h

Everyone needs to click the Take Actions Now button! Your name is one of over 100 officials in AZ who will receive emails from people who want the hand count and machines GONE! Please click through it to see what is being done to get a hand count and to remove election machines across AZ. They've got to go, we didn't ask for them, they were forced down our throats against our will and without our consent.

Dan

Sent from Mail for Windows

From: Crosby, Tom
Sent: Friday, October 14, 2022 7:29 PM
To: DD L
Subject: RE: Checking in on the Hand Count

Therein is the problem of the position, (not the person) of the County Administrator. I will get details of his position description to you soon. It is very nebulous. Karwaczka hires and fires. I did not approve of the position of County Admin, and if you check the last agenda, I voted against his contract renewal.
I think it was item 10.

Meeting Date:	**10/11/2022**		
Amendment 2 to the Contract with County Administrator			
Submitted By:	**Tim Mattix, Board of Supervisors**		
Department:	**Board of Supervisors**		
Presentation:	**No A/V Presentation**	**Recommendation:**	**Approve**
Document Signatures:	**BOS Signature Required**	**# of ORIGINALS Submitted for Signature:**	**0**
NAME of PRESENTER:	**Ann English**	**TITLE of PRESENTER:**	**Supervisor, District 2**
Docket Number (If applicable):			
Mandated Function?:	**Local Mandate or Policy**	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:
Approve the Second Amendment to Agreement for Employment of County Administrator Richard G. Karwaczka.

Background:
The existing Agreement for Employment of Mr. Karwaczka as County Administrator is currently scheduled to expire on October 4, 2024.

Crosby

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 7:14 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

Tom,

AMERICAN OVERSIGHT

Then if she refuses, then she should resign or be fired. She doesn't have the authority to refuse an order from the BOS.

There are some great things happening…

Check this out on Brighteon TV:

https://us01.l.antigena.com/l/qQH9WcCV3rrdH9UQSFzzFKoHbdJr40mTtWQMk6zDL6vAmmam8ijxa_Hy8tA~D7l2eHHup07U8hQQcjwWVQcaFaafBEWZl2G6cmUy64MR7QEG5q4Xrhx44fVmxCZCGzciowRGdvErpUqfxKerl0Er6QKUI3yB1ZX

Peggy is going to be on with Ms Swinick tomorrow!!!

I think God, not a rabbit, is going to help us make this happen… I sincerely believe that.

Please pass it with Peggy and lets get this ball rolling. Once rolling they will never be able to stop it.

Dan

I am going to send my letter I sent to you, Ms Judd and English, to The Herald.

Sent from Mail for Windows

From: Crosby, Tom
Sent: Friday, October 14, 2022 7:06 PM
To: DD L
Subject: RE: Checking in on the Hand Count

Dan,
Somebody is going to have to pull a rabbit out of a hat. If Ms. Judd and I passed the hand-count resolution, I would predict that Marra would refuse and the County Atty would back her, and you still wouldn't get it.

Tom Crosby

From: DD L[redacted]@hotmail.com>
Sent: Thursday, October 13, 2022 8:26 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

Hi Ms Judd, Mr Crosby,

Several people are urging me to send the letter I sent to you to the Editor of the SV Herald.

Im inclined to do so… but I do not want to, in any way, jeopardize the great work you are doing in support of the hand count – so I wanted to touch base with you both first to make sure you have no issue with me sending it to the Herald. I think it would strengthen our case if the entire county was made aware of the full picture, especially in light of the negative letters which have been sent to the editor opposing the hand count.

I await your response before I send it to the editors.
Dan

Here it is again for your ease of reference:

Hello Ms Judd, Mr Crosby, Ms English,

I appreciated the outstanding ***Servant Leadership*** which Ms Judd and Mr Crosby demonstrated in supporting the will of the people to involve themselves in participating in their most sacred obligation, that of counting the vote for those who will represent us. You both showed you understand it is the people you work for, not oppressive government and other nefarious interests. We need people like you more than ever now, especially when we have people like Ms English who demonstrated a deep misunderstanding of the facts of the situation and used some appalling tactics to summarily dismiss a majority of the people she works for.

So thank you Ms Judd and Mr Crosby, we need you to stay supremely strong in this fight for election integrity. Doing the paper count is feasible, it can be done after the machine count – thereby demonstrating, or not, the veracity of the machine count. You have citizens best interests at heart when the Sovereign Citizens say there is a problem and you work for, and with them, to help fix the problem. I do not understand why there is such opposition to enabling the citizens to verify the vote. It can only be because they don't want the Citizens to KNOW the truth.

There are severe problems with the election system which has been **forced on us, against our will, and without our consent**. A system which uses suspect machines and suspect computer code, and fraud inducing mail-in ballots. Many of us spoke on this at previous meetings and at the meeting today about the things we saw and the affidavits which were made to demonstrate the problems. In 2016, the Democrats went berserk, wildly claiming election fraud and were sure the election had been stolen and now to this day are using lawfare to shut down any talk of finding out who really told "The Big Lie" in 2020. Hypocrits. They are still using abhorrent and tyrannical tactics to silence, and incarcerate people they disagree with, we are seeing it across the country, the use of big government to threaten and intimidate the citizens they work for. And we saw it in our meetings yesterday. This has got to stop. This is not what our government was created to do. Our government was created to be our Servant Leaders.

22 people found the courage and determination to speak, and I applaud all of them for taking the time to come before you – our elected representatives, even the

AMERICAN OVERSIGHT

ones I disagree with. But 13 of the 22 wanted the paper count and 9 opposed. Stated differently 59% wanted the hand count compared to 41% who didn't. That is significant, especially when Ms English has the audacity to say it was "about even". It wasn't. The room was full of others who supported the hand count, it was, as you know, a full room.

Ms English, I would be remiss if I didn't take this opportunity to tell you how utterly dismaying and disappointing it was to see you put your head in the sand on the facts, to summarily dismiss citizens who told you there IS a problem - which both sides - almost 100% of the electorate, have stood up and said elections were stolen, but now, because you and some others are happy with the current result, act as if nothing is wrong with this new system of counting the vote – as we have all heard and know is manifestly true – "**it is not who votes but who counts the vote".** Only in dictatorships do you prevent the subjects from counting their vote. You have a chance right now to make a difference instead of just punching us in the face, giving us the middle finger, and then in one of the most abusive uses of power I have ever witnessed attempt to use a partisan, inexperienced, and angry lawyer to shut us down with a coordinated fake lawfare attack. That lawyer does not have the power you assigned to her, that she can state an **opinion** and with that **opinion** end the debate. Anyone who has been in government policy and legislation knows that if something is not expressly forbidden, then it can be done, not the opposite – in fact it is why we have a Board of Supervisors at the County. If Cochise County runs such "stellar" elections, then opening up the results to the scrutiny of the citizens they work for should be easy and can set a precedent everywhere to ensure the count which was presented as the result is actually the **true result and the true will of the Citizens. This is the only way we are going to restore confidence, short of throwing out the current system and starting again – which is a distinct and very real possibility.**

As was stated several times, the hand count is not expressly forbidden in any ARS legislation, therefore it CAN be done. In fact, we have always done the hand count, and the machines are only an option, not a requirement. In fact, a hand count is still required ANYTIME a machine is used to count the VOTE and that is IN THE ARS. We simply want to expand it, in a cost effective and efficient way to ensure full integrity for every citizen, not just those happy with the current outcome. I find it ironic, that in other cases when government officials want something, they will always use the lack of forbidding in the statutes to approve it and "make it happen".

We can and must do the hand count, it is urgent and an emergency if we are going to ever end the destructive distrust of our current elections systems. PLEASE lets make this happen instead of finding ways not to make it happen. We are ready, willing, and able to do it. This is not going away, it will get bigger and cause more a problem for all of us, if we don't get to count the vote, to verify the vote. WE THE PEOPLE, THE SOVEREIGN CITIZENS, must be enabled to count our vote. As I stated at the meeting, "When can we start?"

Thank you for your time.

Dan LaChance, and many others.

Sent from Mail for Windows

From: DD L
Sent: Thursday, October 13, 2022 3:35 PM
To: Judd, Peggy; tcrosby@cochise.az.gov
Subject: Checking in on the Hand Count

Good afternoon Ms Judd and Mr Crosby,

I'm checking in to see how its going for getting the hand count approved? I know of so many people who are really very proud of both of you for working with us to enable us to do our obligation of checking the vote counters.

If for some reason we don't get this, we must remove the machines and we must remove the majority of the mail in ballot scam. I don't ever remember a referendum asking the citizens if they consented to the use of these fraud inducing methods? I guess, speaking honestly, do you think a referendum to remove them is what we need to focus on next?

Is there anything I can do to help right now?

Thank you.

Dan LaChance

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: drjoe; Tom Giuffrida; DD L
Subject: FW: Cochise County Sups hand count resolutions for 2 PM meeting the 24th
Date: Saturday, October 22, 2022 12:04:00 PM

From: tom crosby [redacted]@gmail.com>
Sent: Saturday, October 22, 2022 7:13 AM
Subject: Cochise County Sups hand count resolutions for 2 PM meeting the 24th

CAUTION: EXTERNAL EMAIL*

https://destinyhosted.com/agenda_publish.cfm?id=26244&mt=BOS,BOE,FCD,LIB,LIGHT,PUBNTC,EXEC,SPCL,WKS&vl=true&get_month=10&get_year=2022&dsp=ag&seq=2454

As I thought, this appears to be a "choice" for either my, or another Supervisor's resolution.
"**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION" and**
"The Board may permit public comment during the discussion of any item on this agenda. "
Depending on how the Chairperson wants to handle that, and which resolution is chosen, and in what order, may affect what gets to be said about which resolution by the public.

This typical advisory is not included here. **"THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING"**

I don't think that's anything tricky.

If my wife and I both test COVID negative on Monday, I'll attend inside. Otherwise, I'll be on line, or phone in the parking lot, and if all else fails, somebody can come out and ask me for my vote.

To my knowledge I've never missed a vote yet.

Crosby

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: tom crosby
Subject: FW: Crosby message ref hand count draft
Date: Thursday, October 20, 2022 4:33:00 PM

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Thursday, October 20, 2022 4:25 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>
Cc: Mattix, Timothy <TMattix@cochise.az.gov>;
Subject: RE: Crosby message ref hand count draft

Dear Mr. Mattix,

Thank you for your patience and diligence. Revision at the bottom here.

I don't know exactly what the draft was that you sent out. Was is two separate resolutions from two different BOS members, or did you change mine into two items? If you made mine into two items, why?

The reason I asked is, when we did the tax rate, I was willing to let my colleague pick one of two possible choices, as the most expedient means of addressing the item.

Also, I still want to know about special speakers or call to the public.

Tom Crosby

More like; 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."

From: Crosby, Tom
Sent: Thursday, October 20, 2022 3:45 PM
To: Mattix, Timothy <TMattix@cochise.az.gov>
Cc: Stevens, David <DStevens@cochise.az.gov>; Marra, Lisa M <LMarra@cochise.az.gov>
Subject: Crosby message ref hand count draft

Hi Mr. Mattix,

I'm sure I will want to change my language of my resolution, and I'll work on that right now.

When are you going home? When is the last chance I have to revise this? I also need to compare it to what I sent you a few days ago.

AMERICAN OVERSIGHT

Tom Crosby

Order that the Elections Department shall take such action necessary to perform a 100% County-wide hand count audit of the 2022 General Election to assure agreement with the voting
machine count.

More like; 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.

AMERICAN OVERSIGHT

From:	Crosby, Tom
To:	bresnik@12NEWS.COM
Subject:	FW: Crosby message ref hand count draft
Date:	Friday, October 21, 2022 12:24:00 PM
Attachments:	2000 mules read only.docx Comingling calculations II.docx CominglingAGFourneyletter205.jpg cominglingSoSChan.docx comminglingAmyChan222.jpg Tom-and Robert in the PArk 2014.jpg cominglingEL30Areport181.jpg cominglingfalsifiedreport183.jpg

---

From: Crosby, Tom
Sent: Friday, October 21, 2022 12:24 PM
To: Jen Fifield <jfifield@votebeat.org>; Adam Klasfeld <adamklasfeld@lawandcrime.com>; Taylor Kinnerup <tkinnerup@bonneville.com>; Bontke, Jordan <Jordan.Bontke@abc15.com>; Nick Phillips <nphillips@azcapitoltimes.com>
Cc: Karwaczka, Richard <RKarwaczka@cochise.az.gov>; 'MSG Jack Dona US Army RET' [redacted]@aol.com>; drjoe <[redacted]@proton.me>; Tom Giuffrida [redacted]@gmail.com>; DD L [redacted]@hotmail.com>
Subject: FW: Crosby message ref hand count draft

Jen, Adam, Taylor, et al,

Also attached is my doc "2000 mules read only", which was part of the material from our Oct 11th meeting posted on the County Sup Agenda page. My wife and I are still home sick. I'm hoarse, and I don't want to talk.

In the doc, you'll find I'm not partisan about this, noting my experience with (non-machine) ballot commingling in 2012. I investigated, they didn't. Human error.

One of you used an expression like "the courts rejected all the 2020 election claims". Dismissal on procedural grounds without hearing the cases does not indicate rejection of the claims. It's just getting stonewalled. I haven't read the SoS letter yet, but I will.

What I have read is a couple hundred pages of what I would call likely evidence that the machines are not properly certified. This is from people who have desperately tried to get their side heard. Personally, I'm the guy who can barely use my cell phone. I guess the smartest guys in the world know how to program computers and voting machines. Like the whole COVID issue, both sides accuse the other of propagating false information.

The outcome of the State elections will likely determine this issue. If the candidates that I favor win, I should be OK.

The EL30 report from 2012 "City of Sierra Vista Franchise" total is 3 votes. That column happens to coincide with the 9 ballots claimed on the unsigned County document "precinct ballots counted within City Limits". Simple subtraction at other "split City/County precincts" indicated 71 miscast ballots. Stonewalling is typical.

Tom Crosby

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

Who remembers that I brought up the issues of voting and ballots, and ballot question irregularities, caused by human error, and willingness by the City to omit the truth, before, during and after the 2012 City elections?

I was 10 years ahead of today's election integrity proponents.

. **I put a thorough explanation of those 2012 issues physically into the hands of Ken Bennet the SoS, and Tom Horne the AG. I dropped off that same info for County Atty Rheinheimer. None of them did anything but sweep it under the rug**, as did my colleagues on the Sierra Vista City Council.

Sent: Tuesday, August 10, 2021 6:42 AM
To: MSG Jack Dona US Army RET <
Subject: RE: ARIZONA: Voter Fraud Allegations against Cochise County

Dear Mr. Dona,

I have been watching the election fraud issue with keen interest since the election. We should meet and talk face to face. Keep putting the word out. The future of the world depends on the Maricopa audit. It has to be irrefutable.

AMERICAN OVERSIGHT

My understanding of the Maricopa audit is that AFTER 6 MONTHS, the hand count pretty much matched the machine count. I understand that mail in ballots could have been fraudulent, and were late, to my knowledge perhaps up to the claims of hundreds of thousands. But I do not have irrefutable proof of that, and as you know, once the ballots are separated from the envelopes that are not rematched.

In my opinion, the legislature was mistaken to adjourn instead of recess, thus presumably making it impossible to call themselves back into session. In my opinion, the legislature should have used the authority of the Sergeant at Arms to hold the Maricopa Board of Supervisors in contempt.

In my opinion, **the legislature** was mistaken not to use the technology that might have identified single envelope signers signing multiple envelopes, fraudulently printed ballots, or other means to determine fraud besides miscounting votes.

The US Constitution holds the State legislature responsible for naming presidential electors, not the AZ Secretary of State, or AZ Attorney General.

AMERICAN OVERSIGHT

The Electoral College Clause of the U.S. Constitution:

Each State shall appoint, in such Manner as the ***Legislature thereof may direct***, a Number of Electors, equal to the whole Number of Senators and Representatives Etc…

The legislature ***can't*** delegate that duty to the executive branch Secretary of State.

Article 3, Arizona Constitution

Distribution of Powers

> The powers of the government of the state of Arizona shall be divided into three separate departments, the legislative, the executive, and the judicial; and, except as provided in this constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.[1

I said publicly before and say here again, ***"The legislature*** **can audit Cochise County every day of the week, and twice on Sundays." Such a request never**

AMERICAN OVERSIGHT

came from *the legislature.* My view is that the County cannot refuse such an order by *the legislature*, as Counties are political subdivisions of the State.

Here's one of several theories I've heard about the machines. **1.** Election Data is encrypted and sent to the voting machine company, totaled, and sent back to the County in readable form***. I'm not in favor of that transmission out of the County, but a hand count would discover that potential fraud.***

2. Possible attacks were occurring in real time during and shortly after the election and, using Hammer and Scorecard, were done without leaving a footprint or signature – most likely meaning administrator access to the election management system was surreptitiously gained.

Again, not pointing a finger at the county elections office but an **attack which they would not be aware of.**
Getting the Cast Vote Record will help us see what we need to see, either way it goes.

AMERICAN OVERSIGHT

I watched the interview segments with Ms. Marra several times. I understood she was satisfied with the backing and security she has.

She said, "The longer we go on, the angrier people are getting". In my opinion, that is indicative of more evidence of the veracity of voting fraud allegations coming out as time goes on. However, I have no reason as of this present time to think Cochise County's 2020 election was dishonest. I'm not saying that voting machines cannot be hacked. I'm personally inclined to think they probably can be hacked. *I do not know if they were hacked or not.*

Pretty much immediately after the 2020 election I and Recorder Stevens discussed the allegation that there was a 6000 vote (as I recall) discrepancy in Cochise County.

Mr. Stevens was sure that the votes that left Cochise County were the same votes that were received by the Secretary of State.

AMERICAN OVERSIGHT

In conclusion: repeating my Aug 2021 remark:
“. The future of the world depends on the Maricopa audit. It has to be irrefutable.”

It wasn’t.

Time after time I heard my legislators lament, “we don’t have the votes”.

AMERICAN OVERSIGHT

Comingling calculations

PCT	City Sign Ins	City Ballots	Difference	Too many
Ave D Sol	384	402	18	County Voters
Busby	452	458	6	County Voters
College	482	481	1	County Ballot
Estates	47	49	2	County Voters
Hopi	468	479	11	County Voters
Snyder	386	386	0	
Soldier	627	636	9	County Voters
Village Meadows	555	573	18	County Voters
Yaqui	9	3	6	County Ballots
			71	Wrongly Cast

Tony's method

SUM:

Precinct Yes and No votes

+

Provisional Yes and No votes

+

Undervotes

AMERICAN OVERSIGHT

= total city votes

SUBTRACT:

total City votes

-

City Sign in voters

==========

=extra city votes cast (or deficit)

AMERICAN OVERSIGHT

TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE

MICHELE L. FORNEY
DIRECT PHONE NO. (602) 542-7826
MICHELE.FORNEY@AZAG.GOV

May 29, 2013

Council Member Tom Crosby
Sierra Vista City Council
1011 N. Coronado Drive
Sierra Vista, AZ 85635

Re: Ballot Commingling in November 2012 Election

Dear Mr. Crosby:

Thank you for your emails and information regarding the alleged commingling of city and county ballots at the last election by poll workers. I understand from your latest email that the county attorney feels he may be conflicted and thus cannot or will not investigate the issue. The Attorney General's Office does not have enforcement or investigative authority over local election matters. If, however, the county attorney contacts us, we will consider what action, if any, to take.

Sincerely,

Michele L. Forney
Assistant Attorney General

MLF/mvr

#: 3407094

1275 WEST WASHINGTON STREET, PHOENIX, AZ 85007-2926 • PHONE 602.542.3333 • FAX 602.542.8308 • WWW.AZAG.GOV

AMERICAN OVERSIGHT

To: Amy Chan July 16, 2013

Arizona State Elections Director

1700 W. Washington, Seventh Floor

Phoenix, AZ 85007

From: Tom Crosby

City Council Member

Sierra Vista, AZ

Dear Ms. Chan,

I happened to speak to Secretary Bennett recently here in Sierra Vista. I asked him if ballot commingling and the subsequent cover up was something his office would be interested in, and he indicated his office would be interested.

I have accrued documentation about ½" thick in a binder which I will reproduce and brief you on if you so desire. I have enclosed a video disc, where I explained in greater detail the issue of ballot comingling and local cover up. I have enclosed other documentation.

What I would like to know is:

Can the City Clerk [city elections officer] evade legal responsibility for supervising elections by contracting out some facets of the process to another party [in this instance, the County Elections Dept.]?

Can my City Clerk be investigated for failing to provide me with the information I've repeatedly asked for, accurate commingling calculations?

Can the County Elections Director be compelled to testify under oath as to the facts of the matter?

I wrote to Michele Fourney at the Attorney General's office, and she indicated that the Attorney General's office would not investigate local election matters. I would like your office's opinion as to wrongdoing. If you find wrong doing, I hope you would then forward the matter to the Attorney General's office.

AMERICAN OVERSIGHT

Crosby, July 16, 2013

The following is a brief synopsis:

After the Primary 9-13-2012, City Clerk, Ms. Adams said the problem of ballot comingling would not happen in the general election. Ms. Adams also claimed that thePrimary results were "as accurate as possible."

After the general election, County Elections Director, Juanita Murray admitted there were mislabeled ballots discovered prior to the election. Poll Watcher Mrs. Jere Fredenberg also reported that mislabeled ballots were distributed and voted at Yaqui Precinct. At this location the problem was City voters getting County ballots. It so happened that the number of City voters at this precinct was very small, so it was easy to determine.

The mayor of Sierra Vista asked the County Attorney to investigate the allegation.

Dec. 10, 2012, I made a City Council inquiry requesting a detailed description of the duties and responsibilities of the City Clerk. (never answered)

Dec. 12, 2012, I wrote a memo to the Mayor, Council, City Attorney, and City Manager once more detailing what information is needed to determine the level of ballot commingling. I stated that Ms. Murray needs to be interviewed under oath.

I stated that the Dec. 6, 2012 document produced by Cochise County Assistant Attorney Fifer is not supported by an indication of having actually investigated the matter.

The volunteer Yaqui poll inspector said, "For the record, no one from the city attorney's office or the county attorney's office has contacted me regarding the 6 November 2012 election about mislabeled ballots or any other voting issue."

However, I did investigate it, by simply asking residents of the Suma neighborhood if they voted on a City ballot. 3 City voters provided me with written statements that they did not vote on a City ballot. 1 person provided me with a verbal statement, and I believe his wife also did not vote on the correct City ballot.

The City Attorney's Dec 13, 2012 response implied that election duties are assumed by the County because of the IGA contract.

But the contract with the county is only for specific information, and does not include the County investigating itself for accuracy. So, if the City Clerk isn't responsible, and the County isn't responsible for insuring accuracy, who is?

The 2-21-2013 response from the City Clerk refers to an attached document "received from Juanita Murray Cochise County Elections Director". But the document is not signed by Ms. Murray, and it

AMERICAN OVERSIGHT

Crosby, July 16, 2013

contains false information about the number of City ballots counted from the Yaqui precinct. It does not contain the information about the *number of City ballots at Yaqui precinct at the beginning of the voting day* and is not attested to by Ms. Murray.

Ms. Murray stated In a Nov. 10th, 2012 email to County Supervisor Pat Call, County Manager Mike Ortega, and Martha Reynolds, "At 11AM I did not deliver city ballots for the first time. The poll had both city and county ballots from the time they opened to the time they closed the polls. I was just delivering an extra supply"

There are only 24 registered City voters in Yaqui precinct. Why would Ms. Murray deliver an "extra supply" if there were already 200% enough ballots for City voters?

The volunteer poll inspector said,

"It was shortly after 1100 that I was told by (another poll volunteer) Cathy Hoffard that the original 50 ballot packet of city ballots I had picked up at training was, in fact, mislabeled, and that several city voters had received, and voted, county ballots. "

In other words, the issue of mislabeled ballots at Yaqui precinct happened just the way poll watcher Mrs. Jere Fredenberg told City Council.

I do not believe the City Clerk's responsibility to oversee the election is alleviated by the IGA contract with the County. So I have *repeatedly* asked the City Clerk to independently reproduce the commingling information that I have already, and sign her name to it.

Finally, when I have brought these issues up, the typical response is that the level of commingling would not change the outcome of the election. But the point is the honesty of the County Elections Director. In my opinion there is good reason to believe she lied in an email to her superiors, and falsified a document attributed to her by the City Clerk. Furthermore, if that is correct, there are two levels of bureaucracy in the City and County that have covered it up.

Sincerely,

Tom Crosby

AMERICAN OVERSIGHT

KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA

August 19, 2013

The Honorable Tom Crosby, Councilman
1011 N. Coronado Drive
Sierra Vista, AZ 85635

Dear Councilman Crosby:

Thank you for speaking with Deputy Secretary of State Jim Drake and me via phone on Friday, August 16. As you requested, this is a response to your letter of July 16, 2013.

As a general matter our office does not have oversight over local elections. Your letter posed three specific questions, which we discussed during our phone conversation. However, during our meeting last Friday you specifically asked whether we believed there was a "cover up" after the November 2012 General Election. Based on the materials presented to our office, there does not appear to be such evidence.

Sincerely,

Amy B. Chan
State Election Director

1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007-2888
Telephone (602) 542-8683 Fax (602) 542-6172
www.azsos.gov

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

0043 43 SV YAQUI

	TOTAL VOTES	%	PRECINCT	PROVISIONALS	EARLY
Sierra Vista Unified School Dist. 68 Q1					
Vote for not more than 1					
YES - SI.	1,070	69.21	414	18	638
NO.	476	30.79	190	6	280
Over Votes	0		0	0	0
Under Votes	225		89	3	133
City of Sierra Vista Council Member					
Vote for not more than 2					
BOUCHARD, LAURA	5	16.67	0	0	5
CALHOUN, GWEN	9	30.00	0	0	9
GEORGE, JOHN	8	26.67	2	0	6
GRAY, RACHEL	8	26.67	2	0	6
WRITE-IN.	0		0	0	0
Over Votes	0		0	0	0
Under Votes	10		2	0	8
City of Sierra Vista - Franchise					
Vote for not more than 1					
For the Franchise Renewal A Fav	12	66.67	1	0	11
Against the Franchise Renewal E	6	33.33	1	0	5
Over Votes	0		0	0	0
Under Votes	2		1	0	1
Proposition 114 STATE PROPS					
Vote for not more than 1					
YES - SI.	1,488	86.46	594	19	875
NO.	233	13.54	85	6	142
Over Votes	4		1	0	3
Under Votes	46		13	2	31
Proposition 115 STATE PROPS					
Vote for not more than 1					
YES - SI.	386	22.89	144	5	237
NO.	1,300	77.11	523	20	757
Over Votes	2		1	0	1
Under Votes	83		25	2	56
Proposition 116 STATE PROPS					
Vote for not more than 1					
YES - SI.	903	54.79	376	15	512
NO.	745	45.21	277	9	459
Over Votes	0		0	0	0
Under Votes	123		40	3	80
Proposition 117 STATE PROPS					
Vote for not more than 1					
YES - SI.	994	59.34	402	16	576
NO.	681	40.66	260	9	412
Over Votes	1		0	0	1
Under Votes	95		31	2	62

AMERICAN OVERSIGHT

does not indicate # of voters that signed in. Who is vouching for this info Ms Adams or

COCHISE COUNTY
GENERAL ELECTIO
NOVEMBER 6, 2012

BALLOT REPORT

PROVIS

POLLING LOCATION	BALLOTS TO PRECINCT	SPOILED BALLOTS	PRECINCT BALLOTS COUNTED	PROVISIONAL BALLOTS	PROVISIONAL - REJECTED	PROVISIONAL BALLOTS COUNTED	TOTAL BALLOTS COUNTED	UNUSED BALLOTS	# OF VOTERS FROM RECORDER'S OFFICE VOTER HISTORY
26 SV AVENIDA DEL SOL	1850	5	544	70	3	67	611	1231	608
26.01 Within City Limits	1350	5	404	59	3	56	460	882	458
26.02 County residents (outside city limits)	500	0	140	11	0	11	151	349	150
28 SV BUSBY	1500	7	477	51	6	45	522	965	527
28.01 Within City Limits	1450	7	455	50	6	44	499	938	504
28.02 County residents (outside city limits)	50	0	22	1	0	1	23	27	23
31 SV COLLEGE	1300	13	555	72	8	64	619	660	619
31.01 Within City Limits	1100	13	482	67	8	59	541	538	541
31.02 County residents (outside city limits)	200	0	73	5	0	5	78	122	78
33 SV ESTATES	1200	3	489	50	5	45	534	658	545
33.01 Within City Limits	100	3	47	10	0	10	57	40	63
33.02 County residents (outside city limits)	1100	0	442	40	5	35	477	618	482
34 SV HOPI	1400	8	482	76	14	62	544	834	539
34.01 Within City Limits	1350	8	478	76	14	62	540	788	535
34.02 County residents (outside city limits)	50	0	4	0	0	0	4	46	4
38 SV SNYDER	875	6	386	47	6	41	427	436	433
38.01 Within City Limits	850	6	386	47	6	41	427	411	433
38.02 County residents (outside city limits)	25	0	0	0	0	0	0	25	0
39 SV SOLDIER CREEK	2825	7	693	121	37	84	777	2004	746
39.01 Within City Limits	2750	7	693	119	37	82	775	1931	744
39.02 County residents (outside city limits)	75	0	0	2	0	2	2	73	2
41 SV VILLAGE MEADOWS	1600	5	673	54	13	41	714	868	711
41.01 Within City Limits	1400	5	575	46	13	33	608	774	605
41.02 County residents (outside city limits)	200	0	98	8	0	8	106	94	106
43 SV YAQUI	1450	9	693	29	2	27	720	719	720
43.02 Within City Limits	50	0	9	0	0	0	9	41	9
		9	684	29	2	27	711	678	711

In what #'s and at what time were these ballots delivered?

AMERICAN OVERSIGHT

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To: Jim O"Connor
Subject: FW: Crosby message ref hand count draft
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Sent: Thursday, October 20, 2022 4:25 PM
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Subject: Crosby message ref hand count draft

Hi Mr. Mattix,

I'm sure I will want to change my language of my resolution, and I'll work on that right now.

When are you going home? When is the last chance I have to revise this? I also need to compare it

AMERICAN OVERSIGHT

to what I sent you a few days ago.

Tom Crosby

Order that the Elections Department shall take such action necessary to perform a 100% County-wide hand count audit of the 2022 General Election to assure agreement with the voting
machine count.

More like; 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.

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Mattix, Timothy
Cc: drjoe; Tom Giuffrida; DD L
Subject: FW: Draft Public Notice and Agendas for next week
Date: Thursday, October 20, 2022 3:00:00 PM
Attachments: 20221023_PublicNotice_Draft.pdf
20221024_SpecialMeeting_HandCount_Draft.pdf
20221025_SpecialExecSession_HoffardLitigation_Draft.pdf
20221025_FloodControlDistrict_Draft.pdf
20221025_RegularBDMeeting_Draft.pdf

Thanks Mr. Mattix,

Tom Crosby

From: Mattix, Timothy <TMattix@cochise.az.gov>
Sent: Wednesday, October 19, 2022 3:45 PM
To: BOS-Supervisors <BOSSupervisors@cochise.az.gov>
Cc: County Elected Officials <CountyElectedOfficials@cochise.az.gov>; County Department Directors <CountyDepartmentDirectors@cochise.az.gov>; Wright, Melissa A <MAWright@cochise.az.gov>
Subject: Draft Public Notice and Agendas for next week

Good afternoon,

See attached draft Public Notice and Agendas for next week. Final versions will be posted Friday.

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax

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

AMERICAN OVERSIGHT

D R A F T

Cochise County
Board of Supervisors

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TOM CROSBY
Supervisor
District 1

ANN ENGLISH
Chairman
District 2

PEGGY JUDD
Vice-Chairman
District 3

RICHARD G. KARWACZKA
County Administrator

SHARON GILMAN
Deputy County Administrator

TIM MATTIX
Clerk of the Board

PUBLIC NOTICE

This is a courtesy posting of events at which a quorum of the Board of Supervisors may be present.
Board of Supervisors action will only be taken at properly-noticed Board of Supervisors meetings.

Meeting agendas for Cochise County public bodies are posted separately, at least 24 hours prior to the meeting. Links to Cochise County public body meeting postings are included where applicable.

SUNDAY, OCTOBER 23, 2022 THROUGH SATURDAY, OCTOBER 28, 2022

MONDAY

TIME: 9:00 a.m.
Cochise County Merit Commission Special Meeting, Board of Supervisors Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, AZ 85603.
See separately posted agenda for details.

2:00 p.m.
Special Board of Supervisors Meeting, Board of Supervisors Hearing Room, 1415 Melody Lane, Building G, Bisbee, AZ 85603.
See separately posted agenda for details.

TUESDAY

TIME: 9:00 a.m.
Board of Supervisors Special Special Meeting and Possible Executive Session, Board of Supervisors Executive Conference Room, 1415 W. Melody Lane, Building G, Bisbee, AZ. 85603.
See separately posted agenda for details.

TIME: 10:00 a.m.
Flood Control District Meeting, Regular Board Supervisors Meeting, Board of Supervisors Hearing Room, 1415 Melody Lane, Building G, Bisbee, AZ 85603.
See separately posted agenda for details.

WEDNESDAY

AMERICAN OVERSIGHT

TIME: 2:00 PM
Cochise Combined Trust Board of Trustees Meeting, Virtual Meeting (Zoom)
See separately posted agenda for details.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Cochise County ADA Coordinator, ADACoordinator@cochise.az.gov, (520) 432-9830, TDD (520) 432-8360, 1415 Melody Lane, Building C, Bisbee, AZ 85603.

Cochise County Board of Supervisors
1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

The undersigned hereby certifies that a copy of this notice was duly posted at the address listed above in accordance with the statement filed by the Cochise County Board of Supervisors.

Posted this _____ day of _____ , 2022 at _____

by _____.

AMERICAN OVERSIGHT

D R A F T

Cochise County
Board of Supervisors

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

TOM CROSBY
Supervisor
District 1

ANN ENGLISH
Chairman
District 2

PEGGY JUDD
Vice-Chairman
District 3

RICHARD G. KARWACZKA
County Administrator

SHARON GILMAN
Deputy County Administrator

TIM MATTIX
Clerk of the Board

AGENDA FOR SPECIAL BOARD MEETING
MONDAY, OCTOBER 24, 2022 at 2:00 PM
BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

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

ROLL CALL
Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Members of the public may also attend this meeting via Microsoft Teams computer or mobile app, or via phone by calling 602-609-7513 or 888-680-6714, Conference ID 392 434 924#. If you have trouble accessing this meeting remotely, call 520-432-9200 for direction.

The Board may permit public comment during the discussion of any item on this agenda. To speak on an agenda item, complete and return the speaker request form to the Clerk of the Board prior to the start of 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.

2. Order that the Elections Department shall take such action necessary to perform a 100% County-wide hand count audit of the 2022 General Election to assure agreement with the voting machine count.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Cochise County ADA Coordinator, ADACoordinator@cochise.az.gov, (520) 432-9830, TDD (520) 432-8360, 1415 Melody Lane, Building C, Bisbee, AZ 85603.

AMERICAN OVERSIGHT

1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

The undersigned hereby certifies that a copy of this notice was duly posted at the address listed above in accordance with the statement filed by the Cochise County Board of Supervisors.

Posted this _____ day of _____ , 2022 at _____

by _____.

AMERICAN OVERSIGHT

D R A F T

Cochise County
Board of Supervisors

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

TOM CROSBY
Supervisor
District 1

ANN ENGLISH
Chairman
District 2

PEGGY JUDD
Vice-Chairman
District 3

RICHARD G. KARWACZKA
County Administrator

SHARON GILMAN
Deputy County Administrator

TIM MATTIX
Clerk of the Board

AGENDA FOR SPECIAL BOARD MEETING
AND POSSIBLE EXECUTIVE SESSION
TUESDAY, OCTOBER 25, 2022 at 9:00 AM
BOARD OF SUPERVISORS EXECUTIVE CONFERENCE ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

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

ROLL CALL
Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Members of the public may also attend this meeting via Microsoft Teams computer or mobile app, or via phone by calling 602-609-7513 or 888-680-6714, Conference ID 584 338 530#. If you have trouble accessing this meeting remotely, call 520-432-9200 for direction.

Pursuant to ARS 38-431.03(B), minutes and discussions in executive session shall be kept confidential.

ACTION

Board of Supervisors

1. Discussion, direction, and possible action regarding the ongoing litigation and potential settlement regarding *Hoffard v. Cochise County Board of Supervisors*, CV-20-00243-TUC-SHR.

   Pursuant to A.R.S. § 38-431.03 (A)(3) and (4), the Board may go into executive session for legal advice with the attorney of the public body and to consider its position and instruct attorneys regarding the public body's position in pending litigation.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Cochise County ADA Coordinator, ADACoordinator@cochise.az.gov, (520) 432-9830, TDD (520) 432-8360, 1415 Melody Lane, Building C, Bisbee, AZ 85603.

AMERICAN OVERSIGHT

1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

The undersigned hereby certifies that a copy of this notice was duly posted at the address listed above in accordance with the statement filed by the Cochise County Board of Supervisors.

Posted this _____ day of _____ , 2022 at _____

by _____.

AMERICAN OVERSIGHT

D R A F T

Cochise County
Board of Supervisors

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

TOM CROSBY
Supervisor
District 1

RICHARD G. KARWACZKA
County Administrator

ANN ENGLISH
Chairman
District 2

SHARON GILMAN
Deputy County Administrator

PEGGY JUDD
Vice-Chairman
District 3

TIM MATTIX
Clerk of the Board

AGENDA FOR FLOOD CONTROL DISTRICT MEETING
TUESDAY, OCTOBER 25, 2022 at 10:00 AM
BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

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

ROLL CALL
Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Members of the public may also attend this meeting via Microsoft Teams computer or mobile app, or via phone by calling 602-609-7513 or 888-680-6714, Conference ID 286 852 584#. If you have trouble accessing this meeting remotely, call 520-432-9200 for direction.

The Board may permit public comment during the discussion of any item on this agenda. To speak on an agenda item, complete and return the speaker request form to the Clerk of the Board prior to the start of the meeting.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

CONSENT

Board of Supervisors

1. Approve the Minutes of the Flood Control District meeting of September 13, 2022.

ACTION

Engineering & Natural Resources

2. Approve Scope of Work with JE Fuller Hydrology & Geomorphology for the implementation of the ALERT Flood Warning System, in the not to exceed amount of $83,871.

AMERICAN OVERSIGHT

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Cochise County ADA Coordinator, ADACoordinator@cochise.az.gov, (520) 432-9830, TDD (520) 432-8360, 1415 Melody Lane, Building C, Bisbee, AZ 85603.

Cochise County Board of Supervisors
1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

The undersigned hereby certifies that a copy of this notice was duly posted at the address listed above in accordance with the statement filed by the Cochise County Board of Supervisors.

Posted this _____ day of _____ , 2022 at _____

by _____.

AMERICAN OVERSIGHT

D R A F T

Cochise County
Board of Supervisors

Public Programs...Personal Service
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TOM CROSBY
Supervisor
District 1

ANN ENGLISH
Chairman
District 2

PEGGY JUDD
Vice-Chairman
District 3

RICHARD G. KARWACZKA
County Administrator

SHARON GILMAN
Deputy County Administrator

TIM MATTIX
Clerk of the Board

AGENDA FOR REGULAR BOARD MEETING
TUESDAY, OCTOBER 25, 2022 at 10:00 AM
BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

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

PLEDGE OF ALLEGIANCE

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

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

ROLL CALL
Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Members of the public may attend this meeting via Microsoft Teams computer or mobile app, or via phone by calling 602-609-7513 or 888-680-6714, Conference ID 286 852 584#. If you have trouble accessing this meeting remotely, call 520-432-9200 for direction.

The Board may permit public comment during the discussion of any item on this agenda. To speak on an agenda item or during the Call to the Public, complete and return the speaker request form to the Clerk of the Board prior to the start of the meeting.

Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

CONSENT

Board of Supervisors

AMERICAN OVERSIGHT

1. Approve the Minutes of the regular meeting of the Board of Supervisors of October 11, 2022.

Court Administration

2. Approve the appointment of Derek Baroumes, Randy Judd, and Roger Contreras as county-wide Justices of the Peace Pro Tempore, for emergency or temporary coverage pursuant to A.R.S. § 22-121, effective October 25, 2022 through June, 30, 2023.

3. Approve Proclamation declaring November 4, 2022 as National Adoption Day in Cochise County.

Finance

4. Approve demands and budget amendments for operating transfers.

PUBLIC HEARINGS

Development Services

5. Adopt Zoning Ordinance 22-21, to rezone 21 parcels located in the Babocomari from R-36 (Residential, one dwelling per 36,000 square feet) and RU-2 (Rural, one dwelling per 2 acres) to RU-4 (Rural, one dwelling per 4 acres), pursuant to a County-initiated request.

ACTION

County Recorder

6. Approve Arizona Department of Administration (ADOA) Election Security Grant Award for Ballot Fraud Countermeasures in the amount of $1,000,000.

Development Services

7. Approve Intergovernmental Agreement (IGA) between the City of Douglas and Cochise County for building plan review, inspection, and engineering services, effective upon approval by both entities for a one-year term, with automatic one-year renewals.

Indigent Defense

8. Approve the compensation schedule fee increase for contract defense attorneys through the Indigent Defense Coordinator, effective October 1, 2022.

REPORT BY RICHARD G. KARWACZKA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

AMERICAN OVERSIGHT

Report by District 2 Supervisor, Ann English

Report by District 3 Supervisor, Peggy Judd

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Cochise County Board of Supervisors
1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

The undersigned hereby certifies that a copy of this notice was duly posted at the address listed above in accordance with the statement filed by the Cochise County Board of Supervisors.

Posted this _____ day of _____ , 2022 at _____

by _____.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Kit and Peggy
Subject: FW: Emergency Board of Supervisors meeting 10/26/2022
Date: Wednesday, October 26, 2022 6:20:00 PM
Attachments: image001.png

From: Montgomery, Jane <JMontgomery@cochise.az.gov>
Sent: Wednesday, October 26, 2022 12:19 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: Emergency Board of Supervisors meeting 10/26/2022

Thank you for sending, I haven't received any other requests this morning.

Best,

Jane Montgomery
PUBLIC INFORMATION OFFICER
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona 85603
520-432-9200 *main office*
520-432-9214 *direct line*
520-366-7071 *cell*
520-432-5016 *fax*
jmontgomery@cochise.az.gov *email*

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www.cochise.az.gov

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Wednesday, October 26, 2022 6:39 AM
To: Montgomery, Jane <JMontgomery@cochise.az.gov>
Subject: Re: Emergency Board of Supervisors meeting 10/26/2022

I have been sending this to disgruntled emailers. You can quote me if you want...as a response to people.

"The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part.
Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
We understand the intricacies of this decision and know many people will remain troubled over this decision, long into the future. But fighting each other and calling names didn't work, maybe a concession to satisfy...doubt, curiosity or or even conspiracy is what our county needs right now"
Peggy

Sent from my iPad

On Oct 25, 2022, at 3:26 PM, Montgomery, Jane <JMontgomery@cochise.az.gov> wrote:

AMERICAN OVERSIGHT

Thanks so much, I have passed this along.

image001.png

Jane Montgomery
PUBLIC INFORMATION OFFICER
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona 85603
520-432-9200 ***main office***
520-432-9214 ***direct line***
520-366-7071 ***cell***
520-432-5016 ***fax***
jmontgomery@cochise.az.gov ***email***

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From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Tuesday, October 25, 2022 3:14 PM
To: Montgomery, Jane <JMontgomery@cochise.az.gov>
Subject: RE: Emergency Board of Supervisors meeting 10/26/2022

Just one quick comment. The SOS letter was not a surprise and we were aware of all the items she referred to in the statute except for early ballots being off limits. I am investigating that further.
I understood our intention was to follow all applicable statutes concerning hand count voting.
Thank you for allowing my comment.
Peggy

From: Montgomery, Jane <JMontgomery@cochise.az.gov>
Sent: Tuesday, October 25, 2022 2:50 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: FW: Emergency Board of Supervisors meeting 10/26/2022

Please see below – thank you.

image001.png

Jane Montgomery
PUBLIC INFORMATION OFFICER
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona 85603
520-432-9200 ***main office***
520-432-9214 ***direct line***
520-366-7071 ***cell***
520-432-5016 ***fax***
jmontgomery@cochise.az.gov ***email***

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From: Villarreal, Phil <phil.villarreal@kgun9.com>
Sent: Tuesday, October 25, 2022 1:54 PM
To: Montgomery, Jane <JMontgomery@cochise.az.gov>
Subject: Re: Emergency Board of Supervisors meeting 10/26/2022

AMERICAN OVERSIGHT

CAUTION: EXTERNAL EMAIL*

Thank you, Jane. Does the Board of Supervisors have a statement about the status of the plan today?

From: Montgomery, Jane <JMontgomery@cochise.az.gov>
Sent: Tuesday, October 25, 2022 1:47 PM
To: newskgun9 <news@kgun9.com>
Subject: Emergency Board of Supervisors meeting 10/26/2022

External sender
This message came from outside of Scripps. If you were not expecting this message, please use caution before clicking any links or opening any attachments.

Report Suspicious

An Emergency Board of Supervisors meeting has been called tomorrow; the agenda is attached and is also available for online viewing at https://destinyhosted.com/agenda_publish.cfm?id=26244&mt=BOS,BOE,FCD,LIB,LIGHT,PUBNTC,EXEC,SPCL,WKS,RAC,EMRGCY [destinyhosted.com].

Thank you,

image001.png

Jane Montgomery
PUBLIC INFORMATION OFFICER
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona 85603
520-432-9200 ***main office***
520-432-9214 ***direct line***
520-366-7071 ***cell***
520-432-5016 ***fax***
jmontgomery@cochise.az.gov ***email***

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www.cochise.az.gov [cochise.az.gov]

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Jen Fifield
Subject: FW: FW: Research Folder R-55-141
Date: Wednesday, October 12, 2022 11:33:00 AM
Attachments: 141 elections; hand counting; county authority; drop boxes.pdf

---

As you can see there is no outside comment from Rep. Griffin.
I did not make this request of her and do not know what the actual question was to her, a citizen requested this and she just sent me the results per my desire. This was not submitted as part of the Work Session yesterday.
Thanks,
Peggy

From: Gail Griffin [redacted]@gmail.com>
Sent: Friday, October 7, 2022 11:37 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; [redacted]@cox.net
Subject: Fwd: FW: Research Folder R-55-141

CAUTION: EXTERNAL EMAIL*

From: Mike Braun
Sent: Thursday, October 6, 2022 5:25 PM
To: Gail Griffin <GGriffin@azleg.gov>

Subject: Research Folder R-55-141

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

ARIZONA LEGISLATIVE COUNCIL

MEMO

October 5, 2022

TO: Representative Gail Griffin

FROM: Hannah Nies; General Counsel

RE: Elections; Hand Counting; County Authority; Drop Boxes (R-55-141)

QUESTIONS

1. May a county opt to not use electronic tabulating equipment that is certified for use in this state pursuant to Arizona Revised Statutes (A.R.S.) section 16-442 and instead hand count all ballots?

2. What powers does a county have with respect to the conduct of elections?

3. May a county require that all drop boxes be inside and monitored by cameras?

ANSWERS

1. A.R.S. section 16-621, subsection C and the Elections Procedures Manual (EPM) do specifically allow a county to hand count all ballots if counting the ballots with tabulating equipment becomes impracticable. In situations in which it is not impracticable, however, it is unclear whether a county could opt not to use electronic tabulating equipment and instead hand count all ballots. Neither the A.R.S. nor the EPM specifically requires a county to use electronic tabulating equipment or prohibits a county from hand counting all its ballots. However, both the statutes and the EPM seem to contemplate that each county will use the electronic tabulating equipment (unless it is impracticable to do so).

2. See DISCUSSION.

3. Yes, a county may require that all drop boxes be inside and monitored by cameras.

DISCUSSION

Statute requires the Secretary of State every two years to issue a manual of official instructions and procedures for conducting elections, the EPM. A.R.S. section

AMERICAN OVERSIGHT

16-452, subsection B. The rules the Secretary of State adopts through the EPM have the force of law, and their violation is punishable as a misdemeanor. Id. subsection C; Ariz. Pub. Integrity All. v. Fontes, 250 Ariz. 58, 63, ¶ 16 (2020). Thus, when answering these questions, we must look to both the A.R.S. and the EPM.[1]

Hand Counting

Neither the A.R.S. nor the EPM specifically requires a county to use electronic tabulating equipment or prohibits a county from hand counting all its ballots. See A.R.S. section 16-443 ("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.") (emphasis added).

However, both the statutes and the EPM seem to contemplate that each county will use the electronic tabulating equipment. For example, the EPM requires the county officer in charge of elections to "file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place." Ariz. Sec'y of State, 2019 Election Procedures Manual 99 (2019), https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf. The fact that a county is required to submit a tabulation contingency plan that details what it will do if it is unable to use its central count equipment indicates that it is assumed that the county will use this equipment to begin with.

Furthermore, A.R.S. section 16-621, subsection C provides that "[i]f for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the officer in charge of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots." (Emphasis added). See also 2019 EPM at 196 ("If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.") (emphasis added). "Impracticable" is not defined for the purposes of the statute. In these instances, words used in a statute are given their ordinary meaning. A.R.S. section 1-213. "Impracticable" means "not practicable [capable of being put into practice or of being done or

[1] A.R.S. section 16-452 requires the EPM to be issued "not later than December 31 of each odd-numbered year immediately preceding the general election." The process begins with the Secretary of State submitting the manual "to the governor and the attorney general not later than October 1 of the year before each general election." A.R.S. section 16-452. The manual "shall be approved by the governor and attorney general" before its issuance. Id. The Attorney General and the Secretary of State failed to come to an agreement and the EPM was not approved by December 31, 2021. The Attorney General filed a lawsuit against the Secretary of State and requested his preferred 2021 EPM be adopted. The court denied his request and ordered the use of the 2019 EPM for the 2022 elections. Brnovich v. Hobbs, No. Pl300CV202200269 (Super. Ct. 2022), https://www.democracydocket.com/wp-content/uploads/2022/05/Order-06-07-2022.pdf. Thus, for the purposes of this memo, we examined the 2019 EPM.

AMERICAN OVERSIGHT

accomplished]; incapable of being performed or accomplished by the means employed or at command." Merriam-Webster's Collegiate Dictionary 625, 974 (11th ed. 2006). Thus, this language seems to indicate that a county could hand count all the ballots only if the counting is incapable of being performed or accomplished by the electronic tabulating equipment.

Finally, the rules prescribed in the EPM must "achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots." A.R.S. section 16-452, subsection A (emphases added). In furtherance of this statutory directive, the EPM prescribes ample rules regarding tabulating ballots (including rules for conducting the hand count audit required pursuant to A.R.S. section 16-602), but it remains silent regarding procedures for the exclusive hand counting of ballots.

Thus, a county could hand count all ballots if it becomes impracticable to count the ballots using electronic tabulating equipment. It is unclear whether a county could do so if it is not impracticable, but the A.R.S. and the EPM seem to contemplate that the counties will use the electronic tabulating equipment.

County Authority

Both the A.R.S. and the EPM prescribe many powers and duties with respect to the conduct of elections on county elections officers. See, e.g., A.R.S. section 16-549, subsection A (allowing the county recorder or other county elections officer to appoint special elections boards); A.R.S. section 16-621, subsection A (providing that all proceedings at the counting center shall be under the direction of the board of supervisors or other county elections officer and conducted in accordance with the EPM); A.R.S. section 16-246, subsection C (allowing the county recorder or county elections officer to establish on-site early voting locations). Our office is unable to produce an exhaustive list of all of the powers and duties a county has with respect to elections under state law. Please let us know if you would like for us to research whether a county has the authority to take a particular action with respect to the conduct of elections.

Ballot Drop Boxes

The EPM allows counties to establish ballot drop-off locations or drop boxes. 2019 EPM at 56 ("If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee)."). Counties that establish ballot drop-off locations or drop boxes must "develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes." Id. at 60. The EPM prescribes various requirements that counties must comply with when implementing these security procedures. See id. at 60-62. One such requirement is that "[a] ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building." Id. at 60

AMERICAN OVERSIGHT

(emphasis added). Thus, the EPM clearly allows a county to establish drop boxes indoors. There is nothing in the EPM that would prohibit a county from monitoring these drop box locations by cameras.

CONCLUSION

A county could hand count all ballots if it becomes impracticable to count the ballots using electronic tabulating equipment. It is unclear whether a county could do so if it is not impracticable, but the A.R.S. and the EPM seem to contemplate that the counties will use the electronic tabulating equipment. A county could also require that ballot drop boxes be established only in indoor locations that are monitored by cameras.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Jordan Conradson
Subject: FW: Hand Count Ballots in Cochise County
Date: Thursday, October 27, 2022 5:55:00 PM

You know.. these aren't really threats... but sort of on the mean side.
Peggy

From: [redacted]@gmail.com[redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 1:28 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: [redacted]@gmail.com
Subject: Hand Count Ballots in Cochise County

CAUTION: EXTERNAL EMAIL*

Tom and Peggy,
Well, you don't need to worry about re-election in these positions. You have burnt the trust of voters in this county.

Regardless of what you do forward, this stain will be on you forever. I will take it as a mandate to ensure that I ensure that all voters across this county know how uninformed you are and how you are lead like sheep by the ignorance of a loser.

WELL DONE!!!!

Rob Davies
[redacted]@gmail.com

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: [redacted]@cox.net
Subject: FW: Hand Count election Ballots
Date: Wednesday, October 5, 2022 12:43:00 PM
Attachments: RE Hand Count election Ballots.msg

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Robert Karp
Subject: RE: Hand Count election Ballots
Date: Wednesday, October 5, 2022 12:42:00 PM

Mr. Karp,

Are you aware that the proposal of a hand count is in addition to machine count, and statutory partial hand count? Not to replace hand count.

Tom Crosby

From: Robert Karp [redacted]@gmail.com>
Sent: Wednesday, October 5, 2022 11:56 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand Count election Ballots

CAUTION: EXTERNAL EMAIL*

I am not in favor of hand counting election ballots. A hand count will be costly, potentially inaccurate, slow, and unnecessary.

A recent Arizona Republic poll showed that over 70% of Arizona voters believe elections are secure and accurate. Public officials should not let a vocal minority upend years of election process just because they "don't trust" automated vote counting.

Yes, Cochise has had some problems in prior years, but never about the accuracy of election results. There is no reason to make changes now.

--
Robert Karp
[redacted], Sierra Vista, AZ 85635
If I agreed with you, we'd both be wrong.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: hal34
Subject: FW: Heads up on hand count
Date: Tuesday, October 18, 2022 5:25:00 PM

Jason Whiting, Navajo
Danny Smith, Graham
Nelson Davis, Apache
Woody Cline, Gila
Hildy Angius, Mohave
Steve Christy, Pima
Kevin Cavanaugh, Pinal
Richard Lunt, Greenlee
Holly Irwin, LaPaz
Jonathan Lines, Yuma

From: Judd, Peggy
Sent: Saturday, October 15, 2022 8:47 AM
To: jason.whiting@navajocountyaz.gov; Danny Smith <dsmith@graham.az.gov>; Nelson Davis <ndavis@co.apache.az.us>; Woody Cline <wcline@gilacountyaz.gov>; Hildy Angius <hildy.angius@mohavecounty.us>; Hildy Angius <angiuh@mohave.gov>; Steve Christy (steve.christy@pima.gov) <steve.christy@pima.gov>; kevin.cavanaugh@pinal.gov; Richard Lunt <rlunt@greenlee.az.gov>; Holly Irwin <hirwin@lapazcountyaz.org>; Jonathan LInes <jonathan.lines@yumacountyaz.gov>
Subject: Heads up on hand count

Hi fellow AZ supervisors,
I am not sending this to everyone, and have done my best to not have a quorum represented in each of my emails, but just in case don't reply all or at least check before you do.

We have a Special Meeting scheduled on Monday in Cochise County to decide if we will hand count the ballots. It will be held at 2PM in the Board of Supervisors Hearing Room. It is available by Microsoft Teams. You can call 520-432-9200 for help in viewing or find the link on our Agenda by going to Cochise.az.gov and clicking on Agendas and Minutes.
I am sure you all received a letter from Corporation Commissioner Jim O'Connor. This came very late to actually make a difference… or at least that is what I thought. Letter sent out August 30 to all Arizona Election directors, sheriffs, Recorders and Supervisors.
Arizona Corporation Commissioner Urges County Officials to Nix Electronic Voting Machines for November Election - The Arizona Sun Times
I had a county constituent ask to meet with me on September 7th, my first day back from our Family Reunion Camping Trip. It was a scary meeting. The awakening moment, where you think. "I believe this is something we can do!" He asked that we secure our County Elections, based on what our County Recorder, David Stevens, had told him. Vote in person on Election Day. Paper Ballots and Hand Count.
Immediately a barrage of Local Constituents plus Statewide folks have come forward to support this.

AMERICAN OVERSIGHT

The Complete-Hand-Count-of-Ballots-journey-began. You only need to google "Cochise County Hand Count" and you will find "the story". With false claims that it is illegal to do this, by attorneys, becoming the message. In fact it is not illegal and I would ask you please call Commissioner O'Connor or his associates, Michael Schafer at 602-770-9776 or Paul Rice at 602-405-3297.
O'Connor states in article above: "In your capacities as County Supervisors under A.R.S. 16-442 you have permissive authority from the Secretary of State in that you MAY choose to use electronic voting machines. There is NO REQUIRED authority mandating you to do so. Each County may choose for themselves."
There are still possible roadblocks, but our request allows flexibility for hand count to be done at convenient times, even after the election is complete, but before the official Canvas. Our Agenda Item for NEXT Monday states:
"Order a onetime hand count of all ballots cast in the General Election to be held on November 8, 2022 including all ballots received by mail to be counted under supervision of the Recorder and Elections Department. Must be completed prior to Certification of Election. Machine count will determine election outcome."
So here is a plea to you. If your county can handle this bold of a move and even if you don't think they can. Please make an effort. It takes a majority of the board or the chairman to call a special meeting. Call it and see what happens. Follow the guidelines for submitting Agenda items for your county and do it if you so desire. I assure you it is possible. Please call Paul or Michael if you are struggling with the idea. You don't need the work session, but you do need the constituents behind you and for many of you, that is no problem. They are there waiting. They will want to come to speak at your meeting. Just let them know. Our speakers were phenomenal. Both sides of the argument were spot on and welcome. It was not equal though. Election integrity won. Even people who believe our election system is perfect should want "this monkey off of their back." I know I do. We had 140 serious volunteers sign up in a matter of days. Our elections director says the hand count will take 2500 hours, but that is not supported by our County Recorder, Stevens. With 100 volunteers we anticipate 3 to 5 workdays. That includes a significant amount of time for training. Our vote is late in the election process, so my proposal is that the hand count commence after all machine calculations are final. This complete hand count will also stand as an exercise in our contingency plan, in case our machines go down, are compromised or electricity is unavailable.
If this is of no interest to you, I truly understand and have meant no harm or malice in presenting it today. I wish I could have attended CSA with you. I would have held many mini-conversations with you and would have known if this email should be sent at all, but my husband is pretty ill and I could not attend. Basically, I am grounded, but for the best possible reason I can think of.
All my best to each of you!

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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www.cochise.az.gov

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From: Judd, Peggy
To: hal34
Subject: FW: Heads up on hand count
Date: Tuesday, October 18, 2022 5:00:00 PM

John Howard, Graham
Duce Minor, LaPaz
Ron Campbell, Greenlee
Jean Bishop, Mohave
Mary Mallory, Yavapai

From: Judd, Peggy
Sent: Saturday, October 15, 2022 9:27 AM
To: [redacted]@gmail.com' <[redacted]@gmail.com>; [redacted]@hotmail.com' <[redacted]@hotmail.com>; rcampbell@greenlee.az.gov; bishoj@mohave.gov; 'web.bos.district5@yavapaiaz.gov' <web.bos.district5@yavapaiaz.gov>
Subject: Heads up on hand count

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All my best to each of you!

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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From: Judd, Peggy
To: [redacted]@gmail.com
Subject: FW: Informal Opinion No. I22-004/Request Nos. R22-010
Date: Saturday, October 29, 2022 3:47:00 PM
Attachments: image001.png
Informal Opinion I22-004 - Sen Gowan - County Hand Count.pdf

From: Stevens, David <DStevens@cochise.az.gov>
Sent: Friday, October 28, 2022 12:37 PM
To: Stevens, David <DStevens@cochise.az.gov>
Subject: FW: Informal Opinion No. I22-004/Request Nos. R22-010

From: Catlett, Michael <Michael.Catlett@azag.gov>
Sent: Friday, October 28, 2022 12:18 PM
To: 'dgowan@azleg.gov' <dgowan@azleg.gov>
Cc: 'Governor' <afoster@az.gov>; 'Minority Leader-House of Representatives' <rbolding@azleg.gov>; 'Minority Leader-State Senate' <rrios@azleg.gov>; 'Rules Office-House of Representatives' <nmoore@azleg.gov>; 'Secretary of State' <sosadmin@azsos.gov>; 'Senate President' <kfann@azleg.gov>; 'Speaker of the House of Representatives' <rbowers@azleg.gov>; 'Kori Lorick' <KLorick@azsos.gov>; McIntyre, Brian M <BMcIntyre@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>
Subject: Informal Opinion No. I22-004/Request Nos. R22-010

CAUTION: EXTERNAL EMAIL*

Senator Gowan,

Attached please find a copy of an informal opinion (No. I22-004) issued today by the Arizona Attorney General's Office.

Michael S. Catlett
Deputy Solicitor General and Chief Counsel of Special Litigation

Office of the Attorney General
Solicitor General's Office
2005 N. Central Avenue
Phoenix, AZ 85004
Phone: (602) 542-7751
Fax: (602) 542-8308
michael.catlett@azag.gov

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MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE

MICHAEL S. CATLETT
DEPUTY SOLICITOR GENERAL

October 28, 2022

Hon. David Gowan
Arizona State Senate
1700 W. Washington, Ste.
Phoenix, AZ 85007
dgowan@azleg.gov

Dear Senator Gowan,

You requested a formal opinion from this Office, asking whether a county board of supervisors may "audit the results of an electronically tabulated general election by hand counting all of the election ballots of their county." As you may be aware, our formal opinion process necessarily involves several layers of review and is not, therefore, conducive to a speedy turnaround. The Office understands that time is of the essence regarding your request, because of the impending 2022 General Election and the Cochise County Board of Supervisors' (the "Board") recent decision to authorize an expanded hand count audit of all Cochise County precincts for the General Election. In approving an expanded hand count audit, the Board relied exclusively on A.R.S. § 16-602(B). For these reasons, the Office offers the following informal opinion regarding the scope of Cochise County's authority under A.R.S. § 16-602(B) (and statutory provisions and regulations referenced therein): Cochise County has discretion to perform an expanded hand count audit of all ballots cast in person at 100% of the precincts or voting centers located in Cochise County, along with 100% of early ballots cast in Cochise County, so long as the expanded hand count audit of statewide and federal races is limited to five contested statewide and federal races appearing on the 2022 General Election ballot.

A.R.S. § 16-602(B) provides that "[f]or each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities." In 2011, the Legislature amended § 16-602(B) to provide the Secretary with authority to create procedures for hand count audits through the Election Procedures Manual ("EPM"). More specifically, § 16-602(B) now provides that "[t]he hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452." The EPM, therefore, has heightened significance in the context of hand count audits because the Arizona Legislature has expressly delegated power to the Secretary of State to create hand count audit procedures. Following the 2020 General Election, for example, the Office relied on the EPM's hand count audit procedures in advising President Fann and Speaker Bowers regarding how such audits should be conducted in counties utilizing voting centers. *See* https://www.azag.gov/media/interest/letter-pres-fann-speaker-bowers-re-vote-center-audits (last accessed Oct. 26, 2022). And the Maricopa County Superior Court relied on the EPM's hand

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count audit procedures in later dismissing a claim challenging the manner in which Maricopa County conducted its hand count audit following the 2020 General Election. *See Ariz. Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020 Ruling) ("Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits.") Thus, in rendering this informal opinion, the Office has relied upon the express provisions of § 16-602 and the hand count audit procedures contained in the 2019 EPM (at pp. 213-232), which is the last version of the EPM approved by the Attorney General and Governor.[1]

Both A.R.S. § 16-602(B) and the EPM contain different requirements for (1) hand counting ballots cast in person and (2) hand counting early ballots. Regarding the hand count audit of ballots cast in person, § 16-602(B) provides a floor for the percentage of precincts that should be included in the audit: "At least two percent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county." A.R.S. § 16-602(B)(1). The EPM contains similar language but also includes broader reference to polling locations: "At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot consisting of every precinct/polling location in that county." 2019 EPM p. 215. There is no provision in § 16-602 or the EPM (or anywhere else in Arizona law) that imposes a ceiling on the percentage of precincts or vote centers that can be included in the hand count audit of votes cast in person. This why following the 2020 General Election, the Office wrote to the Chairman of the Maricopa County Board of Supervisors, suggesting that Maricopa County should "consider expanding the hand count audit to five per cent of the voting center locations, which it may do in accordance with A.R.S. § 16-602(B)(1) and Chapter 11, Section III(A) of the Elections Procedures Manual." *See* https://www.azag.gov/media/interest/letter-hon-hickman-re-hand-count-audit (last accessed October 26, 2022). Thus, it is the Office's conclusion that the Board has discretion under A.R.S. § 16-602(B) and the EPM to conduct an expanded hand count audit that includes ballots from 100% of the precincts or voting centers located in Cochise County.

There is similarly no limit in § 16-602(B) or the EPM on the number of ballots that the Board can include in the hand count audit of votes cast in person. To the contrary, the statutory text and purpose strongly suggest that the Board should review all ballots cast at polling places. Section 16-602(B)(1) provides that "[t]he selection of the precincts shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting center." And the statute makes clear that "[o]nly the ballots cast in the polling places and ballots from direct recording electronic machines shall be included in the hand counts conducted pursuant to this section." A.R.S. § 16-602(B)(1). Thus, "[p]rovisional ballots, conditional provisional ballots and write-in votes shall not be included in the hand counts." *Id.* The EPM explains that "[a] post-election hand count audit includes a precinct hand count, which involves a manual count of regular

[1] The Arizona Supreme Court recently concluded that the 2019 EPM remains in effect. *See Leibsohn v. Hobbs*, 517 P.3d 45, 51 ¶25 (2022) (explaining that "The Committee was required to follow the 2019 EPM established by the Secretary and approved by the governor and the attorney general.").

AMERICAN OVERSIGHT

ballots from selected precincts[.]" 2019 EPM at p. 214. Moreover, one primary purpose of a hand count audit is to ensure that the machine-count totals closely match the hand-count totals, and that exercise could have reduced value if only a subset of ballots cast in person are permitted to be included. The Board, therefore, has discretion to review 100% of the ballots cast in person at 100% of the precincts or voting centers located in Cochise County when conducting the hand count audit required under § 16-602(B).

Although there is no limit on the number of precincts or voting centers or the number of ballots that can be included in the hand count audit of votes cast in person, there is a limit on the number of statewide and federal races that can be included in the hand count audit. Both A.R.S. § 16-602(B) and the EPM reflect that the required hand count audit shall include up to five contested races. *See* A.R.S. § 16-602(B)(2) ("The races to be counted on the ballots from the precincts that were selected pursuant to paragraph 1 of this subsection for each primary, special and general election *shall include up to five contested races*." (emphasis added)); 2019 EPM p. 217 ("The races to be counted in the hand count audit generally includes up to five contested races[.]"). For a general election, the races to be included are determined by selecting by lot from the ballots cast for one statewide ballot measure, one contested statewide race for statewide office, one contested race for federal office, and one contested race for state legislative office. *See* A.R.S. § 16-602(B)(2)(a)-(d). Moreover, "[i]n elections in which there are candidates for president, the presidential race shall be added to the four categories of hand counted races." *Id.* § 16-602(B)(5). If additional races are needed to fill out the number of races that the Board decides to count, according to the EPM, "[t]he priority for selecting other categories, if needed, is as follows: statewide candidate, statewide ballot measure, federal candidate and then state legislative." 2019 EPM p. 220. Thus, for example, if the Board chooses to count five contested races for the 2022 General Election, because there is no presidential election in 2022, the Board should choose two contested races for statewide office, one statewide ballot measure, one contested race for federal office, and one contested race for state legislative office.

Turning to Board authority under § 16-602 regarding a hand count audit of early ballots, as stated, § 16-602 handles ballots cast in person differently than early ballots. As to early ballots, § 16-602(B)(1) directs that "the early ballots shall be grouped separately by the officer in charge of elections[2] for purposes of a separate manual audit pursuant to subsection F of this section." Thus, § 16-602(B)(1) incorporates by reference the procedures set forth in § 16-602(F) for a hand count audit of early ballots.

While early ballots are not cast in precincts or voting centers, and therefore the discussion above about the percentage of precincts or voting centers that can be included in a hand count audit is inapplicable to early ballots, § 16-602(F) requires that "the chairmen or the chairmen's designees shall randomly select one or more batches of early ballots that have been tabulated to include at least one batch from each machine used for tabulating early ballots."

---

[2] In Cochise County, the "officer in charge of elections" for purposes of A.R.S. § 16-602 appears to be the Director of the County Elections Department.

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Regarding the number of early ballots that can be included as part of a hand count audit, § 16-602(F) instructs that "[t]he chairmen or the chairmen's designees shall randomly select from those sequestered early ballots a number equal to one percent of the total number of early ballots cast or five thousand early ballots, whichever is less." *See also* 2019 EPM p. 215. This statutory language does not set a maximum limit on the number of early ballots that can be included in the hand count audit, and at the very least, it is ambiguous. As discussed, the Secretary has been delegated statutory authority to create hand count audit procedures through the EPM. And she did so with respect to the number of early ballots that can be included in the hand count audit. More specifically, the EPM grants the Board discretion to include additional early ballots (with no limit) in the hand count: "Counties may elect to audit a higher number of ballots at their discretion." 2019 EPM p. 215. Thus, the Board at its discretion may include up to 100% of early ballots in an expanded hand count audit.

Like with ballots cast in person, there is a limit on the number of statewide and federal races that can be included in the hand count audit of early ballots. In fact, the races included in the hand count audit of early ballots must be the same races included in the hand count audit of ballots cast in person. *See* A.R.S. § 16-602(F) ("[T]he county officer in charge of elections shall conduct a manual audit of the same races that are being hand counted pursuant to subsection B of this section."). Thus, the Board is limited to conducting an expanded hand count audit of early ballots cast in the same races as those audited for ballots cast in person.

In sum, the Office concludes that, pursuant to A.R.S. § 16-602, the Board is permitted to perform an expanded hand count audit of all ballots cast in person at 100% of the precincts or voting centers located in Cochise County. Moreover, the Board is permitted to perform an expanded hand count audit of 100% of early ballots cast in Cochise County. The Board must limit the number of competitive statewide and federal races audited to five. Finally, if the Board chooses to conduct a hand count audit of five statewide and federal races for the 2022 General Election, the Board should choose, by random lot, two contested races for statewide office, one statewide ballot measure, one contested race for federal office, and one contested race for state legislative office.

Please note this informal opinion does not address any of the following issues: (1) whether Cochise County has authority for a hand count outside the scope of A.R.S. § 16-602, including for races not mentioned in A.R.S. § 16-602[3], (2) the procedures Cochise County should use for any hand count conducted outside the scope of A.R.S. § 16-602, and (3) what effect, if any, a full or expanded hand count might have on the official outcome of the 2022 General Election.

---

[3] For example, in an informal opinion from Justice John R. Lopez IV (then Solicitor General), in 2015, the Office concluded that "A.R.S. § 16-602(B)(2)(f) does not affirmatively bar hand counts outside of A.R.S. § 16-602. That section only provides instructions for the county official in charge of elections on what races to count in an A.R.S. § 16-602 hand count." Ariz. Att'y Gen. Op. I15-009 (available at https://www.azag.gov/opinions/i15-009-r15-021).

AMERICAN OVERSIGHT

Sincerely,

Michael S. Catlett
Deputy Solicitor General

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gail Golec
Subject: FW: Letter to the Cochise Board of Supervisors
Date: Tuesday, October 25, 2022 5:08:00 PM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

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From: Kori Lorick <KLorick@azsos.gov>
Sent: Tuesday, October 25, 2022 9:46 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: Marra, Lisa M <LMarra@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>; Roberts, Christine <CRoberts@cochise.az.gov>
Subject: Re: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please find correspondence from the Secretary of State's Office attached.

Thank you,
Kori

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

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This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

AMERICAN OVERSIGHT

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

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cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

---

[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

A.R.S. § 16-602(B)

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Michael Schafer
Cc: drjoe
Subject: FW: Letter to the Cochise Board of Supervisors
Date: Wednesday, October 26, 2022 12:13:00 PM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

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From: Kori Lorick <KLorick@azsos.gov>
Sent: Tuesday, October 25, 2022 9:46 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: Marra, Lisa M <LMarra@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>; Roberts, Christine <CRoberts@cochise.az.gov>
Subject: Re: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please find correspondence from the Secretary of State's Office attached.

Thank you,
Kori

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

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This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

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cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

---

[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Daniel Wood; hal34
Subject: FW: Letter to the Cochise Board of Supervisors
Date: Wednesday, October 26, 2022 2:16:00 PM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

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From: Kori Lorick <KLorick@azsos.gov>
Sent: Tuesday, October 25, 2022 9:46 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: Marra, Lisa M <LMarra@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>; Roberts, Christine <CRoberts@cochise.az.gov>
Subject: Re: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please find correspondence from the Secretary of State's Office attached.

Thank you,
Kori

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

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This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

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cc
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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

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[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

A.R.S. § 16-602(B)

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

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From: Judd, Peggy
To: [redacted]@gmail.com
Subject: FW: Letter to the Cochise Board of Supervisors
Date: Wednesday, October 26, 2022 3:18:00 PM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

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From: Kori Lorick <KLorick@azsos.gov>
Sent: Tuesday, October 25, 2022 9:46 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: Marra, Lisa M <LMarra@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>; Roberts, Christine <CRoberts@cochise.az.gov>
Subject: Re: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please find correspondence from the Secretary of State's Office attached.

Thank you,
Kori

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

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This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

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cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

---

[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

A.R.S. § 16-602(B)

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Sharynn Ferrin
Subject: FW: Letter to the Cochise Board of Supervisors
Date: Wednesday, October 26, 2022 6:27:00 PM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

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This has been discussed and we sent a letter today to Katie, telling her we will conduct our hand count audit according to applicable statutes. Applicable is her word not ours.
So I don't know who determines if it is applicable or not… I think we do. AND our awesome analysts and attorneys. If they get after us… then I guess a judge will decide and WE WILL WIN!
Love ya,
Happy Birthday Mom
I will send you a text with my message for your Audit Family

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

AMERICAN OVERSIGHT

cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

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[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

A.R.S. § 16-602(B)

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

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From: Judd, Peggy
To: Joseph Patterson
Subject: FW: Letter to the Cochise Board of Supervisors
Date: Thursday, October 20, 2022 8:14:00 AM
Attachments: 10.19.2022 Letter to Cochise BOS re Tabulation.pdf

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Forces rise up against. Just FYI

From: Kori Lorick <KLorick@azsos.gov>
Sent: Wednesday, October 19, 2022 6:15 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: Marra, Lisa M <LMarra@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>; Roberts, Christine <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

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AMERICAN OVERSIGHT

KATIE HOBBS
SECRETARY OF STATE

October 19, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Tabulation

Dear Cochise County Board of Supervisors,

We understand that the Cochise County Board of Supervisors will vote next week on whether to conduct a hand count of all votes cast, despite both the Cochise County Attorney's and Legislative Council's determination that doing so would be unlawful. The Secretary of State agrees with the County Attorney and Legislative Council and urges the Board to abandon this misguided effort.

As you know, Arizona has rigorous standards in place to ensure that electronic voting systems used in our elections are secure and accurate, including federal and state certification requirements, pre- and post-election logic and accuracy testing, and post-election limited hand count audits. *See* EPM, Ch. 4, A.R.S. §§ 16-442, -449, -602. The use of electronic tabulation combined with these and other security measures allows counties to fulfill their statutory duties in a timely manner while ensuring the accuracy and integrity of our elections. Indeed, as recently explained by the General Counsel of the Arizona Legislative Council, Arizona law only contemplates manual counting of ballots where "it becomes impracticable to count . . . ballots with tabulating equipment." *See* A.R.S. § 16-621(C).

And this is for good reason: a full hand count raises numerous concerns. Notably, hand counting is necessarily time intensive and prone to human error. Any election director in Arizona—the official responsible for overseeing tabulation of ballots—can attest that it's impossible to complete an accurate hand count of an election with dozens of races on the ballot in time to comply with applicable statutory deadlines, including the county canvass deadline. A.R.S. § 16-642(A) (requiring counties to canvass between six and twenty days after an election). Additionally, transitioning to a full hand count this close to the election raises operational and security concerns. Election procedures are generally developed

AMERICAN OVERSIGHT

through careful consideration and with sufficient time to prepare for an upcoming election. In fact, Cochise County has already filed its election program and emergency contingency plan for the General Election with the Secretary of State, confirming its usage of electronic equipment for this election. *See* A.R.S. § 16-445(A). Early voting for the 2022 General Election began over a week ago, and counties are already permitted by law to begin processing and tabulating ballots. Drastically changing procedures now—mere weeks before Election Day—creates significant risk of administrative error and has the potential to cause voter confusion and mistrust in our elections.

Even if, as indicated at the Board's October 11, 2022 work session, the Board intends to tabulate votes electronically and conduct a full hand count only to audit those machine-tabulated results, the Board has no authority to do so. County boards of supervisors have only those powers "expressly conferred by statute," and the Board "may exercise no powers except those specifically granted by statute and in the manner fixed by statute." *Hancock v. McCarroll*, 188 Ariz. 492, 498 (App. 1996) (quotations omitted). A.R.S. § 11-251(3) gives the Board the power to canvass election returns. It does not grant the power to unilaterally perform a full hand count audit of all votes. While A.R.S. § 16-602 and the Elections Procedures Manual lay out procedures for a limited post-election hand count audit, nothing in Arizona law authorizes the Board to conduct a full hand count outside of those procedures. Similarly, Arizona law authorizes recounts only when the canvassed results fall within the statutorily designated margin. A.R.S. § 16-661. And when an automatic recount is triggered, it must be done by electronic tabulation. A.R.S. § 16-664. The Board would therefore be exceeding its authority under Arizona law if it conducts a full hand count under the guise of either a hand count audit or a recount. The Board cannot simply make up its own extra-statutory process.

If the Board votes to proceed with a full hand count—putting at risk the accuracy and integrity of our elections—the Secretary will take all available legal action to ensure that Cochise County conducts the 2022 General Election in compliance with Arizona law. If that occurs, we note that Arizona law provides for mandatory fee shifting under these circumstances. A.R.S. § 12-348.01. We are all stewards of taxpayer dollars, and taxpayers should not bear the burden of the Board's contemplated unlawful action. We sincerely hope such action is unnecessary and that the Board will follow the advice of its own attorney, protect the integrity of our elections, and ensure continued compliance with Arizona law.

Please let me know if you need additional information.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs
klorick@azsos.gov

AMERICAN OVERSIGHT

cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Jen Fifield
Subject: FW: No Voting Machines 2022 Midterms!
Date: Wednesday, October 5, 2022 2:25:00 PM

From: Heather <info3@actforamericaalerts.org>
Sent: Tuesday, September 13, 2022 8:34 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: No Voting Machines 2022 Midterms!

CAUTION: EXTERNAL EMAIL*

Dear Representative, Secure One Man, One Vote for this Midterm Election! • No Voting Machines 2022 Midterms! • Arizona Machine Ban in Every County. • In-Person Paper Ballot Hand Counts ONLY! We must prevent a repeat of the Arizona General 2020 Election and guarantee the results of the 2022 Midterm election reflects the true will of the people of Arizona. We are calling on all Arizona County Officials across the state to ban the use of all electronic voting machines, including ballot tabulators, in this upcoming election. All machines are a national cyber security risk that is unsecure, hackable, and inaccurate! County election results must be hand delivered without the use of electronic transmission or transportable memory devices that can be digitally altered. Jim O'Connor, Arizona State Commissioner, has distributed an official letter, dated August 30th, 2022, to every county official calling on them to conduct the Midterm elections by paper ballots processed by hand count. I agree and endorse the state Commissioner's letter and call upon you to perform your duty to administer a faithful and secure election this Fall in the state of Arizona. As stated in the letter, "as County Supervisors, under ARS 16-442, you have permissive authority from the Secretary of State in that you MAY CHOOSE to use electronic voting machines. There is NO REQUIRED authority mandating you to do so. Each County may choose for themselves." Secure and Restore Faith in Local Arizona Elections Now! Thank you.

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From: Crosby, Tom
To: Jen Fifield
Subject: FW: No Voting Machines 2022 Midterms!
Date: Wednesday, October 5, 2022 2:25:00 PM

Here's one from somebody named "f". I'm pretty sure I got thousands of these. But they had no impact on me at all. And you'll notice, I didn't propose getting rid of machines. When I asked our IT dept. they blocked "the domain", whatever that is.

Crosby

From: f <info3@actforamericaalerts.org>
Sent: Tuesday, September 13, 2022 8:38 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: No Voting Machines 2022 Midterms!

CAUTION: EXTERNAL EMAIL*

Dear Representative, Secure One Man, One Vote for this Midterm Election! • No Voting Machines 2022 Midterms! • Arizona Machine Ban in Every County. • In-Person Paper Ballot Hand Counts ONLY! We must prevent a repeat of the Arizona General 2020 Election and guarantee the results of the 2022 Midterm election reflects the true will of the people of Arizona. We are calling on all Arizona County Officials across the state to ban the use of all electronic voting machines, including ballot tabulators, in this upcoming election. All machines are a national cyber security risk that is unsecure, hackable, and inaccurate! County election results must be hand delivered without the use of electronic transmission or transportable memory devices that can be digitally altered. Jim O'Connor, Arizona State Commissioner, has distributed an official letter, dated August 30th, 2022, to every county official calling on them to conduct the Midterm elections by paper ballots processed by hand count. I agree and endorse the state Commissioner's letter and call upon you to perform your duty to administer a faithful and secure election this Fall in the state of Arizona. As stated in the letter, "as County Supervisors, under ARS 16-442, you have permissive authority from the Secretary of State in that you MAY CHOOSE to use electronic voting machines. There is NO REQUIRED authority mandating you to do so. Each County may choose for themselves." Secure and Restore Faith in Local Arizona Elections Now! Thank you.

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: drjoe
Subject: FW: Public Notice and Agenda for next week
Date: Friday, October 14, 2022 6:33:00 PM

I don't see hand count meeting. If we passed the resolution, Marra wouldn't do it, saying it is an illegal order, and she'd have the backing of the County Atty, and you still wouldn't get it. They're just going to stall it. That's what they do.

Crosby

From: Mattix, Timothy <TMattix@cochise.az.gov>
Sent: Friday, October 14, 2022 4:25 PM
To: BOS-Supervisors <BOSSupervisors@cochise.az.gov>
Cc: County Elected Officials <CountyElectedOfficials@cochise.az.gov>; County Department Directors <CountyDepartmentDirectors@cochise.az.gov>; Wright, Melissa <MWright@cochise.az.gov>
Subject: Public Notice and Agenda for next week

Good afternoon,

Next week's Public Notice and Agenda have been posted. Please review for changes from the draft.

https://destinyhosted.com/agenda_publish.cfm?id=26244&mt=BOS,BOE,FCD,LIB,LIGHT,PUBNTC,EXEC,SPCL,WKS,JDPOC

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax

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

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From:	Crosby, Tom
To:	David Morgan, Publisher
Subject:	FW: Report of 100% audit hand count volunteers
Date:	Saturday, November 5, 2022 4:01:00 PM
Attachments:	image001.png

From: Stevens, David <DStevens@cochise.az.gov>
Sent: Wednesday, November 2, 2022 8:39 AM
To: Stevens, David <DStevens@cochise.az.gov>
Subject: Report of 100% audit hand count volunteers

The three party chairs have submitted their list of volunteers to perform the 100% audit hand count. The numbers are Democrats = 23, Libertarians = 36, and Republicans = 125 for a total of 184. This will be enough to perform the hand count authorized by the Board of Supervisors. I'm required to notify the parties that the statutory limit of four workers per precinct (4 X 55 = 220). The deadline to provide more board workers is Thursday Nov 3, 2022 at 5pm.

1. On Wednesday Nov 9, 2022 at 9am at the Recorders office, we will be drawing the races to be audited.
    a. One federal race, contested
    b. One statewide race, contested
    c. One Legislative race, contested
    d. One Ballot measure.
    e. Finalized Procedures will be presented to the party chairs
2. There is a law suit about this procedure that will be heard on Friday Nov 4, 2002 at 9am located in Bisbee. Results of this trial will be sent out to all parties after a verdict.

David

cochisecounty

David W. Stevens BS/CIS, TS/SCI, CSM, CERA(p)
Cochise County Recorder
520-432-8350
dstevens@cochise.az.gov

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AMERICAN OVERSIGHT

respect to any particular issue or problem.

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From: Crosby, Tom
To: drjoe
Subject: FW: Reporter, story on hand count ballots
Date: Wednesday, October 5, 2022 2:18:00 PM

Hi Joe, This lady wants to talk to you. I didn't say you would, but here's her contact info. She got close to your name, but called you Peterson.

Tom Crosby

From: Jen Fifield <jfifield@votebeat.org>
Sent: Tuesday, October 4, 2022 12:04 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Reporter, story on hand count ballots

CAUTION: EXTERNAL EMAIL*

Hi Supervisor Crosby,

Thank you for your time. Nice meeting you over the phone. I may contact you after the meeting as well to get your thoughts.

Thanks,
Jen

Jen Fifield
Reporter, votebeat.org
[redacted]
jfifield@votebeat.org

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From: Crosby, Tom
To: Nick Phillips
Subject: FW: Seeking response to Secretary of State"s letter
Date: Sunday, October 23, 2022 12:08:00 PM
Attachments: image001.png

From: Crosby, Tom
Sent: Sunday, October 23, 2022 12:07 PM
To: Resnik, Brahm <bresnik@12NEWS.COM>
Subject: RE: Seeking response to Secretary of State's letter

I skimmed over the letter as I found it on the news. I was a Union Representative for the Border Patrol. I'm pretty familiar with Bureaucracy. I sent you past examples of stonewalling, right? Threats are after stonewalling.

Tom Crosby

From: Resnik, Brahm <bresnik@12NEWS.COM>
Sent: Friday, October 21, 2022 12:19 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Seeking response to Secretary of State's letter

CAUTION: EXTERNAL EMAIL*

Good afternoon Supervisor Crosby,
I'm reporting a story for this evening's 6pm newscast on the Cochise County Board's possible vote Monday on whether to hand count the 2022 midterm ballots.
Are you available to respond via Zoom today to the Secretary of State's letter threatening legal action against you if the board proceeds with a hand count?
I can do the interview anytime before 3pm. It would take less than 10 minutes.
Thank you for your attention to this.
Best,
Brahm

Brahm Resnik

Anchor/Reporter,

"Sunday Square Off"

Moderator

200 E Van Buren St

Phoenix AZ, 85004

E: bresnik@12news.com

C: 602-799-0127

@brahmresnik

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From: Judd, Peggy
To: [redacted]@gmail.com
Subject: FW: Standing up for Democracy in Cochise County
Date: Wednesday, October 26, 2022 3:17:00 PM
Attachments: image003.png
image004.png

From: Peter Huisking [redacted]@cox.net>
Sent: Wednesday, October 26, 2022 1:29 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: English, Ann S <AEnglish@cochise.az.gov>
Subject: Standing up for Democracy in Cochise County

CAUTION: EXTERNAL EMAIL*

Dear Supervisors Crosby and Judd –

The facts as laid out below stand in contrast to your ideologically-driven move to subvert time-tested elections procedures in Cochise County. Pandering to conspiratorial beliefs rather than acting on facts appears to be the motivation. This makes a mockery of the oath of office you took. Voters expect elected officials to represent the highest standards of public service. Rejecting the wise counsel of experts such as the County Attorney and others only adds to the conclusion that you understand that what you are doing is both unreasonable and illegal.

Please step back from the action you took on Monday and start acting in the interests of your constituents, not in support of "the big lie".

Sincerely,

AMERICAN OVERSIGHT

Peter V. Huisking
Sierra Vista, AZ

Subject: OUR VIEW: Standing up for Democracy in Cochise County
Reply-To: webmaster@myheraldreview.com

The assault on American Democracy has come to Cochise County.

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The assault on American democracy has come to Cochise County.

Monday's vote by county supervisors Peggy Judd and Tom Crosby to mandate a hand-counting of all ballots cast in this year's general election is the latest salvo in the fight to damage, undermine, and ultimately discredit our electoral process.

This move is a direct attack against Cochise County voters, election workers and everyone else who believes in a fair and functional vote.

Those who support the hand count scheme claim the only purpose for such a move is to make sure all votes are counted fairly and accurately.

That's hogwash, plain and simple.

Numerous studies have shown that hand counting of ballots is more susceptible than machine counts to error, with human fatigue, biases and other factors all playing a role in the higher rate of mistakes that come along with a manual tally.

Election equipment in Cochise County, as well as across the state and nation, are subjected to a battery of tests to ensure the technology is ready and able to count the millions of ballots that will be cast nationwide.

Furthermore, a sampling of ballots are already counted by hand each election, per state law, as another check against the accuracy of voting machines.

A full ballot hand count also opens up the potential for voters' personal information to be mishandled or even purposefully exposed.

Unofficial ballot counts could also be leaked by unscrupulous ballot

AMERICAN OVERSIGHT

counters, a risk highlighted by County Attorney Brian McIntyre, a Republican, during Monday's meeting. McIntyre also reiterated at the meeting that moving to a full hand count would be "unlawful."

The practicality of actually counting the tens of thousands of votes in a timely fashion is also brought into question, along with the cost and required manpower to do so. Around 65,000 ballots were cast in the 2020 election.

Hand counting that many ballots would cause a delay in results on Election Day not only for local races, but also statewide and federal races, again casting doubt on the process.

However, it is clear that supervisors Judd and Crosby care little for facts, the law or the integrity of our election process.

Instead, the pair have chosen to follow the playbook laid out at the national and state levels to cause confusion, distrust and chaos in our democratic processes as revenge for the 45th president's failed reelection bid.

Since the 2020 election, we have seen more attacks on the fabric of the democratic process in America, including the January 6, 2021 insurrection in the U.S. Capitol, numerous threats against election and other officials (including here in Cochise County) and so-called "drop box monitors" intimidating voters seeking to return their early ballots.

And let's not forget Cochise County Republican Party Chairman Robert Montgomery, who attempted to subvert the 2020 election results as one of 11 fake electors who proclaimed Trump the winner of Arizona's 11 electoral votes, despite Joe Biden winning the state by more than 10,000 votes.

All of these actions add up to a bigger picture that we must view with clear eyes. There are individuals and organizations in this country that are actively seeking to dismantle the election process and strip away the voting rights of millions of Americans.

And that's the whole point: question and criticize everything until the voters believe nothing.

Crosby and Judd have signaled their support for this movement with their recent decision. It is the latest step to cast doubt on every aspect of our voting process until all faith in the system has been annihilated.

The two supervisors know that there were no issues with ballot

AMERICAN OVERSIGHT

counting or the election process in general in Cochise County during the 2020 canvas. Their decision to move forward with an illegal hand count is driven by ideology alone, not a desire to restore election integrity.

The American democracy that was first formed nearly 250 years ago and has stood as a symbol to the world ever since is in serious jeopardy. And now there are individuals, including Judd and Crosby right here in Cochise County, who are pushing our nation to the brink.

We call upon the voters of Cochise County to see this ploy for what it really is: another attempt to disenfranchise you and devalue your vote and the entire election process. We cannot allow our democratic process to be hijacked any further.

We encourage everyone who is concerned about these attacks on democracy to contact supervisors Crosby and Judd at 520-432-9200 or by email, tcrosby@cochise.az.gov and pjudd@cochise.az.gov, and tell them to reconsider their illegal, dangerous plan to hand count ballots in Cochise County.

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Herald/Review Media 102 Fab Ave., Sierra Vista, AZ 85635

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From: Judd, Peggy
To: Jordan Conradson
Subject: FW: todays meeting on Hand Count
Date: Thursday, October 27, 2022 4:40:00 PM

From: Chamisa Farms <chamisa@chamisafarm.com>
Sent: Wednesday, October 26, 2022 12:27 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: todays meeting on Hand Count

CAUTION: EXTERNAL EMAIL*

Holy cow you supervisors have cajones! Keep it up. You are doing NOTHING wrong. Two things: The Secretary of State should have NO SAY in this PERIOD. The fact that she has that title is ludicrous. She should have recused herself when she entered the race for governor. Her conflict of interest is mind boggling. And FYI there is a hand count going on simultaneously with the machines in Nye county, NV. Unlike here, it is legal in Nevada by statute, and they are getting sued by the ACLU! Another argument FOR a hand count is that it is practice for the possible time when the machines will be removed from the AZ voting process. Thanks for your reply!
Robin
Valle con Dios! (I am relatively new to AZ (2018). I moved to AZ from NM after living there for 55 yrs – couldn't handle the crime and politics anymore!

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Tuesday, October 25, 2022 9:50 PM
To: Chamisa Farms <chamisa@chamisafarm.com>
Subject: Re: todays meeting on Hand Count

Hi Robin,

Thank you for your letter and questions. I'm sorry I didn't get a reply to you sooner. I am sorry you had to witness such a sad display of public behavior. We are all ok though and had two good meetings today. You have three strong supervisors and excellent board of supervisors office staff.

There is no law, that is one of the problems we are still overcoming. It was wrong for our attorneys to attempt to guide our vote through intimidation. The Secretary of State helped today by sending us another letter. Where we are asked to follow certain statutes for hand counts, which we had planned to follow all along.

The county is responsible for collecting ballots in a centrally located, secure site. That will be in our elections office in Bisbee.

Your faith in our elections and dedication to the sanctity of our votes is inspiring. Thank you for reaching out. If you have any more questions. I am here for you.

AMERICAN OVERSIGHT

Peggy

Sent from my iPad

On Oct 24, 2022, at 9:34 PM, Chamisa Farms <chamisa@chamisafarm.com> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Peggy,
I attended the meeting, and I was going to comment and ask a question, but I arrived just as the meeting got started and did not have a chance to submit the form. I was shocked and very surprised at the comments that I heard during the hour and a half that I was there. I don't know how you can sit there and suffer the verbal abuse and quite frankly even threats toward an elected official. The slurs, the lack of civility, and name calling also hurled at the persons in the room who were in support of the ballot hand count were ugly, reprehensible, and downright hateful. I do not envy your having to make decisions regarding this issue. Thank you for serving Cochise county and representing us. It is appreciated.

I do have a couple of questions. *Exactly* what ***is*** the statute in state election procedures/law that states it is illegal to hand count the ballots **after** the polls close? Who is in charge of and has custody and dispensation of the ballots- the county or the state??

And a comment: all a hand count does is verify the count on the tabulator. It does not check the veracity and/or validity of the ballots and the people submitting them. If the veracity and validity are being check, that process is an **audit**, and that is a totally different kettle of fish. After hearing from people in the know, I think it would be very hard to rig the count using the machines in Cochise county. But because 80% of our votes come in as mail-in ballots, there is most definitely room and an invitation for tampering. Precinct in person voting could definitely help keep elections honest.

Thanks again and best regards,
Robin Claxton
PS I have already voted in person at Bisbee. I took myself **off** the mail in ballot rolls in 2020. I am 80, and have mobility issues, and therefore I have little patience with people who can't get to the polls. There are certain things in life that should have top priority, and voting is one of them!

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From: Crosby, Tom
To: tom crosby
Subject: FW: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Saturday, November 12, 2022 9:17:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image001.png
image002.png
image003.png
image004.png
image005.png

From: Christine Reagan <christine@actforamerica.org>
Sent: Sunday, November 6, 2022 10:00 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Jim O'Connor <jwo@ronnoco3.com>
Cc: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov;

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Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Re: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear All,

As Tom Crosby of Cochise County has stated,

> "It has to be irrefutable proof machines aren't certified".

Regarding our concern about the legal certification status on the voting machines, please allow me to provide a list of the key documents we are seeking from the Supervisors and County Attorney or anyone in authority:

1. Where is the test report on their model of voting machine?
2. Where is the Lab Accreditation Certificate as of the certification test date?
3. Is the accreditation certificate valid or has it been modified? Note: We have copies of the ones posted and time stamped to reveal a modified document made to look like they were accredited at the time but generated years after the certification. This is revealed in the 13-minute walk through video sent earlier today and provided here>> https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html.

Perhaps more of you would be inclined to assist, understanding if we will all work together to provide the real proof of certification status, the grassroots will work hard to convey the legal status of the machines to the public at large and put this issue to rest- if we are able to provide proof of the legal status

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of the voting machines and electronic devices, as prescribed by law.
I thank you all for your service to the state of Arizona.
Please provide these materials to Commissioner Jim O'Connor for review.
Our time to act is now.

Respectfully yours,

Christine Reagan
National Grassroots Director| ACT for America
Cell: 202-430-7084
Office: 202-204-6999 ext. 4107
Email: christine@actforamerica.org

On Nov 6, 2022, at 4:39 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

It has to be irrefutable proof machines aren't certified

Get Outlook for iOS

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 1:38:25 PM
To: gbowman@co.apache.az.us <gbowman@co.apache.az.us>; ashepherd@co.apache.az.us <ashepherd@co.apache.az.us>; ndavis@co.apache.az.us <ndavis@co.apache.az.us>; lnoble@co.apache.az.us <lnoble@co.apache.az.us>; aromero@co.apache.az.us <aromero@co.apache.az.us>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g <lmarra@cochise.az.g>; phorstman@coconino.az.gov <phorstman@coconino.az.gov>; jvasquez@coconino.az.gov <jvasquez@coconino.az.gov>; mryan@coconino.az.gov <mryan@coconino.az.gov>; jbegay@coconino.az.gov <jbegay@coconino.az.gov>; lfowler@coconino.az.gov <lfowler@coconino.az.gov>; phansen@coconino.az.gov <phansen@coconino.az.gov>; emusta@coconino.az.gov <emusta@coconino.az.gov>; schristensen@gilacountyaz.gov <schristensen@gilacountyaz.gov>; thumphrey@gilacountyaz.gov <thumphrey@gilacountyaz.gov>; wcline@gilacountyaz.gov <wcline@gilacountyaz.gov>; sbingham@gilacountyaz.gov <sbingham@gilacountyaz.gov>; emariscal@gilacountyaz.gov <emariscal@gilacountyaz.gov>; pdavid@graham.az.gov <pdavid@graham.az.gov>; jhoward@graham.az.gov <jhoward@graham.az.gov>; dsmith@graham.az.gov <dsmith@graham.az.gov>; wjohn@graham.az.gov <wjohn@graham.az.gov>;

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shilheiro@greenlee.az.gov <shilheiro@greenlee.az.gov>; bfigueroa@greenlee.az.gov
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Clint.hickman@maricopa.gov <Clint.hickman@maricopa.gov>;
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sricher@risc.maricpa.gov <sricher@risc.maricpa.gov>; Scott.jarrett@maricopa.gov
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<Jean.bishop@mohave.gov>; Ron.gould@mohave.gov <Ron.gould@mohave.gov>;
Kristi.blair@mohave.gov <Kristi.blair@mohave.gov>; Allen.tempert@mohave.gov
<Allen.tempert@mohave.gov>; Fern.benally@navajocountyaz.gov
<Fern.benally@navajocountyaz.gov>; Alberto.penshlakai@navajocountyaz.gov
<Alberto.penshlakai@navajocountyaz.gov>; Jason.whiting@navajocountyaz.gov
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<Dawnafe.whitesinger@navajocountyaz.gov>; Michael.sample@navajocountyaz.gov
<Michael.sample@navajocountyaz.gov>; Rayleen.richards@navajocountyaz.gov
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Matt.heinz@pima.gov <Matt.heinz@pima.gov>; Sharon.bronson@pima.gov
<Sharon.bronson@pima.gov>; Steve.christy@pima.gov <Steve.christy@pima.gov>;
Adelita.grijalva@pima.gov <Adelita.grijalva@pima.gov>;
Gabriella.cazarez.kelly@pima.gov <Gabriella.cazarez.kelly@pima.gov>;
Brad.nelson@pima.gov <Brad.nelson@pima.gov>; Kevin.cavanaugh@pinal.gov
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<Mike.goodman@pinal.gov>; Stephen.miller@pinal.gov <Stephen.miller@pinal.gov>;
Jeffrey.mcclure@pinal.gov <Jeffrey.mcclure@pinal.gov>; Jeff.serdy@pinal.gov
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Virginia.ross@pinal.gov <Virginia.ross@pinal.gov>; mruiz@santacruzcountyaz.gov
<mruiz@santacruzcountyaz.gov>; rmolera@santacruzcountyaz.gov
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<Lynne.pancrazi@yumacountyaz.gov>; Leon.wilmot@ycso.yumacountyaz.gov
<Leon.wilmot@ycso.yumacountyaz.gov>; Richard.colwell@yumacountyaz.gov
<Richard.colwell@yumacountyaz.gov>; Tiffany.anderson@yumacountyaz.gov
<Tiffany.anderson@yumacountyaz.gov>
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear Representatives,
It has come to my attention that the video link is a Microsoft product that some are unable to view.
Please find this short 13-minute video presentation below.
https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: 202-430-7084
Website: www.actforamerica.org
Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

From: christine@actforamerica.org <christine@actforamerica.org>

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Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; tcrosby@cochise.az.gov; aenglish@cochise.az.gov; pjudd@cochise.az.gov; dstevens@cochise.az.gov; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

Dear Arizona County Board of Supervisors, Recorders, and Elections Directors,

My name is Christine Reagan, and I am the National Grassroots Director for

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www.actforamerica.org, the nation's largest grassroots movement in the nation with activists in 98% of all US counties across America including members in every county in your state. I am currently supporting a grassroots movement calling for a contingency hand count election considering the overwhelming evidence that the Arizona voting machines and tabulators are NOT lawfully certified by an accredited lab, violating state law, and presenting a serious cyber security threat.

Please click to view this video walkthrough on the potential certification fraud here>>Presentation of Evidence of Fraudulent Voting Machine Certification

I am in support of Arizona State Commissioner Jim O'Connor's letter dated October 19th, 2022, calling for the immediate investigation of the legal status of certifications for our voting machines, tabulators, and electronic equipment currently scheduled for use in our Midterm Election on November 8th. Jim O'Connor has 30 years of relative experience and has sent every county official, including your office, a formal letter calling for an immediate investigation and remedy. Jim O'Connor is working with cyber security experts including Michael Schafer, a Maricopa County Business Owner who operates a federally certified and accredited cyber security laboratory who has produced the video walk through video presenting the evidence of the potentially fraudulent voting machine certifications going back to 2018 elections that has yet to be remedied. Sadly, as of today, I don't believe any local officials have provided a prompt and courteous response to Commission O'Connor's letter requesting evidence that proves the voting machines are legally certified which is raising serious questions in your Arizona State grassroots network of leaders, activists, and voters.

As mentioned in Jim O'Connor's letter, there is a potential case of serious fraud that may have been committed against the State of Arizona as it relates to the HAVA Act and US Election Assistance Commission EAC Certification requirements on our electronic voting machines and tabulators currently scheduled for use in our 2020 Midterm election.

Our Arizona Counties are about to engage in a potentially fraudulent election that will cause egregious public harm and further erode public confidence in our ability to conduct a free and fair election.

Arizona's voting machines and tabulators may be unlawfully certified by an unaccredited lab in violation of A.R.S. § 16-442(B), the requirements of the Federal (HAVA) Help America Vote Act, and the Arizona State Constitution Article 7, Sec. 7 (only legal votes may be counted). In addition, our current research and documented evidence shows that our 2018 & 2020 elections were conducted where the electronic voting machines and tabulators were also not certified by accredited labs because their accreditations had expired, in violation of both federal, state law, and civil rights of the people of the state of Arizona.

In good faith, Arizona County Election Officials cannot use the electronic voting

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machines and tabulators, because of their lack of certification by an accredited lab pursuant to state law A.R.S. § 16-442(B).

1) Arizona State Voting Machines are NOT Legally Certified Pursuant to Arizona State law, *"Machines or tabulators used at any election for federal, state or county offices* ***may only be used*** *in this state* ***IF*** *they comply with the Help America Vote Act of 2002 and if those machines or tabulators have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002."* ***See A.R.S. § 16-442(B)***.

2) In addition, the US Cybersecurity & Infrastructure Security Agency has issued an ICS-Cert Advisory Alert (ICSA-22-154-01) in June of this year titled 'Vulnerabilities Affecting Dominion Voting Systems ImageCastX, deployed throughout the state of Arizona. This legal notice lists 13 serious security vulnerabilities that ***have not been mitigated or remedied in our state***.

Every county that conducts this upcoming election on uncertified machines is facing tremendous public backlash and financial liability.

In your capacity, as elected officials, under ARS 16-442, you have permissive authority in that you **MAY choose** to use electronic voting machines. There is NO REQUIRED authority mandating you to use the voting machines and tabulators.

Every county has the option to use a contingency plan or revert to traditional voting methods using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

Arizona Citizens have sent out nearly 634,000 emails notifying and calling upon the Sheriff's, Local Officials, State Legislature, Governor, Attorney General, and Secretary of State to perform their duty and investigate the validity of the voting machine certification. The Sheriff's offices, alone, should have received at least 2000 direct emails in the past few weeks. AZ No Voting Machines 2022

Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

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In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week, allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor jwo@ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: 202-430-7084
Website: www.actforamerica.org
Stay Connected:

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From: Crosby, Tom
To: Crosby, Tom
Subject: FW: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Saturday, November 12, 2022 9:22:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and

AMERICAN OVERSIGHT

Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear Arizona County Board of Supervisors, Recorders, and Elections Directors,

My name is Christine Reagan, and I am the National Grassroots Director for www.actforamerica.org, the nation's largest grassroots movement in the nation with activists in 98% of all US counties across America including members in every county in your state. I am currently supporting a grassroots movement calling for a contingency hand count election considering the overwhelming evidence that the Arizona voting machines and tabulators are NOT lawfully certified by an accredited lab, violating state law, and presenting a serious cyber security threat.

Please click to view this video walkthrough on the potential certification fraud here>>Presentation of Evidence of Fraudulent Voting Machine Certification

I am in support of Arizona State Commissioner Jim O'Connor's letter dated October 19th, 2022, calling for the immediate investigation of the legal status of certifications for our voting machines, tabulators, and electronic equipment currently scheduled for use in our Midterm Election on November 8th. Jim O'Connor has 30 years of relative experience and has sent every county official, including your office, a formal letter calling for an immediate investigation and remedy. Jim O'Connor is working with cyber security experts including Michael Schafer, a Maricopa County Business Owner who operates a federally certified and accredited cyber security laboratory who has produced the video walk through video presenting the evidence of the potentially fraudulent voting machine certifications going back to 2018 elections that has yet to be remedied. Sadly, as of today, I don't believe any local officials have provided a prompt and courteous response to Commission O'Connor's letter requesting evidence that proves the voting machines are legally certified which is raising serious questions in your Arizona State grassroots network of leaders, activists, and voters.

As mentioned in Jim O'Connor's letter, there is a potential case of serious fraud that may have been committed against the State of Arizona as it relates to the HAVA Act and US Election Assistance Commission EAC Certification requirements on our electronic voting machines and tabulators currently scheduled for use in our 2020 Midterm election.

Our Arizona Counties are about to engage in a potentially fraudulent election that will cause egregious public harm and further erode public confidence in our ability to conduct a free and fair election.

Arizona's voting machines and tabulators may be unlawfully certified by an unaccredited lab in violation of A.R.S. § 16-442(B), the requirements of the Federal (HAVA) Help America Vote Act, and the Arizona State Constitution Article 7, Sec. 7 (only legal votes may be counted). In addition, our current research and documented evidence shows that our 2018 & 2020 elections were conducted where the electronic voting machines and tabulators were also not certified by accredited labs because their accreditations had expired, in violation of both federal, state law, and civil rights of the people of the state of Arizona.

AMERICAN OVERSIGHT

In good faith, Arizona County Election Officials cannot use the electronic voting machines and tabulators, because of their lack of certification by an accredited lab pursuant to state law A.R.S. § 16-442(B).

1) Arizona State Voting Machines are NOT Legally Certified Pursuant to Arizona State law, *"Machines or tabulators used at any election for federal, state or county offices **may only be used** in this state **IF** they comply with the Help America Vote Act of 2002 and if those machines or tabulators have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002."* ***See A.R.S. § 16-442(B)***.

2) In addition, the US Cybersecurity & Infrastructure Security Agency has issued an ICS-Cert Advisory Alert (ICSA-22-154-01) in June of this year titled 'Vulnerabilities Affecting Dominion Voting Systems ImageCastX, deployed throughout the state of Arizona. This legal notice lists 13 serious security vulnerabilities that ***have not been mitigated or remedied in our state***.

Every county that conducts this upcoming election on uncertified machines is facing tremendous public backlash and financial liability.

In your capacity, as elected officials, under ARS 16-442, you have permissive authority in that you **MAY choose** to use electronic voting machines. There is NO REQUIRED authority mandating you to use the voting machines and tabulators.

Every county has the option to use a contingency plan or revert to traditional voting methods using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

Arizona Citizens have sent out nearly 634,000 emails notifying and calling upon the Sheriff's, Local Officials, State Legislature, Governor, Attorney General, and Secretary of State to perform their duty and investigate the validity of the voting machine certification. The Sheriff's offices, alone, should have received at least 2000 direct emails in the past few weeks. AZ No Voting Machines 2022

Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency

AMERICAN OVERSIGHT

hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week, allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor jwo@ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: 202-430-7084
Website: www.actforamerica.org
Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

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From:	Crosby, Tom
To:	tom crosby
Subject:	FW: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date:	Saturday, November 12, 2022 3:19:00 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png

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From: Crosby, Tom
Sent: Saturday, November 12, 2022 9:22 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: FW: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

---

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov;

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mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
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Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
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Direct Cell: 202-430-7084
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From: Crosby, Tom
To: tom crosby
Subject: FW: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Saturday, November 12, 2022 9:18:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image001.png
image002.png
image003.png
image004.png
image005.png

From: Christine Reagan <christine@actforamerica.org>
Sent: Sunday, November 6, 2022 10:00 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Jim O'Connor <jwo@ronnoco3.com>
Cc: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov;

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Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Re: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear All,

As Tom Crosby of Cochise County has stated,

> "It has to be irrefutable proof machines aren't certified".

Regarding our concern about the legal certification status on the voting machines, please allow me to provide a list of the key documents we are seeking from the Supervisors and County Attorney or anyone in authority:

1. Where is the test report on their model of voting machine?
2. Where is the Lab Accreditation Certificate as of the certification test date?
3. Is the accreditation certificate valid or has it been modified? Note: We have copies of the ones posted and time stamped to reveal a modified document made to look like they were accredited at the time but generated years after the certification. This is revealed in the 13-minute walk through video sent earlier today and provided here>> https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html.

Perhaps more of you would be inclined to assist, understanding if we will all work together to provide the real proof of certification status, the grassroots will work hard to convey the legal status of the machines to the public at large and put this issue to rest- if we are able to provide proof of the legal status

AMERICAN OVERSIGHT

of the voting machines and electronic devices, as prescribed by law.
I thank you all for your service to the state of Arizona.
Please provide these materials to Commissioner Jim O'Connor for review.
Our time to act is now.

Respectfully yours,

Christine Reagan
National Grassroots Director| ACT for America
Cell: 202-430-7084
Office: 202-204-6999 ext. 4107
Email: christine@actforamerica.org

On Nov 6, 2022, at 4:39 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

It has to be irrefutable proof machines aren't certified

Get Outlook for iOS

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 1:38:25 PM
To: gbowman@co.apache.az.us <gbowman@co.apache.az.us>; ashepherd@co.apache.az.us <ashepherd@co.apache.az.us>; ndavis@co.apache.az.us <ndavis@co.apache.az.us>; lnoble@co.apache.az.us <lnoble@co.apache.az.us>; aromero@co.apache.az.us <aromero@co.apache.az.us>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g <lmarra@cochise.az.g>; phorstman@coconino.az.gov <phorstman@coconino.az.gov>; jvasquez@coconino.az.gov <jvasquez@coconino.az.gov>; mryan@coconino.az.gov <mryan@coconino.az.gov>; jbegay@coconino.az.gov <jbegay@coconino.az.gov>; lfowler@coconino.az.gov <lfowler@coconino.az.gov>; phansen@coconino.az.gov <phansen@coconino.az.gov>; emusta@coconino.az.gov <emusta@coconino.az.gov>; schristensen@gilacountyaz.gov <schristensen@gilacountyaz.gov>; thumphrey@gilacountyaz.gov <thumphrey@gilacountyaz.gov>; wcline@gilacountyaz.gov <wcline@gilacountyaz.gov>; sbingham@gilacountyaz.gov <sbingham@gilacountyaz.gov>; emariscal@gilacountyaz.gov <emariscal@gilacountyaz.gov>; pdavid@graham.az.gov <pdavid@graham.az.gov>; jhoward@graham.az.gov <jhoward@graham.az.gov>; dsmith@graham.az.gov <dsmith@graham.az.gov>; wjohn@graham.az.gov <wjohn@graham.az.gov>;

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hduderstadt@graham.az.gov <hduderstadt@graham.az.gov>; dgomez@greenlee.az.gov <dgomez@greenlee.az.gov>; rcampbell@greenlee.az.gov <rcampbell@greenlee.az.gov>; rlunt@greenlee.az.gov <rlunt@greenlee.az.gov>; shilheiro@greenlee.az.gov <shilheiro@greenlee.az.gov>; bfigueroa@greenlee.az.gov <bfigueroa@greenlee.az.gov>; dplunkett@lapazcountyaz.gov <dplunkett@lapazcountyaz.gov>; dminor@lapazcountyaz.gov <dminor@lapazcountyaz.gov>; hirwin@lapazcountyaz.gov <hirwin@lapazcountyaz.gov>; rgarcia@lapazcountyaz.gov <rgarcia@lapazcountyaz.gov>; bbartelsmeyer@lapazcountyaz.gov <bbartelsmeyer@lapazcountyaz.gov>; Jack.sellers@maricopa.gov <Jack.sellers@maricopa.gov>; Thomas.galvin@maricopa.gov <Thomas.galvin@maricopa.gov>; Bill.gates@maricopa.gov <Bill.gates@maricopa.gov>; Clint.hickman@maricopa.gov <Clint.hickman@maricopa.gov>; Steve.gallardo@maricopa.gov <Steve.gallardo@maricopa.gov>; sricher@risc.maricpa.gov <sricher@risc.maricpa.gov>; Scott.jarrett@maricopa.gov <Scott.jarrett@maricopa.gov>; Travis.lingenfelter@mohave.gov <Travis.lingenfelter@mohave.gov>; Hildy.angius@mohave.gov <Hildy.angius@mohave.gov>; Buster.johnson@mohave.gov <Buster.johnson@mohave.gov>; Jean.bishop@mohave.gov <Jean.bishop@mohave.gov>; Ron.gould@mohave.gov <Ron.gould@mohave.gov>; Kristi.blair@mohave.gov <Kristi.blair@mohave.gov>; Allen.tempert@mohave.gov <Allen.tempert@mohave.gov>; Fern.benally@navajocountyaz.gov <Fern.benally@navajocountyaz.gov>; Alberto.penshlakai@navajocountyaz.gov <Alberto.penshlakai@navajocountyaz.gov>; Jason.whiting@navajocountyaz.gov <Jason.whiting@navajocountyaz.gov>; Daryl.seymore@navajocountyaz.gov <Daryl.seymore@navajocountyaz.gov>; Dawnafe.whitesinger@navajocountyaz.gov <Dawnafe.whitesinger@navajocountyaz.gov>; Michael.sample@navajocountyaz.gov <Michael.sample@navajocountyaz.gov>; Rayleen.richards@navajocountyaz.gov <Rayleen.richards@navajocountyaz.gov>; Rex.scott@pima.gov <Rex.scott@pima.gov>; Matt.heinz@pima.gov <Matt.heinz@pima.gov>; Sharon.bronson@pima.gov <Sharon.bronson@pima.gov>; Steve.christy@pima.gov <Steve.christy@pima.gov>; Adelita.grijalva@pima.gov <Adelita.grijalva@pima.gov>; Gabriella.cazarez.kelly@pima.gov <Gabriella.cazarez.kelly@pima.gov>; Brad.nelson@pima.gov <Brad.nelson@pima.gov>; Kevin.cavanaugh@pinal.gov <Kevin.cavanaugh@pinal.gov>; Mike.goodman@pinal.gov <Mike.goodman@pinal.gov>; Stephen.miller@pinal.gov <Stephen.miller@pinal.gov>; Jeffrey.mcclure@pinal.gov <Jeffrey.mcclure@pinal.gov>; Jeff.serdy@pinal.gov <Jeff.serdy@pinal.gov>; Dana.lewis@pinal.gov <Dana.lewis@pinal.gov>; Virginia.ross@pinal.gov <Virginia.ross@pinal.gov>; mruiz@santacruzcountyaz.gov <mruiz@santacruzcountyaz.gov>; rmolera@santacruzcountyaz.gov <rmolera@santacruzcountyaz.gov>; bbracker@santacruzcountyaz.gov <bbracker@santacruzcountyaz.gov>; ssainz@santacruzcountyaz.gov <ssainz@santacruzcountyaz.gov>; Harry.oberg@yavapaiaz.gov <Harry.oberg@yavapaiaz.gov>; James.gregory@yavapaiaz.gov <James.gregory@yavapaiaz.gov>; Donna.michaels@yavapaiaz.gov

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<Donna.michaels@yavapaiaz.gov>; Craig.brown@yavapaiaz.gov
<Craig.brown@yavapaiaz.gov>; Mary.mallory@yavapaiaz.gov
<Mary.mallory@yavapaiaz.gov>; David.rhodes@yavapaiaz.gov
<David.rhodes@yavapaiaz.gov>; Michelle.burchill@yavapaiaz.gov
<Michelle.burchill@yavapaiaz.gov>; Lynn.constabile@yavapaiaz.gov
<Lynn.constabile@yavapaiaz.gov>; Martin.porchas@yumacountyaz.gov
<Martin.porchas@yumacountyaz.gov>; Jonathan.lines@yumacountyaz.gov
<Jonathan.lines@yumacountyaz.gov>; Darren.simmons@yumacountyaz.gov
<Darren.simmons@yumacountyaz.gov>; Tony.reyes@yumacountyaz.gov
<Tony.reyes@yumacountyaz.gov>; Lynne.pancrazi@yumacountyaz.gov
<Lynne.pancrazi@yumacountyaz.gov>; Leon.wilmot@ycso.yumacountyaz.gov
<Leon.wilmot@ycso.yumacountyaz.gov>; Richard.colwell@yumacountyaz.gov
<Richard.colwell@yumacountyaz.gov>; Tiffany.anderson@yumacountyaz.gov
<Tiffany.anderson@yumacountyaz.gov>
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear Representatives,
It has come to my attention that the video link is a Microsoft product that some are unable to view.
Please find this short 13-minute video presentation below.
https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: 202-430-7084
Website: www.actforamerica.org
Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

From: christine@actforamerica.org <christine@actforamerica.org>

AMERICAN OVERSIGHT

Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; tcrosby@cochise.az.gov; aenglish@cochise.az.gov; pjudd@cochise.az.gov; dstevens@cochise.az.gov; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

Dear Arizona County Board of Supervisors, Recorders, and Elections Directors,

My name is Christine Reagan, and I am the National Grassroots Director for

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www.actforamerica.org, the nation's largest grassroots movement in the nation with activists in 98% of all US counties across America including members in every county in your state. I am currently supporting a grassroots movement calling for a contingency hand count election considering the overwhelming evidence that the Arizona voting machines and tabulators are NOT lawfully certified by an accredited lab, violating state law, and presenting a serious cyber security threat.

Please click to view this video walkthrough on the potential certification fraud here>>Presentation of Evidence of Fraudulent Voting Machine Certification

I am in support of Arizona State Commissioner Jim O'Connor's letter dated October 19th, 2022, calling for the immediate investigation of the legal status of certifications for our voting machines, tabulators, and electronic equipment currently scheduled for use in our Midterm Election on November 8th. Jim O'Connor has 30 years of relative experience and has sent every county official, including your office, a formal letter calling for an immediate investigation and remedy. Jim O'Connor is working with cyber security experts including Michael Schafer, a Maricopa County Business Owner who operates a federally certified and accredited cyber security laboratory who has produced the video walk through video presenting the evidence of the potentially fraudulent voting machine certifications going back to 2018 elections that has yet to be remedied. Sadly, as of today, I don't believe any local officials have provided a prompt and courteous response to Commission O'Connor's letter requesting evidence that proves the voting machines are legally certified which is raising serious questions in your Arizona State grassroots network of leaders, activists, and voters.

As mentioned in Jim O'Connor's letter, there is a potential case of serious fraud that may have been committed against the State of Arizona as it relates to the HAVA Act and US Election Assistance Commission EAC Certification requirements on our electronic voting machines and tabulators currently scheduled for use in our 2020 Midterm election.

Our Arizona Counties are about to engage in a potentially fraudulent election that will cause egregious public harm and further erode public confidence in our ability to conduct a free and fair election.

Arizona's voting machines and tabulators may be unlawfully certified by an unaccredited lab in violation of A.R.S. § 16-442(B), the requirements of the Federal (HAVA) Help America Vote Act, and the Arizona State Constitution Article 7, Sec. 7 (only legal votes may be counted). In addition, our current research and documented evidence shows that our 2018 & 2020 elections were conducted where the electronic voting machines and tabulators were also not certified by accredited labs because their accreditations had expired, in violation of both federal, state law, and civil rights of the people of the state of Arizona.

In good faith, Arizona County Election Officials cannot use the electronic voting

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machines and tabulators, because of their lack of certification by an accredited lab pursuant to state law A.R.S. § 16-442(B).

1) Arizona State Voting Machines are NOT Legally Certified Pursuant to Arizona State law, *"Machines or tabulators used at any election for federal, state or county offices* ***may only be used*** *in this state* ***IF*** *they comply with the Help America Vote Act of 2002 and if those machines or tabulators have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002."* ***See A.R.S. § 16-442(B)***.

2) In addition, the US Cybersecurity & Infrastructure Security Agency has issued an ICS-Cert Advisory Alert (ICSA-22-154-01) in June of this year titled 'Vulnerabilities Affecting Dominion Voting Systems ImageCastX, deployed throughout the state of Arizona. This legal notice lists 13 serious security vulnerabilities that ***have not been mitigated or remedied in our state***.

Every county that conducts this upcoming election on uncertified machines is facing tremendous public backlash and financial liability.

In your capacity, as elected officials, under ARS 16-442, you have permissive authority in that you **MAY choose** to use electronic voting machines. There is NO REQUIRED authority mandating you to use the voting machines and tabulators.

Every county has the option to use a contingency plan or revert to traditional voting methods using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

Arizona Citizens have sent out nearly 634,000 emails notifying and calling upon the Sheriff's, Local Officials, State Legislature, Governor, Attorney General, and Secretary of State to perform their duty and investigate the validity of the voting machine certification. The Sheriff's offices, alone, should have received at least 2000 direct emails in the past few weeks. AZ No Voting Machines 2022

Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

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In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week, allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor jwo@ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: 202-430-7084
Website: www.actforamerica.org
Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

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From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Fwd: Items on the two Nov 15, 2022 Agendas
Date: Monday, November 14, 2022 8:26:58 AM

Sent from my iPad

Begin forwarded message:

From: "Mattix, Timothy" <TMattix@cochise.az.gov>
Date: November 14, 2022 at 8:20:55 AM MST
To: BOS-Supervisors <BOSSupervisors@cochise.az.gov>
Cc: "Karwaczka, Richard" <RKarwaczka@cochise.az.gov>, "Gilman, Sharon" <SGilman@cochise.az.gov>
Subject: FW: Items on the two Nov 15, 2022 Agendas

FYI

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board

From: [redacted]@aol.com [redacted]@aol.com>
Sent: Sunday, November 13, 2022 12:39 PM
To: Board <Board@cochise.az.gov>
Subject: Items on the two Nov 15, 2022 Agendas

CAUTION: EXTERNAL EMAIL*

> I am incensed at your gall (supervisors Judd and Crosby) that you even are bringing these agenda items to the table. You have been told by County Counsel that what you are proposing is illegal and your proposal is currently blocked by Pima Superior Court Judge McGinley, yet you persist. Moreover you both said you would pay your legal costs and now you expect to put them on the backs of your

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constituents? You are beyond shameful and should both resign.

As to your idea to remove Supervisor English and substitute Supervisor Judd as Chair - that's ludicrous! Chairwoman English has conducted meetings in an outstanding manner despite the ridiculousness of you two buffoons. Moreover, as an attendee at the attempted coup, you, Supervisor Judd, should not even be on the board.

Lastly, your "game" of changing the hand count percentage is a ridiculous ploy. You are disruptive to our election process, your childish actions are not only reprehensible but criminal. I sincerely hope you pay for them - monetarily and by being branded the criminals that you are.

Joan A. Murphy
Sierra Vista Resident and your constituent

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From:	Judd, Peggy
To:	drjoe
Subject:	Fwd: Letter to the Cochise Board of Supervisors
Date:	Thursday, October 20, 2022 9:10:46 AM
Attachments:	10.19.2022 Letter to Cochise BOS re Tabulation.pdf

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Sent from my iPad

Begin forwarded message:

From: Kori Lorick <KLorick@azsos.gov>
Date: October 19, 2022 at 6:15:32 PM MST
To: "Crosby, Tom" <TCrosby@cochise.az.gov>, "English, Ann S" <AEnglish@cochise.az.gov>, "Judd, Peggy" <PJudd@cochise.az.gov>
Cc: "Marra, Lisa M" <LMarra@cochise.az.gov>, "Stevens, David" <DStevens@cochise.az.gov>, "Gilman, Sharon" <SGilman@cochise.az.gov>, "Karwaczka, Richard" <RKarwaczka@cochise.az.gov>, "Mattix, Timothy" <TMattix@cochise.az.gov>, "Roberts, Christine" <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

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KATIE HOBBS
SECRETARY OF STATE

October 19, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Tabulation

Dear Cochise County Board of Supervisors,

We understand that the Cochise County Board of Supervisors will vote next week on whether to conduct a hand count of all votes cast, despite both the Cochise County Attorney's and Legislative Council's determination that doing so would be unlawful. The Secretary of State agrees with the County Attorney and Legislative Council and urges the Board to abandon this misguided effort.

As you know, Arizona has rigorous standards in place to ensure that electronic voting systems used in our elections are secure and accurate, including federal and state certification requirements, pre- and post-election logic and accuracy testing, and post-election limited hand count audits. *See* EPM, Ch. 4, A.R.S. §§ 16-442, -449, -602. The use of electronic tabulation combined with these and other security measures allows counties to fulfill their statutory duties in a timely manner while ensuring the accuracy and integrity of our elections. Indeed, as recently explained by the General Counsel of the Arizona Legislative Council, Arizona law only contemplates manual counting of ballots where "it becomes impracticable to count . . . ballots with tabulating equipment." *See* A.R.S. § 16-621(C).

And this is for good reason: a full hand count raises numerous concerns. Notably, hand counting is necessarily time intensive and prone to human error. Any election director in Arizona—the official responsible for overseeing tabulation of ballots—can attest that it's impossible to complete an accurate hand count of an election with dozens of races on the ballot in time to comply with applicable statutory deadlines, including the county canvass deadline. A.R.S. § 16-642(A) (requiring counties to canvass between six and twenty days after an election). Additionally, transitioning to a full hand count this close to the election raises operational and security concerns. Election procedures are generally developed

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through careful consideration and with sufficient time to prepare for an upcoming election. In fact, Cochise County has already filed its election program and emergency contingency plan for the General Election with the Secretary of State, confirming its usage of electronic equipment for this election. *See* A.R.S. § 16-445(A). Early voting for the 2022 General Election began over a week ago, and counties are already permitted by law to begin processing and tabulating ballots. Drastically changing procedures now—mere weeks before Election Day—creates significant risk of administrative error and has the potential to cause voter confusion and mistrust in our elections.

Even if, as indicated at the Board's October 11, 2022 work session, the Board intends to tabulate votes electronically and conduct a full hand count only to audit those machine-tabulated results, the Board has no authority to do so. County boards of supervisors have only those powers "expressly conferred by statute," and the Board "may exercise no powers except those specifically granted by statute and in the manner fixed by statute." *Hancock v. McCarroll*, 188 Ariz. 492, 498 (App. 1996) (quotations omitted). A.R.S. § 11-251(3) gives the Board the power to canvass election returns. It does not grant the power to unilaterally perform a full hand count audit of all votes. While A.R.S. § 16-602 and the Elections Procedures Manual lay out procedures for a limited post-election hand count audit, nothing in Arizona law authorizes the Board to conduct a full hand count outside of those procedures. Similarly, Arizona law authorizes recounts only when the canvassed results fall within the statutorily designated margin. A.R.S. § 16-661. And when an automatic recount is triggered, it must be done by electronic tabulation. A.R.S. § 16-664. The Board would therefore be exceeding its authority under Arizona law if it conducts a full hand count under the guise of either a hand count audit or a recount. The Board cannot simply make up its own extra-statutory process.

If the Board votes to proceed with a full hand count—putting at risk the accuracy and integrity of our elections—the Secretary will take all available legal action to ensure that Cochise County conducts the 2022 General Election in compliance with Arizona law. If that occurs, we note that Arizona law provides for mandatory fee shifting under these circumstances. A.R.S. § 12-348.01. We are all stewards of taxpayer dollars, and taxpayers should not bear the burden of the Board's contemplated unlawful action. We sincerely hope such action is unnecessary and that the Board will follow the advice of its own attorney, protect the integrity of our elections, and ensure continued compliance with Arizona law.

Please let me know if you need additional information.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs
klorick@azsos.gov

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cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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From: Judd, Peggy
To: PubliusFJB
Subject: Fwd: Letter to the Cochise Board of Supervisors
Date: Tuesday, October 25, 2022 9:22:19 PM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

---

Sent from my iPad

Begin forwarded message:

From: Kori Lorick <KLorick@azsos.gov>
Date: October 25, 2022 at 9:46:06 AM MST
To: "Crosby, Tom" <TCrosby@cochise.az.gov>, "English, Ann S" <AEnglish@cochise.az.gov>, "Judd, Peggy" <PJudd@cochise.az.gov>
Cc: "Marra, Lisa M" <LMarra@cochise.az.gov>, "Stevens, David" <DStevens@cochise.az.gov>, "Gilman, Sharon" <SGilman@cochise.az.gov>, "Karwaczka, Richard" <RKarwaczka@cochise.az.gov>, "Mattix, Timothy" <TMattix@cochise.az.gov>, "Roberts, Christine" <CRoberts@cochise.az.gov>
Subject: Re: Letter to the Cochise Board of Supervisors

CAUTION: EXTERNAL EMAIL*

Please find correspondence from the Secretary of State's Office attached.

Thank you,
Kori

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

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Kori

State Elections Director
Arizona Secretary of State's Office

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

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cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

---

[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

A.R.S. § 16-602(B)

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: Fwd: Letter to the Cochise Board of Supervisors
Date: Wednesday, October 26, 2022 6:13:55 AM
Attachments: 10.25.2022 Letter to Cochise BOS re Hand Count Exhibit attached.pdf

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Sent from my iPad

Begin forwarded message:

From: Kori Lorick <KLorick@azsos.gov>
Date: October 25, 2022 at 9:46:06 AM MST
To: "Crosby, Tom" <TCrosby@cochise.az.gov>, "English, Ann S" <AEnglish@cochise.az.gov>, "Judd, Peggy" <PJudd@cochise.az.gov>
Cc: "Marra, Lisa M" <LMarra@cochise.az.gov>, "Stevens, David" <DStevens@cochise.az.gov>, "Gilman, Sharon" <SGilman@cochise.az.gov>, "Karwaczka, Richard" <RKarwaczka@cochise.az.gov>, "Mattix, Timothy" <TMattix@cochise.az.gov>, "Roberts, Christine" <CRoberts@cochise.az.gov>
Subject: Re: Letter to the Cochise Board of Supervisors

•

CAUTION: EXTERNAL EMAIL*

Please find correspondence from the Secretary of State's Office attached.

Thank you,
Kori

From: Kori Lorick
Sent: Wednesday, October 19, 2022 6:15 PM
To: tcrosby@cochise.az.gov <tcrosby@cochise.az.gov>; aenglish@cochise.az.gov <aenglish@cochise.az.gov>; pjudd@cochise.az.gov <pjudd@cochise.az.gov>
Cc: Marra, Lisa M <Lmarra@cochise.az.gov>; David Stevens <dstevens@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>; rkarwaczka@cochise.az.gov <rkarwaczka@cochise.az.gov>; tmattix@cochise.az.gov <tmattix@cochise.az.gov>; croberts@cochise.az.gov <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

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Kori

State Elections Director
Arizona Secretary of State's Office

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 25, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Hand Count Audit

Dear Cochise County Board of Supervisors:

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

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

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

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

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

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

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

1. Because Cochise County uses a vote center model, each vote center is considered to be a precinct/polling place for the purposes of the precinct hand count audit under A.R.S. § 16-602. EPM Ch. 11, III(A); *see also Arizona Republican Party v. Fontes*, No. CV2020014553 (Maricopa Cnty. Super. Ct. Dec. 21, 2020) (attached as Exhibit 1).

2. The precinct hand count audit may only be conducted on regular ballots cast at vote centers in Cochise County on Election Day and may not include any early ballots (regardless of when or how they were returned). A.R.S. § 16-602(B)(1); EPM Ch. 11, III(A). The early ballot hand count audit is expressly limited to one percent of early ballots and controlled by A.R.S. § 16-602(F), a statute the Board did not—and could not—invoke in approving an expanded precinct hand count audit. *See also* EPM, Ch. 11, III(B).

3. The precinct hand count audit cannot begin "until all ballots voted in the precinct polling places have been delivered to the central counting center" and "[t]he unofficial vote totals from all precincts [have been] made public." A.R.S. § 16-602(B)(1).

4. The precinct hand count audit cannot be conducted as to all races on the ballot, but instead is limited to four contested races that must be selected "by lot." Specifically, the participating county political party chairpersons shall select by lot one statewide ballot measure, one race for statewide office, one race for federal office, and one race for legislative office. A.R.S. § 16-602(B)(2), (6); EPM Ch. 11, V-VI.

5. The precinct hand count audit must be conducted by representatives of the political parties entitled to representation on the state ballot through a process that requires the cooperation of those political parties. *See* A.R.S. § 16-602(B)(7). The audit "shall not proceed" unless the political parties provide the recorder or other officer in charge of elections with "a sufficient number of persons by 5:00 p.m. on the Thursday preceding the election and a sufficient number of persons, pursuant to this paragraph, arrive to perform the hand

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count." *Id.* And even then, "for the hand count to proceed, not more than seventy-five percent of the persons performing the hand count shall be from the same political party." *Id.*

6. Precinct hand count board members and alternates must be registered to vote in Arizona. Candidates appearing on the ballot, except for precinct committeeman, may not serve as board members. And all board members must take the oath specified in A.R.S. § 38-231(E); EPM Ch. 11, I.

7. The precinct hand count must be completed in time for the County to meet its statutory canvass deadline under A.R.S. § 16-642(A). The results of the precinct hand count audit must be provided to the Secretary to be publicly posted on the Secretary's website. A.R.S. § 16-602(I).

These are just some of the requirements for a precinct hand count audit established by the Legislature and in the EPM, and from which the Board has no discretion to deviate. *Hancock*, 188 Ariz. at 498. Any attempt by the Board to circumvent these mandates and conduct a full hand count audit of all ballots cast in the county, under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B), would be unlawful. And under no circumstance should the Board's misguided effort to conduct an expanded hand count be permitted to delay the County's canvass and certification of election results.

The Secretary thus requests that the Board confirm in writing, no later than 5:00 p.m. on October 26, that:

1. **The Board will not attempt to conduct a full hand count of all ballots cast in Cochise County under the false premise that it is proceeding pursuant to A.R.S. § 16-602(B); and**
2. **The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).**

If the County refuses to provide these assurances or takes any action in furtherance of an unlawful full hand count of all ballots cast, the Secretary will take all available legal action, including filing a special action to compel the County's compliance with these non-discretionary legal duties. If the Board does not respond by 5:00 p.m. on October 26, the Secretary will deem the Board's silence to be an admission that it is threatening to proceed without or in excess of jurisdiction or legal authority.

Please let me know if you need any additional information. We look forward to your prompt response.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs

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cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

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Exhibit 1

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Clerk of the Superior Court
*** Filed ***
12/21/2020 4:13 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2020014553 12/21/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, ET AL.

JOSEPH EUGENE LA RUE
EMILY M CRAIGER
JOSEPH I VIGIL
THOMAS PURCELL LIDDY
SARAH R GONSKI
DANIEL A ARELLANO
ROOPALI HARDIN DESAI
KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC

RULING

Arizona law requires election authorities to validate electronic vote counts by manually recounting random batches of ballots. For this process, called the "hand count audit," election officials enlist representatives of Arizona's political parties to sample and count the ballots. Following the 2020 general election, Republican, Democratic and Libertarian Party appointees hand-counted 2917 ballots cast on voting machines at polling places in Maricopa County, and 5000 additional early (mail-in) ballots. *The hand counts verified that the machines had counted the votes flawlessly.* Maricopa County, Arizona General Election - November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020).

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In this lawsuit, the plaintiff Arizona Republican Party asked for a court order directing the defendant Maricopa County officials to redo the hand count audit using different batches of ballots. The plaintiff baldly asserted that this relief was necessary to maintain "confidence in the integrity of our elections," without alleging any facts to show that the machines might have miscounted the votes. The plaintiff could not explain why the suit had not been filed before the election, or what purpose another audit would serve.

This order explains why the Arizona Republican Party's case was meritless, and the dismissal order filed November 19, 2020 was required, under applicable Arizona law. What remains is intervenor Arizona Secretary of State's application for an award of attorneys' fees. That application will require the Court to decide whether the Republican Party and its attorneys brought the case in bad faith to delay certification of the election or to cast false shadows on the election's legitimacy. *See* Arizona Revised Statutes § 12-349(A) (court "shall" assess fees and costs against a party or attorney when the party's claim is brought "without substantial justification" or "solely or primarily for delay").

ELECTION LAW BACKGROUND; AND THE ISSUE IN THIS CASE

Section 16-602 of the Arizona Revised Statutes requires a hand count audit of any election in which the votes are cast or counted on "an electronic voting machine or tabulator." A.R.S. § 16-602(A). The hand count audit verifies that the machines are working properly and accurately counting votes by hand counting some ballots and comparing the result to the machine count of those same ballots. The statute calls for the ballots cast on the voting machines at the polling places to be audited separately from the early (mail-in) ballots. *Compare* A.R.S. § 16-602(B)(1) *with* A.R.S. § 16-602(F). The election results do not become "official" until the hand count audits confirm the accuracy of the machine counts. A.R.S. § 16-602(C).

Subsection (B) of section 16-1602 sets out hand count audit procedures for ballots cast on voting machines at polling places. The process starts before the election, when the county officer in charge of elections tells the county political party chairs[1] how many of the parties' designees will be needed to perform the hand count. A.R.S. § 16-602(B)(7). At least a week before the election, the party chairs name the individuals who will physically count the ballots. *Id.* After the election, when the polls have closed and the unofficial vote totals have been made public, the party chairs take turns randomly choosing a limited number of specific polling places for audit. A.R.S. § 16-602(B)(1). The party chairs also choose the specific races that will be audited, A.R.S. § 16-602(B)(6), except that the presidential race is always audited. A.R.S. § 16-602(B)(5).

[1] The county political parties are effectively subgroups of the recognized state political parties under Arizona law. *See* A.R.S. section 16-825 (state committee of each party consists of county party chairs and one member of each county committee for every three elected at the county level).

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The hand count must begin within twenty-four hours after the polls have closed. A.R.S. § 16-602(I). If the limited hand count produces evidence that the machine count might be inaccurate in some way, the hand recount expands in stages. A.R.S. § 16-602(C).[2] But when the limited hand count matches the machine count for a given race, "the results of the electronic tabulation constitute the official count for that race." *Id.* In all events, the hand count audit must be completed before the canvassing of the county election results. A.R.S. § 16-602(I). The responsible county officials must report the results of the audit to the secretary of state, who in turn must make the results publicly available on the secretary of state's website. *Id.*

The provision of section 16-602 at issue in this case, concerning the selection of polling places for audit, reflects the longstanding Arizona practice of organizing elections around political precincts. When the election is organized by precinct, the county board of supervisors establishes "a convenient number" of precincts before each election, and then designates one polling place in each precinct for the voters who resided in that precinct. *See* A.R.S. § 16-411(B). Consistent with that model, the statute refers to sampling of "precincts."[3]

---

[2] The hand recount can extend to an entire county or jurisdiction, if necessary. A.R.S. § 16-602(D). Under some circumstances it can be treated as the official count. A.R.S. § 16-602(E). When the hand recount expands to cover an entire jurisdiction, the secretary of state must make available to the superior court "the escrowed source code for that county," and the judge then must appoint an independent expert with software engineering expertise to review the software and "issue a public report to the court and to the secretary of state regarding the special master's findings on the reasons for the discrepancies." A.R.S. § 16-602(J).

[3] The text of the statute says, in pertinent part:

> B. For each countywide primary, special, general and presidential preference election, the county officer in charge of the election shall conduct a hand count at one or more secure facilities. The hand count shall be conducted as prescribed by this section and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452. . . . The hand count shall be conducted in the following order:
>
> > 1. At least two per cent of the precincts in that county, or two precincts, whichever is greater, shall be selected at random from a pool consisting of every precinct in that county. The county political party chairman for each political party that is entitled to continued representation on the state ballot or the chairman's designee shall conduct the selection of the precincts to be hand counted. The precincts shall be selected by lot without the use of a computer, and the order of selection by the county political party chairmen shall also be by lot.

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In 2011, the Legislature authorized Arizona counties to establish "voting centers" as polling places in place of the traditional precinct locations. 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 3, *codified at* A.R.S. § 16-411(B)(4). At a voting center, any voter in the county can receive an appropriate ballot and lawfully cast the ballot on Election Day. *Id.* But the Legislature chose not to amend section 16-602 to specify hand count audit procedures for voting center elections. In fact, section 16-602 does not refer to voting centers at all.

Instead the Legislature delegated to the secretary of state the authority to make rules for hand count audits, including audits of elections conducted at voting centers. It did so by amending a sentence in section 16-602(B) that had read, "[t]he hand count shall be conducted as prescribed by this section." The sentence as amended in 2011 says, "[t]he hand count shall be conducted as prescribed by this section *and in accordance with hand count procedures established by the secretary of state in the official instructions and procedures manual adopted pursuant to § 16-452."* 2011 Ariz. Legis. Serv. Ch. 331 (H.B. 2303) (West) section 8, *codified at* A.R.S. § 16-602(B) (emphasis added).

The "official instructions and procedures manual adopted pursuant to § 16-452" is known as the Elections Procedures Manual. Arizona Secretary of State, State of Arizona Elections Procedures Manual (December 2019) ("Election Procedures Manual"), *available at* https://azsos.gov/about-office/media-center/documents (last visited November 25, 2020). The Elections Procedures Manual comprehensively lays out process and procedure details for Arizona elections. A new edition issues not later than December 31 of each odd-numbered year immediately preceding the general election. A.R.S. § 16-452(B). Each new edition must be formally approved by both the Governor and the Attorney General. *Id.* The current edition, issued at the end of 2019, received the endorsement of both Governor Ducey and Attorney General Brnovich.

Under the authority of section 16-602(B), the Election Procedures Manual gives detailed instructions to the county officials who conduct hand count audits. Election Procedures Manual at 213-234. The rule on sampling polling places for voting center election audits is straightforward and simple. "Each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater." Election Procedures Manual at 216. Consistent with that directive, Maricopa County's 2020 general election hand count audit focused on a random sample of the voting centers that served as polling places.

A.R.S. § 16-602(B)

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The plaintiff here claimed that the Maricopa County hand count did not comply with section 16-602, because the statute refers to selection of "precincts" for audit and says nothing about voting centers. The plaintiff asked the Court to order Maricopa County election officials to identify all of the ballots cast at the voting centers by residents of randomly sampled precincts, and to hand count those ballots to see whether the count matched the electronic vote count.

RELEVANT FACTS AND PROCEDURAL HISTORY

The decision to conduct the 2020 election at voting centers instead of precinct polling places was made by the Maricopa County Board of Supervisors on September 16, 2020. *See* Maricopa County Elections Department, *Election Day & Emergency Voting Plan – November General Election* (September 16, 2020), ("Election Plan"), *available at* https://recorder.maricopa.gov/pdf/Final%20November%202020%20General%20Election%20Day%20and%20Emergency%20Voting%20Plan%209-16-20.pdf (last visited Nov. 25, 2020). The Board's decision effectively determined that the hand count audit likewise would focus on voting centers, since that is what the Elections Procedures Manual requires. There is no record, however, that the Republican Party expressed any objection, before the Board of Supervisors or to the officials who carried out the election plan. No one sought judicial intervention to clarify the alleged mismatch between the manual and the statute.

"The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election." Election Procedures Manual at 225. By that definition, the 2020 general election hand count arguably started in Maricopa County two weeks before the election, when the county officer in charge of elections told the county political party chairs how many of their respective members would be needed to serve on the "Hand Count Boards," and moved forward a week later, when the county chairs designate Hand Count Board members and alternates. *See* Elections Procedures Manual at 213. Again there is no record of any objection from the Republican Party when these steps were taken. No one asked for a judicial declaration that the county election officials were planning to recount the wrong ballots.

The official audit report says that the Maricopa County hand count began on the day after the general election, November 4. Maricopa County, Arizona General Election – November 3, 2020 Hand Count/Audit Report ("Audit Report"), *available at* https://azsos.gov/election/2020-general-election-hand-count-results (last visited December 9, 2020). That evening, the Maricopa County chairs of the Arizona Republican, Democrat and Libertarian parties took turns choosing "the polling places (vote centers) to be audited." *Id.* On November 7, the volunteers appointed by the parties began counting the ballots cast at the selected voting centers. *Id.* They completed the task mid-day on November 9. *Id.* In all they hand-counted 2917 ballots from four voting centers,

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and another 5000 randomly sampled Maricopa County early (mail-in) ballots. *Id.* Nothing in the official report suggests that the Republican Party expressed disagreement, at any point in the process. *Id.*

As far as the court record shows, the complaint in this case stated the Arizona Republican Party's objection to the 2020 general election hand count audit for the first time. Filed on November 12, the complaint was framed as though the hand count had not yet begun when the complaint was filed. "Verified Complaint" at 1 ("Because the `sampling' is expected to begin soon, Plaintiff seeks expedited relief.") The complaint requested a declaratory judgment that the law requires sampling of precincts rather than voting centers for the hand count audit, and a writ of mandamus directing Maricopa County officials to conduct the hand count audit accordingly.

Responding to the complaint in a motion to dismiss, on November 16, the defendants advised the Court that by September 12 the hand count audit had already been completed, reported and posted on the secretary of state's website.[4] *The report showed that the hand count matched the machine count exactly. See* Audit Report ("No discrepancies were found by the Hand Count Audit Boards.") The plaintiff reacted by applying for an injunction to bar the Board of Supervisors from certifying the election results. The plaintiff continued to assert, even in the face of the audit showing a flawless vote tabulation, that a second hand count of a different sample of ballots was necessary to avoid "lingering questions" and a "cloud" over the "legitimacy" of the election." Application for Preliminary Injunction at 3.

THE REASONS THE PLAINTIFF'S CASE WAS DISMISSED

The plaintiff's claim for mandamus relief failed because the duty of County election officials was to comply with the Election Procedures Manual, and they did so. The declaratory judgment claim failed because its extreme tardiness prejudiced both the defendant county officials and the public interest. Both those claims, and the mid-case request for an injunction, were prohibited post-election challenges to election procedures. These issues are addressed in turn. The question whether the Elections Procedures Manual correctly applies section 16-602(B) is not addressed, because the plaintiff did not make the showing necessary to justify that inquiry.

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[4] What exactly the Arizona Republican Party and its attorney knew or had reason to know about the status of hand count audit, at the time of filing the complaint, will be an issue on the application for attorneys' fees. The Republican Party appears to have had constructive knowledge, at least, of facts that contradicted the allegations in the complaint. The attorney (who also verified the complaint) said he "did not receive a copy" of the audit report until after the suit had been filed, Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3, n.1, but what he knew about the audit when he filed the complaint is unclear.

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Mandamus Did Not Apply Because the Election Officials Followed the Law

The plaintiff presented its case primarily as a claim for mandamus relief. A writ of mandamus is an extraordinary remedy issued by a court against a public officer to compel the officer to perform an act required by law. *Sears v. Hull*, 192 Ariz. 65, 961 P.2d 1013, para. 11 (1998); *Adams v. Bolin*, 77 Ariz. 316, 322-323, 271 P.2d 472 (1954). If the officer is not specifically required to perform the duty or has any discretion as to what shall be done, the court may not issue the writ. *Adams v. Bolin*, 77 Ariz. 316 at 323.

Maricopa County officials had no discretion, under Arizona law, to hand count precincts instead of voting centers for the hand count audit. A county official's authority is limited to those powers expressly or impliedly delegated to him or her by state law. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶14 (2020). The Elections Procedures Manual directs county election officials to treat the voting centers as "precincts" for purposes of the hand count audit. Election Procedures Manual at 216. The manual has the force of law, meaning that county election officials must do as it says. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 ¶16 (2020). Maricopa County officials therefore could not lawfully have performed the hand count audit the way the plaintiffs wanted it done. If they had done so, they would have exposed themselves to criminal punishment. *See* A.R.S. § 16-452(C) (a person who violates a rule in the Election Procedures Manual is guilty of a class 2 misdemeanor).

Since Maricopa County election officials had no power to vary from the Election Procedures Manual rules for the hand count audit, this Court likewise has no authority to issue a writ of mandamus to compel them to do so. "It is the duty of the court so far to adhere to the substantial requirements of the law in regard to elections as to preserve them from abuses subversive of the right of electors." *Hunt v. Campbell*, 19 Ariz. 254, 269, 169 P. 596, 602 (1917). A judge cannot change election rules whenever someone has "questions" or "concerns" about the results. A writ of mandamus lies only if election officials fail to follow the rules established by the law – here, the Election Procedures Manual. When Maricopa County officials conducted the hand count audit, they followed the Elections Procedures Manual to the letter. As a result, there was and is no basis for mandamus relief.

The Request for Declaratory Relief Was Way Too Late

There are legally appropriate ways to test the validity of the Elections Procedures Manual in court. The political party has the right to sue for a judicial determination of whether the Elections Procedures Manual follows the law. The Arizona Republican Party nominally did that here, by asking the court to "declare that the hand count sampling be of "precincts . . . and not of "vote centers." Verified Complaint at 5. But the law sets out basic rules, for that kind of lawsuit,

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that were not followed here. The suit was brought against the wrong party, and far too late, for the requested relief.

Arizona's Uniform Declaratory Judgments Act, A.R.S. §§ 12–1831 through 12–1846, is an "instrument of preventive justice" that allows a court to determine a person's rights, status or other legal relations. *Canyon del Rio Investors, L.L.C. v. City of Flagstaff*, 227 Ariz. 336, 258 P.3d 154 ¶ 18 (App. 2011). When a justiciable controversy exists, the Act allows adjudication of rights before the occurrence of a breach or injury necessary to sustain a coercive action for damages or injunctive relief. *Id.* A justiciable controversy arises when the party seeking the declaration has a real, present interest in the issue and the party being sued has a real, present interest in opposing the declaration being sought. *Moore v. Bolin*, 70 Ariz. 354, 358, 220 P.2d 850, 852-853 (1950).

A party seeking a declaratory judgment must file suit against the appropriate party. On a claim like this one, where the plaintiff says that government officials have misinterpreted the law, the proper defendant is the government agency or official responsible for the interpretation. The official responsible for the Elections Procedures Manual, including the hand count audit rules, is the secretary of state. A.R.S. § 16-452. The secretary of state therefore should have been named as the defendant in this case for purposes of the declaratory judgment claim.

The plaintiff chose to sue Maricopa County election officials instead of the secretary of state. County officials have no power to rewrite the Elections Procedures Manual. As a result, the plaintiff's request for a declaratory judgment against them was futile. Fortunately for the plaintiff, the secretary of state chose to intervene. But for that decision, the declaratory judgment claim would have been dismissed out of hand.

A party seeking a declaratory judgment also must file suit at the appropriate time. Declaratory relief cannot be sought until a justiciable controversy has arisen. *Arizona State Board of Directors for Junior Colleges v. Phoenix Union High School District*, 102 Ariz. 69, 73, 424 P.2d 819, 823 (1967). On the other hand, the party seeking relief must not unduly delay. A legal doctrine called *laches* discourages dilatory conduct by litigants. *Lubin v. Thomas*, 213 Ariz. 496, 144 P.3d 510 ¶ 10 (2006). Laches requires dismissal of a case when unreasonable delay in bringing the claim prejudices the opposing party or the administration of justice. *Id.*

This case is a textbook example of unreasonable delay that calls for the application of laches. The plaintiff could have gone forward with the case months ago. Instead it waited until after the election, after the statutory deadline for commencing the hand count audit, and (as it turned out) *after the completion of the audit*. The delay prejudiced both the defendants and the public. That defect, unlike the failure to sue the proper party, could not have been fixed.

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The plaintiff itself admitted that its claim could have been filed long ago. In one of its filings, the plaintiff said, "until this election cycle, there was simply no real case or controversy to decide in Maricopa County . . . because the county used the 'precinct' model" instead of the voting center model. Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 3. The necessary implication is that a justiciable controversy arose when the Board of Supervisors first approved the use of voting centers for 2020 election cycle. Since the first elections in 2020 were the presidential preference primaries on March 17, the decision to use voting centers for those elections happened in January, or February at the latest. The plaintiff could have filed the case then, or at any time in the eight or nine months since.

Even if the focus is narrowed to the general election, the plaintiff delayed unreasonably. The Board of Supervisors passed the resolution authorizing the use of voting centers for the general election on September 16. The plaintiff unquestionably could have brought the action then. Instead the plaintiff waited another eight weeks to file the complaint, until the election was over and the statutory post-election deadline for commencing the hand count audit had passed.

The plaintiff asserted that its eleventh-hour filing decision primarily stemmed from worries about election integrity. "[P]erhaps most importantly (and obviously) of all concern about potential widespread voter fraud has taken on a special significance in this general election, warranting a thorough focus on these [election] laws and compelling Plaintiff to take action." Plaintiff's Response to Defendant/Intervenors' Motion to Dismiss at 2. Setting aside for the moment the illogic of an attempt to disprove a theory for which no evidence exists, the plaintiff's defense of the case's timing failed on its own terms. The filing delay created a situation in which an order requiring another audit with different rules would only have amplified public distrust.

The Arizona Supreme Court very recently highlighted the prejudice caused by belated lawsuits directed at election rules. The issue arose when the Maricopa County Recorder proposed sending out mail-in ballots with instructions different than those specified in the Elections Procedures Manual. *Arizona Public Integrity Alliance v. Fontes*, 475 P.3d 303 (2020). Disallowing the Recorder's proposal, our Supreme Court warned: "When public officials, in the middle of an election, change the law based on their own perceptions of what they *think* it should be, they undermine public confidence in our democratic system and destroy the integrity of the electoral process." 475 P.3d 303 ¶ 4 (emphasis in original).

The Supreme Court's admonition to public officials who would change the rules "in the middle of the election," applies squarely to this case. It applies to the Maricopa County officials administering the election. It applies to the Arizona Republican Party as an official participant in the election. Most importantly, it applies to this Court, when a participant in the election asks the court to change an election process that is already underway or, worse, to order election officials to do it over using different rules. Either way, the only possible answer is "no."

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The plaintiff also failed to acknowledge the prejudice that its delay caused Maricopa County. The plaintiff argued that there was still time to conduct another audit before the deadline for the canvass. Assuming (generously) that the plaintiff was right about that, the argument ignored the cost to the county of repeating the hand count audit. A second audit would have cost tax dollars and disrupted the orderly administration of the election. The fact that the second audit would have been conducted under tight deadlines, with election resources at a premium, would have multiplied those costs. For that reason also, the plaintiff's declaratory relief claim was not well taken.

A Post-Election Judicial Inquiry into Election Procedures Was Not Justified

It is telling that the plaintiff lost interest in the declaratory judgment claim, and pivoted instead to the request for an injunction to stop the certification of the election and the canvass of the results, as soon as the defendants made clear that the hand count audit has been completed. The plaintiff could have pursued the declaratory judgment claim to determine how to audit future voting center elections. That it did not do so demonstrates that its real interest was not the audit procedure as such. The real issue, evidently, was the outcome of the 2020 election.

Arizona law categorically prohibits this kind of post-election lawsuit. Actions concerning alleged procedural violations of the electoral process must be brought prior to the actual election. *Sherman v. City of Tempe*, 202 Ariz. 339, 342, 45 P.3d 336 (2002). "[T]he procedures leading up to an election cannot be questioned after the people have voted, but instead the procedures *must* be challenged before the election is held." *Tilson v. Mofford*, 153 Ariz. 468, 470, 737 P.2d 1367 (1987) (emphasis in original). "If parties allow an election to proceed in violation of the law which prescribes the manner in which it shall be held, they may not, after the people have voted, then question the procedure." *Kerby v. Griffin*, 48 Ariz. 434, 444, 62 P.2d 1131 (1936). Our state Supreme Court long ago explained why this rule exists, in terms that remain relevant today.

> The temptation to actual fraud and corruption on the part of the candidates and their political supporters is never so great as when it is known precisely how many votes it will take to change the result; and men who are willing to sell their votes before election will quite as readily sell their testimony afterwards, especially as the means of detecting perjury and falsehood are not always at hand until after the wrong sought to be accomplished by it has become successful and the honest will of the people has been thwarted.

Hunt v. Campbell, 19 Ariz. 254, 277, 169 P. 596, 605 (1917), *quoting Oakes v. Finlay*, 5 Ariz. 390, 53 P. 173 (1898).

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Because the public interest in protecting "the honest will of the people" is paramount, an allegation that election officials did not "follow the law" is not sufficient to sustain a post-election claim. Noncompliance with a procedural rule that could have been enforced by mandamus prior to the election justifies rejecting the vote afterward only if there has been "actual fraud" or a demonstrable effect on the election's outcome. *Id.* at 267-268, 169 P. at 601-602. The "cardinal rule," after the election, is this:

> [G]eneral statutes directing the mode of proceeding by election officers are deemed advisory, so that strict compliance with their provisions is not indispensable to the validity of the proceedings themselves, and that honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they affect the result, or at least render it uncertain.

Findley v. Sorenson, 35 Ariz. 265, 269, 276 P. 843, 844 (1929).

From these substantive principles, procedural rules follow. One is that election results are presumed to be valid and free of fraud. *Hunt v. Campbell*, 19 Ariz. at 268, 169 P. at 602. The presumption against fraud is especially strong when the election contest "arises from the acts of public officers, acting under the sanction of their official oaths." *Id.* at 271, 169 P. at 603 (citation and internal punctuation omitted). "The presumption is in favor of the good faith and honesty of the members of the election board. Regarding their official conduct, like all public officials, courts never presume fraud against them to impeach their official acts." *Id.* at 268, 169 P. at 602. The election challenger bears the burden of proving the existence of fraud or impropriety. *See id.* at 264, 169 P. at 600.

Moreover, proof "of the most clear and conclusive character" is necessary to justify judicial intervention that might jeopardize "the certainty and accuracy of an election." *Id.* at 270-271, 169 P. at 603. (citation and internal punctuation omitted). Fraud or impropriety "ought never to be inferred from slight irregularities, unconnected with incriminating circumstances; nor should it be held as established by mere suspicions, often having no higher origin than partisan bias and political prejudices." *Id.* at 264, 169 P. at 600. "[N]othing but the most credible, positive, and unequivocal evidence should be permitted to destroy the credit of official returns. It is not sufficient to cast suspicion upon them; they must be proved fraudulent before they are rejected." *Id.* at 271, 169 P. at 603. "To destroy the credit of the official returns there must be positive and unequivocal evidence of the fraud, and if the circumstances of a case can be explained upon the hypothesis of good faith, that explanation will prevail. *Id*. at 276, 169 P. at 605.

These longstanding rules have stood the test of time. They remain vital today, guarding the electoral process against the gamesmanship of those who might otherwise hedge against a loss at

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the polls by holding legal issues in reserve or use the law as a tool to thwart the will of the voters. An example of their recent application, in a case analogous to this one, is *Williams v. Fink*, 2019 WL 3297254 (Ariz. App. July 22, 2019). Williams, a candidate for Santa Cruz County Superior Court judge, challenged the result of the election because opposing candidate Fink's name had been listed first on most of the ballots.

The Court of Appeals affirmed the trial court's order dismissing Williams's claim without a hearing. The court held that "Williams's challenge to how the ballots were printed should have – and could have – been brought before the election. Because he failed to address the county's method of alternating the candidates' names on the ballots prior to the election, he cannot, after the election, question the county's procedure." *Id.*, ¶ 14. Alternatively the court held, citing *Findley v. Sorenson*, that Williams had failed to state a claim because he had not plausibly alleged that the purported misconduct of election officials might have affected the outcome of the election. *Id.*, ¶¶ 15-20.

The same rules applied here, in the same way as in *Williams*. The alleged procedural violation of the election laws (here, the sampling of ballots for the hand court audit by voting center rather than by precinct) resulted directly from pre-election decisions that were known, or should have been known, to the party claiming to be aggrieved. The implementation of the questioned procedure began before the election (in *Williams,* when the ballots were printed; here, when the political party officials chose the Hand Count Board members) though the alleged harm occurred later (in *Williams,* during the election itself; here, immediately after the election when the polling places were sampled for audit). The time for testing whether the procedure comported with the law, here as in *Williams*, was likewise before the election.

Similarly, here as in *Williams*, the plaintiff failed to state a viable post-election claim. The plaintiff here demanded a hand count audit "in strict accordance" with the statute, Verified Complaint at 1, at a time when an alleged failure strictly to comply did not give rise to a cause of action. The plaintiff offered only suspicion of wrongdoing, in a situation that required it to plead specific, facially credible facts backed by "the most credible, positive, and unequivocal evidence" of fraud or malfeasance. The plaintiff here did not even allege facts that cast doubt on the reliability of the hand count audit, let alone the outcome of the election or the honesty of the officials who administered it. The law therefore required immediate dismissal of the case.

The Proposed Amendment Adding a Claim for Injunctive Relief Was Futile

When this case was dismissed, Plaintiff's Motion for Leave to File an Amended Complaint was pending. The plaintiff asked in the motion for permission to add an application for preliminary injunction to the application for a writ of mandamus and the declaratory judgment claim. The plaintiff sought to enjoin the defendants from certifying the countywide voting results and issuing

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the official canvass "until there has been a judgment or other dispositive ruling in this matter, and the terms of such ruling or judgment, if any, have been complied with." Application for Preliminary Injunction at 1.

A party seeking a preliminary injunction traditionally must establish four criteria: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Arizona Association of Providers for Persons with Disabilities v. State of Arizona*, 223 Ariz. 6, 219 P.3d 216 ¶ 12 (App. 2009). As with any request to amend the complaint, however, a request to add a claim for an injunction may be denied if the amendment would be futile. *First Citizens Bank & Trust Company v. Morari*, 242 Ariz. 562, 399 P.3d 109 ¶ 12 (App. 2017).

The plaintiff's application for a preliminary injunction was futile here. The underlying election challenge had no chance of success, for all of the reasons stated above. The plaintiff could not show irreparable injury from the certification of the election results, or a favorable balance of hardships, because the plaintiff could not explain how, exactly, it would benefit from a do-over of the hand count audit. At the November 18 oral argument, counsel said, "It's about making sure there's no error, making sure there's no fraud." But that explanation ran headfirst into the public policy that prohibits judicial intervention into an election based on mere suspicion that something went wrong. As a matter of policy, the public's interest in "the certainty and accuracy of an election" far outweighed what the Arizona Republican Party described as "the importance . . . of doing everything with respect to this election 'by the book." Application for Preliminary Injunction at 3. In short, all four criteria weighed *against* the request for injunctive relief.

For all these reasons,

IT IS ORDERED affirming the order of dismissal filed November 19, 2020.

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From: Judd, Peggy
To: hal34
Subject: Fwd: Letter to the Cochise Board of Supervisors
Date: Thursday, October 20, 2022 6:21:13 AM
Attachments: 10.19.2022 Letter to Cochise BOS re Tabulation.pdf

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•..to add to Jim Oconners second email and video and your excellent research...we get this. Hobbs has all election directors singing in chorus. Attorneys are organized as well. Basically the bureaucracy doesn't appear to consider the people as their boss. The people across the ages, weighing in on this today and generations to come are my focus. God help us.
Peggy

Sent from my iPad

Begin forwarded message:

From: Kori Lorick <KLorick@azsos.gov>
Date: October 19, 2022 at 6:15:32 PM MST
To: "Crosby, Tom" <TCrosby@cochise.az.gov>, "English, Ann S" <AEnglish@cochise.az.gov>, "Judd, Peggy" <PJudd@cochise.az.gov>
Cc: "Marra, Lisa M" <LMarra@cochise.az.gov>, "Stevens, David" <DStevens@cochise.az.gov>, "Gilman, Sharon" <SGilman@cochise.az.gov>, "Karwaczka, Richard" <RKarwaczka@cochise.az.gov>, "Mattix, Timothy" <TMattix@cochise.az.gov>, "Roberts, Christine" <CRoberts@cochise.az.gov>
Subject: Letter to the Cochise Board of Supervisors

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CAUTION: EXTERNAL EMAIL*

Please see the attached letter regarding the proposal to hand count ballots for the 2022 General Election. If I can provide additional information, please let me know.

Thank you,

Kori

State Elections Director
Arizona Secretary of State's Office

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open

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attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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KATIE HOBBS
SECRETARY OF STATE

October 19, 2022

Via Email

Cochise County Board of Supervisors
Tom Crosby, tcrosby@cochise.az.gov
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov

Re: 2022 General Election Tabulation

Dear Cochise County Board of Supervisors,

We understand that the Cochise County Board of Supervisors will vote next week on whether to conduct a hand count of all votes cast, despite both the Cochise County Attorney's and Legislative Council's determination that doing so would be unlawful. The Secretary of State agrees with the County Attorney and Legislative Council and urges the Board to abandon this misguided effort.

As you know, Arizona has rigorous standards in place to ensure that electronic voting systems used in our elections are secure and accurate, including federal and state certification requirements, pre- and post-election logic and accuracy testing, and post-election limited hand count audits. *See* EPM, Ch. 4, A.R.S. §§ 16-442, -449, -602. The use of electronic tabulation combined with these and other security measures allows counties to fulfill their statutory duties in a timely manner while ensuring the accuracy and integrity of our elections. Indeed, as recently explained by the General Counsel of the Arizona Legislative Council, Arizona law only contemplates manual counting of ballots where "it becomes impracticable to count . . . ballots with tabulating equipment." *See* A.R.S. § 16-621(C).

And this is for good reason: a full hand count raises numerous concerns. Notably, hand counting is necessarily time intensive and prone to human error. Any election director in Arizona—the official responsible for overseeing tabulation of ballots—can attest that it's impossible to complete an accurate hand count of an election with dozens of races on the ballot in time to comply with applicable statutory deadlines, including the county canvass deadline. A.R.S. § 16-642(A) (requiring counties to canvass between six and twenty days after an election). Additionally, transitioning to a full hand count this close to the election raises operational and security concerns. Election procedures are generally developed

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through careful consideration and with sufficient time to prepare for an upcoming election. In fact, Cochise County has already filed its election program and emergency contingency plan for the General Election with the Secretary of State, confirming its usage of electronic equipment for this election. *See* A.R.S. § 16-445(A). Early voting for the 2022 General Election began over a week ago, and counties are already permitted by law to begin processing and tabulating ballots. Drastically changing procedures now—mere weeks before Election Day—creates significant risk of administrative error and has the potential to cause voter confusion and mistrust in our elections.

Even if, as indicated at the Board's October 11, 2022 work session, the Board intends to tabulate votes electronically and conduct a full hand count only to audit those machine-tabulated results, the Board has no authority to do so. County boards of supervisors have only those powers "expressly conferred by statute," and the Board "may exercise no powers except those specifically granted by statute and in the manner fixed by statute." *Hancock v. McCarroll*, 188 Ariz. 492, 498 (App. 1996) (quotations omitted). A.R.S. § 11-251(3) gives the Board the power to canvass election returns. It does not grant the power to unilaterally perform a full hand count audit of all votes. While A.R.S. § 16-602 and the Elections Procedures Manual lay out procedures for a limited post-election hand count audit, nothing in Arizona law authorizes the Board to conduct a full hand count outside of those procedures. Similarly, Arizona law authorizes recounts only when the canvassed results fall within the statutorily designated margin. A.R.S. § 16-661. And when an automatic recount is triggered, it must be done by electronic tabulation. A.R.S. § 16-664. The Board would therefore be exceeding its authority under Arizona law if it conducts a full hand count under the guise of either a hand count audit or a recount. The Board cannot simply make up its own extra-statutory process.

If the Board votes to proceed with a full hand count—putting at risk the accuracy and integrity of our elections—the Secretary will take all available legal action to ensure that Cochise County conducts the 2022 General Election in compliance with Arizona law. If that occurs, we note that Arizona law provides for mandatory fee shifting under these circumstances. A.R.S. § 12-348.01. We are all stewards of taxpayer dollars, and taxpayers should not bear the burden of the Board's contemplated unlawful action. We sincerely hope such action is unnecessary and that the Board will follow the advice of its own attorney, protect the integrity of our elections, and ensure continued compliance with Arizona law.

Please let me know if you need additional information.

Sincerely,

Kori Lorick
State Elections Director
Arizona Secretary of State Katie Hobbs
klorick@azsos.gov

AMERICAN OVERSIGHT

cc
Tim Mattix, Clerk of the Board
tmattix@cochise.az.gov

Christine Roberts, Chief Civil County Attorney
croberts@cochise.az.gov

Richard Karwaczka, County Administrator
rkarwaczka@cochise.az.gov

Sharon Gilman, Deputy County Administrator,
sgilman@cochise.az.gov

Lisa Marra, Elections Director
lmarra@cochise.az.gov

David Stevens, County Recorder
dstevens@cochise.az.gov

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Stevens, David; Joseph Patterson
Subject: Fwd: Research Folder R-55-141
Date: Friday, October 7, 2022 11:50:56 AM
Attachments: 141 elections; hand counting; county authority; drop boxes.pdf

---

Decision from Gail. See pdf below.
Peggy

Sent from my iPad

Begin forwarded message:

From: Gail Griffin [redacted]@gmail.com>
Date: October 7, 2022 at 11:37:01 AM MST
To: "Judd, Peggy" <PJudd@cochise.az.gov>, [redacted]@cox.net
Subject: Fwd: FW: Research Folder R-55-141

CAUTION: EXTERNAL EMAIL*

From: Mike Braun
Sent: Thursday, October 6, 2022 5:25 PM
To: Gail Griffin <GGriffin@azleg.gov>

Subject: Research Folder R-55-141

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

ARIZONA LEGISLATIVE COUNCIL

MEMO

October 5, 2022

TO: Representative Gail Griffin

FROM: Hannah Nies; General Counsel

RE: Elections; Hand Counting; County Authority; Drop Boxes (R-55-141)

QUESTIONS

1. May a county opt to not use electronic tabulating equipment that is certified for use in this state pursuant to Arizona Revised Statutes (A.R.S.) section 16-442 and instead hand count all ballots?

2. What powers does a county have with respect to the conduct of elections?

3. May a county require that all drop boxes be inside and monitored by cameras?

ANSWERS

1. A.R.S. section 16-621, subsection C and the Elections Procedures Manual (EPM) do specifically allow a county to hand count all ballots if counting the ballots with tabulating equipment becomes impracticable. In situations in which it is not impracticable, however, it is unclear whether a county could opt not to use electronic tabulating equipment and instead hand count all ballots. Neither the A.R.S. nor the EPM specifically requires a county to use electronic tabulating equipment or prohibits a county from hand counting all its ballots. However, both the statutes and the EPM seem to contemplate that each county will use the electronic tabulating equipment (unless it is impracticable to do so).

2. See DISCUSSION.

3. Yes, a county may require that all drop boxes be inside and monitored by cameras.

DISCUSSION

Statute requires the Secretary of State every two years to issue a manual of official instructions and procedures for conducting elections, the EPM. A.R.S. section

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16-452, subsection B. The rules the Secretary of State adopts through the EPM have the force of law, and their violation is punishable as a misdemeanor. Id. subsection C; Ariz. Pub. Integrity All. v. Fontes, 250 Ariz. 58, 63, ¶ 16 (2020). Thus, when answering these questions, we must look to both the A.R.S. and the EPM.[1]

Hand Counting

Neither the A.R.S. nor the EPM specifically requires a county to use electronic tabulating equipment or prohibits a county from hand counting all its ballots. See A.R.S. section 16-443 ("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.") (emphasis added).

However, both the statutes and the EPM seem to contemplate that each county will use the electronic tabulating equipment. For example, the EPM requires the county officer in charge of elections to "file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place." Ariz. Sec'y of State, 2019 Election Procedures Manual 99 (2019), https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf. The fact that a county is required to submit a tabulation contingency plan that details what it will do if it is unable to use its central count equipment indicates that it is assumed that the county will use this equipment to begin with.

Furthermore, A.R.S. section 16-621, subsection C provides that "[i]f for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the officer in charge of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots." (Emphasis added). See also 2019 EPM at 196 ("If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.") (emphasis added). "Impracticable" is not defined for the purposes of the statute. In these instances, words used in a statute are given their ordinary meaning. A.R.S. section 1-213. "Impracticable" means "not practicable [capable of being put into practice or of being done or

[1] A.R.S. section 16-452 requires the EPM to be issued "not later than December 31 of each odd-numbered year immediately preceding the general election." The process begins with the Secretary of State submitting the manual "to the governor and the attorney general not later than October 1 of the year before each general election." A.R.S. section 16-452. The manual "shall be approved by the governor and attorney general" before its issuance. Id. The Attorney General and the Secretary of State failed to come to an agreement and the EPM was not approved by December 31, 2021. The Attorney General filed a lawsuit against the Secretary of State and requested his preferred 2021 EPM be adopted. The court denied his request and ordered the use of the 2019 EPM for the 2022 elections. Brnovich v. Hobbs, No. Pl300CV202200269 (Super. Ct. 2022), https://www.democracydocket.com/wp-content/uploads/2022/05/Order-06-07-2022.pdf. Thus, for the purposes of this memo, we examined the 2019 EPM.

AMERICAN OVERSIGHT

accomplished]; incapable of being performed or accomplished by the means employed or at command." Merriam-Webster's Collegiate Dictionary 625, 974 (11th ed. 2006). Thus, this language seems to indicate that a county could hand count all the ballots only if the counting is incapable of being performed or accomplished by the electronic tabulating equipment.

Finally, the rules prescribed in the EPM must "achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots." A.R.S. section 16-452, subsection A (emphases added). In furtherance of this statutory directive, the EPM prescribes ample rules regarding tabulating ballots (including rules for conducting the hand count audit required pursuant to A.R.S. section 16-602), but it remains silent regarding procedures for the exclusive hand counting of ballots.

Thus, a county could hand count all ballots if it becomes impracticable to count the ballots using electronic tabulating equipment. It is unclear whether a county could do so if it is not impracticable, but the A.R.S. and the EPM seem to contemplate that the counties will use the electronic tabulating equipment.

County Authority

Both the A.R.S. and the EPM prescribe many powers and duties with respect to the conduct of elections on county elections officers. See, e.g., A.R.S. section 16-549, subsection A (allowing the county recorder or other county elections officer to appoint special elections boards); A.R.S. section 16-621, subsection A (providing that all proceedings at the counting center shall be under the direction of the board of supervisors or other county elections officer and conducted in accordance with the EPM); A.R.S. section 16-246, subsection C (allowing the county recorder or county elections officer to establish on-site early voting locations). Our office is unable to produce an exhaustive list of all of the powers and duties a county has with respect to elections under state law. Please let us know if you would like for us to research whether a county has the authority to take a particular action with respect to the conduct of elections.

Ballot Drop Boxes

The EPM allows counties to establish ballot drop-off locations or drop boxes. 2019 EPM at 56 ("If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee)."). Counties that establish ballot drop-off locations or drop boxes must "develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes." Id. at 60. The EPM prescribes various requirements that counties must comply with when implementing these security procedures. See id. at 60-62. One such requirement is that "[a] ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building." Id. at 60

AMERICAN OVERSIGHT

(emphasis added). Thus, the EPM clearly allows a county to establish drop boxes indoors. There is nothing in the EPM that would prohibit a county from monitoring these drop box locations by cameras.

CONCLUSION

A county could hand count all ballots if it becomes impracticable to count the ballots using electronic tabulating equipment. It is unclear whether a county could do so if it is not impracticable, but the A.R.S. and the EPM seem to contemplate that the counties will use the electronic tabulating equipment. A county could also require that ballot drop boxes be established only in indoor locations that are monitored by cameras.

AMERICAN OVERSIGHT

From:	Judd, Peggy
To:	nowbliss
Subject:	Fwd: This is the short one
Date:	Thursday, October 13, 2022 2:27:07 PM
Attachments:	Kari Lake Weighs in on Cochise County Hand Count.mp4

Sent from my iPad

Begin forwarded message:

> **From:** "Judd, Peggy" <PJudd@cochise.az.gov>
> **Date:** October 13, 2022 at 2:01:57 PM MST
> **To:** Chamisa Farms <chamisa@chamisafarm.com>
> **Subject: This is the short one**
>
> Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@verizon.net
Subject: Hand count
Date: Tuesday, October 11, 2022 1:35:23 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:35:51 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:36:09 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:36:23 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: bharviso@sbcglobal.net
Subject: Hand count
Date: Tuesday, October 11, 2022 1:40:53 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@icloud.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:43:55 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:44:11 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:45:26 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@vtc.net
Subject: Hand count
Date: Tuesday, October 11, 2022 1:45:42 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@outlook.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:46:24 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: English, Ann S
To: [redacted]@outlook.com
Subject: Hand count
Date: Wednesday, October 5, 2022 3:06:16 PM

Ann

Get Outlook for iOS

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@icloud.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:46:53 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:49:11 AM

Hi Pat,
Of all emails, I respect yours very highly. It is a tough thing to represent fairly, I hope you will appreciate my response and understand what is actually happening here.
Peggy

Answer to no hand count

Good morning on this beautiful day,

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Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@hotmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:49:39 AM

Answer to no hand count

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AMERICAN OVERSIGHT

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Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:50:13 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:54:17 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Ps…I will always be proud that I stood up for what I believed in that day. Please know I was not aware of nor condone the so called "insurrection" I witnessed on the TV like you did, safe from my hotel room. I am still protecting my grandkids who were there "making history" in their own words from the horrors of that afternoon.
Sincerely,
Peggy

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:54:38 AM

Answer to no hand count

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AMERICAN OVERSIGHT

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Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:55:04 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:55:24 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@live.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:56:24 AM

Answer to no hand count

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District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@hotmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:56:44 AM

Answer to no hand count

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District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:25:07 AM

Answer to no hand count

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Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@yahoo.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:57:07 AM

Answer to no hand count

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District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@aol.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:57:32 AM

Answer to no hand count

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District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@yahoo.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:57:47 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@outlook.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:58:22 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@msn.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:58:35 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@icloud.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:58:48 AM

Answer to no hand count

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Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@msn.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:59:21 AM

Answer to no hand count

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District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:59:54 AM

Answer to no hand count

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AMERICAN OVERSIGHT

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Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 2:00:23 AM

Answer to no hand count

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Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:25:25 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@aol.com
Subject: Hand count
Date: Tuesday, October 11, 2022 2:00:37 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 2:03:49 AM

Answer to no hand count

Good morning on this beautiful day,

First I would like to address vote in person. That was strictly to those interested in proving their own point and taking that leap back into in person voting. Personal choice guided that message and their actions if any.

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 2:04:20 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@hotmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 2:04:59 AM

Answer to no hand count

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@cox.net
Subject: Hand Count
Date: Monday, October 24, 2022 10:33:00 AM

Maybe you can attend online today at two. If you go to Agenda and Minutes on Cochise.az.gov you can see the link to come in via computer or phone numbers to call in.

Just so you know, cost to the county is covered by a fund set up by the Senate and I have already verified that.

This is not a one party issue. The machines and their vulnerabilities were well documented following the 2016 Presidential Election.
We are not on different sides of this issue.

The entire election will be complete, including complete machine count and verification and announcement of winners, before I will allow this hand count, including selection and training to commence
UNLESS the Elections Director (or other designee, maybe our County Recorder) would prefer otherwise. There will be no interference with the ELECTION process as currently constituted.
Thanks for your comments and questions and thanks for hearing my response.

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:26:29 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@yahoo.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:28:37 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@vtc.net
Subject: Hand count
Date: Tuesday, October 11, 2022 1:28:56 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@yahoo.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:29:12 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count
Date: Tuesday, October 11, 2022 1:29:37 AM

Answer to no hand count

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Mary Moran
Subject: Hand count news
Date: Saturday, October 15, 2022 10:36:00 AM

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https://us01.l.antigena.com/l/AzPpbuCYbiMI_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFeIwkUPPaJlDklPB9EQgsVR6speNqAYWPpIzS_sE-m9JcYYOFYF8ayIzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~
Well, Mary… we are doing this hand count thing. The Meeting to vote on it is set for a Week from Monday.
I was on a real brighteon talk show. Thought you might want to know.

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Hand count no confidence
Date: Wednesday, October 26, 2022 6:53:32 AM

The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part.
Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
We understand the intricacies of this decision and know many people will remain troubled over this decision, long into the future. But fighting each other and calling names didn't work, maybe a concession to satisfy…doubt, curiosity or or even conspiracy is what our county needs right now
Peggy Judd

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Bob Denton
Subject: hand count on the agenda
Date: Saturday, October 15, 2022 10:48:00 AM

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https://us01.l.antigena.com/l/AzPpbuCYbiMI_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFeIwkUPPaJlDklPB9EQgsVR6speNqAYWPpIzS_sE-m9JcYYOFYF8ayIzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~
Well, I was on TV … sort of.

Carol and Bob,
You might want to weigh in on this. We (me and a bunch of constituents) really want to have a hand count for this election. There will still be a machine count… but a full hand count after it.
I am getting some push back…so if you want to write an email to board@cochise.az.gov. We will be voting on this a week from Monday.
I would greatly appreciate it if you would let me know what you think.

Peggy Judd
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520-366-2826 cell

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

AMERICAN OVERSIGHT

From: English, Ann S
To: [redacted]@yahoo.com
Subject: Hand count
Date: Wednesday, October 5, 2022 3:02:08 PM

Ann

Get Outlook for iOS

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com; [redacted]@hotmail.com; rcampbell@greenlee.az.gov; bishoj@mohave.gov; web.bos.district5@yavapaiaz.gov
Subject: Heads up on hand count
Date: Saturday, October 15, 2022 9:26:00 AM

Hi fellow AZ supervisors,
I am not sending this to everyone, and have done my best to not have a quorum represented in each of my emails, but just in case don't reply all or at least check before you do.

We have a Special Meeting scheduled on Monday in Cochise County to decide if we will hand count the ballots. It will be held at 2PM in the Board of Supervisors Hearing Room. It is available by Microsoft Teams. You can call 520-432-9200 for help in viewing or find the link on our Agenda by going to Cochise.az.gov and clicking on Agendas and Minutes.
I am sure you all received a letter from Corporation Commissioner Jim O'Connor. This came very late to actually make a difference… or at least that is what I thought. Letter sent out August 30 to all Arizona Election directors, sheriffs, Recorders and Supervisors.
Arizona Corporation Commissioner Urges County Officials to Nix Electronic Voting Machines for November Election - The Arizona Sun Times
I had a county constituent ask to meet with me on September 7th, my first day back from our Family Reunion Camping Trip. It was a scary meeting. The awakening moment, where you think. "I believe this is something we can do!" He asked that we secure our County Elections, based on what our County Recorder, David Stevens, had told him. Vote in person on Election Day. Paper Ballots and Hand Count.
Immediately a barrage of Local Constituents plus Statewide folks have come forward to support this. The Complete-Hand-Count-of-Ballots-journey-began. You only need to google "Cochise County Hand Count" and you will find "the story". With false claims that it is illegal to do this, by attorneys, becoming the message. In fact it is not illegal and I would ask you please call Commissioner O'Connor or his associates, Michael Schafer at 602-770-9776 or Paul Rice at 602-405-3297.
O'Connor states in article above: "In your capacities as County Supervisors under A.R.S. 16-442 you have permissive authority from the Secretary of State in that you MAY choose to use electronic voting machines. There is NO REQUIRED authority mandating you to do so. Each County may choose for themselves."
There are still possible roadblocks, but our request allows flexibility for hand count to be done at convenient times, even after the election is complete, but before the official Canvas. Our Agenda Item for NEXT Monday states:
"Order a onetime hand count of all ballots cast in the General Election to be held on November 8, 2022 including all ballots received by mail to be counted under supervision of the Recorder and Elections Department. Must be completed prior to Certification of Election. Machine count will determine election outcome."
So here is a plea to you. If your county can handle this bold of a move and even if you don't think they can. Please make an effort. It takes a majority of the board or the chairman to call a special meeting. Call it and see what happens. Follow the guidelines for submitting Agenda items for your county and do it if you so desire. I assure you it is possible. Please call Paul or Michael if you are struggling with the idea. You don't need the work session, but you do need the constituents behind you and for many of you, that is no problem. They are there waiting. They will want to come to

AMERICAN OVERSIGHT

speak at your meeting. Just let them know. Our speakers were phenomenal. Both sides of the argument were spot on and welcome. It was not equal though. Election integrity won. Even people who believe our election system is perfect should want "this monkey off of their back." I know I do. We had 140 serious volunteers sign up in a matter of days. Our elections director says the hand count will take 2500 hours, but that is not supported by our County Recorder, Stevens. With 100 volunteers we anticipate 3 to 5 workdays. That includes a significant amount of time for training. Our vote is late in the election process, so my proposal is that the hand count commence after all machine calculations are final. This complete hand count will also stand as an exercise in our contingency plan, in case our machines go down, are compromised or electricity is unavailable.
If this is of no interest to you, I truly understand and have meant no harm or malice in presenting it today. I wish I could have attended CSA with you. I would have held many mini-conversations with you and would have known if this email should be sent at all, but my husband is pretty ill and I could not attend. Basically, I am grounded, but for the best possible reason I can think of.
All my best to each of you!

Peggy Judd
Cochise County Supervisor
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Bisbee, AZ 85603
520-432-9200 phone
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@yahoo.com
Subject: In person
Date: Tuesday, October 11, 2022 1:43:40 AM

That was only an effort to mobilize those who wanted to go toward that. Put their money where their mouth is. Thank you for your email
Peggy

Here is something about the hand count message that is out there too….

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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AMERICAN OVERSIGHT

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Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: In person voting
Date: Tuesday, October 11, 2022 1:35:01 AM

Answer to no hand count

But first in person voting. I responded to constituents who were concerned about better elections and thought in person was better but many of them received early ballots. I asked them to consider going to in person voting themselves. It was their choice, their words backed up by their actions. …as is the hand count issue. Peggy

Good morning on this beautiful day,

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AMERICAN OVERSIGHT

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Sent from my iPad

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Robert Montgomery
Subject: maybe a volunteerFW: Support
Date: Sunday, November 6, 2022 6:16:00 AM

From: [redacted]@protonmail.com>
Sent: Thursday, October 27, 2022 9:34 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Support

CAUTION: EXTERNAL EMAIL*

I am writing to offer my full support in your decision for the hand count. Our family stands with you and Douglas Stands with you.

Joe

Sent with Proton Mail secure email.

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

Brott, Symantha

From: Crosby, Tom
To: [redacted]@cox.net
Sent: Thursday, October 27, 2022 10:18 AM
Subject: Message Recall Failure: Recall: 2019 EPM, Chapter 11, HAND COUNT AUDIT, pages 213-234

Your message

To: English, Ann S; McIntyre, Brian M
Cc: Judd, Peggy; Crosby, Tom; Recorder
Subject: Recall: 2019 EPM, Chapter 11, HAND COUNT AUDIT, pages 213-234
Sent: 10/27/2022 7:16 AM

cannot be recalled on 10/27/2022 10:18 AM.

AMERICAN OVERSIGHT

Brott, Symantha

From: Judd, Peggy
To: [redacted]@cox.net
Sent: Thursday, October 27, 2022 11:11 AM
Subject: Message Recall Failure: Recall: 2019 EPM, Chapter 11, HAND COUNT AUDIT, pages 213-234

Your message

To: English, Ann S; McIntyre, Brian M
Cc: Judd, Peggy; Crosby, Tom; Recorder
Subject: Recall: 2019 EPM, Chapter 11, HAND COUNT AUDIT, pages 213-234
Sent: 10/27/2022 7:16 AM

cannot be recalled on 10/27/2022 11:11 AM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Not read: FW: ALERT: Cochise County Board of Supervisors Sued to Stop Hand Count
Date: Monday, March 4, 2024 2:09:03 PM

Your message
To: MSG Jack Dona US Army RET
Subject: FW: ALERT: Cochise County Board of Supervisors Sued to Stop Hand Count
Sent: 11/2/2022 2:15 PM
was deleted without being read on 11/2/2022 2:16 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: Re: 100%???
Date: Wednesday, November 2, 2022 7:41:57 AM

That is something that is still being worked out but not by our board. I say chances are slim.

Sent from my iPad

On Nov 1, 2022, at 10:54 PM, DANDLAC [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Peggy,

Sorry I didn't get to come help door knock with you. I had prior commitments which I couldn't avoid.

I'm hearing all kinds of things about us getting to do a full 100% hand count of all the races, not just the 5 selected ones! Due to the machines not being certified????

I know you will know the truth.

Thanks

Dan

Sent with Proton Mail secure email.

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@cox.net
Subject: Re: 10/24/22 Objection to changing vote counting
Date: Tuesday, October 25, 2022 10:16:08 PM

We have always planned on following lawful and designated Election procedures. The 100 volunteers have just organized to help source proper candidates quickly.

We have now been asked by the Secretary of State to stay within the statutes for hand counting, and it is what we planned to do. So it appears it is not illegal to do this anymore. I agree with you. Cochise county elections are pretty near perfect as they are. I am hoping by this we will get more people on our team.

Thanks for your thoughts on this matter,
Peggy Judd

Sent from my iPad

On Oct 24, 2022, at 4:22 PM, [redacted]@cox.net wrote:

CAUTION: EXTERNAL EMAIL*

Dear Ms. Judd: I live in Sierra Vista on the west side of 7th Street so the county maps show me in your district as my Board of Supervisors representative. I understand that the Board is considering adding a hand count process as part of the November-2022 voting. I am not aware of any problems with past Cochise County elections, so I do not believe the hand count is necessary. As one of your constituents, I urge you to vote against the proposed change.

Also, I have grave concerns over using the proposed 100 volunteers that the presenters of this amendment want to use to do the hand count. I know that Cochise County has a procedure for recruiting and training there volunteers, use the system that has worked successfully in the past.

Jeanne Benda Whitney
Whitney Law Office
P.O. Box 2439
Sierra Vista, AZ 85636
[redacted]
~~FAX (520) 458-3009~~ (sorry the fax is down)
[redacted]@cox.net

THE INFORMATION CONTAINED IN THIS MESSAGE IS PRIVATE AND CONFIDENTIAL.
The information in this message is intended only for the use of the individual or entity

AMERICAN OVERSIGHT

named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of the message is strictly prohibited. If you have received this message in error, please immediately respond to the e-mail or notify us by telephone at (520) 507-2067.

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: Re: 17 attorneys notified, warned in Cochise County expanded hand count litigation
Date: Saturday, November 12, 2022 4:27:35 PM

It makes you wonder. And there are three elected officials involved. He only mentioned two!
Just WOW!
I'm disappointed and tired of this crap.
Peggy

Sent from my iPad

On Nov 12, 2022, at 2:29 PM, DANDLAC [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Intimidation and election interference lawfare from a corrupt criminal! How dare that SOB to send out a pre-emptive intimidation!

Sent from ProtonMail mobile

-------- Original Message --------
On Nov 11, 2022, 20:04, David Morgan, Publisher < editor.svdr@gmail.com> wrote:

litigation over plans by Board and Recorder leads to warning

COUNTY ATTORNEY TO 17 ATTORNEYS: POTENTIAL CRIMINAL ACTS INHERENT IN PROCEEDING WITH EXPANDED HAND COUNT
- letter cites this incomplete list of potential charges: interference with or corruption of an elections officer, interference with voting equipment, illegal voting (destruction of ballots), refusal by elections officer to perform duty, interfering with judicial proceedings , conspiracy
=======

On the same day that attorneys for the Board of Supervisors and the County Recorder sought unsuccessfully to get an emergency appeal placed on the calendars of the Arizona Supreme Court or the Arizona Court of Appeals, ALL of the attorneys involved (representing both Plaintiffs and Defendants) were sent a written warning about "potential criminal acts" by "certain actors" if the expanded hand

AMERICAN OVERSIGHT

count actually takes place.

In a letter dated (Thursday) Nov 10, 2022, elected Cochise County Attorney Brian McIntyre advised all attorneys involved in the litigation - and the Cochise County Sheriff - that he is concerned and has notified appropriate authorities based on statements made by two elected officials "connected to this".

READ THE LETTER HERE:
https://www.documentcloud.org/documents/23300640-2022-11-10-county-attorney-mcintyre-letter-to-attorneys-plaintiffs-and-defendants?

David M Morgan, Publisher short Bio here
Capitol Times Interview - Q&A (15min video)
member of **IRE** - Investigative Reporters & Editors

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Summer Hom
Subject: Re: 2:30pm Oct. 11 work session
Date: Tuesday, October 11, 2022 1:27:59 AM

---

9 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and

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friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 10, 2022, at 10:43 AM, Summer Hom[redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Sounds good, thanks! What time on Wednesday would work for you? What is a good phone number to call you at?

Summer Hom
Reporter, Arizona Public Media
[redacted]@gmail.com
[redacted]

On Mon, Oct 10, 2022 at 10:26 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

> After the work session, please.
>
> Going in, my thoughts are to address the wishes of the people. I believe that starts with bringing the issues they have concern over before the board of Supervisors.
>
> I am grateful that many, including our County Recorder have thoughts on how elections can be more transparent and secure. I believe that having citizens more involved in the process is always a plus.
>
> There you go for now!
>
> Talk to you on Wednesday. My Tuesday evening is booked.
>
> Thanks,

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Peggy Judd

From: Summer Hom [redacted]@gmail.com>
Sent: Monday, October 10, 2022 9:58 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Cc: Cochise County PIO <PIO@cochise.az.gov>
Subject: 2:30pm Oct. 11 work session

CAUTION: EXTERNAL EMAIL*

Hello Supervisor Judd,

My name is Summer Hom, and I'm a reporter with Arizona Public Media. I saw that you and Supervisor Crosby are holding a work session at 2:30pm on Oct. 11 to discuss a hand-count of the ballots. I had a few questions regarding this initiative. At your earliest convenience, would you have time for a phone interview either prior to or after the work session?

Thank you for your time,

Summer Hom

Reporter, Arizona Public Media

[redacted]@gmail.com

[redacted]

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AMERICAN OVERSIGHT

From: English, Ann S
To: Summer Hom
Subject: Re: 2:30pm Oct. 11 work session
Date: Tuesday, October 11, 2022 6:06:34 PM

Ok, thanks for letting me know.

Get Outlook for iOS

From: Summer Hom[redacted]@gmail.com>
Sent: Tuesday, October 11, 2022 9:08:40 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: 2:30pm Oct. 11 work session

CAUTION: EXTERNAL EMAIL*

Thanks Supervisor English. My colleague Andrew Oxford is now covering the work session. But thank you again for making the time.

Summer Hom
Reporter, Arizona Public Media
[redacted]@gmail.com
[redacted]

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On Mon, Oct 10, 2022 at 10:58 AM English, Ann S <AEnglish@cochise.az.gov> wrote:

> Call me at 4:00 on Tuesday afternoon.
> Cell number is [redacted].
> Ann
>
> Get Outlook for iOS
>
> ---
>
> **From:** Summer Hom[redacted]@gmail.com>
> **Sent:** Monday, October 10, 2022 10:44:58 AM
> **To:** English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** Re: 2:30pm Oct. 11 work session
>
> **CAUTION:** EXTERNAL EMAIL*

AMERICAN OVERSIGHT

Sounds good, thanks! Would Wednesday (Oct. 12) morning or afternoon work for you for a phone interview? If so, what is a good phone number to reach you at?

Best,
Summer Hom
Reporter, Arizona Public Media
[redacted]@gmail.com
[redacted]

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On Mon, Oct 10, 2022 at 10:38 AM English, Ann S <AEnglish@cochise.az.gov> wrote:

I could be available after the work session. At this time, I have no information to share.
Ann English

Get Outlook for iOS

From: Summer Hom [redacted]@gmail.com>
Sent: Monday, October 10, 2022 9:59:39 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Cc: Cochise County PIO <PIO@cochise.az.gov>
Subject: 2:30pm Oct. 11 work session

CAUTION: EXTERNAL EMAIL*

Hello Supervisor English,

My name is Summer Hom, and I'm a reporter with Arizona Public Media. I saw that Supervisors Crosby and Judd are holding a work session at 2:30pm on Oct. 11 to discuss a hand-count of the ballots. I had a few questions regarding this initiative. At your earliest convenience, would you have time for a phone interview either prior to or after the work session?

Thank you for your time,
Summer Hom
Reporter, Arizona Public Media
[redacted]@gmail.com
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Elizabeth Lopez
Subject: Re:
Date: Tuesday, October 11, 2022 1:37:55 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

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Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 8, 2022, at 5:41 PM, Elizabeth Lopez [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

October 8, 2022

Dear Cochise County Board of Supervisors,

I am writing in hopes that you will read this email in its entirety, consider my concerns, and provide a response.

Here are my concerns:

1. Regarding the proposal for a hand count in the upcoming 2022 General Election, I hope that you will explain to me why Republican voters in Cochise County are so concerned about voter fraud when nearly all Republican candidates won their races in the 2020 General Election. If we had widespread voter fraud, does that mean that all the Republican candidates (including Peggy Judd and Tom Crosby) actually lost? Does it mean that Republican candidates only won because of voter fraud?

Here is a link to the data about the 2020 General Election from the county website:
https://www.cochise.az.gov/DocumentCenter/View/660/Summary-Results-PDF
(If your data is different from the county website's, I'd like to know how and where you got your information.)

Is this part of a wider effort from state and national GOP to create doubt and chaos in our election system? Are advocates of a hand count just hoping that Cochise County is a safe place to float this scheme since we always elect so many Republicans?

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2. On another note, I'd like to know why members of our County Board of Supervisors who are concerned with voter fraud are not equally concerned about the Chairman of the Cochise County Republican Committee, Robert Montgomery, fraudulently signing a fake document that falsely claimed Donald Trump as the winner of the Arizona 2020 presidential election? It was not legal (or ethical) for him to do so, and he now denies he was part of that scheme, even though the Arizona Republican Party (@AZGOP) provided evidence of it. Why would you appoint someone to the County Planning and Zoning Commission and to the Palominas Fire District Board who broke the law and who tried to disenfranchise approximately 10,000 votes in our state? Isn't that one of the worst cases of attempted voter fraud ever?

3. I'm extremely concerned about MAGA Republican candidates who say they'll accept the results of the General Election IF they win but NOT if they lose. How childish! Even a little league coach teaches young players that, win or lose, it's important to be honest about the outcome of the game and to be a good sport about accepting the obvious results. (Perhaps MAGA Republicans never had a little league coach who explained this.) There is ample evidence that Donald Trump did NOT win the presidential election in 2020. If anyone still has doubts, I have to question their lack of maturity, their inability to accept a plethora of evidence, and their unwillingness to abide by the truth. The tantrums I'm seeing from MAGA Republican government officials is, frankly, disturbing and embarrassing. So, I'd like to know from each of you: Do you accept the outcome of the 2020 Presidential Election?

4. It causes me great concern to know that any member of our county government would condone dishonesty or denial of facts. My family has lived in Cochise County for almost 100 years. My father worked with Sheriff Jimmy Judd for a couple of years before going to work as a Special Investigator for the Federal Government. He taught me the importance of the Rule of Law laid forth by our US Constitution, and that anyone who breaks the law should be held accountable. He was a WWII Veteran who fought fascism in Patton's 3rd Army. He taught me that the Rule of Law is the only thing that stands between us and an authoritarian regime. He also taught me that a mature person knows and accepts truth and reality. So, I must ask: What laws are you working under? Have you not sworn an oath to uphold the laws of our Arizona and US Constitutions? Do you support the Rule of Law?

I look forward to your reply,

Elizabeth Lopez

AMERICAN OVERSIGHT

Sierra Vista, AZ
[redacted]@gmail.com

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: RE: a proposal regarding vote counting
Date: Thursday, October 27, 2022 5:35:00 PM

I guess you know, our legal fees are on us, because our own attorneys wont represent us or advise us even. It is a little weird right now, but I think the Sec of States letter helped us … in a way.
I am hoping the meeting to work out the details tomorrow will start to heal the rifts that are existing.
Thanks again,
Peggy

From: Peter Waser [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 12:55 PM
To: Board <Board@cochise.az.gov>; Mattix, Timothy <TMattix@cochise.az.gov>
Subject: a proposal regarding vote counting

CAUTION: EXTERNAL EMAIL*

To: Tom Crosby, Ann English, Peggy Judd

Dear Cochise County Supervisors:

I drove down from Portal and attended the first 2½ hours of yesterday's discussion of voting procedures in Bisbee. After stripping away the negativity and vituperation expressed in many of the comments it seems to me that there was an obvious shared concern about election security.

Proponents of a full hand count are concerned that machines can be manipulated, while opponents are concerned that hand counts are time-consuming, expensive and subject to human bias and error. This is true despite the fact that Cochise County has long-tested checks and procedures for dealing with these problems, and that no problems have been reported in County during recent elections.

Perhaps this is naïve and too late, but I'd like to suggest that the commissioners consider a two-pronged approach:

1) During the upcoming election, stick with the standard, state-approved, existing procedures for vote tallying, including machine tabulation with a hand audit of randomly-chosen subsets of the ballots. The result of this count, as in the past, would be certified as the official election result.

2) At the same time, put in place a system for hand counting all ballots that includes ALL THE SAME SAFEGUARDS present in the current audit of ballot subsets. This count would serve as an experimental test of the validity of the machine count but it would not be official; there would be no time pressure and it would not be used to delay certification. If the hand and machine counts agree, the county would have the data necessary to reassure us voters that the system that has worked in the past continues to be safe and secure. If they don't agree, further analysis could clarify whether the mismatch was due to inaccuracy of the machine count, or inaccuracy or bias in the hand count. If the data showed the machine count to be at fault, this would be a basis for changing to a hand count statewide in the next election, and we'd have an idea of the actual time and money costs of a full hand count.

This two-pronged approach would allow you to spend our tax dollars to produce data that would tell us whether there's any real basis to all the criticisms we've heard of our hardworking election officials and volunteers, rather than pissing it away on legal fees.

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Respectfully,

Peter Waser

[redacted], Portal, AZ

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Bontke, Jordan
Subject: RE: ABC15 - Hand count proposal
Date: Sunday, October 23, 2022 12:07:00 PM
Attachments: image006.png
image007.png
image008.png
image001.png

We have plenty of volunteers,

Crosby

From: Bontke, Jordan <Jordan.Bontke@abc15.com>
Sent: Friday, October 21, 2022 11:59 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: ABC15 - Hand count proposal

CAUTION: EXTERNAL EMAIL*

Hey Tom,

ABC15 is following up on the proposal to hand count election night ballots.

We're looking to know if someone from the board of supervisors could share details on what kind of staff would be needed to hand count election night ballots and what voters could expect for when results would be processed.

If you have any questions for me you can reach me at 602.803.2520

Jordan Bontke
Multimedia Journalist
T: 602-803-2520

Abc15 | @abc15 | abc15arizona

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OVERSIGHT

From: Judd, Peggy
To: Holden, Ashley
Subject: RE: ABC15 URGENT REQUEST
Date: Thursday, November 10, 2022 1:27:00 PM

AT this point simply more than the minimum that is required.
I have not tried to manage the Recorder in his role. He has a plan. I trust him to do it right.

From: Holden, Ashley <ashley.holden@abc15.com>
Sent: Thursday, November 10, 2022 1:01 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: ABC15 URGENT REQUEST

CAUTION: EXTERNAL EMAIL*

What does an extended hand count entail?

Can you explain the process so I can accurately explain it to viewers?

Ashley Holden
Reporter
ABC15 - KNXV Phoenix, AZ
[redacted]

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Thursday, November 10, 2022 12:59 PM
To: Holden, Ashley <ashley.holden@abc15.com>
Subject: RE: ABC15 URGENT REQUEST

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Report Suspicious

We have given authority to the Recorder for the extended hand count. I don't know the status on that, but at this point the hand count of ballots that are required are being performed by the Elections Director as was always expected. That might be what you are hearing.
Peggy Judd

AMERICAN OVERSIGHT

From: Holden, Ashley <ashley.holden@abc15.com>
Sent: Thursday, November 10, 2022 12:20 PM
To: Montgomery, Jane <JMontgomery@cochise.az.gov>; Elections <Elections@cochise.az.gov>; Rodriquez, Martha L <MRodriquez@cochise.az.gov>; Recorder <recorder@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: ABC15 URGENT REQUEST

CAUTION: EXTERNAL EMAIL*

Hi,

Ashley Holden here with ABC15.

ABC15 is trying to confirm information on the tabulation process happening in Cochise County.

Numerous media outlets are reporting that a hand count is happening.

I'm hoping someone can give me a call back as soon as possible. My number is in the email below.

Ashley Holden
Reporter
ABC15 - KNXV Phoenix, AZ
[redacted]

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AMERICAN OVERSIGHT

From: English, Ann S
To: Holden, Ashley
Subject: Re: ABC15 URGENT REQUEST
Date: Friday, November 11, 2022 8:28:58 AM

I have no information. I saw on line the Supreme Court denied to an expedited hearing and the Appeals Court said to come back in December. It was on Cochise County Democrats post.
I have talked with no one at the county.
I too am wondering "what now???"
Ann

Get Outlook for iOS

From: Holden, Ashley <ashley.holden@abc15.com>
Sent: Friday, November 11, 2022 8:20:53 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: ABC15 URGENT REQUEST

CAUTION: EXTERNAL EMAIL*

Hi Ann,

I'm hoping you can call me ASAP.

I have heard multiple things from multiple Cochise County Officials and the County Recorder's attorney hung up on me yesterday.

[redacted]

From: English, Ann S <AEnglish@cochise.az.gov>
Date: Thursday, November 10, 2022 at 3:18 PM
To: Holden, Ashley <ashley.holden@abc15.com>
Subject: Re: ABC15 URGENT REQUEST

External sender

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Report Suspicious

The regular hand count is going forward in the Election Department.
The expanded hand count was determined by the judge to be illegal. If anyone is moving forward on this issue there would be consequences through the law.
You would have to check with Recorder Stevens since he was the one authorized by the Board (2/1)to do the expanded hand count.
Ann

AMERICAN OVERSIGHT

Get Outlook for iOS [aka.ms]

From: Holden, Ashley <ashley.holden@abc15.com>
Sent: Thursday, November 10, 2022 12:20:16 PM
To: Montgomery, Jane <JMontgomery@cochise.az.gov>; Elections <Elections@cochise.az.gov>; Rodriquez, Martha L <MRodriquez@cochise.az.gov>; Recorder <recorder@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: ABC15 URGENT REQUEST

CAUTION: EXTERNAL EMAIL*

Hi,

Ashley Holden here with ABC15.

ABC15 is trying to confirm information on the tabulation process happening in Cochise County.

Numerous media outlets are reporting that a hand count is happening.

I'm hoping someone can give me a call back as soon as possible. My number is in the email below.

Ashley Holden
Reporter
ABC15 - KNXV Phoenix, AZ
[redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: DD L
Subject: RE: Agenda for 11/9 Emergency Board of Supervisors Meeting
Date: Wednesday, November 9, 2022 12:45:00 PM

Rcvd, Dan,
Tom

From: DD L[redacted]@hotmail.com>
Sent: Wednesday, November 9, 2022 5:10 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Agenda for 11/9 Emergency Board of Supervisors Meeting

CAUTION: EXTERNAL EMAIL*

Tom
We need the hand count more than ever. Please stay strong, resolute, we have to fight on. Mail in and Precinct must be hand verufied and counted.
Dan

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Tuesday, November 8, 2022 11:50 AM
To: Mattix, Timothy <TMattix@cochise.az.gov>
Cc: tom crosby[redacted]@gmail.com>; Tom Giuffrida[redacted]@gmail.com>; drjoe[redacted]@proton.me>; DD L[redacted]@hotmail.com>
Subject: RE: Agenda for 11/9 Emergency Board of Supervisors Meeting

Thanks Mr. Mattix,
Received.
Tom Crosby

From: Mattix, Timothy <TMattix@cochise.az.gov>
Sent: Tuesday, November 8, 2022 10:34 AM
To: BOS-Supervisors <BOSSupervisors@cochise.az.gov>
Cc: County Elected Officials <CountyElectedOfficials@cochise.az.gov>; County Department Directors <CountyDepartmentDirectors@cochise.az.gov>; Wright, Melissa A <MAWright@cochise.az.gov>
Subject: Agenda for 11/9 Emergency Board of Supervisors Meeting

Good morning,

The agenda for tomorrow's Emergency Board of Supervisors meeting is attached and is also available for online viewing at https://destinyhosted.com/agenda_publish.cfm?id=26244&mt=BOS,BOE,FCD,LIB,LIGHT,PUBNTC,EXEC,SPCL,WKS,RAC,EMRGCY.

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should

AMERICAN OVERSIGHT

not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Snow, Anita
Subject: RE: Associated Press query
Date: Tuesday, October 25, 2022 1:58:00 PM

Just one quick comment. The SOS letter was not a surprise and we were aware of all the items she referred to in the statute except for early ballots being off limits. I am investigating that further. Our intention was to follow all applicable statutes concerning hand count voting.
Thank you for allowing my comment.
Peggy

From: Snow, Anita <ASnow@ap.org>
Sent: Tuesday, October 25, 2022 1:33 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Associated Press query

CAUTION: EXTERNAL EMAIL*

Greetings,
I am writing a follow up story right now about the board's Monday vote on hand counting of ballots and the letter the SOS sent to all of you today.
I found the Monday night meeting very confusing and am wondering if one or all of you can tell me whether the folks who voted for the second measure on the agenda thought they were approving a hand count of absolutely all ballots cast in the midterm election or whether the thinking was to approve a more limited number of ballots as outlined in the SOS letter (None of the mail in ballots representing 80% of the overall vote, no more than 1% of those early ballots, only four races chosen by lot.)
I'm also wondering if there is any kind of general reaction to the letter from the elections director of the state of Arizona.
Also, who is responsible for writing the letter, the individual supervisors?

Many thanks for any light you can shed on some or all of this.
Very grateful,
Anita Snow

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AMERICAN OVERSIGHT

From: English, Ann S
To: Snow, Anita
Subject: Re: Associated Press query
Date: Tuesday, October 25, 2022 2:05:32 PM

I have no information on how the board members think their vote can be accomplished since the County Attorney has given the legal advice it is an illegal action.
Ask the other two board members.
Ann English

Get Outlook for iOS

From: Snow, Anita <ASnow@ap.org>
Sent: Tuesday, October 25, 2022 1:32:40 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Associated Press query

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cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Snow, Anita
Subject: RE: Associated Press query
Date: Tuesday, October 25, 2022 3:49:00 PM

No problem.
Peggy

From: Snow, Anita <ASnow@ap.org>
Sent: Tuesday, October 25, 2022 2:02 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: Associated Press query

CAUTION: EXTERNAL EMAIL*

Hi there,
My reference was to Kori Lorick, the Arizona state elections director.
Sorry for the confusion on that point
Anita

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Tuesday, October 25, 2022 1:59 PM
To: Snow, Anita <ASnow@ap.org>
Subject: RE: Associated Press query

[EXTERNAL]

I am not aware of any letter written by our elections director to the SOS office.

From: Snow, Anita <ASnow@ap.org>
Sent: Tuesday, October 25, 2022 1:33 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
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AMERICAN OVERSIGHT

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Also, who is responsible for writing the letter, the individual supervisors?

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Very grateful,
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Snow, Anita
Subject: Re: Associated Press query
Date: Wednesday, October 26, 2022 6:40:35 AM

Update from Peggy Judd: The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part.
Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
We understand the intricacies of this decision and know many people will remain troubled over this decision, long into the future. But fighting each other and calling names didn't work, maybe a concession to satisfy…doubt, curiosity or or even conspiracy is what our county needs right now

Sent from my iPad

On Oct 25, 2022, at 3:50 PM, Judd, Peggy <PJudd@cochise.az.gov> wrote:

You are very welcome. Thank you for sharing our message as best you can.

Sent from Mail for Windows

From: Snow, Anita
Sent: Tuesday, October 25, 2022 1:59 PM
To: Judd, Peggy
Subject: RE: Associated Press query

CAUTION: EXTERNAL EMAIL*

Dear Ms. Judd
Thank you for the clarification.

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Tuesday, October 25, 2022 1:58 PM
To: Snow, Anita <ASnow@ap.org>
Subject: RE: Associated Press query

[EXTERNAL]

Just one quick comment. The SOS letter was not a surprise and we were aware of all the items she referred to in the statute except for early ballots being off limits. I am

AMERICAN OVERSIGHT

investigating that further.
Our intention was to follow all applicable statutes concerning hand count voting.
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Kathryn Abbott
Subject: RE: Ballot Counting
Date: Thursday, October 27, 2022 2:58:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

From: Kathryn Abbott [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 4:50 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Ballot Counting

CAUTION: EXTERNAL EMAIL*

Hello Mr. Crosby,
I'm a Cochise County voter who has recently learned about the plans to perform a full hand count of the ballots in this year's election. I'm very concerned about this. Hand counts are subject to higher error rates, risk of bias, and risk of leaked voter information.

Numerous inquiries have revealed that our election process is safe and accurate, and this is a case of blatant political interference. This is a dangerous precedent, and I hope that you will reconsider this decision.

Thank you for your time.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Kathy Garrett
Subject: Re: Ballot hand count
Date: Wednesday, October 26, 2022 6:34:16 AM

The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part. Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
We understand the intricacies of this decision and know many people will remain troubled over this decision, long into the future. But fighting each other and calling names didn't work, maybe a concession to satisfy…doubt, curiosity or or even conspiracy is what our county needs right now.
Peggy

Sent from my iPad

On Oct 26, 2022, at 6:28 AM, Kathy Garrett [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Please stop this continued assault on our democracy. Hand counting ballots is not accurate or even legal. You are simply sowing doubt and undermining our entire democratic system. As a registered voter in Cochise County, I DO NOT WANT A HAND COUNT.

Kathy Garrett

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Debi Kilpatrick
Subject: Re: Ballot hand count
Date: Sunday, October 30, 2022 1:29:14 PM

We have a young fellow by the name of Eli who is calling up libertarians and others and filing to be libertarian chair tomorrow.
He is willing to turn in names of other-than- republicans.

It's still very sticky.
Peggy

Sent from my iPad

> On Oct 30, 2022, at 1:25 PM, Debi Kilpatrick [redacted]@gmail.com> wrote:
>
> **CAUTION:** EXTERNAL EMAIL*
>
> I wonder.....if the Dems are going to try to block this measure by not participating, could Independents step in and do it? To my knowledge, they are just as able to participate as the other 2 parties.
> *Debi Wise*
>
> On Sun, Oct 30, 2022 at 1:13 PM Judd, Peggy <PJudd@cochise.az.gov> wrote:
>
> Debi,
>
> Thank you so much. I appreciate every word of your amazing email. It was my pleasure to do what is right.
>
> I am happy to hear about you being a PC and going to Phoenix in January. I am hoping Kit is well by then. It is a great experience. I am even more excited that you will be shadowing Gail in Phoenix!
>
> I am still very nervous about David Stevens getting this together and the audit happening. Keep praying! We need to find Democrats who will participate with the hand count and push Elizabeth Tyndall, their party chair to go along.
>
> We are all here for a purpose and this is the time we must shine.
> Thanks again,
> Peggy
>
> Sent from my iPad

AMERICAN OVERSIGHT

On Oct 30, 2022, at 12:40 PM, Debi Kilpatrick
[redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Peggy,

Good job! I'm so proud of you and Tom for not being intimidated, and voting the best way to provide transparency in our Cochise County voting procedure. We can never have too many fail-safes. I, as well, have a copy of the AG's letter saying you were well within your rights to vote for this.

It's a good idea to have these fail-safes in place BEFORE we have any issues. Pima County is quite frankly, a shit show. The remedy seems very exhaustive, with years of work ahead of the people there, who want to straighten it out. It seems quite a daunting task. I hope someday that county can be cleaned up. I am glad to see you and Tom took steps to help make sure that Cochise County does not experience Pima County's chaos and corruption.

Anyone who is not behind complete transparency in our elections needs to "find somewhere else to be" (as I like to say) and for people in leadership positions, who are not acting in The People's best interests.

There were many legislators watching that meeting on Monday the 24th. Many reached out to Daniel telling him "good job" afterwards, and were in support of your and Tom's position. I hope they reached out to you and Tom as well. They knew you were within your rights to vote the way you did, and very glad Daniel gave you the backing you deserved.

My understanding is that other counties in our state are also considering passing what was passed in Cochise County.

Cindy and I met with Daniel, and his friend Brian, on their way home after he spoke in Bisbee. He is a very sincere and well versed man. Quite the asset. I would

AMERICAN OVERSIGHT

like to see him run for a higher office. Maricopa County Sheriff comes to mind.

I am currently watching the 10.28.2022 work session. You are on top of your game. Very well spoken. I shall refrain on my opinions of Brian McIntyre. He needs a salad dressing named after him, to top his word salads.

On a personal note, I have given up my long-standing, 37 year strong stance, as an Independent. In June, I was asked to be a Republican Precinct Committeeman, and I changed my party affiliation to fulfill this position. Apparently, my Constitutional Conservatism was showing through, and was recognized. Now is the time for me to do my best, by joining this fight.

Shortly afterwards, I was made the Captain of the Mescal / J6 PCs. I was also asked to go to the AZ Capitol in January to vote in the AZ GOP events. Gail has also offered to have me shadow her in her duties, in January, at the AZ Capitol. That is something I am very excited to participate in!

Again, Very good job Peggy!

Stay Strong,

Debi Wise

[redacted]
Benson, AZ 85602
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: MICHAEL MCMILLIN
Subject: Re: ballot hand count
Date: Tuesday, October 11, 2022 2:06:07 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 3, 2022, at 6:58 PM, MICHAEL MCMILLIN
<[redacted]@hotmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Sent from Mail for Windows
Dear Ms. Judd: Just a constituent voicing his opinion on a ballot hand count. NO WAY! I don't believe in the infallibility of the Pope and I don't trust a person to count my ballot. Only a machine can do it without temptation to meddle. Diogenes would be right at home here. Sincerely, Michael T. McMillin

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Jo Ann (Shoaf) Gasper
Subject: RE: Be Prepared to Vote - Know The Propositions on The Ballot
Date: Saturday, November 12, 2022 9:15:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Jo Ann (Shoaf) Gasper [redacted]@gmail.com>
Sent: Monday, November 7, 2022 9:13 PM
To: Jo Ann Shoaf GASPER [redacted]@gmail.com>
Subject: Be Prepared to Vote - Know The Propositions on The Ballot

CAUTION: EXTERNAL EMAIL*

If you have not already voted, be sure to vote Tuesday, November 8. The polls open at 6 am and close at 7 pm. Anyone standing in line at 7 pm will be able to vote. Anyone arriving after 7 pm, will not be allowed to vote.

Be sure to allow plenty of travel time to get to the poll before it closes. If you are like me, when I'm in a hurry and running late, every light turns red, there is heavy traffic, and the traffic is moving about 10 mph below the posted speed limit. If you want to vote, you simply cannot be late.

For the voter who has researched the issues and knows how to vote, it will take them approximately 6 minutes to work through the ballot. For voters who have not researched the issues, it could take 30 minutes. The voter who is not prepared will produce long lines. Help yourself and other voters, decide how you will be voting on the 10 propositions and the Active Management Area if you are in the Wilcox or Douglass watersheds.

AMERICAN OVERSIGHT

Attached is a brief synopsis of the various propositions for your use.

A reminder, a voter may take with their notes, or other aids to help them vote. Just remember to please take it with you when leaving the polling place.

Go vote!

jo ann

--

Jo Ann Shoaf Gasper
[redacted]
Hereford, AZ 85615

Phone: [redacted] (cell)

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: DANDLAC
Subject: Re: Before I transmit...
Date: Thursday, November 3, 2022 6:55:06 AM

First amendment

Get Outlook for iOS

From: DANDLAC[redacted]@protonmail.com>
Sent: Saturday, October 29, 2022 7:47:01 AM
Subject: Before I transmit...

CAUTION: EXTERNAL EMAIL*

... I seek the thoughts/recommendations of the persons to whom I bcc'ed this draft reply to MSG Jack Dona's letter (below my letter here) to County Government employees and leaders. McIntyre must go. At the very minimum he must enter a public apology for what he and his deputy C Wilson both did in undermining our effort to count the vote to ensure election integrity and for their heinous acts against the BOS.

Please let me know if you have any grief as soon as you can. I would like to transmit today if possible.

Dan

MSG Dona,

Precisely correct and spot on.

Too much of our government, who we elected (and hired with high salaries and benefits) to represent us in the course of self-governing our Constitutional Republic, a government of, by, and for the people, have failed us. In fact they think they will tell us how things will be. They are, by their continuing dictatorial actions, putting us on a very dangerous precipice. Brian McIntyre should immediately resign, or be fired, for the false legal advice he decided to assert - (without knowing all the facts or even caring to discover and understand them), during the Board meeting which was held to vote for the hand count. Resign for failing to even state there were ways to do the count. Fired or resign for refusing to do his job in denying legal defense for the Board Of Supervisors - FORCING them to find their own lawyers. Simply unconscionable use of lawfare to attempt to silence the SUPERVISORS AND THE PEOPLE WHO ELECTED THEM! To many people, Mr. McIntyre is breeding a corrupt culture of contempt in his office for the citizens of Cochise County. Shame on Ms. English for failing to stand up for her fellow supervisors against McIntyre's outrageous conduct, instead of trying to summarily dismiss the meeting when the County's technology conveniently failed for Mr Crosby at the beginning of the meeting.

Their job is not to rule over us, as some of them think it is. Their job is to govern for us and to help us keep everything on the straight and narrow. Their actions in hiding the fraud and acting

AMERICAN OVERSIGHT

like it doesn't exist will not stand. Their actions in attempting to deny us the right to count and thoroughly examine our vote will not stand. This blatant lawfare against the citizens will not stand.

Thankfully, 2/3d's of the Board of Supervisors, **Ms Judd and Mr Crosby** are **NOT** guilty of any of the above and are in fact representing the Citizens with the highest standards of ethics, performance, and their loyalty to their oath to the Constitution and the Citizens. We need more people like them in County Government. This government, which is closest to the people must immediately cease any bias or ACTS OF INTIMIDATION, against any Citizen.

Its my sincerest hope the other government workers will come to their senses and begin adhering to the oath they all took. Those workers need to get back on track in working for the Citizens who hired them, who pay their salaries and who expect them to do their jobs in the best interests of the citizens, our Constitution, and for our freedom, liberty, and rights. The single guiding principle in Government must be to do the work of the people in protecting our natural rights, freedom, liberty, pursuit of happiness and self determination for every Citizen. I strongly recommend that the County Government can start by referring to the Citizens as Citizens, instead of as the public which is a disrespectful and dishonorable misrepresentation of the people for which the government works. I hope that Ms English will establish an agenda item for the BOS for the purpose of changing the derogatory use of "the public" to "the Citizens" in all county documents..

They can still choose to do the right thing and we could all begin to work together again. It is that simple. It starts with election integrity, it starts with letting the people count our vote so we can verify the count of machines which were forced on us, against our will, without our consent..

Dan LaChance
Citizen.

From MSG (RET) Dona

Readers (BCC),

The recent actions of certain elected officials and un-elected bureaucrats in Cochise County, AZ., leads me to believe that what is transpiring in our little county is not isolated. Here is a quick rundown of my observations of what has transpired thus far:

1. The 45th President of the United States has asserted that there was a coup de tat, and it was done via voter fraud. To date all we have heard from the mainstream media is its all "A Big Lie" and there is no truth to it. Yet with the sole exception of the Maricopa County Audit and a half hazard look in Georgia, nothing has been done to PROVE the 45th President is wrong.

2. The audit in Maricopa County, AZ., and in Georgia were far from complete. I come to that conclusion because the **electronic voting systems** that are used to tabulate these votes were either wiped clean, or forensic examination was stopped via court action. Remember the routers in Maricopa County that couldn’t be looked at because of "security concerns"?

AMERICAN OVERSIGHT

3. Captain Seth Keshel, a highly decorated combat veteran and military intelligence officer asserts that there was upwards of 7000 illegal votes "parked" here in Cochise County for the 2020 election. His analysis shows that the illegal votes affected the national level ballot races and kept the county down ballots "red". To date nobody has sued CPT Keshel. Nobody has stepped forward to credibly dispute his assertions. These illegal votes could only be possible if it was done via manipulation of the **electronic voting systems**, as Cochise County has all of its drop boxes monitored and inside govt offices. Those offices close at the end of the work day.

4. The list of names of those targeted via "lawfare" goes on and on. Sydney Powell, Rudy Giuliani to name a few. And for what did they have their law licenses threatened and sued? They made assertions regarding **electronic voting systems** and those corporations went after them for that.

Are you beginning to see a pattern yet?

5. We have seen reports over and over that these **electronic voting systems** have wireless modems on them. They have been seen to be broadcasting in real time unencrypted and via wireless protocol. Yet no credible refutation of these reports have come forward by either the main stream media or government agencies responsible for oversight of these systems.

6. We are told that there is no oversight of these **electronic voting systems** by local officials. The vendors and corporations develop the software and install it. I may be wrong, but it appears that the "elections officials" tasked with running these systems have no knowledge of the software running on these systems. It's all done by the contractor/vendor of these machines. We are told to "shut up" and trust that un-elected bureaucrats and contractors are right, and no oversight of these machines are necessary by our elected officials or We The People. The mantra is "Trust the science and do NOT question". The laughable answer is even given that counting ballots by hand is "archaic" and could jeopardize "democracy". Our ancestors, who caucused and voted via paper ballots and counted them all by hand, are probably rolling over in their graves for being so "primitive and inefficient"…more likely laughing at us.

7. Enter the recent effort by the citizens of Cochise County, AZ. The quickest way to restore faith in our voting systems and to prove the 45th President to be a liar, as well as his surrogates, is to conduct a full hand count of the general election. We see that the elections manual states that hand count is the approved and lawful way to count ballots with **electronic voting systems** being an option. On face value an honest and noble effort! Yet we now see lawyers and un-elected bureaucrats fighting tooth, nail and claw to stop any verification of these **electronic voting systems**. The logic is simple: A full hand count will show that these systems are working as designed and match the hand count. OR, they will show these systems are fraudulent. Despite simple logic, every legal trick in the book, along with threats of law suits and loss of county insurance, is threatened against our Board of Supervisors for doing the will of the people. So much for the "lawyers" following Canon 7 of the legal practice: A Lawyer Should Represent a Client Zealously Within the Bounds of the Law. Shame and dishonor on these so-called "officers of the court"!

AMERICAN OVERSIGHT

8. And we also have lawyers giving false reports of BOS Meetings being cancelled to the local newspaper which affects attendance at one of the key hearings the public needs to know about. Oh the left shows up en masse, while the citizens of Sierra Vista are disenfranchised by this false report being reported in the newspaper by an employee of the County Attorney's Office. Again, the **electronic voting systems** are protected at all cost. Sierra Vista residents disenfranchised, yet Lucha Arizona and the ACLU, two leftist organizations, show up on time for the BOS Meeting. Regarding those two organizations: Does Lucha Arizona and the ACLU work hand in glove with the current Secretary of State? Inquiring minds would like to know.

So you might ask: What is next? It appears the Cochise County Recorder will be doing a partial hand count of these ballots across all precincts. My prediction is there will be MORE drama, more legal tricks, law suits, more so-called republicans coming out of the woodwork to hinder or stop any attempts at transparency regarding these **electronic voting systems**. We might even see people turn into "whistleblowers" to the Federal Govt or resign in protest and go on the mainstream media circuit.

It is becoming apparent to me that for the Marxists who are coming out of the closet, this is an "all hands on deck" moment. Their absolute hill to die on. Everyone in key positions of power are no longer concerned with transparency in government regarding voting. Instead the absolute imprimatur they seem to all have gotten is this: Protect ALL **electronic voting systems** at all costs and ignore the Will of the People. I have stated this time and time again. My family knows the face of Communism and Marxism very well. We escaped it and upon becoming citizens here, fought against it…in Korea, in Vietnam. Once the Communists take over and corrupt the voting system, it is impossible to vote them out. Just take a look at Cuba, Venezuela, and Nicaragua…or California!

We must fight peacefully for our Voices to be heard. YOU who are reading this, and remaining silent. When my voice and those fighting for Freedom are gone, they will come FOR YOU!

Very respectfully,

Jack

Jack Dona

Readers (BCC),

AMERICAN OVERSIGHT

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Jack

Jack Dona

Sent with Proton Mail secure email.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Kate Tobias
Subject: RE: Blackmail or just cowards!?
Date: Thursday, October 27, 2022 5:01:00 PM

We have been dealing with rumors and half truths this whole time. The plan is to still count all of the ballots.
It is taking a team of legal people and you guys backing us… but we will get it done.
Be brave and don't trust everything you hear.
Peggy

From: Kate Tobias [redacted]@gmail.com>
Sent: Thursday, October 27, 2022 7:14 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Blackmail or just cowards!?

CAUTION: EXTERNAL EMAIL*

Are you kidding?!?

You are either being bribed, blackmailed or you are treasonous cowards!

What is wrong with you? Have you lost your minds?

Hand count the ballots! We the People DEMAND hand counts!

Or you will be replaced as you can't do your job.

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AMERICAN OVERSIGHT

From: English, Ann S
To: Susan Dalby
Subject: Re: BOS salaries
Date: Sunday, November 13, 2022 9:02:37 AM

The salary is set by the legislature and no additional salary is given. It is assumed to be full time so the hourly wage must be a mathematical number of total hours possible divided into salary.

Get Outlook for iOS

From: Susan Dalby[redacted]@gmail.com>
Sent: Sunday, November 13, 2022 8:51:48 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: BOS salaries

CAUTION: EXTERNAL EMAIL*

I am a Portal voter and PC.

I noticed on the website Open Payrolls that supervisors are paid:
a base salary of $ 63,800
and an hourly rate of $ 2454.

This site seems reputable, with data from public records.
Attached is a screen shot on Peggy Judd's records for 2021.
https://openpayrolls.com/peggy-judd-112653516

Is this accurate?
Do you mind clarifying for me what the hourly rate means?
Is it earned *in addition* to the base pay?
She will certainly "earn" her legal fees if she's being paid by the hour for all these meetings on the illegal hand count.

Thank you for your wise and excellent service, and for being the voice of reason during these very UNreasonable challenges.

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AMERICAN OVERSIGHT

From: English, Ann S
To: Jeff Sturges
Subject: Re: Cancelation of Hand-Count Meeting
Date: Saturday, October 22, 2022 4:46:01 PM

One of Paul's staff tried to send him an invitation to the meeting to get it on his calendar. Once she realized it had gone out to a lot of people, she sent a cancellation to him and everyone it had gone to.
I suppose Char was on the list and assumed the meeting was cancelled but it was only the invitation that was cancelled. You would have to ask her why she did not check with the administrator or the County Attorney for verification.
No conspiracy …..
The Board members who called the meeting could cancel the meeting.

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From: Jeff Sturges [redacted]@gmail.com>
Sent: Saturday, October 22, 2022 2:59:15 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Cancelation of Hand-Count Meeting

CAUTION: EXTERNAL EMAIL*

Wow!

How strange that Shar would report that Correa had advised someone (who?) that it had been cancelled. Why wouldn't he advise the chair of the BOS?

Who, in fact, has the authority to cancel a BOS meeting? Any insight or information you can offer will be appreciated. Thanks

On Sat, Oct 22, 2022 at 2:32 PM English, Ann S <AEnglish@cochise.az.gov> wrote:

> To my knowledge, the meeting has not been cancelled.
>
> Get Outlook for iOS
>
> ---
>
> **From:** Jeff Sturges [redacted]@gmail.com>
> **Sent:** Saturday, October 22, 2022 1:51:11 PM
> **To:** English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** Cancelation of Hand-Count Meeting
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Hi, Ann--
>
> I just read Shar Porier's piece in the Herald/Review about Deputy County Attorney

AMERICAN OVERSIGHT

Paul Correa advising that the hand-count meeting has been cancelled.

Can you tell me who he advised and why the meeting is still on the agenda? Can Correa cancel a BOS meeting by himself? What is the protocol? Why is the meeting still on the agenda? Because it is still on the agenda, can the supervisors change their minds and hold the meeting anyway? I know many citizens and media were prepared to show up for this meeting.

What is going on? Thanks.

--Jeff
--
Jeff Sturges
-Esse quam videri-

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--
Jeff Sturges
-Esse quam videri-

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: DD L
Subject: RE: Checking in on the Hand Count
Date: Friday, October 14, 2022 6:56:00 PM
Attachments: image001.png

Yes it aired live. She will play it on her channel tomorrow too.
I don't really know how all this works... but I clicked on a link, and there I was!
Peggy

From: DD L <[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 6:40 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

That is so excellent Ms Judd! I can hardly wait to see it. Did it actually air today?

You are a PATRIOT and you are doing the work of an American Hero! I am just so proud of you, I'm humbled. I know you are taking tremendous heat from the lunatics but trust that there are millions of people behind you and us. If you need help in any way, please just say the word!

Yes, I am praying, we are all praying for you. The good news is we are definitely getting help from God and Jesus because they know what the truth is and that we are on the side of truth. We will stand strong and we will win this thing and we will begin to set the Country on a course correction that will save it. Yes, it is an existential fight and we are going to be the last one's standing.

Peggy Judd and her citizens are going to lead this country to a tremendous victory!

Sent from Mail for Windows

From: Judd, Peggy
Sent: Friday, October 14, 2022 6:15 PM
To: DD L
Subject: RE: Checking in on the Hand Count

I will get a link probably tomorrow and share it.
We need to make this blow up in all counties in all states. Pray for me and America. I will be putting together an outreach email and send to other supervisors.

This is possible. Yes we started a bit late... but that is part of the strategy. We all say... Hand count! AND there is nothing they can do. I also found out there is money, in case the county says... to expensive, we can't do it.

THANKS!
Peggy

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 5:58 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

AMERICAN OVERSIGHT

CAUTION: EXTERNAL EMAIL*

That is BEAUTIFUL Ms Judd, you are leading the way on election integrity and I cannot tell you how many people are so proud of what you are doing for all of us, EVERY American. I am going to try to find the video and if I can will share it widely. If Ms Swinick tells you of a link, Please share it!

Can't wait to see it!

Dan

Sent from Mail for Windows

From: Judd, Peggy
Sent: Friday, October 14, 2022 3:51 PM
To: DD L
Subject: RE: Checking in on the Hand Count

Yep… well there is big news… BEHIND US!
I'm going to be on Brighteon TV with Michelle Swinick at 4:30 PM
Isn't that amazing. Her show starts at 4PM. I don't have Brighteon TV, but am still jazzed.
I told Mr. McIntyre there were people behind us… there are!
Peggy

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 2:02 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

Hi Ms Judd
I absolutely agree with you...do the 100% hand count after the election. Let the normal process happen, election dept focus on that and then we will do the hand count following and thereby verifying, or not, the machine count.
Thank you!
Dan

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Friday, October 14, 2022 9:12 AM
To: DD L[redacted]@hotmail.com>
Subject: RE: Checking in on the Hand Count

Special Meeting requested and Agenda Item submitted. I am learning those are two different things and have different rules. Very simple, but following them is very important, so we don't get kicked out and I am still not sure. I have heard the board room and meeting room are both booked all next week. Tues thru Friday. It is pushing us back. I said I will take the first free minute. One of our supporters suggested we start the count after polls are closed on the 8th. Possibly even training beginning that day, because my legal advice (the friendly side) warns of the stressors on the Elections Director and Recorders office to make these adjustments and plans for training during this election which actually started yesterday, with early voting.

The Agenda Item only gives the order to have the full hand count to be completed before the Canvass and

AMERICAN OVERSIGHT

acceptance of the election. Which is 6 weeks from election. There is time. Even by Lisa's estimate of 2500 man hours. That is 25 hours each for 100 people. Easily done in a week.

So that is the news… we are waiting for the meeting/agenda item to be scheduled.
Thanks for asking,
Peggy

From: DD L[redacted]@hotmail.com>
Sent: Thursday, October 13, 2022 8:26 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

Hi Ms Judd, Mr Crosby,

Several people are urging me to send the letter I sent to you to the Editor of the SV Herald.

Im inclined to do so… but I do not want to, in any way, jeopardize the great work you are doing in support of the hand count – so I wanted to touch base with you both first to make sure you have no issue with me sending it to the Herald. I think it would strengthen our case if the entire county was made aware of the full picture, especially in light of the negative letters which have been sent to the editor opposing the hand count.

I await your response before I send it to the editors.
Dan

Here it is again for your ease of reference:

Hello Ms Judd, Mr Crosby, Ms English,

I appreciated the outstanding ***Servant Leadership*** which Ms Judd and Mr Crosby demonstrated in supporting the will of the people to involve themselves in participating in their most sacred obligation, that of counting the vote for those who will represent us. You both showed you understand it is the people you work for, not oppressive government and other nefarious interests. We need people like you more than ever now, especially when we have people like Ms English who demonstrated a deep misunderstanding of the facts of the situation and used some appalling tactics to summarily dismiss a majority of the people she works for.

So thank you Ms Judd and Mr Crosby, we need you to stay supremely strong in this fight for election integrity. Doing the paper count is feasible, it can be done after the machine count – thereby demonstrating, or not, the veracity of the machine count. You have citizens best interests at heart when the Sovereign Citizens say there is a problem and you work for, and with them, to help fix the problem. I do not understand why there is such opposition to enabling the citizens to verify the vote. It can only be because they don't want the Citizens to KNOW the truth.

There are severe problems with the election system which has been **forced on us, against our will, and without our consent**. A system which uses suspect machines and suspect computer code, and fraud inducing mail-in ballots. Many of us spoke on this at previous meetings and at the meeting today about the things we saw and the affidavits which were made to demonstrate the problems. In 2016, the Democrats went berserk, wildly claiming election fraud and were sure the election had been stolen and now to this day are using lawfare to shut down any talk of finding out who really told "The Big Lie" in 2020. Hypocrits. They are still using abhorrent and tyrannical tactics to silence, and incarcerate people they disagree with, we are seeing it across the country, the

AMERICAN OVERSIGHT

use of big government to threaten and intimidate the citizens they work for. And we saw it in our meetings yesterday. This has got to stop. This is not what our government was created to do. Our government was created to be our Servant Leaders.

22 people found the courage and determination to speak, and I applaud all of them for taking the time to come before you – our elected representatives, even the ones I disagree with. But 13 of the 22 wanted the paper count and 9 opposed. Stated differently 59% wanted the hand count compared to 41% who didn't. That is significant, especially when Ms English has the audacity to say it was "about even". It wasn't. The room was full of others who supported the hand count, it was, as you know, a full room.

Ms English, I would be remiss if I didn't take this opportunity to tell you how utterly dismaying and disappointing it was to see you put your head in the sand on the facts, to summarily dismiss citizens who told you there IS a problem - which both sides - almost 100% of the electorate, have stood up and said elections were stolen, but now, because you and some others are happy with the current result, act as if nothing is wrong with this new system of counting the vote – as we have all heard and know is manifestly true – "**it is not who votes but who counts the vote".** Only in dictatorships do you prevent the subjects from counting their vote. You have a chance right now to make a difference instead of just punching us in the face, giving us the middle finger, and then in one of the most abusive uses of power I have ever witnessed attempt to use a partisan, inexperienced, and angry lawyer to shut us down with a coordinated fake lawfare attack. That lawyer does not have the power you assigned to her, that she can state an **opinion** and with that **opinion** end the debate. Anyone who has been in government policy and legislation knows that if something is not expressly forbidden, then it can be done, not the opposite – in fact it is why we have a Board of Supervisors at the County. If Cochise County runs such "stellar" elections, then opening up the results to the scrutiny of the citizens they work for should be easy and can set a precedent everywhere to ensure the count which was presented as the result is actually the **true result and the true will of the Citizens. This is the only way we are going to restore confidence, short of throwing out the current system and starting again – which is a distinct and very real possibility.**

As was stated several times, the hand count is not expressly forbidden in any ARS legislation, therefore it CAN be done. In fact, we have always done the hand count, and the machines are only an option, not a requirement. In fact, a hand count is still required ANYTIME a machine is used to count the VOTE and that is IN THE ARS. We simply want to expand it, in a cost effective and efficient way to ensure full integrity for every citizen, not just those happy with the current outcome. I find it ironic, that in other cases when government officials want something, they will always use the lack of forbidding in the statutes to approve it and "make it happen".

We can and must do the hand count, it is urgent and an emergency if we are going to ever end the destructive distrust of our current elections systems. PLEASE lets make this happen instead of finding ways not to make it happen. We are ready, willing, and able to do it. This is not going away, it will get bigger and cause more a problem for all of us, if we don't get to count the vote, to verify the vote. WE THE PEOPLE, THE SOVEREIGN CITIZENS, must be enabled to count our vote. As I stated at the meeting, "When can we start?"

Thank you for your time.

Dan LaChance, and many others.

Sent from Mail for Windows

From: DD L
Sent: Thursday, October 13, 2022 3:35 PM
To: Judd, Peggy; tcrosby@cochise.az.gov
Subject: Checking in on the Hand Count

AMERICAN OVERSIGHT

Good afternoon Ms Judd and Mr Crosby,

I'm checking in to see how its going for getting the hand count approved? I know of so many people who are really very proud of both of you for working with us to enable us to do our obligation of checking the vote counters.

If for some reason we don't get this, we must remove the machines and we must remove the majority of the mail in ballot scam. I don't ever remember a referendum asking the citizens if they consented to the use of these fraud inducing methods? I guess, speaking honestly, do you think a referendum to remove them is what we need to focus on next?

Is there anything I can do to help right now?

Thank you.

Dan LaChance

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: DD L
Subject: RE: Checking in on the Hand Count
Date: Friday, October 14, 2022 7:29:00 PM

Therein is the problem of the position, (not the person) of the County Administrator. I will get details of his position description to you soon. It is very nebulous. Karwaczka hires and fires. I did not approve of the position of County Admin, and if you check the last agenda, I voted against his contract renewal.
I think it was item 10.

Meeting Date:	**10/11/2022**		
Amendment 2 to the Contract with County Administrator			
Submitted By:	**Tim Mattix, Board of Supervisors**		
Department:	**Board of Supervisors**		
Presentation:	**No A/V Presentation**	**Recommendation:**	**Approve**
Document Signatures:	**BOS Signature Required**	**# of ORIGINALS Submitted for Signature:**	**0**
NAME of PRESENTER:	**Ann English**	**TITLE of PRESENTER:**	**Supervisor, District 2**
Docket Number (If applicable):			
Mandated Function?:	**Local Mandate or Policy**	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:
Approve the Second Amendment to Agreement for Employment of County Administrator Richard G. Karwaczka.

Background:
The existing Agreement for Employment of Mr. Karwaczka as County Administrator is currently scheduled to expire on October 4, 2024.

Crosby

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 7:14 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Checking in on the Hand Count

CAUTION: EXTERNAL EMAIL*

Tom,

Then if she refuses, then she should resign or be fired. She doesn't have the authority to refuse an order from the BOS.

There are some great things happening...

Check this out on Brighteon TV:

https://us01.l.antigena.com/l/qOH9WcCV3rrdH9UQSFzzFKoHbdJr40mTtWQMk6zDL6vAmmam8ijxa_Hy8tA~D7l2eHHup07U8hQQcjwWVQcaFaafBEWZl2G6cmUy64MR7QEG5q4Xrhx44fVmxCZCGzciowRGdvErpUqfxKerl0Er6QKUI3yB1ZX

Peggy is going to be on with Ms Swinick tomorrow!!!

I think God, not a rabbit, is going to help us make this happen... I sincerely believe that.

Please pass it with Peggy and lets get this ball rolling. Once rolling they will never be able to stop it.

Dan

I am going to send my letter I sent to you, Ms Judd and English, to The Herald.

Sent from Mail for Windows

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To: DD L
Subject: RE: Checking in on the Hand Count

Dan,
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Tom Crosby

AMERICAN OVERSIGHT

From: DD L[redacted]@hotmail.com>
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Hi Ms Judd, Mr Crosby,

Several people are urging me to send the letter I sent to you to the Editor of the SV Herald.

Im inclined to do so… but I do not want to, in any way, jeopardize the great work you are doing in support of the hand count – so I wanted to touch base with you both first to make sure you have no issue with me sending it to the Herald. I think it would strengthen our case if the entire county was made aware of the full picture, especially in light of the negative letters which have been sent to the editor opposing the hand count.

I await your response before I send it to the editors.
Dan

Here it is again for your ease of reference:

Hello Ms Judd, Mr Crosby, Ms English,

I appreciated the outstanding ***Servant Leadership*** which Ms Judd and Mr Crosby demonstrated in supporting the will of the people to involve themselves in participating in their most sacred obligation, that of counting the vote for those who will represent us. You both showed you understand it is the people you work for, not oppressive government and other nefarious interests. We need people like you more than ever now, especially when we have people like Ms English who demonstrated a deep misunderstanding of the facts of the situation and used some appalling tactics to summarily dismiss a majority of the people she works for.

So thank you Ms Judd and Mr Crosby, we need you to stay supremely strong in this fight for election integrity. Doing the paper count is feasible, it can be done after the machine count – thereby demonstrating, or not, the veracity of the machine count. You have citizens best interests at heart when the Sovereign Citizens say there is a problem and you work for, and with them, to help fix the problem. I do not understand why there is such opposition to enabling the citizens to verify the vote. It can only be because they don't want the Citizens to KNOW the truth.

There are severe problems with the election system which has been **forced on us, against our will, and without our consent**. A system which uses suspect machines and suspect computer code, and fraud inducing mail-in ballots. Many of us spoke on this at previous meetings and at the meeting today about the things we saw and the affidavits which were made to demonstrate the problems. In 2016, the Democrats went berserk, wildly claiming election fraud and were sure the election had been stolen and now to this day are using lawfare to shut down any talk of finding out who really told "The Big Lie" in 2020. Hypocrits. They are still using abhorrent and tyrannical tactics to silence, and incarcerate people they disagree with, we are seeing it across the country, the use of big government to threaten and intimidate the citizens they work for. And we saw it in our meetings yesterday. This has got to stop. This is not what our government was created to do. Our government was created to be our Servant Leaders.

22 people found the courage and determination to speak, and I applaud all of them for taking the time to come before you – our elected representatives, even the ones I disagree with. But 13 of the 22 wanted the paper count and 9 opposed. Stated differently 59% wanted the hand count compared to 41% who didn't. That is significant, especially when Ms English has the audacity to say it was "about even". It wasn't. The room was full of others who supported the hand count, it was, as you know, a full room.

Ms English, I would be remiss if I didn't take this opportunity to tell you how utterly dismaying and disappointing it was to see you put your head in the sand on the facts, to summarily dismiss citizens who told you there IS a problem - which both sides - almost 100% of the electorate, have stood up and said elections were stolen, but now, because you and some others are happy with the current result, act as if nothing is wrong with this new system of counting the vote – as we have all heard and know is manifestly true – "**it is not who votes but who counts the vote".** Only in dictatorships do you prevent the subjects from counting their vote. You have a chance right now to make a difference instead of just punching us in the face, giving us the middle finger, and then in one of the most abusive uses of power I have ever witnessed attempt to use a partisan, inexperienced, and angry lawyer to shut us down with a coordinated fake lawfare attack. That lawyer does not have the power you assigned to her, that she can state an **opinion** and with that **opinion** end the debate. Anyone who has been in government policy and legislation knows that if something is not expressly forbidden, then it can be done, not the opposite – in fact it is why we have a Board of Supervisors at the County. If Cochise County runs such "stellar" elections, then opening up the results to the scrutiny of the citizens they work for should be easy and can set a precedent everywhere to ensure the count which was presented as the result is actually the **true result and the true will of the Citizens. This is the only way we are going to restore confidence, short of throwing out the current system and starting again – which is a distinct and very real possibility.**

As was stated several times, the hand count is not expressly forbidden in any ARS legislation, therefore it CAN be done. In fact, we have always done the hand count, and the machines are only an option, not a requirement. In fact, a hand count is still required ANYTIME a machine is used to count the VOTE and that is IN THE ARS. We simply want to expand it, in a cost effective and efficient way to ensure full integrity for every citizen, not just those happy with the current outcome. I find it ironic, that in other cases when government officials want something, they will always use the lack of forbidding in the statutes to approve it and "make it happen".

We can and must do the hand count, it is urgent and an emergency if we are going to ever end the destructive distrust of our current elections systems. PLEASE lets make this happen instead of finding ways not to make it happen. We are ready, willing, and able to do it. This is not going away, it will get bigger and cause more a problem for all of us, if we don't get to count the vote, to verify the vote. WE THE PEOPLE, THE SOVEREIGN CITIZENS, must be enabled to count our vote. As I stated at the meeting, "When can we start?"

Thank you for your time.

Dan LaChance, and many others.

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: DD L
Cc: drjoe; Tom Giuffrida
Subject: RE: Checking in on the Hand Count
Date: Friday, October 14, 2022 11:19:00 PM

---

https://www.youtube.com/watch?v=Lt_E-4QpXqs

Dan, This is Karwaczka's appraisal meeting. As you can see I left the executive session, like I did last year. His position does not exist as per the ARS's. I said "I said I don't want to be gagged..." etc.

Then I voted against his contract renewal in the regular meeting many of you attended.

We can talk about this in detail soon.

Crosby

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 7:14 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
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Tom,

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Thank you for your time.

Dan LaChance, and many others.

Sent from Mail for Windows

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Is there anything I can do to help right now?

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: RE: Checking in.
Date: Wednesday, October 26, 2022 6:13:00 PM

Yes! There is that greater purpose!
Now people will know it isn't illegal.
Peggy

From: DANDLAC[redacted]@protonmail.com>
Sent: Wednesday, October 26, 2022 6:44 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Checking in.

CAUTION: EXTERNAL EMAIL*

All of that said...we count...if for no other reason than to establish the precedent and begin to take back a corruot election system.

Sent from ProtonMail mobile

-------- Original Message --------
On Oct 26, 2022, 06:35, DANDLAC <[redacted]@protonmail.com> wrote:

> Ms Judd,
> If we dont get to count the mail in ballots...Im afraid our efforts will be a waste of time as I believe the mail inprocess is where a vast majority of the fraud is taking place. I also think that is why SOS wants to prohibit it.
> Dan
>
> Sent from ProtonMail mobile
>
> -------- Original Message --------
> On Oct 26, 2022, 06:12, Judd, Peggy < PJudd@cochise.az.gov> wrote:
>
> > I am actually very happy and doing great. Busy as ever.
> >
> > I don't think we will be thwarted. The SOS sent a letter yesterday and we will hold a emergency meeting at 1pm today, so we can respond. Basically if we remove our reference to 100% and state we will abide by statutes

AMERICAN OVERSIGHT

and 2019 EPM, she will not sue. It was always my intention to work within the statutes to accomplish this.

She does mention a statute that says we cannot hand count more than 1% of the mail in ballots. I am not sure she is correct. We do need our warriors with connections to help with this.

I will forward her letter to you. I feel quite confident that it confirms that we are and were not breaking the law by voting for this.

I am sorry, but I can't commit to the meeting tonight. I have been up all night with my husband and have several meetings today online, the last one ends at 5pm. I hope I am not going to be zooming into these meeting from the hospital.

I might be able to join you via telephone, if you want to call. 520-366-2826 I would love to participate,
Peggy

Sent from my iPad

On Oct 26, 2022, at 4:08 AM, DANDLAC
[redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

How are you doing Ms Judd?

Has that rotten RINO county attorney McIntire done anything to thwart our worthy effort? Or anyone else?

What can we do, how can we help? Its pretty certain someone is going to launch a lawsuit?

Would you consider coming to our WTP strategy/planning meeting on Wednesday (tomorrow) evening at 5 pm at the CCRC offices?

Dan

Sent with Proton Mail secure email.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Joe Walsh IV
Subject: Re: Cochise County
Date: Tuesday, November 8, 2022 9:13:29 AM

Thank you for asking Joe,
About Cochise County's very unfortunate ruling received yesterday evening…
"What we intended to do was legal and if I can find the will in other key participants and way to do it, I will proceed. Pima county is our most liberal county in Arizona. It was in our judges DNA to side with the plaintiff. Our attorneys presented the best defense that could be had and we lost due to political bias. Hand counting is as American as apple pie. I am extremely blessed to be serving alongside visionaries, statesmen and defenders of truth from our county and beyond that have our backs all the way. I am not licking wounds today and I assure you, they are not either."

Peggy Judd

Sent from my iPad

On Nov 7, 2022, at 5:00 PM, Joe Walsh IV <jwalsh@forbes.com>

What is the Recorder's office's response to this decision? Does it plan on appealing? Contact David Stevens dstevens@cochise.az.gov. I don't know.

More broadly: Why do you feel a hand-count is necessary?

All of my words and actions have been in response to my constituents concerns of election integrity. The very transparent hand counting process is the best way to allow the people to see our election results. No witnesses can attest to what happens in the machines. Many people have publicly questioned integrity of machine counts most notably in 2016 (Ds) and then 2020 (Rs). I wish to give my constituents request to hold a full hand count, a chance and as a County bear the burden of proof.

Also, the Secretary of State's office claimed in an amicus brief that this count was "motivated by baseless conspiracy theories" -- any response to that particular allegation? Poppycock

Thanks in advance.

Best,
Joe Walsh

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Joe Walsh IV
Subject: RE: Cochise County
Date: Saturday, November 12, 2022 9:15:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Joe Walsh IV <jwalsh@forbes.com>
Sent: Monday, November 7, 2022 5:00 PM
To: Akolodin@davillierlawgroup.com; Recorder <recorder@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Cochise County

CAUTION: EXTERNAL EMAIL*

Hello,

My name is Joe Walsh, and I am a reporter at Forbes. I understand that a judge just blocked Cochise County from conducting a hand-count of all ballots in this week's election.

What is the Recorder's office's response to this decision? Does it plan on appealing?

More broadly: Why do you feel a hand-count is necessary? Also, the Secretary of State's office claimed in an amicus brief that this count was "motivated by baseless conspiracy theories" -- any response to that particular allegation?

Thanks in advance.

Best,
Joe Walsh

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Joe Walsh IV
Subject: RE: Cochise County
Date: Tuesday, November 8, 2022 6:51:00 AM

Depends what lawyers say. I don't think actions of the board were unlawful .
Crosby

From: Joe Walsh IV <jwalsh@forbes.com>
Sent: Monday, November 7, 2022 5:00 PM
To: Akolodin@davillierlawgroup.com; Recorder <recorder@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
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More broadly: Why do you feel a hand-count is necessary? Also, the Secretary of State's office claimed in an amicus brief that this count was "motivated by baseless conspiracy theories" -- any response to that particular allegation?

Thanks in advance.

Best,
Joe Walsh

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: RE: Cochise County Board of Supervisors re Hand Count of Ballots
Date: Thursday, October 27, 2022 5:50:00 PM

Please know the two of us are very conscious of the cost of this. Including our Recorder and the 100s of people who are volunteering for free.
The legal fees are already being turned over to us… because of the supposed illegality, which is now legal. But that is another story.
We are getting a large building in Sierra Vista for free and will have a very low cost count.

Thanks for your concern though and being such a good grandma to some of our county kids. I have grandkids in a few other cities and believe me… I care about where they live too.
Please ask any questions. It is hard to respond to everyone and tell everyone everything… but I am happy to answer questions, if you ask.
Peggy

From: Mattix, Timothy <TMattix@cochise.az.gov>
Sent: Wednesday, October 26, 2022 2:25 PM
To: BOS-Supervisors <BOSSupervisors@cochise.az.gov>
Cc: Karwaczka, Richard <RKarwaczka@cochise.az.gov>; Gilman, Sharon <SGilman@cochise.az.gov>
Subject: FW: Cochise County Board of Supervisors re Hand Count of Ballots

FYI

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board

---

1. **From:** Rivko Knox <[redacted]@gmail.com>
   Sent: Wednesday, October 26, 2022 12:55 PM
   To: Board <Board@cochise.az.gov>; Rivko Knox [redacted]@gmail.com>
   Subject: Cochise County Board of Supervisors re Hand Count of Ballots

CAUTION: EXTERNAL EMAIL*

Dear Members of the Cochise County Board of Supervisors:

Although I do not live in Cochise County, I have a special interest in what goes on there as my youngest daughter and two younger grandchildren have lived in Sierra Vista for almost 20 years and I have often spent time there with them.

AMERICAN OVERSIGHT

I am writing today regarding the action that the Board 'may' take at it's special meeting today regarding adopting a **hand count** of all General Election Ballots.

I am not going to get into the issue of whether such a head count is necessary or will be useful etc. etc. etc. but rather I want to focus on the **financial implications** of such an action, if the Board adopts it. Based on what I have read, heard on various media etc. etc., a hand count is likely to cause Cochise County to spend a LOT OF $$$$ (from hiring a lot of additional employees, to fighting legal battles, to the impact on the County's insurance fees) which will VERY NEGATIVELY impact on Cochise County residents such as my daughter and two grandchildren.

Cochise County is NOT a wealthy area. Cochise County's residents have many needs that the County is already struggling to address!!

So please do NOT vote to undertake a hand count of the general election ballots, which will so very negatively impact on the residents of the County!!!
Please remember your responsibilities to them and do NOT take a fiscally imprudent action such as a hand count of all ballots!!!!!

A very concerned mother and grandmother,

Rivko Knox, [redacted], Phoenix, AZ 85053; [redacted]; [redacted]@gmail.com

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: MSG Jack Dona US Army RET
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists???
Date: Thursday, October 13, 2022 8:30:00 AM
Attachments: image002.jpg
image003.jpg

Bureaucrats OMIT THE TRUTH. They don't "lie" per se.

Crosby

From: MSG Jack Dona US Army RET[redacted]@aol.com>
Sent: Wednesday, October 12, 2022 10:44 PM
To: McIntyre, Brian M <BMcIntyre@cochise.az.gov>; CRoberts@cochise.azgov
Cc: Recorder <recorder@cochise.az.gov>; BOS-Supervisors <BOSSupervisors@cochise.az.gov>; Board <Board@cochise.az.gov>
Subject: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???
Importance: High

CAUTION: EXTERNAL EMAIL*

All (Extended Distribution List),

I voted for the current sitting Attorney for Cochise County, Mr. Brian McIntyre. If I don't get an explanation from him as to why this seeming obstruction is taking place on voter transparency, I will not be voting for him again. I have been told he is a patriot and a good man. It really is a question we should all be asking and **EMAILING HIM DIRECTLY!** Read the below article in US News, as well as listen to the video recording of the Cochise County Board of Supervisors meeting held yesterday:

Direct question to Mr. Brian McIntyre, Cochise County Attorney: Why are members of your staff seemingly and deliberately working against or working to obstruct a hand count of the upcoming general election?

The attorney under Brian McIntyre that raised legal questions yesterday regarding the hand count, is Christine Roberts. I suggest she needs to go to THE LAW for the correct opinion on this effort. That law is laid down in the AZ Elections Manual (attached). I have spoken with legislators at the State Capitol. The County attorney and his staff need to read the election manual. It's stated very clear in the manual.

The Recorder, David Stevens executes that law, NOT the county Attorney or his staff:

AZ Elections Manual, Page 228, VIII, Subparagraph B, Subparagraph 1
"The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots."

Untitled.jpg

As I stated in my address to the Board of Supervisors yesterday, my father escaped a nation that went communist. One of the first things they do is subvert and corrupt the election system. That's how Chavez took power in Venezuela and how Maduro maintains power over that nation. They use electronic voting systems there. The same ones being used here in the United States and in Cochise County. As pointed out by Colonel Don W. Jenkins, US Army (Retired), and former long time resident of Cochise County: If the "purple finger" elections of Iraq were good enough for them, no electronic voting, all counting done by hand on the same day?…then it should be good enough for the United States!

AMERICAN OVERSIGHT

1. US News Report:
https://www.usnews.com/news/best-states/arizona/articles/2022-10-11/arizona-county-mulls-ballot-hand-count-but-lawyer-says-no

2. Cochise County Board of Supervisors Meeting for Hand Count of General Election: 10-11-2022
https://www.youtube.com/watch?v=sQmm8KQH_9Q

Very respectfully,

Jack

Jack Dona
Master Sergeant
U.S. Army (Retired)
Civilian Email: [redacted]*@aol.com*
Secure Email: [redacted]*@protonmail.com*
"Call to Duty|Boots on the Ground "

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AMERICAN OVERSIGHT

B. Early Ballot Hand Count

The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots. A.R.S. § 16-602(F).

AZ-COCHISE-22-1136-A-000457

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists??? (2nd Distro)
Date: Friday, October 14, 2022 3:50:00 PM
Attachments: image001.jpg
image002.jpg

Thank you for letting him know... I firmly believe this is a powerplay. I don't think Brian is bad... just wrong.
Please hang in there with character and dignity. It is going to take a lot of that from all of us the next week.
Peggy

I'm going to be on Brighteon TV with Michelle Swinick at 4:30 PM
Isn't that amazing. Her show starts at 4PM. I don't have Brighteon TV, but am still jazzed. I told Brian McIntyre there were big people behind me!
Proof! Bam!

From: MSG Jack Dona US Army RET <[redacted]@aol.com>
Sent: Friday, October 14, 2022 1:50 PM
To: McIntyre, Brian M <BMcIntyre@cochise.az.gov>
Cc: Recorder <recorder@cochise.az.gov>; BOS-Supervisors <BOSSupervisors@cochise.az.gov>; Board <Board@cochise.az.gov>
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists??? (2nd Distro)
Importance: High

CAUTION: EXTERNAL EMAIL*

Mr. McIntyre,

Thank you very kindly for your email reply.

While I appreciate your legal opinion, and respect it, it is in my opinion, incorrect. Using simple logic, the elections manual, and per the BOS meeting I attended, if the county is currently tabulating early votes via machines, why can't the citizens of this county have a hand count in conjunction with that early electronic tabulation? It is clearly defined in the election manual as I cited below. Using the "Purcell Doctrine" as a reason to not do a hand count has all the appearance of legal "trickery"…why? Because the law is already laid down in the elections manual. Nobody is trying to change anything "at the last moment" or propose a new law or propose a new procedure…the hand count would be carried out in accordance with an approved procedure via the elections manual. The "Purcell Doctrine" is therefore NOT violated. And I would point out that the manual specifies "MAY" in regards to electronic tabulation and voting. The mandated method is a hand count.

Here is what the end result will be from stopping this hand count. As in all the other election integrity efforts that have been derailed via lawyers and courts, the 45th President and his surrogates like CPT Seth Keshel, will continue to point the finger at people like ***you*** Mr. Brian McIntyre. They will continue to say the election was stolen, and nobody has stepped up to prove them wrong, either by legal discovery, or by simply doing a hand count of these electronic machines. Sir, for four decades I worked in the intelligence community as an Intelligence Electronic Warfare Field Systems Engineer. I have seen the electronic mother boards on these electronic voting machines. They have been proven to be easily hackable and are running wide open, and unencrypted. More and more people will believe that those in power are blocking these attempts at election integrity because there IS fraud taking place. And those who think this issue will go away once lawyers figure out a way to arrest the 45th President and his surrogates to silence them…well, they are sadly mistaken. It won't go away.

When I served in the military, I was always told by my mentors this; "Laws and regulations are on the books to PROTECT the soldier, not to HURT them. Once you start using laws and regulations to further your own personal agenda, it's time for you to take off the uniform and seek employment elsewhere. Your integrity is gone!"

My grandfather once said: "Three things ruined the Old West. Politicians, bankers and lawyers." I guess you can now apply that to the entire Republic now. And make no mistake, as I said in my speech before the BOS, this is the same path to Marxism my family experienced in Nicaragua.

V/R,

F. Jack Dona
Master Sergeant

AMERICAN OVERSIGHT

U.S. Army (Retired)

From: McIntyre, Brian M [mailto:BMcIntyre@cochise.az.gov]
Sent: Friday, October 14, 2022 10:28 AM
To: MSG Jack Dona US Army RET
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???

Jack,

It is rare that I respond to inquiries questioning the legal advice rendered to a client by either myself or my deputies. However, I listened with great interest to the public comment portion of the meeting Tuesday morning. I was in attendance in person as I had both a grant and an equipment purchase on the agenda that morning. I felt that the morning was an excellent display of our fundamental rights as citizens to redress grievances with government in a public forum. For that, I applaud each person who took the time to attend and each person who spoke that morning, including you. Your comments were thoughtful and insightful as were many others.

That being said, the advice my lawyer rendered to the Board, who is my client under law, during the afternoon work session was accurate. The statutes require the election to be conducted in accordance with the procedures laid out in statute and in the elections manual that you quote below. I note that the quote you provide lays out the amount of hand count permitted. Because Counties may only exercise the authority given to them by the legislature, those hand count numbers are the maximum allowable hand count without other triggering factors occurring requiring a full count. Additionally, because of the late hour of the request, case law makes clear that the County cannot change our election procedures this close to the election (Purcell doctrine), I note that voting is already occurring in the election as we speak.

While I appreciate the heartfelt position of many of those in attendance, my duty is to follow the law and ensure that my client follows the law. Politics has no bearing in the legal analysis process here and our office's advice to the Board will remain constrained by the statutes and case law that guide this process.

Again, I appreciate you all taking the time to make your voices heard. Perhaps the legislature or some other body will act in accordance with your wishes.

Thank you,
Brian

Brian M. McIntyre
County Attorney
Cochise County Attorney's Office
150 Quality Hill Rd
P.O. Drawer CA
Bisbee, AZ 85603
520-432-8700 phone
520-432-4208 fax

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

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Sent: Wednesday, October 12, 2022 10:44 PM
To: McIntyre, Brian M <BMcIntyre@cochise.az.gov>; CRoberts@cochise.azgov
Cc: Recorder <recorder@cochise.az.gov>; BOS-Supervisors <BOSSupervisors@cochise.az.gov>; Board <Board@cochise.az.gov>
Subject: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???
Importance: High

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AMERICAN OVERSIGHT

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2. Cochise County Board of Supervisors Meeting for Hand Count of General Election: 10-11-2022
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Very respectfully,

Jack

Jack Dona
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"Call to Duty|Boots on the Ground "

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AMERICAN OVERSIGHT

B. Early Ballot Hand Count

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AZ-COCHISE-22-1136-A-000462

AMERICAN OVERSIGHT

From: English, Ann S
To: Anne knowles
Subject: Re: Cochise County Vote
Date: Thursday, October 27, 2022 4:22:49 PM

I read your comments.
Ann

Get Outlook for iOS

From: Anne knowles [redacted]@gmail.com>
Sent: Thursday, October 27, 2022 4:09:53 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Cochise County Vote

CAUTION: EXTERNAL EMAIL*

Dear Ms. English,

I am reaching out to you with words of encouragement regarding Katie Hobbs bullying tatics and her threat to sue Cochise County for voting to hand-count in the upcoming election. Katie Hobbs actions are not only illegal, it's unconstitutional! Please, I implore you not to let her intimate you into reversing your decision! You voted with honor and integrity! Your constituents are extremely proud of your bravery and firmly standing your ground!! Should Katie Hobbs moves forward with her political blackmail to sue, the citizens of Arizona have your backs emotionally and will support you financially if need be. Remember, the safety and security of our state is at stake!

Thank you!

On Mon, Oct 24, 2022, 10:20 AM Anne knowles [redacted]@gmail.com> wrote:

> Dear Ms. English,
>
> As a concerned Arizonan, I'm writing to you this morning to express my concern regarding SOS Katie Hobbs threat to sue Cochise County for standing up for election integrity by implementing hand-count for the upcoming election. Please, I encourage you not to let Katie Hobbs bully you into submission and to stand your ground! I'm extremely proud that you're remembering your oath to serve, honor and protect the U.S. Constitution against all enemies foreign and domestic. Additionally, due to Hobbs corrupt intimidation tatics, I highly suggest you and your colleagues refer this matter to the Arizona Attorneys' General Office for investigation!
>
> I'd sincerely appreciate an email response to confirm you received and read my communication regarding this important topic.
>
> Thank you for your service.
>
> Anne Knowles

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Anne knowles
Subject: RE: Cochise County Vote
Date: Thursday, October 27, 2022 2:51:00 PM

Thanks Anne, That's very encouraging. Pray and fast. That's how we got this far.

Tom Crosby

From: Anne knowles [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 8:19 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Cochise County Vote

CAUTION: EXTERNAL EMAIL*

Dear Mr. Crosby,

I am writing with words of encouragement regarding Katie Hobbs bullying tatics and her threat to sue Cochise County for voting to hand-count in the upcoming election. Katie Hobbs actions are not only illegal, it's unconstitutional! Please, I implore you not to let her intimate you into reversing your decision! You and Mr. Crosby voted with honor and integrity! Your constituents are extremely proud of your bravery and firmly standing your ground!! Should Katie Hobbs moves forward with her political blackmail to sue, the citizens of Arizona have your backs emotionally and will support you financially if need be. Remember, the safety and security of our state is at stake!

You're service to our beautiful state is appreciated!

Sincerely,

Anne Knowles

On Mon, Oct 24, 2022, 10:18 AM Anne knowles <[redacted]@gmail.com> wrote:

> Dear Mr. Crosby,
>
> As a concerned Arizonan, I'm writing to you this morning to express my concern regarding SOS Katie Hobbs threat to sue Cochise County for standing up for election integrity by implementing hand-count for the upcoming election. Please, I encourage you not to let Katie Hobbs bully you into submission and to stand your ground! I'm extremely proud that you're remembering your oath to serve, honor and protect the U.S. Constitution against all enemies foreign and domestic. Additionally, due to Hobbs corrupt intimidation tatics, I highly suggest you and your colleagues refer this matter to the Arizona Attorneys' General Office for investigation!
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AMERICAN OVERSIGHT

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>
> Anne Knowles

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Jen Fifield
Subject: RE: Comment on moving forward on hand count?
Date: Saturday, November 12, 2022 9:10:00 AM

Hi Jen,

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Jen Fifield <jfifield@votebeat.org>
Sent: Friday, November 11, 2022 9:33 AM
To: Stevens, David <DStevens@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Comment on moving forward on hand count?

CAUTION: EXTERNAL EMAIL*

Hi David, Supervisor Judd and Supervisor Crosby,

Could you please let me know your next steps on the 100% hand count? I saw that the judge denied to expedite the appeal. Are you still moving forward with your effort regardless? If you do, I have these questions: Do you believe you are able to do this legally? Have you started training and secured a location? How do you plan to get the ballots considering Lisa Marra has not indicated she will hand them over to you?

If you do not plan to move forward, please let me know if you have any comments on the judge's order and the new judge's decision not to expedite. And also what this all means for your voters. Please call me anytime.

Thank you,
Jen

Jen Fifield
Reporter, votebeat.org
[redacted] (cell)
jfifield@votebeat.org

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Jen Fifield
Subject: RE: Comment on moving forward on hand count?
Date: Saturday, November 12, 2022 7:50:32 PM

None. I am hoping I will hear something on Monday.

Sent from Mail for Windows

From: Jen Fifield
Sent: Saturday, November 12, 2022 7:49 PM
To: Judd, Peggy
Subject: Re: Comment on moving forward on hand count?

CAUTION: EXTERNAL EMAIL*

Any talk of the recorder moving forward even though the court denied the appeal?

Jen

Sent from my iPhone

> On Nov 11, 2022, at 4:26 PM, Judd, Peggy <PJudd@cochise.az.gov> wrote:
>
> I do not have any of those answers. I am sorry.
> Peggy
>
> Sent from my iPad
>
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AMERICAN OVERSIGHT

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Thank you,
Jen

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Reporter, votebeat.org
[redacted] (cell)
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AMERICAN OVERSIGHT

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To: Jen Fifield
Subject: Re: Comment on moving forward on hand count?
Date: Friday, November 11, 2022 4:26:10 PM

I do not have any of those answers. I am sorry.
Peggy

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jfifield@votebeat.org

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Kale Kiyabu
Subject: Re: Confidence in a tally
Date: Tuesday, October 11, 2022 2:09:37 AM

Sending this out to democrats… I am hoping they will participate. It will be a hard sell if it is only republican counters.

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to

AMERICAN OVERSIGHT

give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 1, 2022, at 8:30 AM, Kale Kiyabu [redacted]@yahoo.com> wrote:

CAUTION: EXTERNAL EMAIL*

Good morning!

I see from the Herald Review that you will be holding a meeting on Tuesday to discuss a hand count of all ballots.

I think a 100% hand count of all ballots after they have been tallied in the current normal counting is necessary for confidence of all voters.

From speaking primarily with David Steven on our process, I believe that our county does a great job in processing ballots to reach an accurate tally.

Having said that, that doesn't matter, if there is low confidence in that tally by half or more of the people you serve. I believe the people that are asking for a 100% hand count are asking to do this in addition to what is currently done.

Prior to automation, there was a 100% hand count of all candidates on all ballots.

The quote below is from the article linked below. Normally this hand count would not have happened, Mrs. Spears went from 3rd in the primary to 1st, from 3031 votes to 6651. The original top vote getter went from 5226 to 3928, from 1st to 3rd. In addition, the hand count total for all district 2 candidates was 15,449 vs 12,639 by the machines; **2810 votes were not counted by the machines!** The machines missed 18% of the total casted votes.

"Had Spears not raised questions on Election Night, it's unclear whether the result would be in doubt at all. Some precincts were reporting she

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received zero votes – including her own precinct. Spears took pictures of the precinct-level results and showed them to Decaturish on Monday during day two of the hand count. Her supporters, including commissioners Jeff Rader and Ted Terry, began publicly raising questions about what happened."
Hand count in District 2 DeKalb Commission race changes runoff picture – Decaturish - Locally sourced news

I wonder if they verified all tallies. From this article it does not seem that they were.

Thank you,
Kale Kiyabu
District 1, Sierra Vista

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Bud Foster
Subject: Re: county hand count
Date: Tuesday, October 25, 2022 10:04:00 PM

Perfect.

Sent from my iPad

On Oct 25, 2022, at 9:58 PM, Bud Foster <Bud.Foster@kold.com> wrote:

CAUTION: EXTERNAL EMAIL*

I'll send for 10:15...

Thanks

Sent from Mail for Windows

From: Judd, Peggy
Sent: Tuesday, October 25, 2022 9:56 PM
To: Bud Foster
Subject: Re: county hand count

It would be better at 10:15. 10:30willwork. Please send a link.
Peggy

Sent from my iPad

On Oct 25, 2022, at 5:24 PM, Bud Foster <Bud.Foster@kold.com> wrote:

CAUTION: EXTERNAL EMAIL*

Why don't we schedule for 10:30 before your meeting. I'll send a Zoom link in the morning.

Thanks for doing this.

Bud Foster

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Tuesday, October 25, 2022 3:39 PM
To: Bud Foster <Bud.Foster@kold.com>
Subject: Re: county hand count

AMERICAN OVERSIGHT

Sorry… I don't have time for an interview today. Tomorrow is fine though.
Peggy

Sent from my iPad

On Oct 25, 2022, at 12:24 PM, Bud Foster <Bud.Foster@kold.com> wrote:

CAUTION: EXTERNAL EMAIL*

I'm emailing to see if you have read the letter sent by the Secretary of State's office demanding you rescind the hand count?

Do you plan on honoring the request or will you defy the letter?

Would you consent to a Zoom interview about this this afternoon?

Thanks

Bud Foster/KOLD-TV Tucson (CBS)

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Bud Foster
Subject: Re: county hand count
Date: Tuesday, October 25, 2022 3:37:26 PM

She asked us not to do our full hand count as we intended. However it was always my intention and the wish of my constituents that we perform count within the boundaries of the law. The measures set to us by SOS were always in our plan. Thus my vote was not to do anything illegal. I am surprised though because all of our investigation into legality and procedures never showed a limit on counting early ballots. I'm still seeking clarification on that. She will get her answer tomorrow.
Peggy

2. The Board will follow all applicable requirements in statute and the EPM when conducting its expanded precinct hand count audit under A.R.S. § 16-602(B).

Sent from my iPad

On Oct 25, 2022, at 12:24 PM, Bud Foster <Bud.Foster@kold.com> wrote:

•

CAUTION: EXTERNAL EMAIL*

I'm emailing to see if you have read the letter sent by the Secretary of State's office demanding you rescind the hand count?

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Taylor Tasler-Oatley
Subject: RE: Crosby message ref hand count draft
Date: Sunday, October 23, 2022 12:04:00 PM
Attachments: image001.png

The meeting is on,

Crosby

From: Taylor Tasler-Oatley <ttasler@bonneville.com>
Sent: Friday, October 21, 2022 1:27 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: FW: Crosby message ref hand count draft

CAUTION: EXTERNAL EMAIL*

Thanks for getting back to me with this email.

I know you said you haven't read the SOS letter yet, but can you tell me if the board is still planning to move forward with the vote on Monday?

Taylor Tasler

ttasler@bonneville.com
Newsroom: (602)263-5556
Cell: [redacted]
7740 N. 16th St. Suite 200
Phoenix, AZ 85020

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Friday, October 21, 2022 12:23:40 PM
To: Jen Fifield <jfifield@votebeat.org>; Adam Klasfeld <adamklasfeld@lawandcrime.com>; Taylor Kinnerup <tkinnerup@bonneville.com>; Bontke, Jordan <Jordan.Bontke@abc15.com>; Nick Phillips <nphillips@azcapitoltimes.com>
Cc: Karwaczka, Richard <RKarwaczka@cochise.az.gov>; 'MSG Jack Dona US Army RET' <[redacted]@aol.com>; drjoe <[redacted]@proton.me>; Tom Giuffrida [redacted]@gmail.com>; DD L <[redacted]@hotmail.com>
Subject: [External] FW: Crosby message ref hand count draft

[This eMail has been sent to you from an external source outside of Bonneville's eMail system]

Jen, Adam, Taylor, et al,

AMERICAN OVERSIGHT

Also attached is my doc "2000 mules read only", which was part of the material from our Oct 11th meeting posted on the County Sup Agenda page. My wife and I are still home sick. I'm hoarse, and I don't want to talk.

In the doc, you'll find I'm not partisan about this, noting my experience with (non-machine) ballot commingling in 2012. I investigated, they didn't. Human error.

One of you used an expression like "the courts rejected all the 2020 election claims". Dismissal on procedural grounds without hearing the cases does not indicate rejection of the claims. It's just getting stonewalled. I haven't read the SoS letter yet, but I will.

What I have read is a couple hundred pages of what I would call likely evidence that the machines are not properly certified. This is from people who have desperately tried to get their side heard. Personally, I'm the guy who can barely use my cell phone. I guess the smartest guys in the world know how to program computers and voting machines. Like the whole COVID issue, both sides accuse the other of propagating false information.

The outcome of the State elections will likely determine this issue. If the candidates that I favor win, I should be OK.

The EL30 report from 2012 "City of Sierra Vista Franchise" total is 3 votes. That column happens to coincide with the 9 ballots claimed on the unsigned County document "precinct ballots counted within City Limits". Simple subtraction at other "split City/County precincts" indicated 71 miscast ballots. Stonewalling is typical.

Tom Crosby

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Thursday, October 20, 2022 4:25 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>
Cc: Mattix, Timothy <TMattix@cochise.az.gov>;
Subject: RE: Crosby message ref hand count draft

Dear Mr. Mattix,

Thank you for your patience and diligence. Revision at the bottom here.

I don't know exactly what the draft was that you sent out. Was is two separate resolutions from two different BOS members, or did you change mine into two items? If you made mine into two items, why?

The reason I asked is, when we did the tax rate, I was willing to let my colleague pick one of two possible choices, as the most expedient means of addressing the item.

Also, I still want to know about special speakers or call to the public.

Tom Crosby

AMERICAN OVERSIGHT

More like; 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."

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: J I Tenney
Subject: RE: Did you all vote to do the hand count?
Date: Tuesday, October 25, 2022 3:20:00 PM

Tom and I did, but not Ann. It passed. Now Sec of State is giving us the statutes we must abide by... instead of saying we are breaking the law.
So we could have broken the law, but I guess if we follow her instructions... we will not.
All but one statute was already in my expected procedures. I didn't know that you can't hand count mail in ballots.
I am looking into that though.

It was as big of a deal... as I thought it would be. Politics is messy!
Peggy

From: J I Tenney [redacted]@yahoo.com>
Sent: Tuesday, October 25, 2022 2:13 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Did you all vote to do the hand count?

CAUTION: EXTERNAL EMAIL*

Jim

J L (Jim) Tenney
Tenney's 4U Land & Real Estate LLC
[redacted]
Willcox, Arizona 85643
[redacted] cell
[redacted]@yahoo.com

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: Re: Directly from the SOS EPM!!!
Date: Thursday, October 27, 2022 3:26:28 AM
Attachments: Resized_20221026_131849.jpeg
Resized_20221026_132427.jpeg
Resized_20221026_132502.jpeg
Resized_20221026_131916.jpeg

Thanks for doing this. Yes! 100% of the 5 selected races. That is what I kept seeing…
Still isn't every item on each ballot…. So a limited hand count audit is truth.
Peggy
Sent from my iPad

On Oct 26, 2022, at 11:19 PM, DANDLAC [redacted]@pm.me> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Ms Judd, Mr Crosby,

First, thanks for standing your ground!

Key points to make which you may already be aware of but if you are not:

a. on Page 215 of SOS EPM (attached) it says in sub para A: For the Precinct Hand count, the officers in charge of elections must conduct a hand count of regular ballots **from at least 2% of the precincts**, or 2 precincts, **whichever is greater**. **My interpretation: we can do up to 100% of the 5 races selected on page 217 of the EPM (also attached).**

b. Also on Page 215 of SOS EPM it says in sub para B: The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5000 early ballots, whichever is less. **Counties may elect to audit a higher number of ballots at their discretion. Interpretation: We can do 100% of the 5 races selected on page 217 of the EPM.**

c. On Page 217 of the SOS EPM it states the 5 types of races which can be included in the hand count. We should be able to do 100% of the 5 races chosen from those on pg 217.

d. Peggy stated, several times,the hand count would stay within the requirements laid out, Tom concurred. They drafted a reply stating as much.

e. This would all be legal, so why is McIntire still saying he will not defend you and why is he telling Mara she doesnt have to do it because it is not legal?

f. Finally, the letter sent by the SOS contradicts their own EPM manual as laid out above.

Dan

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AMERICAN OVERSIGHT

A. Ballots Included in the Precinct Hand Count

For the precinct hand count, the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. Provisional and conditional provisional ballots are not included in the hand count. A.R.S. § 16-602(B)(1).

In counties that utilize vote centers, each vote center is considered to be a precinct/polling location and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or 2 vote centers, whichever is greater.

In a PPE, the officer in charge of elections must conduct a hand count of regular ballots from 2% of the polling places or vote centers established pursuant to A.R.S. § 16-248. A.R.S. § 16-602(B)(3).

B. Ballots Included in the Early Ballot Hand Count

The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. A.R.S. § 16-602(F). Counties may elect to audit a higher number of ballots at their discretion.

At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically-tabulated results for use in the early ballot hand count.

IV. SELECTING PRECINCTS/POLLING PLACES TO BE HAND COUNTED

The county political party chairpersons (or designees) shall take turns randomly drawing the precincts, vote centers, or consolidated polling places for the hand count. If a chairperson appoints a designee, the appointment must be in writing with the signature of the chairperson. The precincts/polling places shall be selected by lot without the use of a computer and the order of selection by the county political party chairpersons (or designees) shall also be by lot.

The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot consisting of every precinct/polling location in that county. For any election where there are

AMERICAN OVERSIGHT

A. Ballots Included in the Precinct Hand Count

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The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a list consisting of every precinct/polling location in that county. For any election where there are

AMERICAN OVERSIGHT

consolidated polling locations, the number of precincts to hand count should be calculated based on the number of active polling locations for that election.

For counties utilizing vote centers, each vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order**: Select by lot the order in which the county political party chairpersons (or designees) shall draw precincts/polling locations. The selection order will apply for the entire hand count process.
2. **Create Lot**: Create a lot containing all precincts/polling locations in the county.
3. **Select Precincts**: Draw the required 2% or two precincts/polling locations to be counted from a lot containing every precinct/polling location in the county. Precincts/polling locations without any registered voters shall be excluded from the pool of available precincts/polling locations in the county. The county political party chairpersons (or designees) shall alternate selecting precincts/polling locations based on the order defined in Step 1 from the lot until the required number of precincts/polling locations is selected.
    a. If a tabulation unit from a vote center was selected as a precinct/polling location to be hand counted, a subsequential selection shall be conducted to select a touchscreen voting machine (if they independently tabulate votes, and if there are more than one) utilized at that vote center:
        - **Create Lot**: Create a lot containing all touchscreen voting machines used at the same vote center in which a tabulation unit was previously selected.
        - **Select Touchscreen Voting Machines**: Draw a corresponding number of touchscreen voting machines to be hand counted for each tabulation unit from a vote center that was previously selected, from a lot containing every touchscreen voting machine utilized at a vote center from which a tabulation unit was selected during the selection of the precincts/polling locations.
4. **Record Precincts.** The officer in charge of elections shall record the precincts/polling locations to be hand counted in the Master Precinct and Race Selection Worksheet. The precincts/polling locations shall be listed in the order selected. The order of the precincts/polling locations shall be used when selecting the contested races in Section V of this Chapter.

A.R.S. § 16-602(B)(1), (B)(2), (B)(2)(e), (C).

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V. RACES ELIGIBLE TO BE HAND COUNTED

A. Eligible Races Generally

The races to be counted in the hand count audit generally includes up to five contested races, which shall include:

- One statewide candidate race;
- One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);
- One legislative candidate race (Arizona House of Representatives or Arizona Senate); and
- One federal candidate race (United States House of Representatives or United States Senate);
- One presidential elector race (only in general elections with a race for President of the United States).

A.R.S. § 16-602(B)(2), (5).

A candidate race within one of the above-referenced categories is eligible for inclusion in the hand count only if the race is "contested," meaning there are more candidates seeking election or nomination than the number of seats available. A.R.S. § 16-602(B)(2)(f). Write-in candidacies do not create contested races if the race is not otherwise contested. A.R.S. § 16-602(B)(4).

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected by lot until the required number of contested races are selected for the hand count. A.R.S. § 16-602(B)(2)(e). For example, because a statewide ballot measure will not appear on the ballot during a primary election, an additional contested race from one of the other categories of eligible races must be drawn to make up the required four races.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic or Republican primary election race. A.R.S. § 16-602(B).

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district. A.R.S. § 16-602(B)(2)(c)-(d). Therefore, if, for example, the race for U.S. House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: cinda combs
Subject: Re: Do not allow hand count!
Date: Tuesday, October 11, 2022 1:36:52 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 10, 2022, at 6:09 AM, cinda combs [redacted]@yahoo.com> wrote:

CAUTION: EXTERNAL EMAIL*

It will muck up the process, *as it is intended to do*. We have had no election
problem here.
Thank you,
Cinda Combs
85603

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AMERICAN OVERSIGHT

From: English, Ann S
To: Charles Homans
Subject: Re: Do you have a few minutes to chat about this situation with the hand count?
Date: Thursday, November 10, 2022 3:20:41 PM

I have no news about the illegal expanded hand count in Cochise County.

Get Outlook for iOS

From: Charles Homans <charles.homans@nytimes.com>
Sent: Thursday, November 10, 2022 2:56:19 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Do you have a few minutes to chat about this situation with the hand count?

CAUTION: EXTERNAL EMAIL*

[redacted]

Thanks!

Charlie

--
Charles Homans
The New York Times | The New York Times Magazine
[redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: DAVID PARDEE
Subject: RE: Election hand recount
Date: Thursday, October 27, 2022 2:37:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all term like that need further definition.
May I ask your definition of democracy? I say "majority rule".

I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

From: DAVID PARDEE [redacted]@cox.net>
Sent: Thursday, October 27, 2022 10:27 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Cc: English, Ann S <AEnglish@cochise.az.gov>
Subject: Election hand recount

CAUTION: EXTERNAL EMAIL*

I'm a registered voter in Cochise County supervisor district 1. Please do not delay the certification of the election results for a 100% recount by hand. Do not waste my tax money on any such recount; pandering to luddites is not a good reason for such expenditure. If any hand recount is done by persons you recruit to do it for free, I would not trust their results, even if they agreed with the official results. I'm particularly appalled by the proposal to do such a recount in violation of the law; only an anarchist would make such a suggestion.

Thank you for your consideration.

David Pardee

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gwynn Patterson
Subject: RE: Election Integrity
Date: Sunday, November 13, 2022 11:34:00 AM

About the machines... I have asked for a legal opinion from Attny McIntyre and he said that the state holds those records. We do not have anything to do with legal certification. The state tells us if they are or not.
They say they are. I wonder if this should be taken to our Legislators.
I hope we get to do the count still, but I am very uncertain of where it is headed right now. If Attny McIntyre got his way... it seems we would be headed to jail.

This is so discouraging. Thanks for reaching out again...as you can see I really needed it.
Peggy

-----Original Message-----
From: Gwynn Patterson [redacted]@gmail.com>
Sent: Sunday, November 13, 2022 5:06 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Election Integrity

CAUTION: EXTERNAL EMAIL*

Dear Peggy ,

Thank you for your courageous service. What a blessing and encouragement you have been to many of us in these troubling times.

I write because like many I am deeply troubled by the concern that Mr. Rice voiced at the BOS meeting . He documented quite clearly that the machines were not certified .

Equally alarming is the information about the machines themselves presented on the podcast of Ms. Swiinixk. You were on that podcast and that is why I watched it. You apologized for certifying past elections done with these machines. Of course as you stated , who knew then what we know now?

Can an emergency BOS meeting be called to address these issues and push for an honest hand count?

We are deeply troubled by the on going situation in Maricopa County that is a direct result of these machines. Our hope is that Cochise County will fight this with you leading the way.

Thank you and God bless .

Gwynn Patterson

Sent from my iPhone
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gwynn Patterson
Subject: Re: Election Integrity
Date: Sunday, November 13, 2022 7:22:54 AM

I have a meeting scheduled for Tuesday afternoon. Not about machines but maybe I can add an agenda item.

Sent from my iPad

> On Nov 13, 2022, at 6:24 AM, Gwynn Patterson [redacted]@gmail.com> wrote:
>
> CAUTION: EXTERNAL EMAIL*
>
> Dear Peggy ,
>
> Thank you for your courageous service. What a blessing and encouragement you have been to many of us in these troubling times.
>
> I write because like many I am deeply troubled by the concern that Mr. Rice voiced at the BOS meeting . He documented quite clearly that the machines were not certified .
>
> Equally alarming is the information about the machines themselves presented on the podcast of Ms. Swiinixk. You were on that podcast and that is why I watched it. You apologized for certifying past elections done with these machines. Of course as you stated , who knew then what we know now?
>
> Can an emergency BOS meeting be called to address these issues and push for an honest hand count?
>
> We are deeply troubled by the on going situation in Maricopa County that is a direct result of these machines. Our hope is that Cochise County will fight this with you leading the way.
>
> Thank you and God bless .
>
> Gwynn Patterson
>
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> Sent from my iPhone
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: joan wilson
Subject: RE: Emergency Meeting
Date: Saturday, November 12, 2022 9:11:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: joan wilson [redacted]@protonmail.com>
Sent: Thursday, November 10, 2022 11:57 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Emergency Meeting

CAUTION: EXTERNAL EMAIL*

Well Shanna and I are in the top 3 but votes are still out.
Shanna was the top vote winner so she's definitely in.
I'm a little worry I'm only ahead of Dee Puff by 60 ish votes
Keeping fingers crossed.

------- Original Message -------
On Thursday, November 10th, 2022 at 10:42 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> What about your race, Jean?
>
> Tom
>
> ---
>
> **From:** joan wilson [redacted]@protonmail.com>
> **Sent:** Wednesday, November 9, 2022 4:03 PM
> **To:** Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** Emergency Meeting
>
> CAUTION: EXTERNAL EMAIL*
>
> Good afternoon, Supervisors,
>
> I was very happy to hear that you voted to appeal the horrible decision made by the Pima County Judge McGinley on Monday.
>
> Thank you for your courageous act of Patriotism.

AMERICAN OVERSIGHT

May you all continue to have the strength and courage that you are showing at this time, to see this issue through to the right & just conclusion for the people of Cochise County.

May God Bless you ALL.

Sincerely,
Jean Giuffrida

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AMERICAN OVERSIGHT

From: English, Ann S
To: Ali Morse
Subject: Re: expanded hand count moving forward?
Date: Thursday, November 10, 2022 8:49:29 AM

I am not a lawyer so I do not know who is supposed to enforce the order.

Get Outlook for iOS

From: Ali Morse [redacted]@yahoo.com>
Sent: Thursday, November 10, 2022 8:47:39 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: expanded hand count moving forward?

CAUTION: EXTERNAL EMAIL*

Dear Supervisor English,

I have been applauding your efforts to stop this unlawful action but am concerned that the ruling was appealed. How can this be? What happens to the integrity of our election process? Aren't the other supervisors and Mr. Stevens breaking the law if they continue with this scheme?

I look forward to hearing from you an thank you for your time.

Sincerely,

Allison Morse
Portal

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gisela Aaron
Subject: RE: Explanation
Date: Thursday, November 10, 2022 7:19:00 AM

You will need to contact… or wait for David Stevens to contact you. If you are on the list, you will receive an email.
I have not heard either way, but have made an official request to commence with smaller than 100% and then allow for further action/modification by board.
I believe this keeps us within the limitations of the ruling. Asking for 100% was too much. So we will make the sample size smaller. 99.9%???
Thank you,
Peggy

From: Gisela Aaron [redacted]@gmail.com>
Sent: Thursday, November 10, 2022 12:31 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Explanation

CAUTION: EXTERNAL EMAIL*

Peggie,

I hope you will still be holding a hand count on Monday?

We will come to Cochise to help!

Gisela Aaron
Pima co, lost to Communists

Sent from my iPhone

> On Nov 8, 2022, at 8:52 AM, Judd, Peggy <PJudd@cochise.az.gov> wrote:
>
> In case you are wondering about today.
> Moving forward…
>
> About Cochise County's very unfortunate ruling received yesterday evening…
> "What we intended to do was legal and if I can find the will in other key participants and way to do it, I will proceed. Pima county is our most liberal county in Arizona. It was in our judges DNA to side with the plaintiff. Our attorneys presented the best defense that could be had and we lost due to political bias. Hand counting is as American as apple pie. I am extremely blessed to be serving alongside visionaries, statesmen and defenders of truth from our county and beyond that have our backs all the way. I am not licking wounds today and I assure you, they are not either."
>
> Above are my press comments. But I want people to be able to read them. They will

AMERICAN OVERSIGHT

probably not be aired.
Peggy Judd

Sent from my iPad

On Nov 7, 2022, at 4:29 PM, Gisela Aaron [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*
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Available until Dec 7, 2022

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Greetings Supervisors,

Here's a debunked EAC excuse using 52US Code 20971 for the lack of renewed Accreditation of the Laboratories, Pro V&V and SLI Compliance. We felt this will make your case. Thank you!

Gisela Aaron
Pima co, AZ

Click to Download
52USC20971.mp4
0 bytes

Sent from my iPhone

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: DD L
Subject: RE: Follow up on the Hand Count of the Vote
Date: Wednesday, October 12, 2022 1:54:00 PM

He is on an airplane. He called me during his short layover and I am sorry, but I took all his time. He is 100% behind the hand count but doesn't have access to his legal people at the moment.
He did instruct me on a few different ways to get to the vote on this. I currently have a request into our clerk to make sure I am following procedures on the special meeting. I refuse to get kicked out for a technicality and I am quite sure I could be.
It was a great talk with David though and he should be back online later this evening.
Thanks for your interest and kind words.
Peggy

From: DD L[redacted]@hotmail.com>
Sent: Wednesday, October 12, 2022 12:51 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Follow up on the Hand Count of the Vote

CAUTION: EXTERNAL EMAIL*

Hi Ms Judd,
He hasn't responded to my email yet... do you happent to have his phone number? I will call him if you do.
Dan
Dan

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Wednesday, October 12, 2022 10:29 AM
To: DD L[redacted]@hotmail.com>
Subject: RE: Follow up on the Hand Count of the Vote

Thank you, I think we need legal opinions that he may be able to get from his attorney and advisors in the Senate. There are tons of people in the basements (and elsewhere at the Capitol) that have so much official knowledge, I know!
Peggy

From: DD L <[redacted]@hotmail.com>
Sent: Wednesday, October 12, 2022 10:13 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: Follow up on the Hand Count of the Vote

CAUTION: EXTERNAL EMAIL*

Thank you Ms Peggy, Im so proud of your efforts! Please let me know how we can help you.
I also sent a request for support to Senator Gowan, haven't yet heard back from him but hopefully he will weigh in.

AMERICAN OVERSIGHT

Dan

Sent from Mail for Windows

From: Judd, Peggy
Sent: Wednesday, October 12, 2022 9:40 AM
To: DD L
Subject: RE: Follow up on the Hand Count of the Vote

I am working furiously on this agenda proposal and getting higher level back up, but I wanted to take a minute to thank you for your wonderful email to us all.
Peggy

From: DD L[redacted]@hotmail.com>
Sent: Wednesday, October 12, 2022 5:02 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
Subject: Follow up on the Hand Count of the Vote

CAUTION: EXTERNAL EMAIL*

Hello Ms Judd, Mr Crosby, Ms English,

I appreciated the outstanding ***Servant Leadership*** which Ms Judd and Mr Crosby demonstrated in supporting the will of the people to involve themselves in participating in their most sacred obligation, that of counting the vote for those who will represent us. You both showed you understand it is the people you work for, not oppressive government and other nefarious interests. We need people like you more than ever now, especially when we have people like Ms English who demonstrated a deep misunderstanding of the facts of the situation and used some appalling tactics to summarily dismiss a majority of the people she works for.

So thank you Ms Judd and Mr Crosby, we need you to stay supremely strong in this fight for election integrity. Doing the paper count is feasible, it can be done after the machine count – thereby demonstrating, or not, the veracity of the machine count. You have citizens best interests at heart when the Sovereign Citizens say there is a problem and you work for, and with them, to help fix the problem. I do not understand why there is such opposition to enabling the citizens to verify the vote. It can only be because they don't want the Citizens to KNOW the truth.

There are severe problems with the election system which has been **forced on us, against our will, and without our consent**. A system which uses suspect machines and suspect computer code, and fraud inducing mail-in ballots. Many of us spoke on this at previous meetings and at the meeting today about the things we saw and the affidavits which were made to demonstrate the problems. In 2016, the Democrats went berserk, wildly claiming election fraud and were sure the election had been stolen and now to this day are using lawfare to shut down any talk of finding out who really told "The Big Lie" in 2020. Hypocrits. They are still using abhorrent and tyrannical tactics to silence,

AMERICAN OVERSIGHT

and incarcerate people they disagree with, we are seeing it across the country, the use of big government to threaten and intimidate the citizens they work for. And we saw it in our meetings yesterday. This has got to stop. This is not what our government was created to do. Our government was created to be our Servant Leaders.

22 people found the courage and determination to speak, and I applaud all of them for taking the time to come before you – our elected representatives, even the ones I disagree with. But 13 of the 22 wanted the paper count and 9 opposed. Stated differently 59% wanted the hand count compared to 41% who didn't. That is significant, especially when Ms English has the audacity to say it was "about even". It wasn't. The room was full of others who supported the hand count, it was, as you know, a full room.

Ms English, I would be remiss if I didn't take this opportunity to tell you how utterly dismaying and disappointing it was to see you put your head in the sand on the facts, to summarily dismiss citizens who told you there IS a problem - which both sides - almost 100% of the electorate, have stood up and said elections were stolen, but now, because you and some others are happy with the current result, act as if nothing is wrong with this new system of counting the vote – as we have all heard and know is manifestly true – "**it is not who votes but who counts the vote".** Only in dictatorships do you prevent the subjects from counting their vote. You have a chance right now to make a difference instead of just punching us in the face, giving us the middle finger, and then in one of the most abusive uses of power I have ever witnessed attempt to use a partisan, inexperienced, and angry lawyer to shut us down with a coordinated fake lawfare attack. That lawyer does not have the power you assigned to her, that she can state an **opinion** and with that **opinion** end the debate. Anyone who has been in government policy and legislation knows that if something is not expressly forbidden, then it can be done, not the opposite – in fact it is why we have a Board of Supervisors at the County. If Cochise County runs such "stellar" elections, then opening up the results to the scrutiny of the citizens they work for should be easy and can set a precedent everywhere to ensure the count which was presented as the result is actually the **true result and the true will of the Citizens. This is the only way we are going to restore confidence, short of throwing out the current system and starting again – which is a distinct and very real possibility.**

As was stated several times, the hand count is not expressly forbidden in any ARS legislation, therefore it CAN be done. In fact, we have always done the hand count, and the machines are only an option, not a requirement. In fact, a hand count is still required ANYTIME a machine is used to count the VOTE and that is IN THE ARS. We simply want to expand it, in a cost effective and efficient way to ensure full integrity for every citizen, not just those happy with the current outcome. I find it ironic, that in other cases when government officials want something, they will always use the lack of forbidding in the statutes to approve it and "make it happen".

We can and must do the hand count, it is urgent and an emergency if we are going to ever end the destructive distrust of our current elections systems. PLEASE lets make this happen instead of finding ways not to make it happen. We are ready, willing, and able to do it. This is not going away, it will get bigger and cause more a problem for all of us, if we don't get to count the vote, to verify the vote. WE THE PEOPLE, THE SOVEREIGN CITIZENS, must be enabled to count our vote. As I stated at the meeting, "When can we start?"

AMERICAN OVERSIGHT

Thank you for your time.

Dan LaChance, and many others.

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AMERICAN OVERSIGHT

From: English, Ann S
To: Bennett, Stephanie
Subject: Re: FOX 10 INQUIRY// COCHISE COUNTY HAND COUNT DECISION
Date: Monday, October 24, 2022 7:54:35 PM

Sorry I did not get back with you. Meeting was not over until late. The other Supervisors voted to have the 100% hand count before the election is certified.
I have no idea how that could happen and they gave no details. They voted on what they wanted even after being told it was not an action they could legally take. You would have to ask them what they will do next
Ann English

Get Outlook for iOS

From: Bennett, Stephanie <stephanie.bennett@FOX.com>
Sent: Monday, October 24, 2022 2:17:52 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: FOX 10 INQUIRY// COCHISE COUNTY HAND COUNT DECISION

CAUTION: EXTERNAL EMAIL*

Good afternoon,

Happy Monday. Wondering if you are free for a quick zoom or phone interview to discuss Cochise County's hand count decision, of course after that decision is made. I will have my cell on me [redacted]

thanks

Stephanie Bennett
Fox 10 News Reporter

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Fitch, Annissa
Subject: Re: FOX10 - confirmation request
Date: Friday, October 28, 2022 10:30:27 PM
Attachments: image001.png
image001.png
image001.png

Yes ma'am, we will count the prescribed allowed amount. One statewide, one legislative, one federal and…? We had discovered that statute a few weeks ago.

Sent from my iPad

On Oct 28, 2022, at 9:43 PM, Fitch, Annissa <annissa.fitch@fox.com> wrote:

CAUTION: EXTERNAL EMAIL*

For clarification – what races will be hand counted on? From our understanding, there is a limit to 5 races that can be hand counted.

Annissa Fitch
Assignment Editor
KSAZ-TV Fox 10 Phoenix
E: annissa.fitch@fox.com
P: (602) 262-5109

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Friday, October 28, 2022 9:38 PM
To: Fitch, Annissa <annissa.fitch@FOX.com>
Subject: RE: FOX10 - confirmation request

Yes we will.
Peggy

From: Fitch, Annissa <annissa.fitch@FOX.com>
Sent: Friday, October 28, 2022 9:37 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Cc: KSAZ Assignment Desk <KSAZAssignmentDesk@fox.com>
Subject: FOX10 - confirmation request

CAUTION: EXTERNAL EMAIL*

Hello from FOX10,

AMERICAN OVERSIGHT

We are reaching out to confirm if Cochise County will be moving forward with a FULL hand count based on the Attorney general's office recent opinion:
https://www.azag.gov/sites/default/files/2022-10/I22-004.pdf

Thank you,

Annissa Fitch
Assignment Editor
KSAZ-TV Fox 10 Phoenix
E: annissa.fitch@fox.com
P: (602) 262-5109

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Fitch, Annissa
Subject: Re: FOX10 - confirmation request
Date: Friday, October 28, 2022 11:24:49 PM
Attachments: image001.png
image001.png
image001.png

From 16-602 B

2. The races to be counted on the ballots from the precincts that were selected pursuant to paragraph 1 of this subsection for each primary, special and general election shall include up to five contested races. After the county recorder or other officer in charge of elections separates the primary ballots by political party, the races to be counted shall be determined by selecting by lot without the use of a computer from those ballots as follows:

(a) For a general election, one statewide ballot measure, unless there are no measures on the ballot.

(b) One contested statewide race for statewide office.

(c) One contested race for federal office, either United States senate or United States house of representatives. If the United States house of representatives race is selected, the names of the candidates may vary among the sampled precincts.

(d) One contested race for state legislative office, either state house of representatives or state senate. In either case, the names of the candidates may vary among the sampled precincts.

(e) If there are fewer than four contested races resulting from the selections made pursuant to subdivisions (a) through (d) of this section and if there are additional contested federal, statewide or legislative races or ballot measures, additional contested races shall be selected by lot not using a computer until four races have been selected or until no additional contested federal, statewide or legislative races or ballot measures are available for selection.

Sent from my iPad

On Oct 28, 2022, at 9:43 PM, Fitch, Annissa <annissa.fitch@fox.com> wrote:

CAUTION: EXTERNAL EMAIL*

For clarification – what races will be hand counted on? From our understanding, there is a limit to 5 races that can be hand counted.

Annissa Fitch
Assignment Editor
KSAZ-TV Fox 10 Phoenix
E: annissa.fitch@fox.com
P: (602) 262-5109

AMERICAN OVERSIGHT

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Friday, October 28, 2022 9:38 PM
To: Fitch, Annissa <annissa.fitch@FOX.com>
Subject: RE: FOX10 - confirmation request

Yes we will.
Peggy

From: Fitch, Annissa <annissa.fitch@FOX.com>
Sent: Friday, October 28, 2022 9:37 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Cc: KSAZ Assignment Desk <KSAZAssignmentDesk@fox.com>
Subject: FOX10 - confirmation request

CAUTION: EXTERNAL EMAIL*

Hello from FOX10,

We are reaching out to confirm if Cochise County will be moving forward with a FULL hand count based on the Attorney general's office recent opinion:
https://www.azag.gov/sites/default/files/2022-10/I22-004.pdf

Thank you,

Annissa Fitch
Assignment Editor
KSAZ-TV Fox 10 Phoenix
E: annissa.fitch@fox.com
P: (602) 262-5109

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that this email or its attachments are without defect.

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AMERICAN OVERSIGHT

From: English, Ann S
To: Snyder, Irene
Subject: Re: Fox10 inquiry
Date: Friday, October 21, 2022 12:12:03 PM

Yes, they are asking to add the 100% hand count.

Get Outlook for iOS

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 12:09:07 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Thank you for getting back to me. Just to clarify, is this response to the total hand count in addition to the machine county? I was told the plan at this point would involve both.

Thank you again.

Irene

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, October 21, 2022 11:55 AM
To: Snyder, Irene <irene.snyder@FOX.COM>
Subject: Re: Fox10 inquiry

Irene,
I believe even the consideration of a 100% hand count is foolish, illegal and ill conceived.
Ann English

Get Outlook for iOS

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 11:28:30 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Good morning,

My name is Irene Snyder and I am with Fox10 news. We are doing a story on the county considering a hand count for the midterm election. Would you be able to do a zoom interview with us, and/or give us a statement in response?

Thank you for your time!

AMERICAN OVERSIGHT

Irene

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Snyder, Irene
Subject: RE: fox10 inquiry
Date: Wednesday, October 26, 2022 3:41:00 PM

I am sorry... I am in a meeting now and then will be taking my husband in for a procedure at 4PM. There is really no way I can do anything until late this evening.
We do have a meeting tomorrow at 1PM and a lot hinges on that. It is about HOW we will proceed with the hand count. I am still hopeful that this handcount will bring assurance to more people that WE are AWESOME with our elections in Cochise County.
Thanks,
Peggy

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Wednesday, October 26, 2022 3:16 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Good afternoon,

This is Irene Snyder with Fox10 news. Would you be available to speak with us this afternoon regarding the meeting held today, and what's next in terms of the hand count for Cochise County?

Thank you for your time!

Irene Snyder

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Friday, October 21, 2022 1:00 PM
To: Snyder, Irene <irene.snyder@FOX.COM>
Subject: RE: fox10 inquiry

Yes... sure

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 12:59 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: fox10 inquiry

CAUTION: EXTERNAL EMAIL*

AMERICAN OVERSIGHT

Are you able to do it now if I send you a link?

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Friday, October 21, 2022 12:56 PM
To: Snyder, Irene <irene.snyder@FOX.COM>
Subject: RE: fox10 inquiry

I am not scheduled this afternoon, so anytime will work.
Just tell me when and send a link.
Thanks,
Peggy

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 12:48 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Hi Peggy,

A zoom interview would be great. What time are you available?

Thank you!

Irene

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Friday, October 21, 2022 12:30 PM
To: Snyder, Irene <irene.snyder@FOX.COM>
Subject: RE: fox10 inquiry

Hi Irene,
I am quite sure that what I am doing is very exciting to news people, but I am not interested in being in the limelight here. I am doing this for a large number of citizens who have lost confidence in the elections. It has been going on for a decade. Each election has been a bigger problem. When Hillary lost, when Trump lost… who will it be next? I have grown kids who are losing their trust in the vote and even though I have not, I want to help make it better. Hand Counts were done successfully and securely for 100s of years and now we are saying they aren't. Whether it is possible or not, is not my call. Many people are behind me in calling for this hand count and I am willing to entertain a motion. My hope is to help those who have lost confidence in elections to see that we in Cochise County are open and transparent and willing to do a little extra work to help them know their vote counts.
I am ok with a zoom interview also.
I am a fair and honest representative and work hard to help the people I serve. I know we can't always agree, but you won't find many who will argue that.

AMERICAN OVERSIGHT

God Bless and I hope your story is very successful.
Peggy

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 11:28 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Good morning,

My name is Irene Snyder and I am with Fox10 news. We are doing a story on the county considering a hand count for the midterm election. Would you be able to do a zoom interview with us, and/or give us a statement in response?

Thank you for your time!

Irene

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AMERICAN OVERSIGHT

Brott, Symantha

From: English, Ann S
Sent: Wednesday, October 26, 2022 4:18 PM
To: Snyder, Irene
Subject: Re: Fox10 inquiry

I left the meeting with the information the board agreed to not brea

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From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Wednesday, October 26, 2022 3:15:00 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Good afternoon,

I am with Fox10 news .Would you be available to comment on the Cochise County emergency meeting from today, and your stance on how things stand now with the hand count?

Thank you for your time!

Irene Snyder

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, October 21, 2022 12:12 PM
To: Snyder, Irene <irene.snyder@FOX.COM>
Subject: Re: Fox10 inquiry

Yes, they are asking to add the 100% hand count.

Get Outlook for iOS

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 12:09:07 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Thank you for getting back to me. Just to clarify, is this response to the total hand count in addition to the machine county? I was told the plan at this point would involve both.

Thank you again.

Irene

AMERICAN OVERSIGHT

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, October 21, 2022 11:55 AM
To: Snyder, Irene <irene.snyder@FOX.COM>
Subject: Re: Fox10 inquiry

Irene,
I believe even the consideration of a 100% hand count is foolish, illegal and ill conceived.
Ann English

Get Outlook for iOS

From: Snyder, Irene <irene.snyder@FOX.COM>
Sent: Friday, October 21, 2022 11:28:30 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Fox10 inquiry

CAUTION: EXTERNAL EMAIL*

Good morning,

My name is Irene Snyder and I am with Fox10 news. We are doing a story on the county considering a hand count for the midterm election. Would you be able to do a zoom interview with us, and/or give us a statement in response?

Thank you for your time!

Irene

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Zack Stieber
Subject: RE: FW: Crosby message ref hand count draft
Date: Saturday, November 12, 2022 9:14:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Zack Stieber <zack.stieber@epochtimes.nyc>
Sent: Tuesday, November 8, 2022 1:04 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: FW: Crosby message ref hand count draft

CAUTION: EXTERNAL EMAIL*

Thank you sir.

Best regards,
Zack

On Tue, Nov 8, 2022 at 11:29 AM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Mr. Stieber,
>
> On Oct 20th I told the Clerk to change the language of my resolution which was heard and passed Oct. 24th. I used the statute cited in the Nov 2020 memo from AG's office to Maricopa Sup Hickman. That is the BOS's "Action", and it wasn't unlawful.
>
> Crosby
>
> ---
>
> **From:** Crosby, Tom
> **Sent:** Thursday, October 20, 2022 3:45 PM
> **To:** Mattix, Timothy <TMattix@cochise.az.gov>
> **Cc:** Stevens, David <DStevens@cochise.az.gov>; Marra, Lisa M <LMarra@cochise.az.gov>
> **Subject:** Crosby message ref hand count draft
>
> Hi Mr. Mattix,
>
> I'm sure I will want to change my language of my resolution, and I'll work on that right now.
>
> When are you going home? When is the last chance I have to revise this? I also need to compare it to what I sent you a few days ago.

AMERICAN OVERSIGHT

Tom Crosby

Order that the Elections Department shall take such action necessary to perform a 100% County-wide hand count audit of the 2022 General Election to assure agreement with the voting
machine count.

More like; 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.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Re: Gail Golec!!!
Date: Tuesday, November 1, 2022 3:04:02 AM
Attachments: image001.jpg
image001.jpg

I'm not sure she is that!

Sent from my iPad

On Oct 31, 2022, at 8:12 PM, MSG Jack Dona US Army RET
[redacted]@aol.com> wrote:

CAUTION: EXTERNAL EMAIL*

Good! Keep her OUT of this county! She is a Democrat plant!

V/R,

MSG FJD

From: Judd, Peggy [mailto:PJudd@cochise.az.gov]
Sent: Monday, October 31, 2022 7:29 PM
To: MSG Jack Dona US Army RET
Subject: Re: Gail Golec!!!

Supervisor Kevin C handled her like a boss in his Pinal hand count zoom meeting. I guess she is difficult. Consider me warned!
Peggy

Sent from my iPad

On Oct 31, 2022, at 1:50 PM, MSG Jack Dona US Army RET
[redacted]@aol.com> wrote:

CAUTION: EXTERNAL EMAIL*

All,

It's come to my attention that a person online named Gail

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Golec is posting online that she is in charge of the hand count and coordinating it. All of you should know this person has been described by all the key players at the capitol as an extremely combative, wrecking ball type person. The word used was KRYPTONITE! She should not be allowed to come down here, as she is NOT a resident of Cochise County, and get anywhere near this hand count effort…or it WILL implode. There are online videos of her confronting people connected with the Cyber Ninja's effort last year.

Again, Gail Golec should not be allowed anywhere near this effort! You have been warned!

Very respectfully,

Jack

Jack Dona
Master Sergeant
U.S. Army (Retired)
Civilian Email: [redacted] *@aol.com*
Secure Email: [redacted] *@protonmail.com*
"Call to Duty|Boots on the Ground "

image001.jpg

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Lynn Coronado
Subject: RE: Hand count
Date: Saturday, November 12, 2022 9:13:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Lynn Coronado [redacted]@msn.com>
Sent: Wednesday, November 9, 2022 10:53 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

Still want a hand count. Please appeal.

Sent from my T-Mobile 5G Device
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Karen Nicodemus
Subject: RE: Hand count
Date: Thursday, October 27, 2022 2:59:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

-----Original Message-----
From: Karen Nicodemus [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 3:44 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

>
> Please reconsider your ill-advised action to initiate an illegal hand count of votes. It defies logic on many levels notwithstanding legal action that will delay my vote being counted in a timely and legal manner.
>
> Karen Nicodemus
>
> Sent from my iPhone
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AMERICAN OVERSIGHT

From: English, Ann S
To: Shar Porier
Subject: Re: hand count
Date: Thursday, November 10, 2022 11:28:53 AM

I did not get your message yesterday. I have not read what was reported. I do have knowledge the attorney for the board was sent a letter to hire him, Blehm I think, and it was for. $10,000 retainer and $325 per hour. The motion was to do as the attorney suggested, file an appeal. The board members said when they wanted an attorney that they thought they had private funding but I have no knowledge about the source except someone told me Ms Judd had a funding page on line asking for donations.
Truly amazing where this seems to be going. I am sorry Cochise County is getting so much negative publicity over this issue which could be solved in legislation if it is the will of the legislature.

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From: Shar Porier <shar.porier@myheraldreview.com>
Sent: Thursday, November 10, 2022 11:06:53 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: hand count

CAUTION: EXTERNAL EMAIL*

Hi, Ann!

I left you a message about yesterday's meeting and the statement attributed to you on attorney fees in a story by Mary Jo Pitzel in the AZ Rep.

I'm confused because the vote taken was on the appeal of the injunction and nothing was said about attorney fees during the meeting.

Just want to confirm what was printed in the Az Rep.

Thanks, Ann. This whole thing has been so stressful on you. I bet you broke the world record on biting your tongue! LOL

Shar

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Shar Porier
Subject: RE: hand count
Date: Thursday, November 10, 2022 11:54:00 AM

Never pro bono. Not for him, but there is funding available and we are still figuring how that will be received. To county, then to lawyer or donations directly to the law firm.
There are pro bono lawyers too, but couldn't get one in time. If it gets personal and not a board members (in our capacity)... I know that will be a different story.

The injunction was not clear enough to limit all hand counting. Please know that my purpose for going for the appeal is that I don't want to leave the issue with the door closed on future possibilities.
A successful appeal would open a door for others.

It is not a bad thing to hand count ballots. I do not know when it became a bad thing and who's idea that was... and I am not sure if I want to know.

Thanks for asking me, over and over for my opinion.
All my best,
Peggy

From: Shar Porier <shar.porier@myheraldreview.com>
Sent: Thursday, November 10, 2022 11:02 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: hand count

CAUTION: EXTERNAL EMAIL*

HI, Peggy!

So a limited hand count is back on in spite of the injunction?

Also, you said Blehm would represent the county pro bono and you had other sources for funding legal fees. Is the county now on the hook for payment of fees?

Sorry if this distresses you. I know you're having a stressful time. But, please get back with me as soon as possible.

Thanks for your help!
Shar

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Steven Sarasky
Subject: RE: Hand count
Date: Saturday, November 12, 2022 9:10:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Steven Sarasky [redacted]@gmail.com>
Sent: Thursday, November 10, 2022 10:27 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

Thank you for Standing up for Freedom!! And protected our Elections!

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Shari Arnold
Subject: RE: Hand Count
Date: Saturday, November 12, 2022 9:11:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Shari Arnold <[redacted]@gmail.com>
Sent: Thursday, November 10, 2022 5:13 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand Count

CAUTION: EXTERNAL EMAIL*

Hi Tom,

I want to thank you and Peggy so much for all that you have done and are doing. My daughter and I attended the Hand Count Hearings in Bisby and were so grateful for the stance and vote that you and Peggy made. I think there are too many ways ballots can be mishandled and cheating can occur.

Arizona's voting regulations are tragically failing its citizens. I have heard the main stream media compare our state's voting tabulations to that of a third world country. This has got to change.

I signed up for the hand count that you and Peggy initiated. I am a registered Independent and would like to offer my time to counting the ballots for our midterm election if you need more people.

Please let me know.

Shari Arnold
[redacted], Hereford, AZ 85615
[redacted]@gmail.com

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AMERICAN OVERSIGHT

From: English, Ann S
To: Charles Homans
Subject: Re: Hand count
Date: Monday, November 14, 2022 2:26:00 PM

The Board was sent a letter today from the group who sued the board and said if we did not tell them we would comply with the court decision by 1:00 today, they would pursue contempt of court against the board or something to that effect. Don't quote me because I am not looking at the letter.
Supervisor Judd who had asked for the Special Meeting, got in touch with the County Administrator and asked to remove the meeting and I approved.
I do not know if there is a relationship between the two events but I am glad she has chosen not to pursue the additional hand count at this time.

Get Outlook for iOS

From: Charles Homans <charles.homans@nytimes.com>
Sent: Monday, November 14, 2022 1:57:54 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

Hi Ann--do you have any idea what the latest is on the hand count plan? I saw the special meeting tomorrow was cancelled...

Thanks!

Charlie
[redacted] (cell)

--
Charles Homans
The New York Times | The New York Times Magazine
[redacted]

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AMERICAN OVERSIGHT

From: English, Ann S
To: Pamela Blunt
Subject: Re: Hand count
Date: Wednesday, October 5, 2022 1:59:21 PM

Get Outlook for iOS

From: Pamela Blunt [redacted]@msn.com>
Sent: Wednesday, October 5, 2022 1:58:27 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

Despite ALL evidence to the contrary, some legislators seem set on 'fixing' a problem that doesn't exist. I hope you will oppose the hand count, newest attempt to slow down the election process and give more opportunity to partisan 'counters' to throw our ballots based on their biases and determination to do so.

Didn't the Ninja fiasco teach us anything? Please hold fast against these attacks on our democracy.

Pamela Blunt & Monte Surratt
[redacted]
Bisbee, AZ 8503

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AMERICAN OVERSIGHT

From: English, Ann S
To: Daniel Frey
Subject: Re: Hand count
Date: Wednesday, October 5, 2022 5:24:47 PM

You do understand I am NOT supporting any additional hand count for elections.
Ann

Get Outlook for iOS

From: Daniel Frey [redacted]@yahoo.com>
Sent: Wednesday, October 5, 2022 4:22:54 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Hand count

CAUTION: EXTERNAL EMAIL*

OMG

On Wednesday, October 5, 2022, 03:02:10 PM MST, English, Ann S <aenglish@cochise.az.gov> wrote:

Ann

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AMERICAN OVERSIGHT

From: English, Ann S
To: Daniel Frey
Subject: Re: Hand count
Date: Wednesday, October 5, 2022 5:34:37 PM

You emailed the Board and I replied to you as an individual
Ann

Get Outlook for iOS

From: Daniel Frey <[redacted]@yahoo.com>
Sent: Wednesday, October 5, 2022 5:32:51 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Hand count

CAUTION: EXTERNAL EMAIL*

Of course. I just didn't think I had emailed you, although I did email about 40 people.

On Wednesday, October 5, 2022, 05:24:49 PM MST, English, Ann S <aenglish@cochise.az.gov> wrote:

You do understand I am NOT supporting any additional hand count for elections.
Ann

Get Outlook for iOS

From: Daniel Frey [redacted]@yahoo.com>
Sent: Wednesday, October 5, 2022 4:22:54 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Hand count

CAUTION: EXTERNAL EMAIL*

OMG

On Wednesday, October 5, 2022, 03:02:10 PM MST, English, Ann S <aenglish@cochise.az.gov> wrote:

Ann

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Daniel Frey
Subject: Re: Hand count
Date: Thursday, October 13, 2022 6:44:21 AM

With all due respect Mr. Frey. Using Trump as your reason to deny this to our county is your idea. Trump is not behind my reasoning for this hand count.
He was not my first or even second choice in the Primary… he did decent as president but President Biden has kept a few promises too. Especially how he wanted to bring us together. Many of our gravest issues in our country are shared and equally hard on us all. We are working together more than ever. I am grateful for his focus on that and pray we remain tight as things improve.

We are a nation of hard workers and not sore losers. I don't give the latter heed. Only those who are moving forward, like you…engaged in both life, our future and civil discourse … get my attention. Thank you Daniel.

Peggy

Sent from my iPad

On Oct 12, 2022, at 6:36 PM, Daniel Frey <[redacted]@yahoo.com> wrote:

CAUTION: EXTERNAL EMAIL*

Supervisor Judd,

This is so weak. The only reason that anyone disputes the outcome of the past presidential election is that Trump is a sore loser. A man who told more than 30,000 lies during his 4 years in office told the biggest one after he lost, because he was so embarrassed that he had to invent a bogus reason that he lost, failed to demonstrate that there was any serious fraud, and then fomented an insurrection at the Capitol that you were present at. If he had just sucked it up like all past losers of presidential elections and had not engaged in the only attempt to destroy the peaceful transition of power in our history, we would not be in this predicament.

What you suggest about hand counting is costly, prone to error, time consuming and unnecessary. You should be ashamed of yourself.

On Tuesday, October 11, 2022, 01:59:38 AM MST, Judd, Peggy <pjudd@cochise.az.gov> wrote:

Answer to no hand count

Good morning on this beautiful day,

AMERICAN OVERSIGHT

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,

AMERICAN OVERSIGHT

Supervisor Peggy Judd
District 3

Sent from my iPad

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Johnny lee Wilson sr
Subject: RE: Hand count
Date: Saturday, October 15, 2022 10:31:00 AM

Thank you so much
Peggy
https://us01.l.antigena.com/l/AzPpbuCYbiMI_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFeIwkUPPaJlDklPB9EQgsVR6speNqAYWPpIzS_sE-m9JcYYOFYF8ayIzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~
The show I was on last night.

-----Original Message-----
From: Johnny lee Wilson sr <[redacted]@gmail.com>
Sent: Saturday, October 15, 2022 9:47 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

Thanks Peggy I'm behind you all the way on the hand count. Johnny Wilson This E-mail is from an EXTERNAL address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com<mailto:cochise.az.gov@missedspam.com> or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: English, Ann S
To: Joy
Subject: Re: Hand Count
Date: Saturday, October 22, 2022 12:59:47 PM

I did read it Joy . Strange times now!!
I will do what I can…..
Ann

Get Outlook for iOS

From: Joy [redacted]@msn.com>
Sent: Saturday, October 22, 2022 10:39:17 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand Count

CAUTION: EXTERNAL EMAIL*

Hello Ann,
It's been awhile since I've seen you, I hope you are doing well.

Just a note of support for you to stand strong to oppose your fellow supervisors. This whole hand count issue is ridiculous.

Our voting machines are more accurate than a hand count. They have been certified and the sample hand count following an election verifies the count.

Please, do not let them destroy our county election process, thus making voting less accurate and more suspect.

Thank you for reading my rant.
Joy Mims
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Kevin O"Brien
Subject: RE: Hand Count
Date: Thursday, October 27, 2022 2:36:00 PM

Kevin,
I am a Partisan Republican, probably best self- identified as Federalist, although all term like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

From: Kevin O'Brien [redacted]@outlook.com>
Sent: Thursday, October 27, 2022 9:30 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand Count

CAUTION: EXTERNAL EMAIL*

Dear Supervisor Crosby,

Lisa Marra and her staff have worked diligently to assure the accuracy and trustworthiness of Cochise County voting equipment. Observers from both political parties were present during the testing process and they know the machines are accurate. You know this, too.

Yet you and Supervisor Judd have voted for a countywide hand count for the coming election. Why? Your timing is very suspect. If you were genuinely concerned about a fair and accurate vote, you would have brought this up a long time ago. Implementing a hand count is illegal, and at this late stage will cause chaos, disagreement, confusion, delay the count, and further erode the public trust in the voting process. By pushing for a hand count you are contributing to the severe damage being inflicted on our democracy by the Big Lie that the 2020 election was stolen.

Your actions are deeply antidemocratic and un-American.

Sincerely,
Kevin O'Brien
Hereford

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Lois Bravo
Subject: RE: Hand count
Date: Thursday, October 27, 2022 2:58:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Democrats can participate.

Best wishes,

Tom Crosby

From: Lois Bravo [redacted]@live.com>
Sent: Wednesday, October 26, 2022 4:52 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

You are threatening our democracy. A hand count is a joke since if you have 100.Republicans counting they can see a Democrat vote and lie and write down the Republican candidate. We cannot trust the counter.

There is no way to. Change the computer count. It has been checked and rechecked.

I will make sure you are voted off the board.

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: [redacted]
Subject: RE: Hand Count
Date: Thursday, October 27, 2022 2:59:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

From: [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 4:40 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand Count

CAUTION: EXTERNAL EMAIL*

I am writing you to voice my concern regarding your vote for hand counting the upcoming election ballots.
Hopefully you will reconsider.

Thank you
David Brown
Benson AZ

Sent from my Verizon, Samsung Galaxy smartphone

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: christine@actforamerica.org
Subject: Re: Hand Count Ballot initiative
Date: Tuesday, October 18, 2022 6:08:40 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image001.png
image002.png
image003.png
image004.png
image005.png

I'm sorry Christine,
I just didn't get to all the calls today. I will see what I can do and get you called in the morning.
Thank you,
Peggy

Sent from my iPad

On Oct 18, 2022, at 3:22 PM, christine@actforamerica.org wrote:

CAUTION: EXTERNAL EMAIL*

Dear Representatives Supervisor Peggy Judd and Recorder David Stevens,

My name is Christine Reagan, and I am the Exec. Director of www.actforamerica.org overseeing national grassroots and communications.

You have surely received a number of emails, and hopefully phone calls, to your offices regarding your local constituencies desires to ban the voting machines and conduct a hand count election this Fall. We've seen over 1.4 million direct to representative emails, phone calls, and petition signatures in the short period of 2-3 weeks and Act for America is making this our #1 priority and campaign initiative this coming year.

https://www.actforamerica.org/act-now/AZ_No_Voting_Machines_2022

AMERICAN OVERSIGHT

https://www.actforamerica.org/act-now/No-Voting-Machines-2022-Midterms

I had the pleasure of watching Supervisor Peggy Judd on Michele Swinick' s recent episode and to learn of your desire to move forward with a hand count contingency plan.

I am hoping to discuss next steps to execute a plan in Cochise County. Supervisor Peggy, you mentioned your need for grassroots support and I am here to make sure you have EVERYTHING you need to support your work and battle that lies ahead.

In addition, I am hoping for a short official letter signed by your offices expressing your support for this initiative that we can share to the other county officials and perhaps identify other Supervisors and Recorders that are supportive to assist with expediting execution this week. I welcome any assistance you can lend to encourage other counties to champion our shared cause.

In addition, I am looking for a short one-page official document that could be shared with the County Sheriff's advising them, in the most straight forward terms, of the looming catastrophe of performing another federal and local election on uncertified, illegal voting machines. We can't count on or wait for a judges ruling on pending cases. The Sheriff will most likely defer to the County Recorders and Supervisors to confirm our letter and call to action so I am hoping we can execute these official letters from your offices in Cochise that can be replicated and distributed to the other counties by local grassroots representatives.

Please text or call me on my cell phone provided below. Supervisor Peggy, I tried to call your cell phone

AMERICAN OVERSIGHT

that Michele forwarded, but it's a Washington DC # and you probably thought it was solicitation.

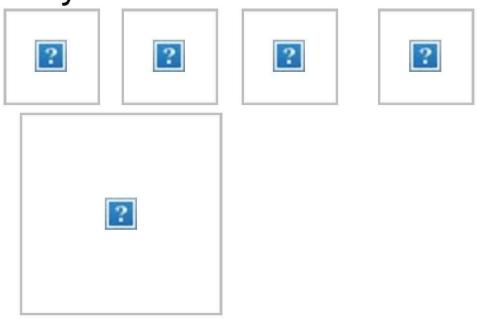
I can't wait to speak to you all!

The Time to Act is Now!

Respectfully Yours,

Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org

Stay Connected:



ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Pitzl, Mary Jo
Subject: RE: Hand count costs
Date: Thursday, October 27, 2022 5:14:00 PM

I was wrong. Apparently the money was given directly to the county and I guess is it sitting with the elections director. Recorders grant is different.
Sorry about this mistake,
Peggy

From: Pitzl, Mary Jo <maryjo.pitzl@arizonarepublic.com>
Sent: Wednesday, October 26, 2022 5:05 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: Hand count costs

CAUTION: EXTERNAL EMAIL*

Thank you! I saw the provisions of the budget bill but I don't see anything that would allow grants for hand counts. The line items appear very specific.

Recorders can apply for grants to review voter registration rolls, for example.

. I'd appreciate any details you can dig up.

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Wednesday, October 26, 2022 3:49 PM
To: Pitzl, Mary Jo <maryjo.pitzl@arizonarepublic.com>
Subject: RE: Hand count costs

It is a budget bill presented by Warren Peterson. He has verified it and so has your own Senator Gowan.
There is a pocket of money set aside for grants and that is what Recorder Stevens is using for grant he just received.
I will get you exact details... asap.
Peggy

From: Pitzl, Mary Jo <maryjo.pitzl@arizonarepublic.com>
Sent: Wednesday, October 26, 2022 2:56 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Hand count costs

CAUTION: EXTERNAL EMAIL*

Hello Supervisor Judd:

During the board's emergency meeting this afternoon, you mentioned the Senate had indicated it

AMERICAN OVERSIGHT

could help with the costs of a hand count.
I just got off the phone with President Karen Fann and she said no one has reached out to her and there is no funding coming from the Senate budget for Cochise.

Who told you the Senate would step in and help?

Mary Jo Pitzl

Senior reporter
The Arizona Republic/azcentral.com
602-444-8963 – desk
[redacted] – cell

Maryjo.pitzl@arizonarepublic.com
@maryjpitzl

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Robert Karp
Subject: Re: Hand Count election Ballots
Date: Tuesday, October 11, 2022 2:04:46 AM

Thanks for poll info….

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to

AMERICAN OVERSIGHT

give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 5, 2022, at 11:56 AM, Robert Karp [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

I am not in favor of hand counting election ballots. A hand count will be costly, potentially inaccurate, slow, and unnecessary.

A recent Arizona Republic poll showed that over 70% of Arizona voters believe elections are secure and accurate. Public officials should not let a vocal minority upend years of election process just because they "don't trust" automated vote counting.

Yes, Cochise has had some problems in prior years, but never about the accuracy of election results. There is no reason to make changes now.

--
Robert Karp
[redacted] Sierra Vista, AZ 85635
If I agreed with you, we'd both be wrong.

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Robert Karp
Subject: RE: Hand Count election Ballots
Date: Wednesday, October 5, 2022 12:42:00 PM

Mr. Karp,

Are you aware that the proposal of a hand count is in addition to machine count, and statutory partial hand count? Not to replace hand count.

Tom Crosby

From: Robert Karp [redacted]@gmail.com>
Sent: Wednesday, October 5, 2022 11:56 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand Count election Ballots

CAUTION: EXTERNAL EMAIL*

I am not in favor of hand counting election ballots. A hand count will be costly, potentially inaccurate, slow, and unnecessary.

A recent Arizona Republic poll showed that over 70% of Arizona voters believe elections are secure and accurate. Public officials should not let a vocal minority upend years of election process just because they "don't trust" automated vote counting.

Yes, Cochise has had some problems in prior years, but never about the accuracy of election results. There is no reason to make changes now.

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Robert Karp
[redacted], Sierra Vista, AZ 85635
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Pitzl, Mary Jo
Subject: RE: Hand count goal
Date: Thursday, October 27, 2022 4:57:00 PM

Mary Jo,
We will count as many of the ballots as we are allowed. We are hoping for all of them still. The law and letters to other boards of supervisors are easily interpreted to allow for a complete count.
We continue to plan a complete count of the allowed 4 categories as soon as the final machine counts are completed and announced to the public.
Peggy

From: Pitzl, Mary Jo <maryjo.pitzl@arizonarepublic.com>
Sent: Thursday, October 27, 2022 8:57 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Hand count goal

CAUTION: EXTERNAL EMAIL*

Good morning Supervisor Judd:

I got a question from a reader who wanted to know if the board intends to count all election day ballots (which is what I gathered from the discussion and the letter to the secretary of state, which referenced an expanded or extended hand count).

Is that your intention? Or are you aiming for a smaller percentage of election day ballots?

Mary Jo Pitzl

Senior reporter
The Arizona Republic/azcentral.com
602-444-8963 – desk
[redacted] – cell

Maryjo.pitzl@arizonarepublic.com
@maryjpitzl

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gwynn Patterson
Subject: Re: Hand count initiative for fair election
Date: Friday, October 7, 2022 11:59:35 AM

Thank you Gwynn. It is very encouraging to have you all out there pushing for this.
Bravo!
Peggy

Sent from my iPad

> On Oct 6, 2022, at 7:08 PM, Gwynn Patterson [redacted]@gmail.com> wrote:
>
> CAUTION: EXTERNAL EMAIL*
>
> Dear Peggy ,
>
> What an inspiration you are to all of us !!
>
> Thank you for all that you are doing despite the opposition by those who care little for the rule of law. Thank you for not caving .
>
> Blessings to you and your family ,
>
> Sincerely ,
> Gwynn Patterson
>
>
>
> Sent from my iPhone
> This E-mail is from an EXTERNAL address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com<mailto:cochise.az.gov@missedspam.com> or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Pitzl, Mary Jo
Subject: RE: Hand count lawsuit
Date: Tuesday, November 8, 2022 6:52:00 AM

Depends what lawyers say. I don't think actions of the board were unlawful .
Crosby

From: Pitzl, Mary Jo <maryjo.pitzl@arizonarepublic.com>
Sent: Monday, November 7, 2022 4:31 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count lawsuit

CAUTION: EXTERNAL EMAIL*

Hello Supervisor Crosby:

You have probably seen/heard of the judge's ruling that blocks the full hand count.

Can I get a comment from your on your reaction? Also, if this is appealed (as expected) would this go directly to the state Supreme Court or would it work its way first to the appeals court?

Mary Jo Pitzl

Senior reporter
The Arizona Republic/azcentral.com
602-444-8963 – desk
[redacted] – cell

Maryjo.pitzl@arizonarepublic.com
@maryjpitzl

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Chamisa Farms
Subject: Re: hand count of 2022 ballots
Date: Thursday, October 13, 2022 1:57:25 PM

He and Kari Lake too… his name is Mark Finchem… but easy to default to Mecham in this state. Thank you and I just got a text from Brian. He will call this afternoon.
So anxious! Gotta get this better that right!
Peggy

Sent from my iPad

On Oct 13, 2022, at 1:31 PM, Chamisa Farms <chamisa@chamisafarm.com> wrote:

CAUTION: EXTERNAL EMAIL*

Thanks Peggy for your reply. I'm a retired teacher by the way. Holy crap that is Mcintyre's job!! If he is hired/elected(?) by Cochise County he can't pick and choose which issues to address. I didn't want to throw a lot to you in my email, but I am pretty sure you are aware that if Mechem gets in as Sec. of State he is going to push for a no machine/hand counted/no mail in election procedure. It may take a while (contracts with the machine people), but he is like a bulldog with a bone, and I think we will get there eventually on the state level. I really appreciate your work on this. Good Luck!
Robin

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Thursday, October 13, 2022 1:11 PM
To: Chamisa Farms <chamisa@chamisafarm.com>
Subject: RE: hand count of 2022 ballots

I am doing my best to get an answer/opinion for Brian McIntyre. I am not sure he wants to be involved or heard on this. That is frustrating!!!!
Peggy

From: Chamisa Farms <chamisa@chamisafarm.com>
Sent: Thursday, October 13, 2022 11:39 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: hand count of 2022 ballots

CAUTION: EXTERNAL EMAIL*

Ms. Judd, I was in attendance of the work session on 10-11-22 as an interested voter. THANK YOU for bringing the hand count issue to Cochise County. I have a couple of comments about this issue – first this should be done (hand count). Second this was brought up way too close to the election to organize the hand count DURING the voting

AMERICAN OVERSIGHT

process. I think that a hand count could easily be done after the polls have closed and BEFORE the results are certified. Going the aforementioned route would solve a lot of problems (facility availability, chain of custody, personnel availability, cost) by having the ballots counted in Bisbee at county facilities. And one final comment: I was very unimpressed by the legal advice at the meeting. Question: Why was the county attorney McIntyre not in attendance? An agenda as volatile and important as this one begs for the presence of THE attorney for Cochise county. Finally, if you can please keep me in formed on the meetings/progress of this issue.

Regards,

Robin Claxton
chamisa@chamisafarm.com
[redacted]
Hereford 85615

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Chamisa Farms
Subject: Re: hand count of 2022 ballots
Date: Thursday, October 13, 2022 1:58:14 PM

---

https://www.youtube.com/watch?v=0za8U9DiSIk

Sent from my iPad

On Oct 13, 2022, at 1:31 PM, Chamisa Farms <chamisa@chamisafarm.com> wrote:

CAUTION: EXTERNAL EMAIL*

Thanks Peggy for your reply. I'm a retired teacher by the way. Holy crap that is Mcintyre's job!! If he is hired/elected(?) by Cochise County he can't pick and choose which issues to address. I didn't want to throw a lot to you in my email, but I am pretty sure you are aware that if Mechem gets in as Sec. of State he is going to push for a no machine/hand counted/no mail in election procedure. It may take a while (contracts with the machine people), but he is like a bulldog with a bone, and I think we will get there eventually on the state level. I really appreciate your work on this. Good Luck!
Robin

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Thursday, October 13, 2022 1:11 PM
To: Chamisa Farms <chamisa@chamisafarm.com>
Subject: RE: hand count of 2022 ballots

I am doing my best to get an answer/opinion for Brian McIntyre. I am not sure he wants to be involved or heard on this. That is frustrating!!!!
Peggy

From: Chamisa Farms <chamisa@chamisafarm.com>
Sent: Thursday, October 13, 2022 11:39 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: hand count of 2022 ballots

CAUTION: EXTERNAL EMAIL*

Ms. Judd, I was in attendance of the work session on 10-11-22 as an interested voter. THANK YOU for bringing the hand count issue to Cochise County. I have a couple of comments about this issue – first this should be done (hand count). Second this was brought up way too close to the election to organize the hand count DURING the voting process. I think that a hand count could easily be done after the polls have closed and BEFORE the results are certified. Going the aforementioned route would solve a lot of

AMERICAN OVERSIGHT

problems (facility availability, chain of custody, personnel availability, cost) by having the ballots counted in Bisbee at county facilities. And one final comment: I was very unimpressed by the legal advice at the meeting. Question: Why was the county attorney McIntyre not in attendance? An agenda as volatile and important as this one begs for the presence of THE attorney for Cochise county. Finally, if you can please keep me in formed on the meetings/progress of this issue.

Regards,

Robin Claxton
chamisa@chamisafarm.com
[redacted]
Hereford 85615

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Chamisa Farms
Subject: RE: hand count of 2022 ballots
Date: Thursday, October 13, 2022 1:09:00 PM

Thank you Robin,
This idea was offered way to late. There are many on staff that are behind us for working on this for the next election. If I had known of the public interest in January... instead of September 6th. It would be a lot better.
It was actually very fortunate that in one months time we were able to get a work meeting.
I will not back down but will do get something done, even if it is count that starts after the election is complete. Lets say the Monday after the General Election.
Good idea! Thank you for your support,
Peggy Judd

From: Chamisa Farms <chamisa@chamisafarm.com>
Sent: Thursday, October 13, 2022 11:39 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: hand count of 2022 ballots

CAUTION: EXTERNAL EMAIL*

Ms. Judd, I was in attendance of the work session on 10-11-22 as an interested voter. THANK YOU for bringing the hand count issue to Cochise County. I have a couple of comments about this issue – first this should be done (hand count). Second this was brought up way too close to the election to organize the hand count DURING the voting process. I think that a hand count could easily be done after the polls have closed and BEFORE the results are certified. Going the aforementioned route would solve a lot of problems (facility availability, chain of custody, personnel availability, cost) by having the ballots counted in Bisbee at county facilities. And one final comment: I was very unimpressed by the legal advice at the meeting. Question: Why was the county attorney McIntyre not in attendance? An agenda as volatile and important as this one begs for the presence of THE attorney for Cochise county. Finally, if you can please keep me in formed on the meetings/progress of this issue.
Regards,
Robin Claxton
chamisa@chamisafarm.com
[redacted]
Hereford 85615

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Janet Manuta
Subject: RE: Hand count of ballots
Date: Monday, October 24, 2022 11:19:00 AM

I wish I could make it easy to understand… but one thing seems to help people feel better about this …
We are asking that 1. recruiting and gathering of volunteers (who's information is already provided)…but not to me, 2. training and 3. Counting of ballots DOES NOT occur until after the final machine counts are tallied and the public has
Been informed of winners.

AND the entire count will be conducted according to Arizona Statute which is very meticulous on the procedures.
Thanks for writing in though.
It is very important to me and my decision will be based on community input mostly.
Peggy

-----Original Message-----
From: Janet Manuta [redacted]@verizon.net>
Sent: Monday, October 24, 2022 11:12 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Hand count of ballots

CAUTION: EXTERNAL EMAIL*

Ms. Judd,
As a resident of Pearce, AZ, I strongly urge you to vote against a hand count of our ballots.
Thank you,
Janet Manuta
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Cox 02
Subject: RE: Hand Count of Vote
Date: Friday, October 14, 2022 7:21:00 PM

Thanks Jen,

I guess the below message is where I thought there was a meeting request before I made one????????

You asked earlier this afternoon, if I intended that the hand count would be the official count. I said "I don't know" but later after pondering the question, I would say the hand count is not intended to replace the machines, so No it wouldn't be the "official" result.

I still do not have the document in front of me that is the second "write" of Ms. Nies the Legislative Counsel. When I do, I will attempt to find the implication in the regs that "It's illegal to check the accuracy of the machines". That's my opinion of the implication.

Tom Crosby

From: Cox 02 <[redacted]@cox.net>
Sent: Thursday, October 13, 2022 5:10 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Hand Count of Vote

CAUTION: EXTERNAL EMAIL*

https://arizona.votebeat.org/2022/10/12/23400974/cochise-county-hand-counting-legal-advice-attorney

Thanks for the quick response. This is the link to the article my daughter sent me.

Mary Lynne Benhase
[redacted]

> On Oct 13, 2022, at 3:24 PM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:
>
> At this time I don't know about a vote on a hand count. Tell me more.
>
> Tom Crosby
>
> -----Original Message-----
> From: Cox 02 <[redacted]@cox.net>

AMERICAN OVERSIGHT

Sent: Thursday, October 13, 2022 8:23 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand Count of Vote

CAUTION: EXTERNAL EMAIL*

I just learned of a special session planned to vote on hand counting the vote. Please vote no/not to hand count. As an elected official it is your responsibility to follow the law. Breaking the law to do a hand count wastes time and money. Wasting the taxes I paid that you are responsible for managing appropriately. Please do not do this. Thank you.

Mary Lynne Benhase
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: David Moore
Subject: RE: Hand count of vote
Date: Wednesday, October 12, 2022 8:26:00 PM

David,

I think that was very rude and I have never had a drink in my life. I do have some serious skin conditions and yes, I was a farm kid… in the sun a lot and I am old. I don't even know why I am explaining myself to you…
But I am sure you have feelings and you have a wife, or kids with feelings. A mother maybe. Please be careful how you speak to others. Even if you don't agree. You will die a lonely man, making judgements like that.

I am guessing my constituents were wrong according to you, and maybe you are right. Everyone is right part of the time. I guess for you it is very close to 100% of the time. For me, I just try to do my very best to meet the desires of those I serve. Where do you live?… if you are in my district – there are maybe things we can agree on and I can help you with. I do a lot of things I don't really agree on, but if it is the desire of my constituents, I do my best to help them. One day, I will not be a public servant and then I can suit my own agenda, all the time, but until then. Here I am and there you are. I do respect your opinion…just not your insults.

All my best,
Peggy Judd

From: David Moore [redacted]@outlook.com>
Sent: Wednesday, October 12, 2022 8:01 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Hand count of vote

CAUTION: EXTERNAL EMAIL*

What kind of sick moron are you. Clearly you have never been an election worker. You have no business holding office. And lay off the booze. You look like an alkie

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: J Walston
Subject: RE: Hand Count PLEASE!
Date: Thursday, October 13, 2022 8:28:00 AM

Thanks a Bunch,

Keep me posted with stuff like this. It's a big help.

Tom Crosby

From: J Walston [redacted]@gmail.com>
Sent: Thursday, October 13, 2022 6:41 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Hand Count PLEASE!

CAUTION: EXTERNAL EMAIL*

Good morning,

I voted no because of several reasons.

1. I feel the request fir and explanation why it is needed was not sufficient for my support as a taxpayer.

2. At what point are students learning in the classroom if we are treating them for for mental health and why are schools mental health providers? Are parents aware of services being offered? Is thus all part of the new Social Emotional Learning Curriculum?

3. As a taxpayer I'd rather that money be spent on an actual teacher in the classroom. We have so many openings and our students deserve that. Currently we have students at Buena that take chemistry via online. Just think how much better that money would be spent to find, recruit and retain a chemistry teacher for them so they don't have to take it online.

4. Lastly, as a taxpayer I don't think we need to spend any money on what I would determine a duplicate service. We have those services already available to students. The economic forecast as far as I can tell isn't looking good and I believe saving our dollars for future difficulties is best. We need to stop being all for everyone in the schools and go back to being educators.

If I had been called in like I asked to be and had confirmation I would be, this is what I would have shared.

Respectfully,

Jenny

On Wed, Oct 12, 2022, 4:54 PM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

AMERICAN OVERSIGHT

Hi Jenny, You were also against the School mental health item
I voted against it because of you and Jean Giuffrida. Tell me more about why you didn't like it please?

Tom Crosby

From: J Walston [redacted] @gmail.com>
Sent: Sunday, October 9, 2022 6:06 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Hand Count PLEASE!

CAUTION: EXTERNAL EMAIL*

Hi,

I am writing tonight to ask and urge you all to vote on and approve the hand count request being presented to you. You would be doing your county and your constituents the biggest service as representatives. You might see some in your meeting that oppose this hand count, but I can guarantee they are the minority. Most people I know and speak to about our past election and about the upcoming election have serious doubts of the trustworthiness of it all. This includes my daughter. She is young and as most young people she hadn't yet voted. I told her how lucky she was to vote and how lucky she was to be able to vote as in some places a young woman cannot. Even in the year 2020 surprisingly. So off we went, to vote. We voted early. Because she had to get back to school and I found it convenient to avoid lines. We drove to Melody Lane and went in. What a proud mom I was, walking in with my daughter, sharing the right to vote with her. She took her ballot; I took mine and off to the machines we went. We had talked about who I was going to vote for, what ballot indicatives were on the ballot and which ones we would vote for. Trust me when I say, we didn't agree on everything, but we respected each other's positions. With the night of the 2020 election in question for me and as a first-time voter can you imagine what a young person that has always been told your vote matters thinks and believes? When all you hear is it was fraudulent, it was rigged, it was fair, it doesn't matter. Well, it does matter. And it should matter! It should matter to you, it should matter to me, it should matter to my daughter, it should matter to poll workers, elections workers, it should mater to those on the LEFT and to those on the RIGHT. It matters!! The transparency and true, honest, effectiveness of that system should matter to each and every one of us for the future of our country and of generations to come.
The simple measure of counting ballots to compare and contrast the tally of machines to ensure the true vote count has been achieved should not be that big of a deal when it comes ensuring voters their vote was properly counted. It's a second set of eyes and one we used to use. Why is it no longer acceptable? Why? Machines are as good as the person(s) running them and are subject to error as anything in life. Machines rely on electric power and wifi. We live in an imperfect world. Why rely on one set of procedures on something so so so important? Do the right thing, do the right thing for your vote, for your family's vote, for your future generations vote and approve this hand count. Your constituents, all of them, will thank you.

AMERICAN OVERSIGHT

Please!!

Respectfully,

Jenny

Jenny Walston
Long Realty Office Administrator
[redacted]@gmail.com
jennyw@longrealty.com

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: [redacted]@gmail.com
Subject: Re: Hand Count Procedures
Date: Thursday, November 3, 2022 12:12:58 AM
Attachments: Candidates & Challengers 3 Access to the Ballot.pptx
Ballot Batch Records.xlsx

We had a notice today from Steven's. All appears to be going well. I'll forward it to you. You may want to send him your ideas. I am not in charge of the hand count, but have appreciated Recieving your input. You can copy me in what you send David,in case he wants to discuss it with me.
Peggy
David Steven's Recorder dstevens@cochise.az.gov

Sent from my iPad

On Nov 2, 2022, at 11:13 PM, [redacted]@gmail.com wrote:

CAUTION: EXTERNAL EMAIL*

Hi Peggy,

I'm not sure if you put together procedures or not for a hand count.

I heard on a call that I have with people from across the USA that someone had a draft put together and requested it accordingly.

I am sharing it for your review and consideration.

Please feel free to reach out to Daniel or me with any questions you may have.

In Liberty,

Gail Golec

From: H. Daniel Lesher [redacted]@comcast.net>
Sent: Wednesday, November 2, 2022 2:46 PM
To: [redacted]@gmail.com
Subject: Fwd: Hand Count Procedures

Gail,

Forgot to leave my phone number. Feel free to call.

Dan

[redacted]

AMERICAN OVERSIGHT

Begin forwarded message:

From: "H. Daniel Lesher" [redacted]@comcast.net>
Subject: Re: Hand Count Procedures
Date: November 2, 2022 at 5:32:28 PM EDT
To: [redacted]@gmail.com

Gail,

Very rough but I did make up some forms and "questionnaires" = ballots and played with how long it takes to fill them out.

Also a powerpoint to try to catch some ideas.

It doesn't have to be fancy or fancy paper. All Excel. IT is the signatures and handwriting that makes it unique and secure.

Dan

On Nov 1, 2022, at 9:49 PM, [redacted]@gmail.com>
<[redacted]@gmail.com> wrote:

Hi Dan,

I saw in the Cause of America chat tonight that you have a draft of hand count procedures. May I have a copy please and thank you!

In Liberty,

Gail Golec
Arizona
[redacted]

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AMERICAN OVERSIGHT

attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

Two Thoughts on Approach

1. Hand Count: Document results on Paper batch records.

   Concerns: Speed could limit the number of ballots processed and difficult to resolve disputes if no judges or participants of opposite party choose to not participate or are not present.

AZ-COCHISE-22-1136-A-000571

AMERICAN OVERSIGHT

Two Thoughts on Approach

2. Camera/ Video Documentation: Two person team. Preferably one from each of two parties. If you don't have two can still do just one…..and then get a second if you have a difference in official count and in person count.

2.1 Person A takes ballots one by one, and places each in target view of a stationary recording "tablet" video camera like ipad. DOE personnel insure cameras positioned and focused such that there are no security issues with respect to facility. A live digital clock that displays down to seconds is in the video view along with a card that has batch and ED identification and signature location for person A & B. Ideally: I-Pad size device with video capability and preferably desktop tripod would be good.

2.2 Person B of opposite party removes the ballot from target spot insuring that only 1 ballot was processed and places the ballots in "processed" pile and when done returns them to the jurisdiction of DOE personnel.

2.3 When batch is done physically hand the pad device to another candidate or challenger so they can start counting election results from video IMMEDIATEL?Y. Document and record on paper batch records and get to a summary result of an ED. Compare to official DOE results ASAP. "Person A" never stops recording but does need a second pad device to continue recording the ballots.

AZ-COCHISE-22-1136-A-000572

AMERICAN OVERSIGHT

Other Thoughts on Approach

1. Video approach is not perfect but say you can't do 2 people and can do only 1. Then the count is different than the official count. You state that the count is off and use that as justification to now have two people (one from each party) confirm and you can now BOTH go back to the paper ballots. The point is if time and people are short, you don't have to waste time unless you find an error or discrepancy.

2. Warning. Start the counting from the pad IMMEDIATELY after it is handed to you. I have heard that there is software that can possible shut down or turn off a video. You don't want to get home and find that out.

3. At about 2-3 seconds / ballot you could capture them on video, then my estimate of about 10 races, about 1.5 min/ ballot. You record a ballot on an 11 x 17 batch record. 1 Ballot / row. Depending on # of races you may need to go to back. I didn't address mail ins.

4. On batch records I would mark an "X" as opposed to a 1. By hand a 1 can look like an errant mark. An X is more definitive.

5. Count the X's in a column to get the batch total. I estimate 30 ballots / page. Then same type of form for a batch summary record where each row represents 30 ballots.

AZ-COCHISE-22-1136-A-000573

AMERICAN OVERSIGHT

Example Manual Batch Record:
Hand Count Hand Record On Spot

Election Results Batch Records: 11 x 17 paper, Up to 9 Races: 4 Candidates/ Race

		1	Race 1			2	Race 2			3				4				5				6				7				8				9			
Row	Form#	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R	A	B	C	R
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28																																					
29																																					
30																																					
Total																																					

RD ____ ED ____ BR ____

Under penalty of law, to the best of my knowledge I certify that the above information is correct.

Employee Name (Print)		Observer 1 Name (Print)		Observer 2 Name (Print)	
Employee Number		Observer 1 Number		Observer 2 Number	
Employee Signature		Observer1 Signature		Observer2 Signature	
		Observer 1 Party		Observer 2 Party	

AZ-COCHISE-22-1136-A-000574

AMERICAN OVERSIGHT

Experiment: How long does it take to hand count and hand log “ballots” with 9 elected positions, and about 3 candidates for each.

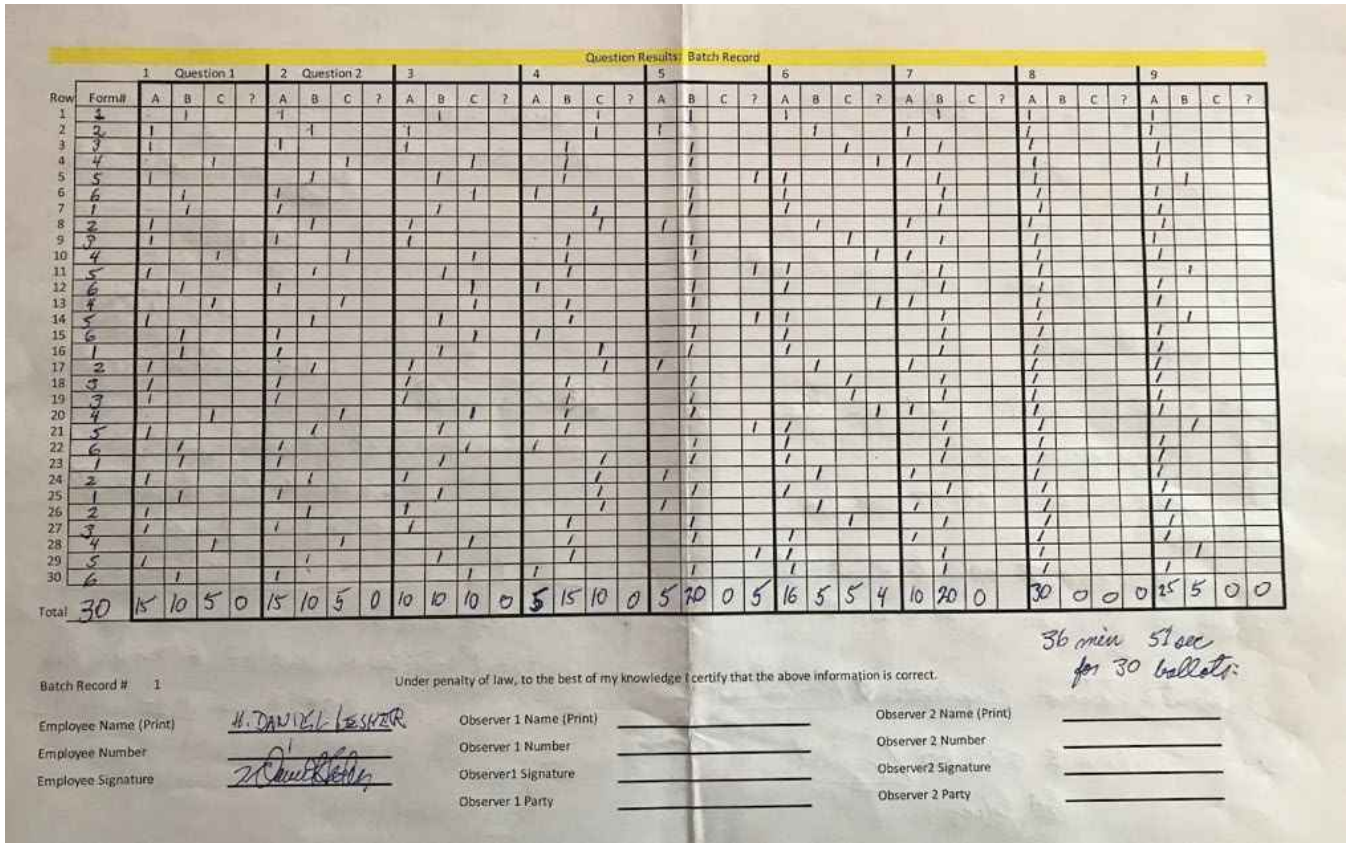
Exhibit:
Batch Sheet
30 Ballots

1 person. 36 min 51 sec. to fill out and add up.

1.22 Min/ Ballot:

Notes:

No experience,
Not trained,
By hand,
Using a pen.



Question Results: Batch Record

Row	Form#	1 Question 1 A	B	C	?	2 Question 2 A	B	C	?	3 A	B	C	?	4 A	B	C	?	5 A	B	C	?	6 A	B	C	?	7 A	B	C	?	8 A	B	C	?	9 A	B	C	?
1	1		1			1					1					1			1			1					1			1				1			
2	2	1					1			1						1		1					1			1				1				1			
3	3	1				1				1					1				1											1				1			
4	4			1				1				1			1				1							1			1	1				1			
5	5	1					1				1				1						1	1					1			1					1		
6	6		1			1						1		1					1			1					1			1				1			
7	1		1			1					1					1			1			1					1			1				1			
8	2	1					1			1						1		1					1			1				1				1			
9	3	1				1				1					1				1					1			1			1				1			
10	4			1				1				1			1				1							1			1	1				1			
11	5	1					1				1				1						1	1					1			1					1		
12	6		1			1						1		1					1			1					1			1				1			
13	4			1				1				1			1				1							1			1	1				1			
14	5	1					1				1				1						1	1					1			1					1		
15	6		1			1						1		1					1			1					1			1				1			
16	1		1			1					1					1			1			1					1			1				1			
17	2	1					1			1						1		1					1			1				1				1			
18	3	1				1				1					1				1					1			1			1				1			
19	3	1				1				1					1				1						1		1			1				1			
20	4			1				1				1			1				1							1			1	1				1			
21	5	1					1				1				1						1	1					1			1					1		
22	6		1			1						1		1					1			1					1			1				1			
23	1		1			1					1					1			1			1					1			1				1			
24	2	1					1			1						1		1					1			1				1				1			
25	1		1			1					1					1			1			1					1			1				1			
26	2	1					1			1						1		1					1			1				1				1			
27	3	1				1				1					1				1						1		1			1				1			
28	4			1				1				1			1				1				1							1					1		
29	5	1					1				1				1						1		1				1			1					1		
30	6		1			1						1		1					1				1				1			1				1			
Total	30	15	10	5	0	15	10	5	0	10	10	10	0	5	15	10	0	5	20	0	5	16	5	5	4	10	20	0		30	0	0	0	25	5	0	0

36 min 51 sec for 30 ballots

Batch Record # 1

Under penalty of law, to the best of my knowledge I certify that the above information is correct.

Employee Name (Print) H. DANIEL LESHER
Employee Number
Employee Signature

Observer 1 Name (Print)
Observer 1 Number
Observer1 Signature
Observer 1 Party

Observer 2 Name (Print)
Observer 2 Number
Observer2 Signature
Observer 2 Party

AZ-COCHISE-22-1136-A-000575

AMERICAN OVERSIGHT

Additional Logistics: Absentee + Early Voting

In 2020 New Castle County DE had about 285 +/- Election Districts. On average. Total Absentee vote was about 33% or 93,000+/- ballots. While it varied from ED to ED average was about average about 330 +/- Absentee ballots / ED.

In the Primary, the total Absentee + Early Ballots are running at about 20% of total so less than in 2020 general election. Rough cut would be about at 220. Turnout may be lower in a mid-term election but close enough for these calculations.

What might a sample scheme look like in terms of man-power and time burden?

AMERICAN OVERSIGHT

Hand Count Thoughts:

I estimate the hand count is slower. I estimate if you say log only 2 races / ballot you could process about 3.5 ballots / minute.

Reduced sampling schemes could be appropriate. Even with reduced sampling schemes we could go a long way toward gaining confidence (or not) in our election processes vs. now. If we find problems on a sample basis, that would logically trigger additional official investigations or audits.

AMERICAN OVERSIGHT

Logistics: Absentee + Early Voting

So: Using the camera method, with 15 "pad" camera stations, two people each (15 Challengers and 15 judges?)

15 Additional Candidates or Challengers to do counting.

You could capture on camera 100% of the ballot data for about 40% of the total precincts in NCC in about 3 hours.

It would probably be nice to have about 30 pads so paper batch record counting could start immediately after first batch is on video

2020 NCC Ballots AV Ballots	93,000
Estimated ED's	285
Ballots/ ED Average:	326
Assumed AV Ratio: 2022/2020	0.667
Estd EV+AV Ballots/ ED 2022	217.5
AVE Rate / ED (Camera) Ballots/ min	11.5
Time/ Person/ ED AVE	18.9
Efficiencey Factor	1.25
Time/ Person/ ED Count Average (Min)	23.6
ED's/ hour/ Challenger	2.54
Estimated Hours?	3
Estimated Candidate Challlengers	15
Total ED's Captured	114.20
% ED's Captued	40.1%

AZ-COCHISE-22-1136-A-000578

AMERICAN OVERSIGHT

"In Person Machines"

In essence the method considerations are the same. In general after the polls close the challenger or candidate select a machine and request DOE to provide access to a machine or two to examine the ballots. Either do a direct count or camera documentation or both. Sampling scheme to be determined.

AZ-COCHISE-22-1136-A-000579

AMERICAN OVERSIGHT

Work with DOE

This concept may be new, or so old it has been forgotten.... Let's be fair and not spring this on the Department of Elections at the last minute. While it can be argued that they owe access by right, why wouldn't we try to work with them so it can all get it done with minimal surprise or disruption. I am sure they would want to work with all parties to accommodate.

AZ-COCHISE-22-1136-A-000580

AMERICAN OVERSIGHT

From: Crosby, Tom
To: J Walston
Subject: RE: Hand Count Request
Date: Wednesday, October 19, 2022 11:30:00 AM

I will. But if the County Attorney says its illegal, then Marra won't do it.

Crosby

From: J Walston [redacted]@gmail.com>
Sent: Wednesday, October 19, 2022 7:59 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand Count Request

CAUTION: EXTERNAL EMAIL*

Good morning,

Asking that you vote for and ask for a hand count! We have the people to volunteer and it needs to be done to restore the voters trust and future voters trust.
Let's do it!!!!!

Jenny Walston
Long Realty Office Administrator
[redacted]@gmail.com
jennyw@longrealty.com

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Taylor Kinnerup
Subject: RE: Hand count ruling
Date: Saturday, November 12, 2022 9:16:00 AM
Attachments: image001.jpg

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Taylor Kinnerup <tkinnerup@bonneville.com>
Sent: Monday, November 7, 2022 4:32 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Cc: News 923 <news923@bonneville.com>; Luke Forstner <lforstner@bonneville.com>
Subject: Hand count ruling

CAUTION: EXTERNAL EMAIL*

Good evening Supervisor Crosby,

Are you available for a statement or short phone interview in response to a judges latest ruling to block your county's full hand count of the vote?

Please let me know!

Best,

Taylor Kinnerup

tkinnerup@bonneville.com
Newsroom: (602)263-5556
Cell: [redacted]
7740 N. 16th St. Suite 200
Phoenix, AZ 85020

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Taylor Kinnerup
Subject: RE: Hand count ruling
Date: Saturday, November 12, 2022 9:15:00 AM
Attachments: image001.jpg

Depends what lawyers say. I don't think actions of the board were unlawful .
Crosby

From: Taylor Kinnerup <tkinnerup@bonneville.com>
Sent: Monday, November 7, 2022 4:32 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Cc: News 923 <news923@bonneville.com>; Luke Forstner <lforstner@bonneville.com>
Subject: Hand count ruling

CAUTION: EXTERNAL EMAIL*

Good evening Supervisor Crosby,

Are you available for a statement or short phone interview in response to a judges latest ruling to block your county's full hand count of the vote?

Please let me know!

Best,

Taylor Kinnerup

tkinnerup@bonneville.com
Newsroom: (602)263-5556
Cell: [redacted]
7740 N. 16th St. Suite 200
Phoenix, AZ 85020

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Ella Roberts
Subject: RE: Hand count thanks
Date: Thursday, October 27, 2022 2:55:00 PM

Thanks Ella,

Friendly back to you too.

Crosby

From: Ella Roberts [redacted]@yahoo.com>
Sent: Wednesday, October 26, 2022 7:28 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count thanks

CAUTION: EXTERNAL EMAIL*

Hello, this is a friendly email because, as you probably know, the Herald and News wrote an article against your decisions relating to hand counts and encouraged people to email you and challenge you. I want to support your decision and encourage you that there are so many people who support you! Stay strong for us!

Ella

Sent from Yahoo Mail on Android

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Jason Elgin
Subject: RE: Hand count!
Date: Thursday, October 27, 2022 2:56:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

-----Original Message-----
From: Jason Elgin [redacted]@icloud.com>
Sent: Wednesday, October 26, 2022 6:43 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count!

CAUTION: EXTERNAL EMAIL*

WTH is wrong with you? Legal consequences for hand counting? Are you stupid? Your just as bad as Hobbs.

Sent from my iPhone
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: [redacted]@gmail.com
Subject: RE: Hand count
Date: Wednesday, October 12, 2022 4:41:00 PM

As you know, I am willing.

Tom Crosby

-----Original Message-----
From: [redacted]@gmail.com [redacted]@gmail.com>
Sent: Wednesday, October 12, 2022 9:53 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hand count

CAUTION: EXTERNAL EMAIL*

Dear Peggy and Tim,

I attended the meeting yesterday and read the outcome of the work session in today's paper. Although discouraging, I think it's important to exhaust every avenue regarding this issue. Please take this initiative forward.
Thank you for your hard work and support!

Mary Johns

Sent from my iPhone
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Pat
Subject: RE: hand counting
Date: Wednesday, October 26, 2022 6:17:00 PM

Thank you Pat! You are awesome to offer. I will include you as a volunteer.
Peggy

From: Pat [redacted]@msn.com>
Sent: Wednesday, October 26, 2022 5:21 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: hand counting

CAUTION: EXTERNAL EMAIL*

Peggy, I want you to know that I support your effort to hand count the ballots. I'll even help if need be!

Pat Boyle
(Benson city councilman}

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: CHELLE PACE
Subject: RE: Hand Counting Ballots
Date: Wednesday, October 12, 2022 4:54:00 PM

Thanks, I'll keep trying.

Tom Crosby

From: CHELLE PACE <[redacted]@gmail.com>
Sent: Friday, October 7, 2022 5:54 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand Counting Ballots

CAUTION: EXTERNAL EMAIL*

Ms. Judd, Ms. English and Mr. Crosby,

As residents of Cochise County, we appreciate you considering the request for a Hand Count (of Ballots) Initiative. Voting in person and Hand counting ballots is a proven method for tallying votes in our country that we strongly believe in.
Please fight for our country's fair elections with minimal opportunities for fraud to occur by supporting the Hand Count Initiative.

Thank you for what you all do for the residents of Cochise County. Your work does not go unnoticed.

Jeff and Chelle Pace
Sierra Vista, AZ

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Ann Gallus
Subject: Re: hand counting ballots
Date: Sunday, October 23, 2022 7:22:53 AM

Thank you for coming to us with your request. I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) after the election is complete and results are final. Repeat. The training and hand count will begin only after the last ballot is counted by machine. I have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told accurately.
If this can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 22, 2022, at 4:07 PM, Ann Gallus [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Ann Gallus
[redacted]
Herford, AZ 85615

October 22, 2022

Cochise County Board of Supervisors via email
Ann English aenglish@cochise.az.gov
Peggy Judd pjudd@cochise.az.gov
Tom Crosby tcrosby@cochise.az.com

Re: Hand counting 2022 elections ballots

AMERICAN OVERSIGHT

Dear Ms. English, Ms. Judd and Mr. Crosby:

I am contacting you out of concern for the integrity of the counts for the 2022 election if you continue on the course of hand counting ballots.

I urge that you rely on the counts provided by the voting machines that you currently use. They provide secure technology, ease of operation for a wide range of users and a paper ballot to fall back on in case of questions.

Before each election all voting equipment in Arizona is tested to be sure it is operating correctly. The testing confirms the program is correctly counting the votes on the ballot. The public is welcome to attend this testing process to see for themselves and the testing is overseen by at least two elections staff or inspectors of different political parties.

Hand counting has an inherent error rate of up to 2% (Rice & Clemson Univ Study 2012) which is enough to sway an election result in a tight race. Voting machines have been in use in Arizona for a long time, the technology and accuracy has improved with each election cycle.

Please don't use our election process to reinvent the wheel. The wheel has evolved over time and it works just fine.

Sincerely
Ann Gallus

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Joel B Levin
Subject: Re: Hand counting ballots in Cochise County
Date: Tuesday, October 11, 2022 2:06:42 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 2, 2022, at 10:44 AM, Joel B Levin [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Supervisor English:

I have been reading about meetings to discuss changing the voting system in this county from machine counting to hand counting of ballots. As a resident of Supervisor District 2 I have been volunteering as a poll worker in every election since the 2016 presidential primary. I have seen the current system up close, and worked with elections director Lisa Marra and her deputy Martha Rodriquez.

There is nothing wrong with the current system. It is accurate with multiple checks to ensure accuracy and secure transmittal of the votes. It includes maintaining paper copies of all the ballots as a backup if needed. They can be used to randomly spot-check the machine counts. No discrepancy has ever been found to cast machine counting in a bad light. Except in the case of a very close election and a recount, hand counting the paper ballots is just not needed. It would introduce expense and substantial delays in getting the results published.

In sum, the current system is secure and accurate, contrary to rumors and lies that tend to circulate on this topic; changing to complete hand counting is an unnecessary waste of time and money.

Regards
Joel B Levin
Elfrida

--
| Nets: [redacted]@gmail.com
| ARS : KD1ON/7
| POTS: [redacted](c)
| USPS: Elfrida, AZ 85610

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Lizann Michaud
Subject: Re: Hand counting ballots
Date: Tuesday, October 11, 2022 1:45:11 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 6, 2022, at 5:25 PM, Lizann Michaud [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Greetings to you, Peggy, Tom, and Ann,

I'm writing today after reading the short Sierra Vista Herald article by Shar Porier about the discussion Peggy will be having with Lisa Marra and David Stevens next week to talk about the ballot counting process, and about the idea of hand counting. I think it's excellent that Peggy will be talking to these key people about the security and testing involved in the process.

My hope is that this meeting assures you and constituents concerned about the fail-safes involved with the advanced machine counting process we have here in Arizona. From the many things I've read about our elections, early ballots and machine counting both have rigorous procedures in place to ensure all goes well and with integrity. I think we can all be proud of our great state of Arizona.

Regardless of what you learn and wish to pursue, my hope is that our states' systems are not reworked prior to this November's elections. Do a hand-audit after the election if need be, but I think last-minute reworking will have the same faith-crushing effect that happened in other states that made Covid-related voting changes to-soon ahead of our last elections.

Arizona has a long-admired ballot-counting history that has been seen as excellent up until Arizona voted for Biden. But there was a disbelief that Arizonans could have voted that way. And yet, we can look at the proportions of republican, independent, and democratic party voters in this state, and the purple and blue major cities of our state. This state has a very large proportion of independent voters, and it most definitely can't be assumed we all voted republican---even many of us who love the 2nd amendment did indeed vote for Biden. This disbelief of Biden's win has unfortunately shaken some people's faith.

If our system can be enhanced further, by all means, that would be

AMERICAN OVERSIGHT

excellent. Though I oppose dismantling a system that has really done right by Arizonans.

In any case, I wish you all the very best constructive, independent, and open minds as you explore this subject.

Sincerely,

Lizann Michaud
[redacted]
Bisbee, AZ 85603
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Bob Behrstock
Subject: Re: Hand counting of ballots
Date: Sunday, October 23, 2022 7:12:14 AM

Thank you for coming to us with your perspective. I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) after the election is complete and results are final. I have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told truthfully.
If this can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 22, 2022, at 7:49 PM, Bob Behrstock [redacted]@cox.net> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Mr. Crosby, Ms. English and Ms. Judd:

As a twenty-year resident of Cochise County, I am embarrassed to have to write this. Given Arizona's ranking for quality of education in the U.S., that seems to vacillate between 47th and 50th place, instituting a new voting protocol that hinges on math skills is simply preposterous. Indeed, most retail workers in Cochise County seem incapable of making change for a five dollar bill without resorting to a calculator. I defy any of you to pick a dozen residents off the street and give then ten two-digit numbers to add up correctly on the first (or second) try. And how would they really know if their total was correct without resorting to a calculator? Why not just start with calculators and not waste thousands of dollars on people checking and rechecking each other? Succumbing to a partisan fairytail is not a good look for any of you, nor is it for Arizona. There are many projects in Cochise County that would profit from an injection of funds that will be lost playing with ballots. Voting machines were invented to generate a correct total within an acceptable time frame. Thank you for considering this.

Sincerely,

Robert A. Behrstock
Sierra Vista, AZ
Please visit my website:
https://us01.l.antigena.com/l/jZJjxNdkPdE6DwetwJRzS~bG6WlNEI7~UKNLBazVy3MZ394wRG0wJGtTJZLFBajE3-XR3LlcL2YOp1d7pdNNqpZBjbzsvczlfe05wZdiVAxCHez04IsYkagmqIb2hU~zdi

Syntax and spelling errors inserted by my Samsung Galaxy smartphone.

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

From: Judd, Peggy
To: Pat And Sandy O'Brien
Subject: Re: Hand Counting
Date: Tuesday, October 11, 2022 2:07:16 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 2, 2022, at 8:14 AM, Pat And Sandy O'Brien [redacted]@cox.net> wrote:

CAUTION: EXTERNAL EMAIL*

I have been voting in Cochise County for over 30 years. I have never had a problem, and the performance of the county election staff has been exemplary. Their performance during the pandemic was innovative, efficient, and outstanding. The county election staff has my complete confidence. There are only two reasons to hand count ballots. First, there is documented problems with the county election process with evidence and witnesses. Second, to sow doubt on the elections, past and future. Simply put, do you support the county election staff or not? If not, it's time to put your proof on the table.

Pat O'Brien
Sierra Vista, AZ

"Those who know, don't talk. Those who talk, don't know."
Tao te Ching, Translation by Stephen Mitchell
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Perry Atkinson
Subject: RE: Hand Counts
Date: Thursday, October 27, 2022 6:40:00 PM

The Secretary of State asked us to commit to obeying all statutes that are applicable and we agreed via a letter sent Wednesday afternoon. We always intended to perform this within the law and that was not hard.
The law allows it and now we have proof from the Sec of State. The only hang up we didn't know about was the statute that says we can only hand count ballots that are voted at the polls. We have council looking into that statute, for clarification.

I am glad you are concerned about my welfare and allowing me to see what might lie ahead.
Peggy

From: Perry Atkinson [redacted]@yahoo.com>
Sent: Thursday, October 27, 2022 6:35 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Hand Counts

CAUTION: EXTERNAL EMAIL*

There is more to this than paying lawyers. You have already been informed that this is illegal so when you lose the law suit, will you be personally responsible for the consequences of losing the suit?

Sent from Yahoo Mail for iPhone

On Thursday, October 27, 2022, 6:15 PM, Judd, Peggy <PJudd@cochise.az.gov> wrote:

> We are going to pay for our own attorneys. Or get donations to do such. Neither of us are big on charging our tax payers for things. Final costs of the count will be very minimal as far as we know. I am sure we will have a better idea after our planning meeting tomorrow at 1PM
>
> Thanks,
>
> Peggy
>
> ---
>
> **From:** Perry Atkinson [redacted]@yahoo.com>
> **Sent:** Wednesday, October 26, 2022 9:23 AM
> **To:** Judd, Peggy <PJudd@cochise.az.gov>
> **Subject:** Hand Counts

AMERICAN OVERSIGHT

CAUTION: EXTERNAL EMAIL*

Once you were told that the insurance company wouldn't back your decision, that should have been the end of it. You have left the taxpayers on the hook. Unless you are ready to personally pay all financial costs of the lawsuit that has been promised, you should change your decision. I am certainly willing to join with others in the county to sue you personally to recoup our money once the final costs are clear.

Sent from Yahoo Mail for iPhone

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: SB Kunzer
Subject: RE: Hand counts.
Date: Thursday, October 27, 2022 3:39:00 PM

You are describing "classical liberalism" (A broad viewpoint)But that's OK. Did you look at the agenda items and ARS16-602B?
This sounds good, "work well for the greatest possible number of people." But if you really mean "involuntary redistribution of wealth" it's socialism. Socialism is a proven failure.

Last I checked my district was 12,000 Repubs, 9000 Indy's and 6000 Dems. Dems get a voice, they do not "rule". There were a bunch of Dems expressing their view on the 24th, just like you are now.

Let me know when you read the ARS's and you can tell me what you don't like.

Tom Crosby

-----Original Message-----
From: SB Kunzer [redacted]@theriver.com>
Sent: Thursday, October 27, 2022 3:17 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Hand counts.

CAUTION: EXTERNAL EMAIL*

Democracy is, ideally, a system in which officials elected by a majority of all eligible voters do their best to come to agreement on rules and laws that work well for the greatest possible number of people. I am trying to understand is what was the rationale and advantage for passing the hand count? It seems to be a retreat to a less accurate and slower result which in today's political climate will exacerbate division.
Betsy Kunzer

Sent from my iPhone

> On Oct 27, 2022, at 2:57 PM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:
>
> I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
> May I ask your definition of democracy? I say "majority rule".
> I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.
>
> Best wishes,
>
> Tom Crosby
>
> -----Original Message-----
> From: SB Kunzer [redacted]@theriver.com>
> Sent: Wednesday, October 26, 2022 5:01 PM
> To: Crosby, Tom <TCrosby@cochise.az.gov>
> Subject: Hand counts.
>
> CAUTION: EXTERNAL EMAIL*
>
> Mr Crosby,

AMERICAN OVERSIGHT

>
> Returning to hand counting of machine printed ballots is asking for increased mistakes and needlessly increasing the time it takes to determine a winner.
>
> I've been a poll worker since before covid. I have been voting in various states (Oklahoma, Colorado, New York, Louisiana, Arizona) since 1964. I have been very impressed with the oversight, care, training and equipment for Cochise county elections. I lived through the hanging chad mess, my husband remembers the old curtained voting machines of the 50's where you pulled the lever (and fraud was rampant) and we've voted all sorts of paper ballots. The Cochise county machines do a much better, more precise, and quicker tally with much closer oversight of any discrepancies than any cadre of people could. They don't get tired, or bored or sloppy or pick up 2 ballots at once and neglect to count the 2nd ballot. They are counted in place with the voter able to check their ballot to make sure they voted the way they wanted to. Any Provisional ballots are hand checked against the voter rolls for verification of why they ended up provisional and reconciled as possible by human beings so that every vote that is legal is counted and illegal votes are rejected. The person voting the provisional ballot is able to find out on-line a) whether it ended up being counted as a legal ballot or b) why it was rejected and what they could do to rectify it. Please reconsider this. We do not need to return to the 1950's.
>
> Betsy Kunzer
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>

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Michael Gregory
Subject: Re: Hand-count
Date: Tuesday, October 11, 2022 2:04:05 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 5, 2022, at 2:30 PM, Michael Gregory [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

I'm writing to object to the plan to require a hand-count of our ballots. There is absolutely no valid reason to require a hand-count. Our existing voting process and apparatus are efficient and safe.
There has been zero indication that they are in any way at fault or insecure.

To plan, execute or even further consider requiring a hand-count is a waste of time and money.

The notion that we need to spend time and tax dollars to hand-count is based on nothing except the Big Lie propaganda of a contingent of misinformed citizens who have been misled by a faction who want to impose their authoritarian politics on the majority, who through repetition of unfounded claims and outright lies want to further their own anti-democratic ends at the expense -- financial, political and ethical -- of the majority of citizens by disrupting, slowing down and otherwise disabling the ordinary mechanisms of good government and thereby violate the rights of citizens to vote in fair and open elections.

Please stop this nonsense and focus on the real work you were elected and took an oath to do.

Michael Gregory
McNeal, Arizona

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

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AMERICAN OVERSIGHT

From: English, Ann S
To: Christine Rhodes
Subject: Re: HAND-COUNT
Date: Thursday, October 13, 2022 7:13:36 AM

Thank you Christine. Sometimes I feel like I am herding chickens. Sometimes I feel like I must be in a bad dream
Ann

Get Outlook for iOS

From: Christine Rhodes [redacted]@gmail.com>
Sent: Thursday, October 13, 2022 7:10:44 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: HAND-COUNT

CAUTION: EXTERNAL EMAIL*

THANK YOU FOR YOUR PERFECT PROFESSIONALISM, CIVILITY, AND LEADERSHIP.

I was glad I could attend Tuesday's morning session.

Chris R.

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Michael Gregory
Subject: Re: Hand-count
Date: Sunday, October 23, 2022 7:20:53 AM

Thank you for your reply. I know there is a great divide in our country…I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this hand count will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) only after the election is completed and results are final. No training or counting will begin until last ballot is counted by machine. have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

I will not call half the people in America names because they hold different beliefs than I do and you don't have to go back very far to watch a very large number of people rally around Mrs Clinton, believing her election was stolen. My desire is to allow this to play out for the best of everyone. I don't like that every election has been supposedly stole in this century.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told truthfully.

If this hand count can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 22, 2022, at 7:42 PM, Michael Gregory [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Peggy,

Thank you for your email of 11 Oct 22.

I had not intended to respond to your email but there has been so much contradictory information (which is to say, misinformation, and perhaps disinformation) since then, the issue has become so convoluted with County Attorney and media interventions, declarations and reports that I, like many other members of the concerned public, perceive this to be little more than a boondoggle self-constructed -- perhaps deliberately -- by yourself and Mr Crosby.

Not least of the boondoggle is the current uncertainty about whether the

AMERICAN OVERSIGHT

Supervisors are or are not having another meeting on this topic on this coming Monday (24 Oct) which by some reports the County Attorney had already put the kibosh to.

While I appreciate your effort to clarify your position, including your wish to restore (or instill?) faith in government in some of your constituents ("especially the young people," as you say), it seems very clear to me -- and, I suggest, to by far the greater number of your constituents -- that your and Mr Crosby's insistence on a hand count of ballots on top of the normal machine count has just the opposite effect.

While a hand count may reassure some few (many of whom will not be convinced no matter how many counts are taken that there hasn't been fraud), for most of us it would be an entirely superfluous process, wasting our tax money and the time of government employees and volunteers since, in fact, there is absolutely no valid reason for anyone to doubt the integrity of our electoral process, the accuracy of the voting machines, or the adequate transparency of the process.

Rather than spend tax dollars catering to an un- or misinformed minority's ungrounded suspicions, it would make more sense to simply ask them to provide good reasons or evidence for their beliefs or fears.

In fact, the whole hand count notion, rather than being an effort to restore faith in a system that does not require any such restoration, appears to be merely a step at the local level to satisfy the blatant demands of a small radical minority within the Republican Party to cause widespread questioning of the legitimacy of our voting system. That minority is, sorry to say, prominent among our elected state representatives and senators as well as the state and local party organizations yourself and Mr Crosby are affiliated with.

That minority, as is apparent from its well-documented actions in local, state and national arenas (including in court testimony and rulings) has an agenda perhaps best summed up in GOP operative Steve Bannon's infamous call for members of that radical minority to "flood the zone with s--t," i.e., to create distrust and delay in electoral processes at all levels of government.

And it is obvious as well that no matter how many proofs of election security are shown, that minority will not accept the results, for it is not interested in objective truth but in political dominance. Its cries of election fraud, Stop the Steal, vote tampering and such are not in good faith or the interests of democracy but distractions, stalking horses, ways to gum up the works, in short, to flood the zone.

Far from furthering trust in government, this hand count proposal is seen by most citizens for what it is: a local extension of the well-known Big Lie campaign to overthrow the results of the 2020 presidential election (a campaign again, like the hand count proposal, based on absolutely no evidence of election fraud) -- and ultimately, persisted in to subvert the democratic process at large, replacing it with an authoritarian minority rule.

AMERICAN OVERSIGHT

As one forthright member of the radical wing of the GOP, a Member of Congress, was reported by national media saying recently, he did not care if the assertions were all lies, the important thing was that the GOP take back the Senate. While your efforts may be far from such despicably unethical tactics, they must be seen in the light (or darkness) of this nationwide move against honest politics.

Like its related actions, the proposed hand count, rather than restore or create trust, does just the opposite: sows distrust by duplicating the all-too-apparent efforts of a radical minority to disrupt our fair and clean electoral process.

Sincerely,

Michael Gregory

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

On Tue, Oct 11, 2022, 2:04 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair

AMERICAN OVERSIGHT

elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 5, 2022, at 2:30 PM, Michael Gregory
[redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

I'm writing to object to the plan to require a hand-count of our

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ballots. There is absolutely no valid reason to require a hand-count. Our existing voting process and apparatus are efficient and safe. There has been zero indication that they are in any way at fault or insecure.

To plan, execute or even further consider requiring a hand-count is a waste of time and money.

The notion that we need to spend time and tax dollars to hand-count is based on nothing except the Big Lie propaganda of a contingent of misinformed citizens who have been misled by a faction who want to impose their authoritarian politics on the majority, who through repetition of unfounded claims and outright lies want to further their own anti-democratic ends at the expense -- financial, political and ethical -- of the majority of citizens by disrupting, slowing down and otherwise disabling the ordinary mechanisms of good government and thereby violate the rights of citizens to vote in fair and open elections.

Please stop this nonsense and focus on the real work you were elected and took an oath to do.

Michael Gregory
McNeal, Arizona

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AMERICAN OVERSIGHT

From: English, Ann S
To: Christine Rhodes
Subject: Re: Hand-Count
Date: Tuesday, November 1, 2022 4:41:40 PM

Your points are well taken about training necessary to perform a good safe accurate election.
Would you like to explain things to the other board members and Recorder Stevens????
We will see where this all goes.
Ann

Get Outlook for iOS

From: Christine Rhodes [redacted]@gmail.com>
Sent: Tuesday, November 1, 2022 4:22:11 PM
To: Tami Birch <[redacted]@gmail.com>; Dolores Ann Donovan <donovand@usfca.edu>; English, Ann S <AEnglish@cochise.az.gov>; Marra, Lisa M <LMarra@cochise.az.gov>
Subject: Hand-Count

CAUTION: EXTERNAL EMAIL*

I thought persons performing election-related work were required to attend and pass extensive classes under the direction of the Secretary of State that resulted in official certification. I recall the challenging 8 hour final written examination. Elected officials were exempt, but all elected Recorders became certified to have the same knowledge as the staff. In my day it required attendance for 2-3 days. Then refresher courses were necessary to keep abreast of new statutes.

How can we allow volunteers to not only handle ballots but perhaps also provide supervision due to the number of untrained but exuberant "volunteers" involved? At the very least, they should have a background check. In times past election officials were bonded and had to purchase their own bond through an insurance agent. Later election officials were covered by county insurance in case of possible ethical issues. This entire hand-count issue seems fraught with dangerous impending ethical concerns.

A mighty concern is chain of custody, to name just one.

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From: English, Ann S
To: Michael Gregory
Subject: Re: Hand-count
Date: Sunday, November 13, 2022 6:46:32 AM

Thank you Michael.
Ann

Get Outlook for iOS

From: Michael Gregory [redacted]@gmail.com>
Sent: Sunday, November 13, 2022 6:38:48 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Hand-count

CAUTION: EXTERNAL EMAIL*

Hi Ann,

Just a note to thank you for your continued strong stand against the Judd-Crosby shenanigans. Hopefully McIntyre will hit them with charges.

Sorry to see them remove you from the chair; Peggy will be a bad joke in that position with Crosby pulling the strings.

Recall is in the air again.

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

On Wed, Oct 5, 2022, 1:58 PM English, Ann S <AEnglish@cochise.az.gov> wrote:

> Get Outlook for iOS
>
> ---
>
> **From:** Michael Gregory [redacted]@gmail.com>
> **Sent:** Wednesday, October 5, 2022 1:10:58 PM
> **To:** English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** Hand-count
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Hello Ann,
>
> Just a note to encourage you to do all you can to stop this hand-count process, which as we

AMERICAN OVERSIGHT

all know is nothing but another GOP effort to gum up the working of government with yet another misbegotten offspring of the trumpnut Stop the Steal Big Lie.

Michael

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

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From: English, Ann S
To: Michael Gregory
Subject: Re: Hand-count
Date: Wednesday, October 5, 2022 1:58:42 PM

Get Outlook for iOS

From: Michael Gregory [redacted]@gmail.com>
Sent: Wednesday, October 5, 2022 1:10:58 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Hand-count

CAUTION: EXTERNAL EMAIL*

Hello Ann,

Just a note to encourage you to do all you can to stop this hand-count process, which as we all know is nothing but another GOP effort to gum up the working of government with yet another misbegotten offspring of the trumpnut Stop the Steal Big Lie.

Michael

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

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From: Crosby, Tom
To: PubliusFJB
Subject: RE: Here is evidence of why we need a hand count
Date: Wednesday, October 26, 2022 2:24:00 PM

I watch gateway pundit to0

Crosby

From: PubliusFJB[redacted]@protonmail.com>
Sent: Wednesday, October 26, 2022 1:51 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Recorder <recorder@cochise.az.gov>
Subject: Here is evidence of why we need a hand count

CAUTION: EXTERNAL EMAIL*

Dear Supervisors,

I want to applaud 2 of you for demonstrating an act of true patriotism tonight. To the 3rd I'm shaking my head. Below is a graphic example of why we desperately need this hand count.

https://www.thegatewaypundit.com/2022/10/breaking-audit-results-primary-election-torrance-county-new-mexico-show-differences-hand-counts-sos-records-25/

The voting machines that haven't been legally certified now need to be placed under house arrest until the state and county can prove that they are being used legally in our elections.

Sincerely,

Doug Elfving
Sierra Vista, AZ

Sent with Proton Mail secure email.

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From: Crosby, Tom
To: Elaine Godfrey
Subject: RE: Hi from The Atlantic
Date: Saturday, November 12, 2022 9:12:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Elaine Godfrey <egodfrey@theatlantic.com>
Sent: Wednesday, November 9, 2022 9:18 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hi from The Atlantic

CAUTION: EXTERNAL EMAIL*

Hi Mr. Crosby,

I hope you're well! I'm a reporter at The Atlantic, and I'm currently in Arizona to report on the election. I read about the plan to do a hand count in Cochise County, and I thought I'd reach out: Is that hand count happening, and would you have any time to chat about it tomorrow?

--
Elaine Godfrey
Staff writer, *The Atlantic*
desk: (202) 266-7157
cell: [redacted]

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From: Crosby, Tom
To: Elaine Godfrey
Subject: RE: Hi from The Atlantic
Date: Thursday, November 10, 2022 10:45:00 AM

We're making an appeal to the Supreme Court . NO news till that's done.

Tom Crosby

From: Elaine Godfrey <egodfrey@theatlantic.com>
Sent: Wednesday, November 9, 2022 9:18 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Hi from The Atlantic

CAUTION: EXTERNAL EMAIL*

Hi Mr. Crosby,

I hope you're well! I'm a reporter at The Atlantic, and I'm currently in Arizona to report on the election. I read about the plan to do a hand count in Cochise County, and I thought I'd reach out: Is that hand count happening, and would you have any time to chat about it tomorrow?

--
Elaine Godfrey
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desk: (202) 266-7157
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Peggy pena
Subject: RE: In person voting
Date: Thursday, October 13, 2022 4:10:00 PM

Thank you... I have had blow back before and If I came off as whining... sorry. I always make sound decisions... even if they are unpopular.
When I was considering running for the House Seat, I met with one of my parents friends who was the Lobbyist for Farm Bureau. Jo Sigg.
My biggest worry is that I would be voting. How do I know I am making the right choice. He said don't worry about what the choice is. Just have a good reason for why you voted that way.
It has really helped. However... I had enjoyed quite a break only serving in the Legislature for 2 years and now I am ¾ way through the 8 years I committed to on the BOS.
I am not a career politician... but I have made many friends and hopefully no more than a few enemies. This job isn't for sissies. It is like getting old! But much more public.
Twenty years... I was involved in Parks and Rec at the City and then Rex Allen Days back then... I hope you were happy with me then.
I am sorry that I don't remember you. But maybe we will meet sometime.
Peggy

From: Peggy pena [redacted]@gmail.com>
Sent: Thursday, October 13, 2022 3:58 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: In person voting

CAUTION: EXTERNAL EMAIL*

Yes I am one of your constituents and I have talked to you a number of times over the last twenty years. I appreciate you taking the time to email me. I hope that your personal struggles resolve soon.

I am sure that you believe your decisions are for the county's benefit. I realize that in the current political environment it is difficult not to appear partisan. The paper ballot and covid money refusal both made national news. All I can say if your going to make controversial decisions especially turning down money for the county's health system you have to roll with the blow back.

Maybe some time in the future we will meet.

On Thu, Oct 13, 2022 at 6:32 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

> Good morning Peggy,
>
> You are amazing. Not surprised because you are also a Peggy.
> We are very determined and smart and amazing.
> Item number 3 is my favorite. I am also extremely private about my vote. My husband doesn't even know. I had not made that connection to this point. However many volunteer positions, especially sworn ones (like jurors), or ordained ones like in church have strict compliance with

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secrecy laws. (Or whatever that is called). There are many many many things I have heard and experienced, or seen that I will never expose in any way.

1 and 2 now... It is freaky how it does appear to be partisan. Takes me back to the Covid restrictions/funding. Until then there was no partisan politics at the County. Having been a legislator, I had really been put off by the orders to vote a certain way… and often strayed to represent those who reached out to me. That Covid time was very difficult. I even had my own party run a recall campaign against me because I voted for Covid funds that required an agreement to follow the mysterious and ever-changing Covid guidelines. (It was just that vague, but was made into a hideous move.). It was not, of course. Then one time, out of a dozen, for $2 million out of $20 million in grants that I had approved…I voted no because it was late in the game, a serious duplication of effort and set up security at our health department and such. Problems easily solved other ways basically. You would have thought I was an assassin. People came out of the woodwork after me. Not after Tom … who said no everytime. I literally have to be at every meeting because he will vote no on stuff we need. Of course attendance at every meeting is a priority for me. Thanks to Covid we have stellar online abilities because my husband is very ill and his doctors insist I stay at his side. It is a five hour stretch for me to attend one meeting in person as I live in Willcox. I am seeing improvement in his health for the last few days. Maybe I will be free soon.

I am not partisan in my work at the county. I don't see this as partisan because I look at everyone from the same perspective as citizens, friend, neighbors even guests to our county. Needs are needs and right now this will help everyone. Wouldn't everyone love to have the "we don't trust the machine monkey" off our back? I know I would. I have said this is not my personal initiative… my political thoughts and behaviors are outside my job and I go about them privately. Never attacking others in their beliefs or joys or trials.

About the courts, election challenges. Rules will be made about how and when the hand tally will be released. It would most likely be treated as public records requiring a request. The board has no intention of suing anyone. I know our attorneys would not participate! And I personally am not an enemy of the machine count…just am curious about machines, with all their intricacies being vulnerable, without our knowing, to outside influences. Cyber training is weekly here at the county and there are constantly changing threats.

You might call all this a conspiracy theory but theories are created so they can be proven or debunked…literally created in Science to be acted upon. Some theories are found to be true, some false and some are waiting for proof…maybe never to be verified. That is how they work, but you know that.

There have been incidences constantly in the cyber world and these are part of that world. Human error also affects machine outcomes. It happened in the Primary election in August and that was never reported to the board. Ahrggg! I found out during the call to public on Tuesday and it now has been verified by another poll worker that day. It wasn't huge but it effected peoples ability to vote and every vote is sacred to me.

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I am here to answer any questions and serve you. I also suggest you reach out to your own district supervisor, which I always do. We are divided into districts. If you live in my district…of course, I am happy to serve you. And. Obviously … don't really have to stay within my boundaries on everything. It's just less complicated in every way to have you divided up in districts and we are voted on in our districts too.

I wish you the best. Hang in there. You really do have great questions that will no doubt affect the future or lack of a future for this issue.

Thank you,
Peggy

Sent from my iPad

On Oct 12, 2022, at 9:00 PM, Peggy pena [redacted] @gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

1. You say that the hand count will have no effect on the election results but then you say if there is a certain discrepancy then it will probably go to court. I assume then a official recount may be done. Of course the money for the court case and the recount would be paid by the taxpayers in the county.

2. As a elected supervisor I would assume that you try to be as non-partison as possible and represent the average voter in Cochise County. You mention that there are more people in the county that are in favor of the hand count than against. But from your comments you make it very clear that you view it as a democratic vs republican position. Why don't you ask the average person who lives in cochise county if this is one of the top things that they wish their elected officials was working on.

3. You talk about freedom. One of the basic freedoms in this country is the freedom to vote. Having voted in every election since I was 18 (for over 50 years) not only do I believe in the right to vote but also that my vote is private and to be kept secure. I do not want my private ballot being accessible to "volunteers."

On Wed, Oct 12, 2022 at 1:36 PM Judd, Peggy <PJudd@cochise.az.gov> wrote:

> Hi Peggy,
>
> I appreciate this conversation… I am not saying the post office is perfect, because

AMERICAN OVERSIGHT

my dad who owned a business was always complaining about letters he didn't get and would go down and large bins had been shoved aside and they would be two weeks out. I had to hear it because I worked for him… but I will say that extra care with ballots is nice to hear. I do know of a time when there were many bins of mailed ballots stuck in Phoenix and the postal workers brought them to us in a pickup truck. This is not my opinions… I have my own ideas about things, but my job is to represent and the movement of voters that is for a hand count is larger then the movement against it. I do accept the fact, if we vote yes, we might not be able to get free, volunteer hand counters from the Democrat voters and we might have a law suit against us from the Dem party so nothing would happen anyway, but that is the rule of law and I am fine with that. Will be disappointed, but will be ok, because I believe in the freedoms we are afforded in this amazing country.

It is all about freedom. You know that too. Mailed ballots are counted as they arrive in the office and entered first upon election night. THEN votes at the polls, then the dropped off ballots can take several days to have signatures approved and be tabulated. 140 volunteers so far and that means not expecting to be paid. They are also willing to get vetted and trained.

The rate of hand counting would not be a factor, because the machine counts would still be happening and results will be posted as always based on the machine counts.
AGAIN it is more like a simultaneous audit of ballots. There will be time and people to count… with no affect on the election results.

If there is a discrepancy and if the machines are off for any reason… above the allowable amount. That would be taken care of long after in the courts or with legislative action.
Results will be results as always. Please don't worry.
Thanks,
Peggy

From: Peggy pena [redacted]@gmail.com>
Sent: Tuesday, October 11, 2022 8:47 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: In person voting

CAUTION: EXTERNAL EMAIL*

Your reasoning for in person voting only is not based on any evidence but what if's.
I personally take offense about your comments about the mail service. I was a letter carrier for over 20 years and at every post office I worked at we were

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instructed to take extra care with ballots. Since drop boxes in cochise county are inside I don't see problems with security. I know a lot of people drop off their ballots on election day because they wanted time to fill out their ballots but haven't had time to mail it.

What 100 people would count the ballots? They would need to be vetted and trained. Who would pay them? Could 100 people get it done at the same rate since a lot of mail ballots come in near the end with the large amount of candidates and propositions.

On Tue, Oct 11, 2022 at 8:11 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

> With 100 people the hand count would be completed by the time final election results are ready. I believe the machine count would still be the deciding factor and the hand count would be more like an audit.
>
> In person voting. That would be because the mail system is not as good as it once was and there could be mishandling of mail in ballots at drop boxes or otherwise. I personally believe we are very very good in our county when it comes to drop boxes and security overall. But I do know a lot of people choose to drop their mail in ballots at the polls. I can only guess that is because they are more certain it is received.
>
> The in person part of my message was attributed to the others in the movement. As I said many people believe and it actually started with a statement by our county recorder. Considering the things I mentioned above. It does make sense to me.
>
> Thanks,
> Peggy
>
> Sent from Mail for Windows
>
> ---
>
> **From:** Peggy pena
> **Sent:** Tuesday, October 11, 2022 8:06 AM
> **To:** Judd, Peggy
> **Subject:** Re: In person voting
>
> **CAUTION:** EXTERNAL EMAIL*
>
> You do not give an answer to why you think in person voting is better.
>
> Who would perform the hand count that could be trusted by everyone. Where would the money come from to pay for it. Could that money be better spent elsewhere. How long would it take to finalize the election with a hand count?

AMERICAN OVERSIGHT

On Tue, Oct 11, 2022 at 1:35 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

Answer to no hand count

But first in person voting. I responded to constituents who were concerned about better elections and thought in person was better but many of them received early ballots. I asked them to consider going to in person voting themselves. It was their choice, their words backed up by their actions. …as is the hand count issue. Peggy

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should

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I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

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From: Judd, Peggy
To: Robert Montgomery
Subject: Re: Interview
Date: Sunday, October 16, 2022 8:44:33 PM

Thank you, sir

Sent from my iPad

On Oct 16, 2022, at 8:24 PM, Robert Montgomery [redacted]@msn.com> wrote:

CAUTION: EXTERNAL EMAIL*

Great presentation Peggy! Whatever form of handcount verification you come up with, You have my support.

Thank You!

Robert

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From: Judd, Peggy
To: Peter Levine
Subject: Re: Just say "NO" to hand count
Date: Tuesday, October 11, 2022 1:24:31 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

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I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 10, 2022, at 11:34 AM, Peter Levine [redacted]@hotmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Supervisor Judd,
There is no reason to force a hand count of votes in the upcoming election. Let the voting machines do their job. A hand count introduces the possibility of manipulating the results. Please say "NO" to this bad idea.

Peter Levine
Cochise County registered voter

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AMERICAN OVERSIGHT

From: English, Ann S
To: Mike Thornton
Subject: Re: KBRP Radio Interview Friday 10/28/22 (10am)
Date: Wednesday, October 26, 2022 5:36:16 PM

That question of representation for the Board when the County Attorney recused their office was brought up today and was continued until Friday meeting. Representation for the Board and representation for individual board members is two separate issues.

Get Outlook for iOS

From: Mike Thornton <kbrpweeklymagazine@gmail.com>
Sent: Wednesday, October 26, 2022 5:26:45 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: KBRP Radio Interview Friday 10/28/22 (10am)

CAUTION: EXTERNAL EMAIL*

I just read The County's Letter of Response to Secretary Hobbs.
I realize you'll (likely) not want to speculate on this either, but if this turns out to be little more than a 5% Hand Audit vs a 3% Hand Audit
wouldn't that mean all of this divisive (and financially costly) drama has boiled down to Kabuki Theater that achieves little more than casting increased doubt on the validity of the electoral process?

On Wed, Oct 26, 2022 at 4:36 PM English, Ann S <AEnglish@cochise.az.gov> wrote:

> I think the issue still has no determined solution apparent to me. I choose not to speculate on the outcome and I will be at the meeting Friday (date changed) to see how they intend to accomplish their goal.
> Ann
>
> Get Outlook for iOS
>
> ---
>
> **From:** Mike Thornton <kbrpweeklymagazine@gmail.com>
> **Sent:** Wednesday, October 26, 2022 2:13:32 PM
> **To:** English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** KBRP Radio Interview Friday 10/28/22 (10am)
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Supervisor English,
>
> My name is Mike Thornton with KBRP FM.
> I"m hoping that you are willing to come on my show KBRP's Weekly Magazine this Friday morning at 10am to discuss the Hand Count Vote and its (potential) impacts on Cochise County and the Upcoming Election?
> Fred Miller of the Bisbee Wire will also be there (as this week is his regular segment on the show). I'm thinking of having you with us from 10-10:30am.

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I realize this is short notice, but it's also incredibly important to the people of this community (as you already know)!

--
Mike Thornton
(Host/Producer)
KBRP's Weekly Magazine
KBRP LP Bisbee Arizona
96.1FM and https://www.kbrpradio.com/
KBRPWeeklyMagazine@gmail.com
[redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Giuliano, Tina
Subject: RE: KGUN9
Date: Wednesday, October 26, 2022 4:18:00 PM
Attachments: image001.png
image002.jpg

Do whatever you want, but I think you only have 1 signature, right?

Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 4:12 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: KGUN9

CAUTION: EXTERNAL EMAIL*

Hi! Thank you for the info!

Do we have permission to use this letter for our newscast and online? And to refer to for the script?

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Wednesday, October 26, 2022 3:34 PM
To: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Subject: RE: KGUN9

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AMERICAN OVERSIGHT

All precincts, not all ballots, See agenda items on the 24th. #1 failed. #2 passed.

Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 3:30 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: KGUN9

CAUTION: EXTERNAL EMAIL*

So if I understand the meeting correctly, Cochise County is going to go forward with the hand count?

Just for clarification. Thanks!

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Wednesday, October 26, 2022 2:52 PM
To: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Subject: RE: KGUN9

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AMERICAN OVERSIGHT

I just scribbled out a nice reply. Everything else is already covered by the agenda item #2 from the 24th.

Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 2:49 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: KGUN9

CAUTION: EXTERNAL EMAIL*

Hi!

Totally understand. I just was going to ask you about your reaction to today's meeting, the letter from Katie Hobbs and why you think the hand count is important. Basically what went into your decision making to respond in the way that you did to Hobbs.

You can email that to me or we can chat later, whatever works best.

Thanks!

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

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Maybe later, I'm still hoarse, what do you want to know?

Tom Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 2:17 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: KGUN9

CAUTION: EXTERNAL EMAIL*

Hello!

My name is Tina Giuliano and I am a reporter for KGUN9. I'm here at the meeting today and I was wondering if after this meeting, if you would be able to do a quick interview?

Let me know if that works. Thanks!

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Giuliano, Tina
Subject: RE: KGUN9
Date: Thursday, October 27, 2022 3:00:00 PM
Attachments: image001.png
image002.jpg

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 3:30 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: KGUN9

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So if I understand the meeting correctly, Cochise County is going to go forward with the hand count?

Just for clarification. Thanks!

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Wednesday, October 26, 2022 2:52 PM
To: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Subject: RE: KGUN9

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I just scribbled out a nice reply. Everything else is already covered by the agenda item #2 from the 24th.

Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 2:49 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: KGUN9

CAUTION: EXTERNAL EMAIL*

Hi!

Totally understand. I just was going to ask you about your reaction to today's meeting, the letter from Katie Hobbs and why you think the hand count is important. Basically what went into your decision making to respond in the way that you did to Hobbs.

You can email that to me or we can chat later, whatever works best.

Thanks!

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

AMERICAN OVERSIGHT

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Wednesday, October 26, 2022 2:18 PM
To: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Subject: RE: KGUN9

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Maybe later, I'm still hoarse, what do you want to know?

Tom Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 2:17 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: KGUN9

CAUTION: EXTERNAL EMAIL*

Hello!

My name is Tina Giuliano and I am a reporter for KGUN9. I'm here at the meeting today and I was wondering if after this meeting, if you would be able to do a quick interview?

Let me know if that works. Thanks!

Tina Giuliano
MMJ/Reporter
(m) [redacted]
Email: tina.giuliano@kgun9.com
KGUN9.com

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From: English, Ann S
To: Christiansen, Andrew
Subject: Re: KGUN9 interview request
Date: Friday, November 11, 2022 4:36:22 PM

If their party was the reason for their decisions, it is appropriate to use it. I was telling you I had no contact with the Democratic Party before my decision or after. I did mention I hoped the Democratic Party would not participate in the hand count and that would stop it. I was wrong, they just went out and found Libertarians so the state party said they should participate

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From: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Sent: Friday, November 11, 2022 4:30:50 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: KGUN9 interview request

CAUTION: EXTERNAL EMAIL*

I will try my best not to use party affiliation in the story

Andrew Christiansen
Multimedia Journalist
andrew.christiansen@kgun9.com
Work Extension: 520.290.7715
kgun9.com

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, November 11, 2022 5:29 PM
To: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Subject: Re: KGUN9 interview request

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It makes me sad when everything we do now is filtered through the Republican/Democrat lens. Not all of us made that way….

AMERICAN OVERSIGHT

Ann

Get Outlook for iOS [aka.ms]

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, November 11, 2022 4:26:26 PM
To: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Subject: Re: KGUN9 interview request

Does that answer your questions?

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From: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Sent: Friday, November 11, 2022 4:25:09 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: KGUN9 interview request

CAUTION: EXTERNAL EMAIL*

Thank you! I appreciate it!

Andrew Christiansen
Multimedia Journalist
andrew.christiansen@kgun9.com
Work Extension: 520.290.7715
kgun9.com

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, November 11, 2022 5:23 PM
To: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Subject: Re: KGUN9 interview request

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My political affiliation is Democrat and I do not believe it is any way relevant in my decision

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to not have a 100% hand count of the 2022 election results.
I made the decision because I trust the Election Department to have the machines tested (and I have seen the rigorous tests the SOS conducts) we have had no problems in our elections in Cochise County.
The County Attorney told us we did not have the authority to do a 100% hand count. I trust the County Attorney to advise and defend decisions for the Board when we follow their advice.
I have been involved in county government long enough to know my only authority is given specifically by the legislature and if it is not given, I cannot do it.
Ann

Get Outlook for iOS [aka.ms]

From: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Sent: Friday, November 11, 2022 4:14:04 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: KGUN9 interview request

CAUTION: EXTERNAL EMAIL*

Thank you for the information. And why are you personally against the expanded hand count? And is your political affiliation Democrat?

Andrew Christiansen
Multimedia Journalist
andrew.christiansen@kgun9.com
Work Extension: 520.290.7715
kgun9.com

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, November 11, 2022 5:11 PM
To: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Subject: Re: KGUN9 interview request

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Sorry, wrong touch.
People feel more confident than using machines only. I disagreed, the County Attorney said it

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was illegal and they moved ahead.
It went to court. The judge said it was illegal and ordered it to stop. They disagreed, the Recorder Stevens disagreed and they decided to appeal.
The hired attorneys went to the Supreme Court and were denied a hearing. The hired attorneys went to the Appeals Court and were denied an expedited hearing and told to come back in December.
Supervisor Judd has asked and received a Special meeting next week to have a new agenda item for a 99% hand count of election ballots.
You would have to contact Supervisor Judd or Supervisor Crosby or Recorder Stevens about their next steps.
Ann English

Get Outlook for iOS [aka.ms]

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Friday, November 11, 2022 4:02:45 PM
To: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Subject: Re: KGUN9 interview request

Andrew, I have no new information worthy of an interview.
My Board voted to conduct a 100% vote count of the 2022 election saying it would make

Get Outlook for iOS [aka.ms]

From: Christiansen, Andrew <andrew.christiansen@kgun9.com>
Sent: Friday, November 11, 2022 3:45:20 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: KGUN9 interview request

CAUTION: EXTERNAL EMAIL*

Hi Ann,
I'm doing a story on Cochise County hand counting ballots and was wondering if you would be available today to do an on camera interview with me before 7 p.m.? Let me know if that would be possible.
Thank you,
Andrew Christiansen

Andrew Christiansen
Multimedia Journalist
andrew.christiansen@kgun9.com
Work Extension: 520.290.7715
kgun9.com

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Giuliano, Tina
Subject: RE: KGUN9
Date: Wednesday, October 26, 2022 2:52:00 PM
Attachments: image001.png
image002.jpg

I just scribbled out a nice reply. Everything else is already covered by the agenda item #2 from the 24th.

Crosby

From: Giuliano, Tina <Tina.Giuliano@kgun9.com>
Sent: Wednesday, October 26, 2022 2:49 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: KGUN9

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Email: tina.giuliano@kgun9.com
KGUN9.com

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Subject: RE: KGUN9

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Maybe later, I'm still hoarse, what do you want to know?

Tom Crosby

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Subject: KGUN9

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Let me know if that works. Thanks!

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Email: tina.giuliano@kgun9.com
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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Michael Cooper
Subject: RE: KOLD request for Cochise County response filed today
Date: Saturday, November 12, 2022 9:19:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Michael Cooper <Michael.Cooper@kold.com>
Sent: Thursday, November 3, 2022 2:00 PM
To: County Administration <coadmin@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
Subject: KOLD request for Cochise County response filed today

CAUTION: EXTERNAL EMAIL*

Hello Mses. English and Judd and Messrs. Karwaczka and Crosby.

My name is Michael Cooper and I work at KOLD News 13 in Tucson.

I have not dealt with the Cochise County Superior Court file system before. I am really hoping to get a copy of the county's response to the lawsuit that had to be filed by noon today. Can someone send it to me?

Also, I was following the meeting yesterday and wanted to make sure I got the attorney's names correctly.

Are they Brian Blum and Timothy La Sota?

Thank you for any help you can provide.

Michael Cooper

Executive Producer of Daily Content

KOLD News 13

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7831 N. Business Park Drive

Tucson, AZ 85704

[redacted]

michael.cooper.kold@gray.tv

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AMERICAN OVERSIGHT

From: English, Ann S
To: Davidson, John
Subject: Re: KSAZ - Ballot Hand Count
Date: Thursday, November 10, 2022 3:08:03 PM

At this time, the judge declared the board did not have the authority to order a 100% hand count of all ballots.
The Elections Dept is continuing to count late early ballots and provisionals. The plan is to do the limited hand count provided by statute.
The Board (2/1) voted to appeal the decision. They are also planning on a special meeting to pass doing a 99.9 hand count next week.
Stay tuned. I have no idea where this is going.
Ann

Get Outlook for iOS

From: Davidson, John <John.Davidson@FOX.COM>
Sent: Thursday, November 10, 2022 2:30:36 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: KSAZ - Ballot Hand Count

CAUTION: EXTERNAL EMAIL*

Hello from Fox 10 in Phoenix.

We're working on a story regarding the hand count of ballots in Cochise County. Can you tell us anything about what is happening? I see the Recorder has appealed to the State Supreme Court after being told he couldn't to a full hand count by a Superior Court Judge.

John Davidson
Assignment Manager
Fox 10
[redacted]
John.davidson@fox.com

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cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Davidson, John
Subject: RE: KSAZ - Ballot Hand Count
Date: Thursday, November 10, 2022 2:34:00 PM

Noth ing
New till the appeal is done.

Crosby

From: Davidson, John <John.Davidson@FOX.COM>
Sent: Thursday, November 10, 2022 2:29 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: KSAZ - Ballot Hand Count

CAUTION: EXTERNAL EMAIL*

Hello from Fox 10 in Phoenix.

We're working on a story regarding the hand count of ballots in Cochise County. Can you tell us anything about what is happening? I see the Recorder has appealed to the State Supreme Court after being told he couldn't to a full hand count by a Superior Court Judge.

John Davidson
Assignment Manager
Fox 10
[redacted]
John.davidson@fox.com

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Davidson, John
Subject: RE: KSAZ - Meeting Tonight
Date: Wednesday, October 12, 2022 2:08:00 PM

It is legal, because all law states is that machines may be implemented and used, but never says a hand count is not allowed.
I don't know if it will make it onto an agenda. I will continue to work on it until, it does or does not.
Peggy

From: Davidson, John <John.Davidson@FOX.COM>
Sent: Wednesday, October 12, 2022 9:27 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: RE: KSAZ - Meeting Tonight

CAUTION: EXTERNAL EMAIL*

Correct. I apologize for the confusion.

I meant to ask, in your office's opinion, is what the BOS proposing even legal? Will that item even make the agenda for the formal meeting?

JD

From: Judd, Peggy <PJudd@cochise.az.gov>
Sent: Wednesday, October 12, 2022 4:35 AM
To: Davidson, John <John.Davidson@FOX.COM>
Subject: Re: KSAZ - Meeting Tonight

It was yesterday at 2:30 Cochise.az.gov

Sent from my iPad

> On Oct 11, 2022, at 5:40 PM, Davidson, John <John.Davidson@fox.com> wrote:
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Hello from Fox 10 in Phoenix.
>
> I'm looking to learn more about a work study session tonight. Is the BOS going to be voting to change to a hand count for the general election that begins tomorrow?
>
> John Davidson

AMERICAN OVERSIGHT

Assignment Manager
Fox 10
[redacted]
John.davidson@fox.com

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Davidson, John
Subject: RE: KSAZ - Meeting Tonight
Date: Wednesday, October 12, 2022 4:41:00 PM

There no proposal form the BOS's to ban voting machines.
Tom Crosby

From: Davidson, John <John.Davidson@FOX.COM>
Sent: Tuesday, October 11, 2022 5:40 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: KSAZ - Meeting Tonight

CAUTION: EXTERNAL EMAIL*

Hello from Fox 10 in Phoenix.

I'm looking to learn more about a work study session tonight. Is the BOS going to be voting to change to a hand count for the general election that begins tomorrow?

John Davidson
Assignment Manager
Fox 10
[redacted]
John.davidson@fox.com

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AMERICAN OVERSIGHT

From: English, Ann S
To: Davidson, John
Subject: Re: KSAZ - Meeting Tonight
Date: Tuesday, October 11, 2022 6:21:40 PM

I just saw your message. Busy day!!!
Supervisor Judd is supposed to write the agenda item to be put on board agenda. This item must be approved by the County Attorney (as do all agenda items), approved meaning is it legal for us to consider as a board.
At this time the County Attorney does not feel the Board has been given the authority by the legislature to require a 100% hand count of the election.
Ann English

Get Outlook for iOS

From: Davidson, John <John.Davidson@FOX.COM>
Sent: Tuesday, October 11, 2022 5:39:21 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: KSAZ - Meeting Tonight

CAUTION: EXTERNAL EMAIL*

Hello from Fox 10 in Phoenix.

I'm looking to learn more about a work study session tonight. Is the BOS going to be voting to change to a hand count for the general election that begins tomorrow?

John Davidson
Assignment Manager
Fox 10
[redacted]
John.davidson@fox.com

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AMERICAN OVERSIGHT

From: English, Ann S
To: Steve Marlatt
Subject: Re: Lawsuit challenging hand count
Date: Monday, October 31, 2022 7:05:03 PM

Thanks for the call Steve
Ann

Get Outlook for iOS

From: Steve Marlatt [redacted]@gmail.com>
Sent: Monday, October 31, 2022 7:04:00 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Lawsuit challenging hand count

CAUTION: EXTERNAL EMAIL*

https://us01.l.antigena.com/l/jPNHskJnZ8iLF7Wce-xEmmvoi9FXY~54EAP-c8bzzuax4bP05~opzVZP-hQQcKVSYu4Y--f29oYpz1aQyecUjYAPIWKNINdqMhpo-phI7EyaHerdU2kTiRpL3morDukqAN~iysoQmNNKuWz1rNbdFkFGWz1lm9OwP5O0cJo5tdGEv7-dgX8F2COsfLOBwX8K61wnZIriiWBDx4JmLhMmUekQDbysVn

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Bill Blockhus-Morgan
Subject: RE: Lawsuit response?
Date: Saturday, November 12, 2022 9:16:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Bill Blockhus-Morgan [redacted]@cox.net>
Sent: Monday, November 7, 2022 7:21 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Lawsuit response?

CAUTION: EXTERNAL EMAIL*

Mr Crosby,
Your email was expected.

Judd and you are the subject of discussions across all political circles: (Republican, Democrat and Independent).

Interestingly enough we are in agreement, which is you both stepped over the line. We all agree your actions are unacceptable. You see we can be of any political persuasion and most remember the democracy we grew up with and want to protect our Constitution and our shared values for generations to come.

Have a good day
VR
Bill

On Nov 6, 2022, at 6:17 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

From: Crosby, Tom
Sent: Sunday, November 6, 2022 6:04 AM
To: Shelle Jackson <sjackson@kvoa.com>
Subject: FW: Lawsuit response?

AMERICAN OVERSIGHT

From: Crosby, Tom
Sent: Sunday, November 6, 2022 5:55 AM
To: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Subject: RE: Lawsuit response?

The judge, McGinley seemed extremely competent and asked many of his own questions. He is expected to have a ruling Monday. Remember this is to allow a injunction or not. You'll have to wait to see if he opines on anything else.

Tom Crosby

From: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Sent: Thursday, November 3, 2022 11:18 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Recorder <recorder@cochise.az.gov>; Elections <Elections@cochise.az.gov>
Subject: Lawsuit response?

CAUTION: EXTERNAL EMAIL*

Greetings,

Fredreka Schouten here with CNN. I'm reaching out to see whether Cochise County had a statement in response to the legal action filed on behalf of the Arizona Alliance of Retired Persons and a Democratic voter?

Fredreka Schouten (sk-OW-tuhn)
National political writer | CNN
Politics Fredreka.Schouten@cnn.com
Twitter: @fschouten
Mobile: 301-448-7752

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: drjoe
Subject: RE: Legal thoughts
Date: Wednesday, October 12, 2022 11:39:00 AM

I am getting that response from many, it just has to do with voting.
Thanks… keep up the good work. I am still waiting on input from Brian Macintyre and Lupe Diaz's contacts including Shawna Bollick… so I don't think I can submit the agenda item or special meeting request today, that means the closest emergency meeting we could have would be Monday or Tuesday.

Lupe gave me a great addition to the reason for following through on this. If the county, attorneys or otherwise, blocks this effort it further solidifies that the Elections Dept has something to hide. I will use that.
I feel it was very lucky we were able to have the work session we did yesterday and that any further participation by the County will be icing on the cake. We can't force their hand, but we can be persuasive and factual and hopefully bring them around.

From: drjoe[redacted]@proton.me>
Sent: Monday, October 10, 2022 7:50 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Legal thoughts

CAUTION: EXTERNAL EMAIL*

Anonymous sources have stated: Hopefully helpful.....

----"I saw my legal advisor today. He said the "Purcell case" doesn't have anything to do with our handcount proposition. As others have said, Purcell is about voters and voting, not about counting.

Nonetheless, I would expect the County Atty to come up with a myriad of other reasons why we can't do it."

> "On Wed, Oct 5, 2022 at 7:04 PM Gail Griffin[redacted]@gmail.com> wrote:
>
> > I was asked to get a legal opinion for county to do hand counting and what the process would be.
> > I did ask but haven't received a response yet.
> > I'm in DC this week.

AMERICAN OVERSIGHT

> On Wed, Oct 5, 2022 at 6:44 PM
>
> > HI Gail,
> >
> > Did you ask a legislative attorney about the legality of a hand count in addition to what's already done? Machine Count and partial hand count."

"It appears that she does not see the complete picture of what is being attempted. However, the stated opinion is useful in revealing related law that might be useful in interpretation."

"Unfortunately, the opinion doesn't address the situation. The County is seeking to run a hand count ***in addition to*** the normal machine count. The Digital voting process would be unaffected and run as normal.
The proposed hand count would be similar to running a 100% audit…going above and beyond that which is required! Is there a law against that? God forbid! There is nothing prohibitive to conducting hand counts. The State offered to counties Machine tabulation as an acceptable alternative to hand counts, not as a mandatory replacement. There is no lawful requirement for machine usage. Meanwhile, required Emergency Backup Procedures as well as partial audits require procedures for conducting hand counts. The usage is actually required within these parameters. It would be required to run the county's mandated Emergency election backup procedures. Procedures for conducting this Emergency Backup plan are required by each county's election office. **These written procedures are mentioned as being necessary in the provided opinion.**
Regardless, in the cited opinion, there is nothing suggestive of a prohibition to hand counting in conjunction with the normal machine election process, or for that matter, at any time. Hand counting is not against the law."

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Re: Letter from Brian McIntyre, County Attorney for Cochise County AZ 10 Nov 2022
Date: Saturday, November 12, 2022 4:25:06 PM
Attachments: image001.jpg
image001.jpg

It sounds like you don't understand how this happened. It was a citizens initiative and there were a bunch of people that were scared of their wells going dry or just wanted to push the control button. It could have been avoided but our legislature had a very hands off approach and people panicked.

It's too late for Douglas basin… or hopefully they will figure a decent plan for their AMA. ADWR is doing this in the cities already. Willcox farmers and business people and residents are beginning to plan how we will manage our depleting groundwater. It could require legislature approval. I hope the county party might be able to help us with that. Rep Griffin isn't too keen on the plans we presented in the past.

Thanks,
Peggy

Sent from my iPad

On Nov 12, 2022, at 1:53 PM, MSG Jack Dona US Army RET
[redacted]@aol.com> wrote:

CAUTION: EXTERNAL EMAIL*

Peggy,

Yes, it is very sad. Feels like the Republic is slipping away… everything I fought for, my father, my grandfather…we all served. And this is as good as we can get from our elected leaders? So sad.

Thank you for standing firm on the hand count!

V/R,

MSG FJD

From: Judd, Peggy [mailto:PJudd@cochise.az.gov]
Sent: Saturday, November 12, 2022 11:37 AM
To: MSG Jack Dona US Army RET
Subject: RE: Letter from Brian McIntyre, County Attorney for Cochise County AZ 10 Nov 2022

AMERICAN OVERSIGHT

Jack,
This is heartbreaking. We avoided the AMA in Willcox area. AND some of our amazing Republicans from Sierra Vista helped to hand out door hangers. THANK YOU to those 6 wonderful people who came to Willcox that windy day!!!
But sadly my daughter's family lives on 160 acres, that was previously farm ground, but not in the last 15 year. They just moved there last year (inherited) and fixed up the house, so there was no way to improve the land for irrigating. This is the 5th generation on the farm and it will be the end of farming there. I am heartbroken for Ann and my Cynthia too.
I don't really know what we can do now! ☹
Peggy

From: MSG Jack Dona US Army RET [redacted]@aol.com>
Sent: Saturday, November 12, 2022 12:05 AM
To: cochisecountyrepublicans@gmail.com; [redacted]@msn.com
Cc: clearh2os@gmail.com
Subject: FW: Letter from Brian McIntyre, County Attorney for Cochise County AZ 10 Nov 2022
Importance: High

CAUTION: EXTERNAL EMAIL*

All,

Mr. Robert Montgomery and Cochise County Republicans,

Please see below email from Ann Waters, long time resident of Cochise County. I think she deserves an answer from the GOP leadership in Cochise County on this! If any of the allegations are true, and this was allowed to happen, it is an outrage!

My great grandfather was a pioneer of the Old West, and he passed on to all of us this: "The worst kind of sidewinder and bushwhacker are those that claim jump, or those that STEAL WATER!"

FYI, to all recipients: This email is being received by Kari Lake's Staff.

V/R,

AMERICAN OVERSIGHT

MSG FJD

From: Ann Waters [mailto[redacted]@gmail.com]
Sent: Friday, November 11, 2022 11:24 PM
To: MSG Jack Dona US Army RET
Subject: Re: Letter from Brian McIntyre, County Attorney for Cochise County AZ 10 Nov 2022

Here in Cochise County, we no longer live in the FREE USA after the ama passed in Douglas which allows the govt to confiscate private property. I have lost ALL of the irrigation rights that were conferred to me in my property Deed in 2002. they are just GONE FOREVER. This is a Communist takeover. My property values went to ZERO overnight and I was told by the people who wrote the ama that I should give up my irrigation rights for the "good of the people". Supposedly, I do not deserve irrigation rights that I have filed and paid taxes on for 20 years, but "my neighbors" do. Water for thee but not for me. It is against the 5th Amendment of the Constitution for the govt to confiscate personal property. I am upset that the Republican Party did not take a position on it at all. This is going to destroy a Lot of small farmers. Seems no one cares, including the Republicans.

On Fri, Nov 11, 2022 at 10:14 PM MSG Jack Dona US Army RET [redacted]@aol.com> wrote:

> All,
>
> Please read attached letter from Mr. Brian McIntyre, County Attorney for Cochise County.
>
> It's starting to get really strange now in Cochise County, Arizona…the County Attorney appears to me to be threatening elected officials, i.e., the Board of Supervisors and anyone else involved in the "hand count" with criminal legal action. My guess is the DOJ and Merrick Garland will soon enter this legal fight. The letter really is astonishing to read.
>
> **I'm no lawyer, but I believe this county attorney, Brian McIntyre, is actually saying it is a criminal act to attempt to get a hearing in a lawful court of law for an issue you wish redress on?!?! How is that even possible in the United States we know and love?**
>
> FYI, the State Supreme Court ruling of denial to hear the hand count case is being appealed to the Appellate Court.
>
> *Very respectfully,*
>
> Jack
>
> *Jack Dona*
> *Master Sergeant*

AMERICAN OVERSIGHT

U.S. Army (Retired)
Civilian Email: [redacted] *@aol.com*
Secure Email: [redacted] *@protonmail.com*
"Call to Duty|Boots on the Ground "

image001.jpg

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Chamisa Farms
Subject: Re: meeting on hand count
Date: Sunday, October 23, 2022 4:41:13 PM

It is not cancelled. That article in the paper is quite a mystery to me still.
Please come if you can.
Peggy

Sent from my iPad

On Oct 23, 2022, at 2:20 PM, Chamisa Farms <chamisa@chamisafarm.com> wrote:

•

CAUTION: EXTERNAL EMAIL*

Hi Peggy, I was going to attend the scheduled Monday meeting on the hand count, but someone has said that in the newspaper the meeting has been cancelled due to Hobbs' threatened lawsuit. Is this true? Thanks.
Robin Claxton

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Judith Anderson
Subject: Re: Mid-term election ballot
Date: Tuesday, October 11, 2022 1:59:07 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 5, 2022, at 3:02 PM, Judith Anderson
[redacted]@outlook.com> wrote:

CAUTION: EXTERNAL EMAIL*

I am concerned that as a member of the Board of Supervisors, you are considering requiring that the mid-term election ballots be hand counted. During the last presidential elections, I and others worked hard to ensure that every ballot was counted even if coffee was spilled on it or they were torn in a manner that it couldn't be read by the machine. The citizens checking the ballots were evenly divided between Republicans, Democrats and Independents. I am confident that the Cochise County Elections Director, a Republican, is scrupously honest and very competent. Please do not vote for this unnecessary and cumbersome requirement. I have copied below a list of more detailed reasons that hand-counting is a mistake.

Please read the logical reasons you should not require hand counting of all ballots.

1. Putting in motion a plan to hand count ballots is foolish and time-wasting. People don't want to wait several days to get election results. People want to know who won and who lost in a timely way, and the only way to do that is to use machine counting.
2. Voting machines are checked for logic and accuracy both before and after the election. The only people with access to the machines are the election officials of the County. What makes you think the count would not be accurate?
3. Hand counting is less accurate and more open to error and tampering than voting machines.
4. With the election one month away, there is no process set up for hand counting: no people vetted to do the counting, no location secured for counting, no monitors to assure that dishonesty does not prevail.

Sincerely: Judy Anderson

Sent from Mail for Windows

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AMERICAN OVERSIGHT

at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

AMERICAN OVERSIGHT

From: English, Ann S
To: Laurie McKenna
Subject: Re: my heart breaks
Date: Tuesday, October 25, 2022 8:43:53 AM

Their vote was to hand count 100% of the votes before the election could be certified

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From: Laurie McKenna [redacted]@gmail.com>
Sent: Tuesday, October 25, 2022 8:41:15 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: my heart breaks

CAUTION: EXTERNAL EMAIL*

I am trying to research and find out exactly the outcome of your vote- perhaps I do not understand.
Is it a simple standard audit and not a hand count of every single vote?
Thank you for clarification if I am wrong.
Laurie

On Tue, Oct 25, 2022 at 8:37 AM Laurie McKenna [redacted]@gmail.com> wrote:

> Dear Ann
> Your work l, care, and sense of duty to the people of Cochise County and our local community has never wavered.
> I want to thank you for your deep commitment and humility.
>
> I am so saddened and actually, deeply disturbed by the turn of events regarding our election. I want to act upon it in a peaceful way. I have never missed an election and I don't want my vote to be put at risk due to governmental hubris.
> I hope that you are not threatened or harassed in the coming days.
> I am proud to know you Ann.
> Sincerely,
> Laurie McKenna

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: ccrandal
Subject: Re: Not thinking at all
Date: Sunday, October 23, 2022 7:26:55 AM

I will try very hard not to insult you or half the people in the country who stood behind Hillary Clinton on election night 2016. The mistrust goes way back and my efforts are for all!
So here is my reply. Thank you for coming to us with your request. I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) after the election is complete and results are final. Repeat. The training and hand count will begin only after the last ballot is counted by machine. I have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told accurately.
If this can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 22, 2022, at 6:43 AM, ccrandal <ccrandal@hawaii.edu> wrote:

CAUTION: EXTERNAL EMAIL*

Peggy Judd, you said that you are hoping for a hand count.

"That's just how they used to do it for hundreds of years so I don't see why we can't do it now. I mean, like, what about these machines make it so you that you can't hand count anymore?"

Peggy, please try not to sound so inane in the future please, you're embarrassing yourself.

#1 The first mechanical lever voting machines made its debut in the election of *1892* in Lockport, New York - decades before Arizona became a state.

#2 The population of the entire territory of Arizona under the 11th Census in 1890 was 59,620. The population of Cochise County, Arizona in 2021 was 126,050.

AMERICAN OVERSIGHT

Can you figure out why machine counting is used and there is already a mandatory 2% hand count already.

Apparently, you seriously have no sense of historic proportions and are a Luddite.

Sincerely,

Carolyn Crandall

[redacted]

Sierra Vista AZ 85635

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: wmpalenik
Subject: RE: OUR VIEW: Standing up for Democracy in Cochise County
Date: Thursday, October 27, 2022 2:55:00 PM
Attachments: ~WRD0002.jpg

Thanks Bill,

Crosby

From: wmpalenik[redacted]@protonmail.com>
Sent: Wednesday, October 26, 2022 11:27 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Fw: OUR VIEW: Standing up for Democracy in Cochise County

CAUTION: EXTERNAL EMAIL*

Dear Cochise County Supervisors,

I'm forwarding this opinion piece from the Sierra Vista Herald voicing their disapproval of your recent vote to hand count ballots. You've probably already seen it.

I support your action and plead with you to not give in to the "Danger to our Democracy" crowd. For the life of me I cannot imagine how taking steps to verify votes is a threat to our republic.

Thank you for your time.

Bill Palenik
Rural Sierra Vista

Sent with Proton Mail secure email.

------- Original Message -------
On Wednesday, October 26th, 2022 at 16:00, Herald/Review Media <webmaster@myheraldreview.com> wrote:

The assault on American Democracy has come to Cochise County.

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AMERICAN OVERSIGHT

The assault on American democracy has come to Cochise County.

Monday's vote by county supervisors Peggy Judd and Tom Crosby to mandate a hand-counting of all ballots cast in this year's general election is the latest salvo in the fight to damage, undermine, and ultimately discredit our electoral process.

This move is a direct attack against Cochise County voters, election workers and everyone else who believes in a fair and functional vote.

Those who support the hand count scheme claim the only purpose for such a move is to make sure all votes are counted fairly and accurately.

That's hogwash, plain and simple.

Numerous studies have shown that hand counting of ballots is more susceptible than machine counts to error, with human fatigue, biases and other factors all playing a role in the higher rate of mistakes that come along with a manual tally.

Election equipment in Cochise County, as well as across the state and nation, are

AMERICAN OVERSIGHT

subjected to a battery of tests to ensure the technology is ready and able to count the millions of ballots that will be cast nationwide.

Furthermore, a sampling of ballots are already counted by hand each election, per state law, as another check against the accuracy of voting machines.

A full ballot hand count also opens up the potential for voters' personal information to be mishandled or even purposefully exposed.

Unofficial ballot counts could also be leaked by unscrupulous ballot counters, a risk highlighted by County Attorney Brian McIntyre, a Republican, during Monday's meeting. McIntyre also reiterated at the meeting that moving to a full hand count would be "unlawful."

The practicality of actually counting the tens of thousands of votes in a timely fashion is also brought into question, along with the cost and required manpower to do so. Around 65,000 ballots were cast in the 2020 election.

Hand counting that many ballots would cause a delay in results on Election Day not only for local races, but also statewide and federal races, again casting doubt on the process.

However, it is clear that supervisors Judd and Crosby care little for facts, the law or the integrity of our election process.

Instead, the pair have chosen to follow the playbook laid out at the national and state levels to cause confusion, distrust and chaos in our democratic processes as revenge for the 45th president's failed reelection bid.

Since the 2020 election, we have seen more attacks on the fabric of the democratic process in America, including the January 6, 2021 insurrection in the U.S. Capitol, numerous threats against election and other officials (including here in Cochise County) and so-called "drop box monitors" intimidating voters seeking to return their early ballots.

And let's not forget Cochise County Republican Party Chairman Robert Montgomery, who attempted to subvert the 2020 election results as one of 11 fake electors who proclaimed Trump the winner of Arizona's 11 electoral votes, despite Joe Biden winning the state by more than 10,000 votes.

All of these actions add up to a bigger picture that we must view with clear eyes. There are individuals and organizations in this country that are actively seeking to dismantle the election process and strip away the voting rights of millions of Americans.

And that's the whole point: question and criticize everything until the voters believe nothing.

Crosby and Judd have signaled their support for this movement with their recent decision. It is the latest step to cast doubt on every aspect of our voting process

AMERICAN OVERSIGHT

until all faith in the system has been annihilated.

The two supervisors know that there were no issues with ballot counting or the election process in general in Cochise County during the 2020 canvas. Their decision to move forward with an illegal hand count is driven by ideology alone, not a desire to restore election integrity.

The American democracy that was first formed nearly 250 years ago and has stood as a symbol to the world ever since is in serious jeopardy. And now there are individuals, including Judd and Crosby right here in Cochise County, who are pushing our nation to the brink.

We call upon the voters of Cochise County to see this ploy for what it really is: another attempt to disenfranchise you and devalue your vote and the entire election process. We cannot allow our democratic process to be hijacked any further.

We encourage everyone who is concerned about these attacks on democracy to contact supervisors Crosby and Judd at 520-432-9200 or by email, tcrosby@cochise.az.gov and pjudd@cochise.az.gov, and tell them to reconsider their illegal, dangerous plan to hand count ballots in Cochise County.

Become an Informed Voter

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Herald/Review Media 102 Fab Ave., Sierra Vista, AZ 85635

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gregory Sober
Subject: RE: Paper Ballot Counting
Date: Thursday, October 27, 2022 5:42:00 PM

Gregory... you are hearing rumors... or misinformation ... we are still doing the handcount. We told the Sec of State we will follow the statutes and do it legally and that was always the plan.
We are trying very hard to get around her false claim that we can't fully count the mail in ballots.
We will get this done.
Thanks for checking,
Peggy

From: Gregory Sober [redacted]@gmail.com>
Sent: Thursday, October 27, 2022 4:55 PM
To: tccrosby@cochise.az.gov; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Paper Ballot Counting

CAUTION: EXTERNAL EMAIL*

I was disappointed to hear you decided not to perform a paper ballot recount to confirm the machine count for the upcoming mid-term election.

I hope you can change that decision.

Here is something to help your deliberations: https://us01.l.antigena.com/l/nQIJghKV6aaYIUt2utJIM~VlvOns9Sog6E30GMTPdOwp~CtI33nLycl-yWW5Nb1PUtx73SELErrl1RGLdFur5eClwvMfhwcGOPMaAhoPfHrVnoXiFDcg0GzhmWamjTnOvxJT-Kq6SJTtS4uTjle8Rk

Gob Bless You in your service.

Gregory B Sober
[redacted]
Scottsdale, AZ 85258

Cell: [redacted]

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AMERICAN OVERSIGHT

From: English, Ann S
To: [redacted]@msn.com
Subject: Re: Phone Call We Received From Precinctman Randall Limbach
Date: Wednesday, November 2, 2022 6:42:46 PM

I have no knowledge of what Recorder Stevens is doing.
We have been sued and will go to court on Friday to see if a judge says the additional counting can take place.
Our election department is excellent and continues to follow the rules for any election with knowledge and integrity. It is my hope the judge will stop the additional counting that is causing confusion. I think that was the goal of the supervisors who wanted the expanded count.

Yes, Recorder Stevens has reached out to Libertarians in other counties and the law apparently allows it.
Ann

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From: [redacted]@msn.com [redacted]@msn.com>
Sent: Wednesday, November 2, 2022 3:35:09 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Phone Call We Received From Precinctman Randall Limbach

CAUTION: EXTERNAL EMAIL*

Today both my husband & I received a phone call message from **Randall Limbach**, a resident of Sierra Vista who is a former poll worker and current precinctman.

He was asking if we both wanted to participate in the hand-counting of ballots. He may have been given our names from an email I sent to Lisa Marra. In that email, I asked to be considered to volunteer to hand count the ballots.

My husband and I both previously served as poll workers and were familiar with the proper handling of ballots and the importance of not revealing information to anyone. Ms. Marra replied that she would forward my email to the Clerk of the Board who could provide it to the Supervisors for their info and reference. That was A-OK with me.

Mr. Limbach said in his message that to be considered to volunteer for the hand count, a person only needed to be a registered voter in Arizona, regardless of the county where one resides. We thought the volunteers could only be from Cochise County, but apparently, they may be from ANY county in AZ as long as they are a registered voter.

Mr. Limbach also said the hand count of all ballots (mail-in AND in-person ballots) would be conducted on Monday, November 14 and possibly Tuesday, November 15. He did not mention where the ballot counting would take place. He also did not say in his message how the ballot counting would be conducted.

AMERICAN OVERSIGHT

I have not returned his call yet. Unfortunately, we will be in Tucson on those two dates and will not be able to participate in the hand count.

We are wondering if YOU know where the count will be held and how it will be conducted. Let me add, we intend to vote in-person on Nov. 8, but we now feel uncertain that our ballots will eventually be part of this hand count.

We have long felt very confident about how elections have been held in Cochise County since we moved here in 2005, especially when we were poll workers several years ago. We especially think Lisa Marra and Martha Rodriquez have been exceptional employees who always sought to protect our ballots and make sure vote counts were done properly and accurately.

It's also disconcerting to us that two of the Board Supervisors rejected a million-dollar grant for the health of county citizens, but accepted a million-dollar grant of AZ taxpayer money to test ballot papers and tabulators, both of which have previously been believed to be unacceptable by a multitude of AZ residents.

Thank you mam, for your diligent work as a longtime Board Supervisor and for caring about the citizens of Cochise County.

Sincerely,

Rose & Don Ditmore

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Terra
Subject: Re: Please reinstate 100% hand count for general election!
Date: Monday, October 31, 2022 4:21:50 AM

We are doing the it. The fake news is lying again. Cheers!

Sent from my iPad

On Oct 31, 2022, at 3:38 AM, Terra [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

The AZ AG's Office published an opinion yesterday regarding a county's authority to perform an expanded hand count audit of the general election.

https://www.azag.gov/opinions/i22-004r22-010

This directly affects the decision you made to do a 100% hand count of the general election, and then backed down.

The Cochise County lawyer violated A.R.S 11-403 (d)(g)

(d) The representation will not interfere with the performance of any official duties.

(g) The deputy county attorney's position will not influence or appear to influence the outcome of any matter.

Please do NOT be intimidated by Katie Hobb's and her threat of a lawsuit. She is afraid of the truth coming out and the AG's Office has now backed up your original decision.

PLEASE reinstate the 100% hand count of the general election!!!

Blessings, Terra Radliff

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Kay Lynn Cummins
Subject: Re: Please use machines for counting ballots
Date: Tuesday, October 11, 2022 1:37:21 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 9, 2022, at 5:52 PM, Kay Lynn Cummins [redacted]@yahoo.com> wrote:

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Mr Gilberto Ham
Subject: Re: Poor vote
Date: Wednesday, October 26, 2022 6:34:35 AM

The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part. Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
We understand the intricacies of this decision and know many people will remain troubled over this decision, long into the future. But fighting each other and calling names didn't work, maybe a concession to satisfy…doubt, curiosity or or even conspiracy is what our county needs right now

Sent from my iPad

On Oct 26, 2022, at 4:30 AM, Mr Gilberto Ham [redacted]@yahoo.com> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Supervisor Judd,
Your recent vote to authorize a hand count of ballots in this election was a poor decision. Your capitulation to the crazy conspiracy theorists in the county has opened up our county to law suits and national ridicule. That vote makes the whole county look bad in the nation's eye. The majority of us have not fallen for the lies of election deniers, yet that is what it looks like when you go against legal advice and subvert the will of the majority in favor of crazy conspiracy theorists to authorize a hand count. In addition, such actions actually perpetuate the myth that our elections are not secure. I strongly regret your vote to authorize a hand count of ballots.

James J. Gillham
[redacted].
Sierra Vista, AZ. 85635

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Adam Klasfeld
Subject: RE: Press Inquiry: AZ Secretary of State legal threat
Date: Friday, October 21, 2022 11:27:00 AM
Attachments: image001.jpg

No, but Nancy Polosi did. And kept trying to prove it until Biden took office. Kamala Harris was taped, saying she saw the fraud happening on the machines.
I didn't forget this soon. It was only a few years ago. How did you miss it?
We are not fighting a battle for who won and lost. We are fighting against people much bigger and more entrenched than ourselves. Rich people who couldn't care less about freedom here or anywhere.
Please help me bring people together rather than push people further apart. You have the power of the pen to do that. Both things.
Peggy

From: Adam Klasfeld <adamklasfeld@lawandcrime.com>
Sent: Friday, October 21, 2022 11:22 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Press Inquiry: AZ Secretary of State legal threat

CAUTION: EXTERNAL EMAIL*

Thanks for your response. I'm seeking clarification on this. You wrote: "Going way back to 2016 and that stolen election."

Are you saying here that the 2016 election that Trump won was stolen?

On Fri, Oct 21, 2022 at 2:09 PM Judd, Peggy <PJudd@cochise.az.gov> wrote:

> Adam,
> You are incorrect that hand counts do not and did not show anything. What they do show is our machine count was fine. OR Not. This is the people's government and I am not happy that many people have lost confidence in the voter process. Going way back to 2016 and that stolen election. Please know that this is not a politically biased decision on my part. I am concerned about anyone who would tamper with an election, through computers or otherwise. As hand counts were done for hundreds of years and proven both secure and accurate, I do not hesitate to move on this action.
> The Secretary of State is basing their suit toward us on what our board attorney said. That it would be illegal. Roberts was not correct and I am sad that the Sec of States office doesn't know enough to get a second opinion.
> Thanks for asking, but it is not "my" call for a hand count. It is a plea from the public, the people, for whom I work.
> Peggy Judd
>
> ---
>
> **From:** Adam Klasfeld <adamklasfeld@lawandcrime.com>
> **Sent:** Friday, October 21, 2022 10:28 AM

AMERICAN OVERSIGHT

To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Press Inquiry: AZ Secretary of State legal threat

CAUTION: EXTERNAL EMAIL*

Do you have any comment on the AZ Secretary of State's threat to sue if you vote for a hand-count, and do you have any evidence to suggest she's mistaken that the process is "time intensive and prone to human error"?

Why do you want to conduct a hand-count, when courts emphatically rejected any claims regarding the 2020 election?

I would appreciate a quick response.

Thank you,
Adam

--

Adam Klasfeld
Managing Editor
Law&Crime
Host of the podcast "Objections"
Twitter: @KlasfeldReports
cell: [redacted]

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Adam Klasfeld
Managing Editor
Law&Crime
Host of the podcast "Objections"
Twitter: @KlasfeldReports
cell: [redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Nick Phillips
Subject: RE: Press request
Date: Friday, October 21, 2022 12:54:00 PM

Nick,

From my experience in the legislature, I am well aware of the pressures that these type of letters bring, and I'm also a bit immune to them. For one, I did find opinions differing from the immediate legal advice of my board attorney and the SOS office statement of illegality based on the remarks made in the meeting and the general findings of leg council were disappointing. I expected they would have looked into further proof to support their statements.

So this is not my own agenda, but support for many voters who have lost confidence in elections. I am determined to show them that we can be transparent and open to their will in this most important political task that we have as Americans, Our VOTE. So my vote on Monday will be according to what has been the will of the people for many elections. Were elections won, or stolen? First Hillary, then Trump and who knows who will be next. This is just a small step in our county. Much more can and should be done to secure voter confidence. But you have got to start somewhere.

Thank you,
Peggy Judd

From: Nick Phillips <nphillips@azcapitoltimes.com>
Sent: Friday, October 21, 2022 11:53 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Press request

CAUTION: EXTERNAL EMAIL*

Hi Peggy,
Good morning!
I'm writing a story about your board's consideration of a handcount of ballots and the Secretary of State's letter sent earlier this week. Could you any comment on the letter or update on what you expect to do on Monday?
My deadline for this will be 2 pm.

Thanks!

--
Nick Phillips
Exec. Branch Reporter

AMERICAN OVERSIGHT

Arizona Capitol Times
nphillips@azcapitoltimes.com
[redacted]
@bynickphillips

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AMERICAN OVERSIGHT

From: English, Ann S
To: Nick Phillips
Subject: Re: Press request
Date: Friday, October 21, 2022 12:10:20 PM

The letter from the State Elections Director gave the Board the same information our County Attorney has given the Board of Supervisors.
The 100% hand count is not an authorized decision the BOS can make and if you do, you will be breaking the law.
This question is on the Special Board Meeting on Monday and it is my hope the other board members will each ask to have their motion removed from action.
I cannot speak on what their actions will be.
Ann English

Get Outlook for iOS

From: Nick Phillips <nphillips@azcapitoltimes.com>
Sent: Friday, October 21, 2022 11:53:33 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Press request

CAUTION: EXTERNAL EMAIL*

Hi Ann,
Good morning!
I'm writing a story about your board's consideration of a handcount of ballots and the Secretary of State's letter sent earlier this week. Could you any comment on the letter or update on what you expect to do on Monday?
My deadline for this will be 2 pm.

Thanks!

--
Nick Phillips
Exec. Branch Reporter
Arizona Capitol Times
nphillips@azcapitoltimes.com
[redacted]
@bynickphillips

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: [redacted]@cox.net
Subject: RE: Public Comment for 10/24/2022 meeting in Cochise County
Date: Sunday, October 23, 2022 12:09:00 PM

I agree ,

Crosby

From: [redacted]@cox.net [redacted]@cox.net>
Sent: Sunday, October 23, 2022 12:08 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Board <Board@cochise.az.gov>; Recorder <recorder@cochise.az.gov>
Cc: Michael Schafer <[redacted]@protonmail.com>; info@conservative-connection.com; [redacted]@protonmail.com
Subject: Public Comment for 10/24/2022 meeting in Cochise County

CAUTION: EXTERNAL EMAIL*

Greetings,

Please see attached documents of more than 100 articles of both sides of the political side
complaining about election equipment glitches, altering vote count, 51 vs 49 algorithm, fractionalized voting of black box voting and much more. There are links to Youtube, news articles
documented stories of the past years, senate hearings and more. Also attached is CISA's own
reported Vulnerabilities report of the "MOST SECURE ELECTION IN THE HISTORY OF ELECTIONS."
Remember the SolarWinds hack? Well, sadly this happened in Pima County. In addition, I've added
the Halderman and Gabelman reports. Please add my comment into public records.

We are paying for these machines and software with our taxes, shouldn't we be allowed
to look under the hood so to speak? If not granted then no trust is implied. Hand count mandatory!

Also, I've read a news article about a Write-in Candidate in New Mexico Primary, who asked for a hand count.
The results were 25% difference between hand count and a machine count. This is the reason why we cannot trust the machines.
We should not use them. And if you do use them, consider at the least consider a 100% hand count.

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Respectfully,

Michael Aaron
Pima County, AZ

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: drjoe
Subject: RE: Public Notice and Agenda for next week
Date: Saturday, October 15, 2022 9:20:00 AM

"They can do whatever nobody stops them from doing"

From: drjoe[redacted]@proton.me>
Sent: Friday, October 14, 2022 8:25 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Public Notice and Agenda for next week

CAUTION: EXTERNAL EMAIL*

It needs to come to a vote...regardless.
Then, if necessary, the court can decide!
That is not an automatic victory for the opposition. This issue needs to be resolved, one way or another.

Maybe the elections director will resign. Regardless, she must be put her under the authority of elected Recorder Stevens. This point is made clear as stated
In Griffin opinion. Currently, the County is operating in violation of this statute.
How does the County Attorney defend this
Position?

Sent from Proton Mail mobile

-------- Original Message --------
On Oct 14, 2022, 6:33 PM, Crosby, Tom < TCrosby@cochise.az.gov> wrote:

> I don't see hand count meeting. If we passed the resolution, Marra wouldn't do it, saying it is an illegal order, and she'd have the backing of the County Atty, and you still wouldn't get it. They're just going to stall it. That's what they do.
>
> Crosby
>
> ---
>
> **From:** Mattix, Timothy <TMattix@cochise.az.gov>
> **Sent:** Friday, October 14, 2022 4:25 PM
> **To:** BOS-Supervisors <BOSSupervisors@cochise.az.gov>
> **Cc:** County Elected Officials <CountyElectedOfficials@cochise.az.gov>; County

AMERICAN OVERSIGHT

Department Directors <CountyDepartmentDirectors@cochise.az.gov>; Wright, Melissa <MWright@cochise.az.gov>
Subject: Public Notice and Agenda for next week

Good afternoon,

Next week's Public Notice and Agenda have been posted. Please review for changes from the draft.

https://destinyhosted.com/agenda_publish.cfm?id=26244&mt=BOS,BOE,FCD,LIB,LIGHT,PUBNTC,EXEC,SPCL,WKS,JDPOC

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Board of Supervisor members. Board Members may reply to this message, but they should not send a copy of the reply to other Board Members.

Thank you,

Tim Mattix
Clerk of the Board
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax

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

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AMERICAN OVERSIGHT

From: English, Ann S
To: Jeff Sturges
Subject: Re: Question about Divulging One"s Home Address
Date: Sunday, October 23, 2022 5:09:19 PM

When you speak you may just give your community as your address.

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From: Jeff Sturges [redacted]@gmail.com>
Sent: Sunday, October 23, 2022 4:18:10 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Question about Divulging One's Home Address

CAUTION: EXTERNAL EMAIL*

Thank you. I WOULD like to point out that our full address is listed on the Speaker Request form.

On Sun, Oct 23, 2022 at 4:13 PM English, Ann S <AEnglish@cochise.az.gov> wrote:

> I will check with the attorney
>
> Get Outlook for iOS
>
> ---
>
> **From:** Jeff Sturges [redacted]@gmail.com>
> **Sent:** Sunday, October 23, 2022 3:58:43 PM
> **To:** English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** Question about Divulging One's Home Address
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Hi, Ann—
>
> I want you to know that, not too long after the last BOS special meeting on the proposed hand-count, and after we saw you in the restaurant in Bisbee, Liz and I returned home to discover that several of our yard signs for Democratic candidates had been stolen. This was, of course, after I publicly divulged our address while speaking at the BOS meeting.
>
> What makes us link this theft to speaking publicly and divulging our address is that, if one had driven to our home that day or evening, one would have passed at least a dozen signs of Democratic candidates in the yards of our neighbors—none of which were vandalized or missing.

AMERICAN OVERSIGHT

I have reported the theft to the CCSO and have exchanged texts about it with Sheriff Dannels, the CCSO commander, and a CCSO sergeant, whom I all know personally.

I tell you this because I hope that, when I speak tomorrow, I can either just give my address as "Sierra Vista" or, if I need to give my full address, I can publicly state my reservation about doing so and announce that the theft has been reported to the CCSO, and that according to Arizona Revised Statute 16-1019, it is a "class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office."

If the rules do not permit me to simple announce me address as "Sierra Vista," I would like to state the above, without it counting against my 3-minute limit.

Does, in fact, the stating of one's address count against that 3-minute limit? Does the green light go on before or after one gives one's address?

I would appreciate information regarding this question and any advice you could offer. (If I must divulge my home address during the meeting, I would like to let those who may consider committing any illegal act to our persons or property to know that the CCSO has been alerted.) Thanks.

--Jeff

--
Jeff Sturges
-Esse quam videri-

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--
Jeff Sturges
-Esse quam videri-

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

From: Judd, Peggy
To: Ali Morse
Subject: RE: questions for today"s Work Session (10/28/22)
Date: Friday, October 28, 2022 1:09:00 PM

Thank you Allison,

We will be able to have a hotel room for you. It will probably be a few nights. We are working on food.
I am giving you the email of our Rep Committee Chair. I know distasteful things have been said about him, please know that this is a goal of his to find people to do this.
He will pass your information on to a soon (like today) to be Libertarian Chair, a young man named Eli. If you know Elizabeth Tyndall and would like her to submit your name, she can as well.

So either way you choose. There is not a form or application. The party chairs have the responsibility to approve and submit you.
Please send to Robert at [redacted]@msn.com.
The volunteers will be compiled beginning Monday and submit by deadline on Tuesday, a week before the election at 5:00PM.

Please call me if you have questions... but we are in a meeting now, so please wait a bit.
Thanks,
Peggy
520-366-2826

From: Ali Morse [redacted]@yahoo.com>
Sent: Friday, October 28, 2022 12:13 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: questions for today's Work Session (10/28/22)

CAUTION: EXTERNAL EMAIL*

Dear Peggy,

Thank you for your expedient reply. I would like to be an auditor but it is over 300 miles roundtrip from Portal and I don't have a place to stay in Sierra Vista. What is the necessary paperwork/certification that needs to be completed to become an auditor?

Sincerely,

Allison

On Friday, October 28, 2022 at 11:39:56 AM PDT, Judd, Peggy <pjudd@cochise.az.gov> wrote:

1. Regarding Item #5 of Ms. Lorick's letter, who determines what a "sufficient number of persons" is to do the hand count audit and how is that number

AMERICAN OVERSIGHT

calculated? Will both parties be represented equally?

A sufficient number will be what is determined to be able to hand count all the ballots in a reasonable amount of time, with accuracy and would also depend on the amount of space we have as to how many we can fit in the audit room. By statute we are not allowed more than 75% of one party. But our desire is to have an equal number of counters from other parties. Libertarian and Democrats. There are also observers allowed and required to be from each party. Observers are allowed to take video, while the law does not allow for the County to set up video of the proceedings.

2. What specific processes and protocols will be in place to ensure secure and accurate election results?

The complete results will already be announced, having been counted by machine as always, before the hand count even starts. There are specific, tried and true procedures for audits. I am linking a PowerPoint for audit training and that may help you see what an audit looks like. I will be taking this to the meeting today among other materials I have collected. But I know that David Stevens has a good idea of the legal way to proceed and the procedures to follow.

Hand Counting Ballots – Best Practices (sosmt.gov)

3. Will you have bipartisan oversight? YES we encourage and hope for the maximum number of observers from both parties at all times. (taking video if they would like)

4. What are your plans to ensure Voters' ballots are handled with the proper chain of custody?

That will be in the training for everyone, but there will be a secure storage location and a sign in and out to that location and each batch (box) will be signed for as to custody and signed in again when returned on the Chain of Custody form that stays with the batch. The person who collects and returns box is a specific individual and that doesn't change. Usually called a table manager. Table manager cannot leave the box at anytime while it is out of the secure location. If they have an emergency, it must be assigned to another trained table manager while they are gone (bathroom even).

5. The motion that was passed reads: "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 …"

a. Why is the County Recorder tasked with this instead of our Elections Director, Lisa Marra and her Deputy Martha Rodriguez?

We are very much in favor of the Elections Director taking this task on. She has not offered at this point, because she is very, very busy and has a smaller staff then Recorder Stevens. I personally feel it is 100%

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important that we don't bother her at this time. Thus interfering with her important work, but communication is open and I hope she will be at the meeting today. Stevens is busy now too, but has been supportive of the effort and agreed to be in charge if needed.

They would both be available after the Machine count (with it's normal hand count audit) is complete and final results have been announced. We are hoping for collaboration, leadership and input from both. I intend to write Lisa and Martha into the process as applicable and in a manner that they are willing to help with. All the above are qualified and would serve whatever purpose they are assigned with excellency. As to your concern about him not having authority to do tabulation. He does not, but this is a hand-count audit after the fact and all "tabulation" will be complete by the time this is happening.

Thank you Allison for you very appropriate and timely questions. I hope this helps. The County can't pay for the transportation, room and board of auditors but is required to pay $50 a day. We are looking for alternate, private funding to help those citizens who are travelling from far away to stay in Sierra Vista and eat while there. If you have any connections for funding or know of Democrats who would like to volunteer, I am really grateful. Any registered voter in Arizona can participate. But we prefer those from the county to participate.

All the best to you,

Peggy

From: Ali Morse [redacted]@yahoo.com>
Sent: Friday, October 28, 2022 10:52 AM
To: English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Cc: Mattix, Timothy <TMattix@cochise.az.gov>
Subject: questions for today's Work Session (10/28/22)

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Dear Supervisors,

I have concerns about the upcoming hand count audit and would appreciate hearing your answers to the following.

Thank you in advance for your time and consideration.

AMERICAN OVERSIGHT

Respectfully,

Allison Morse

Portal

Questions to Board of Supervisors 10.28.22 meeting

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i. **Director of Elections Job Description:** ***Prepares, administers, and conducts federal, state, and local elections*** in accordance with, and not limited to, the Arizona Revised Statutes, the Secretary of State's Procedure Manual, the Help America Vote Act (HAVA), and other applicable laws and regulations. The department also provides contract election services and assistance to cities within the County and special districts (school districts, fire districts, sanitation, road improvement, hospital, water districts, and the community college district).

ii. **Recorder Job Description:** ***Processes documents primarily related to real estate transactions and maintains voter registration records*** for all jurisdictions within the county and performing related responsibilities as statutorily required. According to the County's website, residents should contact Mr. Stevens in order **register**

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to vote or to **request an early ballot.**

iii. *The Recorder, David Stevens, does not appear to have the responsibility of conducting elections nor tabulating their results.*

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Ali Morse
Subject: RE: questions for today"s Work Session (10/28/22)
Date: Friday, October 28, 2022 2:11:00 PM

Mr. David Stevens, our Recorder who will oversee the expanded hand count audit will be sending an email to the Party Chairs to request a submittal of people who are willing and able to work at the hand count audit.
So contact your party chair. They will be prepared to take your name and other information.
Thanks,
Peggy

From: Ali Morse [redacted]@yahoo.com>
Sent: Friday, October 28, 2022 12:13 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: questions for today's Work Session (10/28/22)

CAUTION: EXTERNAL EMAIL*

Dear Peggy,

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All the best to you,

Peggy

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Sent: Friday, October 28, 2022 10:52 AM
To: English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Cc: Mattix, Timothy <TMattix@cochise.az.gov>
Subject: questions for today's Work Session (10/28/22)

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Thank you in advance for your time and consideration.

Respectfully,

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Portal

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Shar Porier
Subject: RE: Questions on hand counting
Date: Wednesday, October 12, 2022 1:59:00 PM

Lisa hasn't communicated with me for months. Even when I sent her a very nice response to her logic and accuracy results. She ignored me.
I don't know if she will respond, but I am curious what she will say.

I agree about the call to the public. While I received a lot more emails from the opposition, which I have been able to smooth their feathers, mostly.
It was heavy on pro-hand-count at the meeting. I also thought the comments from both sides were amazing.
As usual though... I believe some of the fear comes from just not knowing enough about what they fear.

Having fun giving you fun things to write about!
Peggy

From: Shar Porier <shar.porier@myheraldreview.com>
Sent: Wednesday, October 12, 2022 12:24 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: Questions on hand counting

CAUTION: EXTERNAL EMAIL*

Thank you so much, Peggy! You've put some time in on this. I hope Tom replies to me as well, but I'm not counting on it! LOL

I've sent Lisa some questions as well to get her take on this.

The Call to the Public was interesting

On Wed, Oct 12, 2022 at 10:27 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

> Hi Shar,
>
> I have been delving into the Elections Manual and hand count statutes today. There can be up to 75% counters from one party. But essentially the Democrats could block us by simply not volunteering. In that case the only option would to bring in paid election staff from anywhere in the state, at least that is what I am reading. I know that the Volunteers would not want to have the county incur cost, so there would be no push for that.

AMERICAN OVERSIGHT

The idea behind getting this on an Agenda and requesting a hand count by the board is that we can hold a hand count if at all possible. If it became impossible at anytime, for any reason… that amazing group of people who honestly believe this will give thousands of voters in our county more confidence in the elections would say, well we tried and immediately begin working this with the Legislature and I would help them do that.

Yes, I am quite certain there would be available and secure space at every vote center. If not there would be alternate secure locations selected. The volunteers could also help in seeking and providing for secure counting areas. The limited counts are already conducted in some of our vote centers in secure locations with observers from parties present. Consider, they are churches, schools, community centers, etc. There are always additional meeting spaces that can be secured. Even itty bitty Sunsites has an extra building now for classes and meetings.

It is my understanding that the volunteers would be trained and there could be leadership among them trained and sworn as official officers or leads in the project. If we did have to provide anything, paid, it might be security for each location.
But I'm not even sure about that. I don't see any extra police or deputies hang around at polling locations, they only come when needed.

When he mentioned the Precinct level voting he didn't mean this year. It was just part of his presentation. In fact… he didn't intend to make the point that we had to do it this year. Only that it is possible and he really believes it is a good idea.
He did say that we could have vote centers that are set up to handle multiple precincts, but not the entire county. That would only require a few extra people in each vote center and separate tabulation machines for each precinct.
FOR example there are 3 precincts served by the Willcox Community Center mostly… of course you can vote anywhere in the county. But mostly the voters there will be from those precincts. I also imagine, since dropped mail in ballots would be counted later after the signature verification, that hand count would happen at the Recorders office. AND mailed ballots could be dropped at any location. ALSO provisional ballots could be taken at any location. They are also kept separate. So the average (about 555 ballots) at the vote center would be all that needed to be counted and if it were sorted by tabulation machines into precincts it would be easy. SO anyway, this change could be the hardest part of making the hand count work.

2 or 3 extra tabulation machines at each center. BUT I am guessing we have extras around from when we had Precinct voting.

I am sure there are background checks of some sort, as volunteers in any official capacity must be vetted. At school they even require fingerprint clearance. These folks are game. They are the cream of the crop and as stated many times, there is already a huge level of confidence in our Elections dept and procedures. It is more the execution of this hand counting to demonstrate that further, and allow citizen to engage in a legal process that until a few years ago was the only way of getting election results and should never have been made obsolete.

Just to add to all this, I am entirely surprised that there are any people who do not support this.

AMERICAN OVERSIGHT

Peggy

From: Shar Porier <shar.porier@myheraldreview.com>
Sent: Wednesday, October 12, 2022 9:55 AM
To: Recorder <recorder@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; tom crosby [redacted]@live.com>
Subject: Questions on hand counting

CAUTION: EXTERNAL EMAIL*

Good morning!

Sharon said I should ask you these questions from yesterday's hand count work session.

What happens if not as many Democrats or other political party volunteer to do the head counts? If there is not an equal number of counters, what happens?

Do the current vote centers have room for hand counts to be done? Will the county have to hire more poll workers to oversee the counting? What would that cost?

One of the reasons the county went to vote centers was to reduce the cost of elections when not as many people show up at the polls. With Mr. Stevens suggestion that it would work if volunteers could count at polling locations rather than the vote centers. What would it cost to go back to polling locations and how many more poll workers would be needed to cover them all? Would they need to be trained in hand count procedures?

Does the county check the backgrounds of poll workers like any other employee before they are hired?
I may have more questions tomorrow, but I'll call. I need you answers by noon on Thursday, Oct. 13.

I appreciate your time.

Shar[redacted]

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AMERICAN OVERSIGHT

phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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AMERICAN OVERSIGHT

From: English, Ann S
To: Charles Homans
Subject: Re: Quick request for comment from the NY Times
Date: Monday, November 7, 2022 6:44:45 PM

The judge was very thorough in his interpretation of election laws and the authority of the Board of Supervisors.
Those who are promoting an all ballot 100% hand count now know which laws they would need to change in order for it to be available to them.
I cannot speak for the Board if the ruling will be appealed.
Ann English

Get Outlook for iOS

From: Charles Homans <charles.homans@nytimes.com>
Sent: Monday, November 7, 2022 6:25:54 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Cc: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Quick request for comment from the NY Times

CAUTION: EXTERNAL EMAIL*

Got it, thank you! I'll have a story up tonight or first thing tomorrow.

Charlie

On Mon, Nov 7, 2022 at 7:46 PM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Depends what lawyers say. I don't think actions of the board were unlawful .
> Crosby
>
> Get Outlook for iOS
>
> ---
>
> **From:** Charles Homans <charles.homans@nytimes.com>
> **Sent:** Monday, November 7, 2022 5:44:22 PM
> **To:** English, Ann S <AEnglish@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
> **Subject:** Quick request for comment from the NY Times
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Hi Tom/Ann, hope you're well--it's Charles Homans, the New York Times reporter who was at the hearing on Friday. I saw the judge's opinion on the hand count--does the board have any comment? Is the board planning to appeal?
>
> Thanks!
>
> Charlie
> [redacted] (cell)

AMERICAN OVERSIGHT

--
Charles Homans
The New York Times | The New York Times Magazine
[redacted]

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--
Charles Homans
The New York Times | The New York Times Magazine
[redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Charles Homans; English, Ann S
Subject: Re: Quick request for comment from the NY Times
Date: Monday, November 7, 2022 5:46:55 PM

Depends what lawyers say. I don't think actions of the board were unlawful .
Crosby

Get Outlook for iOS

From: Charles Homans <charles.homans@nytimes.com>
Sent: Monday, November 7, 2022 5:44:22 PM
To: English, Ann S <AEnglish@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Quick request for comment from the NY Times

CAUTION: EXTERNAL EMAIL*

Hi Tom/Ann, hope you're well--it's Charles Homans, the New York Times reporter who was at the hearing on Friday. I saw the judge's opinion on the hand count--does the board have any comment? Is the board planning to appeal?

Thanks!

Charlie
[redacted] (cell)

--
Charles Homans
The New York Times | The New York Times Magazine
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Julie Burski
Subject: Re: Rampant Republican Idiocy
Date: Tuesday, October 11, 2022 2:07:03 AM

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

AMERICAN OVERSIGHT

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 2, 2022, at 9:13 AM, Julie Burski [redacted]@msn.com> wrote:

CAUTION: EXTERNAL EMAIL*

I also read this idiotic proposal this morning.
The reality is that machine tabulation of votes is far more accurate than hand counting could ever hope to be.
The people pushing this regression theory have absolutely no idea of what they speak.
A simple search results in numerous assessments that indicate that hand counting is far from reliable due to boring repetition, human error, incorrect increase in ballots counted, inconsistent handling, inherent bias (conscious or not) of the humans and a much much much much slower process.
Voting machines are not able to be hacked or manipulated - their counts are reliable - as proven by audits conducted numerous times over the years - including the fiasco of the Cyber Nymphomaniacs in Maricopa County.
Also, to date there has been absolutely no evidence of any large scale election fraud proven in any jurisdiction in my lifetime.

Mark Burski
Sierra Vista

Don't know if you saw it in the Herald, but some of Peggy Judd's constituents are asking about hand counting all the ballots. I had to say something. Pat

"Those who know, don't talk. Those who talk, don't know."
Tao te Ching, Translation by Stephen Mitchell

Begin forwarded message:

From: Pat And Sandy O'Brien [redacted]@cox.net>
Date: October 2, 2022 at 8:13:58 AM MST
To: pjudd@cochise.az.gov
Subject: Hand Counting

AMERICAN OVERSIGHT

I have been voting in Cochise County for over 30 years. I have never had a problem, and the performance of the county election staff has been exemplary. Their performance during the pandemic was innovative, efficient, and outstanding. The county election staff has my complete confidence. There are only two reasons to hand count ballots. First, there is documented problems with the county election process with evidence and witnesses. Second, to sow doubt on the elections, past and future. Simply put, do you support the county election staff or not? If not, it's time to put your proof on the table.

Pat O'Brien
Sierra Vista, AZ

"Those who know, don't talk. Those who talk, don't know."
Tao te Ching, Translation by Stephen Mitchell

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Tricia Gerrodette
Subject: Re: random count
Date: Friday, November 11, 2022 11:27:20 PM

That is a very good suggestion. I am not sure this meeting will happen still.
Thank you,
Peggy

Sent from my iPad

On Nov 11, 2022, at 6:23 PM, Tricia Gerrodette [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Peggy, I see that your request for a special meeting to modify the hand count decision refers to receiving emails telling you that 99.9% would qualify as random. This email is to tell you that I don't think 99.9% would qualify as random. I can't imagine that a court, relying on logic, would agree that 99.9% is somehow random where 100% is not random. I urge you to ask someone with knowledge of statistics to advise you on a better number that might indeed qualify as random, so you can perhaps use a better number when the motion is made at the board meeting and it can be modified.

--
It is difficult to get a man to understand something when his salary depends upon his not understanding it. – Upton Sinclair

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: cinda combs
Subject: RE: Re Hand-count
Date: Sunday, October 23, 2022 12:16:00 PM

Hi Cindy, You should be aware that whoever loses will cry "foul".
You, "that minority will not accept the results, for it is not interested in objective truth but in political dominance."

You might be on the other side of the table next election.

I've been on both sides of the table in several ways. I was a Union Rep, but now I represent management. I was literally across the table with the Head of Court Admin, not long ago, and we both pondered that issue. In his previous career and location, he was management, and now he as representing his group of probation officers.

Best wishes,

Tom Crosby

From: cinda combs [redacted]@yahoo.com>
Sent: Sunday, October 23, 2022 9:44 AM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Cc: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re Hand-count

CAUTION: EXTERNAL EMAIL*

----- Forwarded Message -----
From: Michael Gregory [redacted]@gmail.com>
To: Michael Gregory [redacted]@gmail.com>
Sent: Saturday, October 22, 2022 at 07:46:51 PM MST
Subject: Fwd: FYI , letter to CC Supes re Hand-count

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

Dear Supervisors,

The letter below completely and totally represents my strong views on your attempted maneuver. Very few are being fooled here. Certainly none of my friends and acquaintances.
Drop this ploy!

Sincerely,

Cinda Combs

AMERICAN OVERSIGHT

Dear Peggy,

Thank you for your email of 11 Oct 22.

I had not intended to respond to your email but there has been so much contradictory information (which is to say, misinformation, and perhaps disinformation) since then, the issue has become so convoluted with County Attorney and media interventions, declarations and reports that I, like many other members of the concerned public, perceive this to be little more than a boondoggle self-constructed -- perhaps deliberately -- by yourself and Mr Crosby.

Not least of the boondoggle is the current uncertainty about whether the Supervisors are or are not having another meeting on this topic on this coming Monday (24 Oct) which by some reports the County Attorney had already put the kibosh to.

While I appreciate your effort to clarify your position, including your wish to restore (or instill?) faith in government in some of your constituents ("especially the young people," as you say), it seems very clear to me -- and, I suggest, to by far the greater number of your constituents -- that your and Mr Crosby's insistence on a hand count of ballots on top of the normal machine count has just the opposite effect.

While a hand count may reassure some few (many of whom will not be convinced no matter how many counts are taken that there hasn't been fraud), for most of us it would be an entirely superfluous process, wasting our tax money and the time of government employees and volunteers since, in fact, there is absolutely no valid reason for anyone to doubt the integrity of our electoral process, the accuracy of the voting machines, or the adequate transparency of the process.

Rather than spend tax dollars catering to an un- or misinformed minority's ungrounded suspicions, it would make more sense to simply ask them to provide good reasons or evidence for their beliefs or fears.

In fact, the whole hand count notion, rather than being an effort to restore faith in a system that does not require any such restoration, appears to be merely a step at the local level to satisfy the blatant demands of a small radical minority within the Republican Party to cause widespread questioning of the legitimacy of our voting system. That minority is, sorry to say, prominent among our elected state representatives and senators as well as the state and local party organizations yourself and Mr Crosby are affiliated with.

That minority, as is apparent from its well-documented actions in local, state and national arenas (including in court testimony and rulings) has an agenda perhaps best summed up in GOP operative Steve Bannon's infamous call for members of that radical minority to "flood the zone with s--t," i.e., to create distrust and delay in electoral processes at all levels of government.

And it is obvious as well that no matter how many proofs of election security are shown, that minority will not accept the results, for it is not interested in objective truth but in political dominance. Its cries of election fraud, Stop the Steal, vote tampering and such are not in good faith or the interests of democracy but distractions, stalking horses, ways to gum up the works, in short, to flood the zone.

Far from furthering trust in government, this hand count proposal is seen by most citizens for what it is: a local extension of the well-known Big Lie campaign to overthrow the results of the 2020 presidential election (a campaign again, like the hand count proposal, based on absolutely no evidence of election fraud) -- and ultimately, persisted in to subvert the democratic process at large, replacing it with an authoritarian minority rule.

As one forthright member of the radical wing of the GOP, a Member of Congress, was reported by national media saying recently, he did not care if the assertions were all lies, the important thing was that the GOP take back the Senate. While your efforts may be far from such despicably unethical tactics, they

AMERICAN OVERSIGHT

must be seen in the light (or darkness) of this nationwide move against honest politics.

Like its related actions, the proposed hand count, rather than restore or create trust, does just the opposite: sows distrust by duplicating the all-too-apparent efforts of a radical minority to disrupt our fair and clean electoral process.

Sincerely,

Michael Gregory

Michael Gregory
- www.michaelgregoryaz.net
- www.reddragonflypress.org/2020-titles/pound-laundry

On Tue, Oct 11, 2022, 2:04 AM Judd, Peggy <PJudd@cochise.az.gov> wrote:

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential

AMERICAN OVERSIGHT

hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 5, 2022, at 2:30 PM, Michael Gregory [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

I'm writing to object to the plan to require a hand-count of our ballots. There is absolutely no valid reason to require a hand-count. Our existing voting process and apparatus are efficient and safe.
There has been zero indication that they are in any way at fault or insecure.

To plan, execute or even further consider requiring a hand-count is a waste of time and money.

The notion that we need to spend time and tax dollars to hand-count is based on nothing

AMERICAN OVERSIGHT

> except the Big Lie propaganda of a contingent of misinformed citizens who have been misled by a faction who want to impose their authoritarian politics on the majority, who through repetition of unfounded claims and outright lies want to further their own anti-democratic ends at the expense -- financial, political and ethical -- of the majority of citizens by disrupting, slowing down and otherwise disabling the ordinary mechanisms of good government and thereby violate the rights of citizens to vote in fair and open elections.
>
> Please stop this nonsense and focus on the real work you were elected and took an oath to do.
>
> Michael Gregory
> McNeal, Arizona

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Pitzl, Mary Jo
Subject: Re: Reaction on hand count lawsuit
Date: Tuesday, November 8, 2022 9:16:26 AM

What we intended to do was legal and if I can find the will in other key participants and way to do it, I will proceed. Pima county is our most liberal county in Arizona. It was in our judges DNA to side with the plaintiff. Our attorneys presented the best defense that could be had and we lost due to political bias. Hand counting is as American as apple pie. I am extremely blessed to be serving alongside visionaries, statesmen and defenders of truth from our county and beyond that have our backs all the way. I am not licking wounds today and I assure you, they are not either.
I have no idea about an appeal. Go Vote Today!

Sent from my iPad

On Nov 7, 2022, at 4:27 PM, Pitzl, Mary Jo <maryjo.pitzl@arizonarepublic.com> wrote:

CAUTION: EXTERNAL EMAIL*

Hello supervisor Judd:

As you have probably seen, Judge McGinley blocked the hand count from proceeding.

Can I get a comment from you and whether this indeed will be appealed? And if appealed, would you take this directly to the state Supreme Court?

Mary Jo Pitzl

Senior reporter
The Arizona Republic/azcentral.com
602-444-8963 – desk
[redacted] – cell

Maryjo.pitzl@arizonarepublic.com
@maryjpitzl

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Schouten, Fredreka
Subject: RE: Reaction to the ruling?
Date: Tuesday, November 8, 2022 6:51:00 AM

Depends what lawyers say. I don't think actions of the board were unlawful .
Crosby

From: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Sent: Monday, November 7, 2022 4:52 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Recorder <recorder@cochise.az.gov>; Elections <Elections@cochise.az.gov>
Subject: Reaction to the ruling?

CAUTION: EXTERNAL EMAIL*

Hi there –

Seeking any reaction to the ruling blocking the hand count. Will it be appealed?

From: Schouten, Fredreka
Sent: Thursday, November 3, 2022 2:18 PM
To: 'tcrosby@cochise.az.gov' <tcrosby@cochise.az.gov>; 'aenglish@cochise.az.gov' <aenglish@cochise.az.gov>; 'pjudd@cochise.az.gov' <pjudd@cochise.az.gov>; 'recorder@cochise.az.gov' <recorder@cochise.az.gov>; 'elections@cochise.az.gov' <elections@cochise.az.gov>
Subject: Lawsuit response?

Greetings,

Fredreka Schouten here with CNN. I'm reaching out to see whether Cochise County had a statement in response to the legal action filed on behalf of the Arizona Alliance of Retired Persons and a Democratic voter?

AMERICAN OVERSIGHT

Fredreka Schouten (sk-OW-tuhn)
National political writer | CNN Politics
Fredreka.Schouten@cnn.com
Twitter: @fschouten
Mobile: [redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Schouten, Fredreka
Subject: Re: Reaction to the ruling?
Date: Tuesday, November 8, 2022 8:29:22 AM

What we intended to do was legal and if I can find the will in other key participants and way to do it, I will proceed. Pima county is our most liberal county in Arizona. It was in our judges DNA to side with the plaintiff. Our attorneys presented the best defense that could be had and we lost due to political bias. Hand counting is as American as apple pie. I am extremely blessed to be serving alongside visionaries, statesmen and defenders of truth from our county and beyond that have our backs all the way. I am not licking wounds today and I assure you, they are not either.
Peggy

Sent from my iPad

On Nov 7, 2022, at 4:51 PM, Schouten, Fredreka <Fredreka.Schouten@cnn.com> wrote:

CAUTION: EXTERNAL EMAIL*

Hi there –

Seeking any reaction to the ruling blocking the hand count. Will it be appealed?

From: Schouten, Fredreka
Sent: Thursday, November 3, 2022 2:18 PM
To: 'tcrosby@cochise.az.gov' <tcrosby@cochise.az.gov>; 'aenglish@cochise.az.gov' <aenglish@cochise.az.gov>; 'pjudd@cochise.az.gov' <pjudd@cochise.az.gov>; 'recorder@cochise.az.gov' <recorder@cochise.az.gov>; 'elections@cochise.az.gov' <elections@cochise.az.gov>
Subject: Lawsuit response?

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AMERICAN OVERSIGHT

and a Democratic voter?

Fredreka Schouten (sk-OW-tuhn)
National political writer | CNN Politics
Fredreka.Schouten@cnn.com
Twitter: @fschouten
Mobile: [redacted]

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AMERICAN OVERSIGHT

From: English, Ann S
To: Schouten, Fredreka
Subject: Re: Reaction to the ruling?
Date: Monday, November 7, 2022 5:04:15 PM

I cannot speak for the Board on whether there will be a vote to appeal.
The judge's ruling was very thorough in looking at election law, the election procedures manual and the authority of the Board of Supervisors.
I hope we can move forward without animosity and have an election that the public can trust.
Our Election Department and Director Lisa Marra have a great track record of conducting error free elections.

Get Outlook for iOS

From: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Sent: Monday, November 7, 2022 4:51:42 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Recorder <recorder@cochise.az.gov>; Elections <Elections@cochise.az.gov>
Subject: Reaction to the ruling?

CAUTION: EXTERNAL EMAIL*

Hi there –

Seeking any reaction to the ruling blocking the hand count.
Will it be appealed?

From: Schouten, Fredreka
Sent: Thursday, November 3, 2022 2:18 PM
To: 'tcrosby@cochise.az.gov' <tcrosby@cochise.az.gov>; 'aenglish@cochise.az.gov' <aenglish@cochise.az.gov>; 'pjudd@cochise.az.gov' <pjudd@cochise.az.gov>; 'recorder@cochise.az.gov' <recorder@cochise.az.gov>; 'elections@cochise.az.gov' <elections@cochise.az.gov>
Subject: Lawsuit response?

Greetings,

Fredreka Schouten here with CNN. I'm reaching out to see whether Cochise County had a statement in response to the legal action filed on behalf of the Arizona Alliance of Retired Persons and a Democratic voter?

AMERICAN OVERSIGHT

Fredreka Schouten (sk-OW-tuhn)
National political writer | CNN Politics
Fredreka.Schouten@cnn.com
Twitter: @fschouten
Mobile: [redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Jen Fifield
Subject: Re: Reporter, hand count of ballots story
Date: Tuesday, October 11, 2022 2:05:38 AM

Email Letter sent today

Answer to no hand count

Good morning on this beautiful day,

I have received too many emails to answer them all and I wish it could be personally but I have resorted to a response that will hopefully help all of you understand what is happening here. My desire to join with hundreds of voters who would like to see a complete hand count of our election is due to their enthusiasm for this additional safeguard in our elections.

It would not replace a machine count and it will not be possible without an equal number of Democrat party participants.

I urge each of you to keep the faith in your country and your fellow man and continue to participate in the process of open and fair elections. I expect many of your friends and family members have also said, my vote doesn't count, why should I vote? Especially the young people. There is really no good proof of this and even this perfectly legal and carefully executed hand count along side a complete machine count (as it is always done) may not be enough, but I feel it is worth the effort. Just to let you know, the potential hand counters are volunteering their time.

I am sad that each time I choose to take up a cause that is a bit offensive to some, I get criticized so heavily. We all know that there are many belief systems in this world. I choose to strike a balance…if that is even possible anymore. I am a representative for my district - for people who have many different backgrounds and positions. I love them all, I love this county and all the people here. I am full of pride for our history and heritage and know that we are made of better stuff than this. We can come together and give more to common causes.

Just consider this complete hand count, for one… it will prove our election equipment is right on, our current tabulation methods work and we can have complete faith in our elections in Cochise County. We will have worked together to bring understanding and greater faith in the process for everyone.

Sometimes you have plenty of bread in your house but you bake an extra loaf to

AMERICAN OVERSIGHT

give to someone without. You may be content and certain, but your neighbors and friends can't sleep at night. Don't criticize them for it, lend a helping hand. Give them peace of mind that can come from understanding and genuine friendship.

Thank you,
Supervisor Peggy Judd
District 3

Sent from my iPad

On Oct 4, 2022, at 11:22 AM, Jen Fifield <jfifield@votebeat.org> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Peggy,

It was nice to talk to you just now. Here's my email. I just had a few follow-up questions:

- What day did you send the email to your constituents? I saw it on Sept. 23 but not sure that's when you sent it?
- You told me that you have suspicions about using machines to count ballots, and you know your community does as well. But you also told me that you weren't saying you necessarily supported a hand count, or in-person voting only at this time. But your email said the following: I have been waiting for a campaign to come up promoting people removing themselves from the Permanent Early Voter List. **I suggested it a few weeks ago as a way to demonstrate our collective desire to have in person elections on election day.**
- Would you like to clarify your thoughts a bit on this further so I can make sure to get your opinions correctly in my story?
-If you don't support it, or don't know for sure where you stand, why is it you would encourage people to remove themselves from the early voter list?
-With so many people in AZ enjoying the convenience of voting by mail/early, are you concerned that telling a Republican base not to do this will mean that they may not be able to vote as easily as before? Or forget to vote on election day?

Thank you,
Jen

Jen Fifield
Reporter, votebeat.org
[redacted]
jfifield@votebeat.org

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Jen Fifield
Subject: Re: Reporter, hand count of ballots story
Date: Wednesday, October 5, 2022 8:34:52 AM

I'm sorry. A lot going on here. Hubby did come home but we have two dr appts today. One in Tucson. Only sent emails on the 23rd

I like machine count but stress about them being connected to the World Wide Web and having outside technicians with access during counting. Now trained county personnel would be ok. But people who sold us the machines…not. For the same reason we don't want Chinese made solar panels near our military bases.

I could have used your, but in future I am ok to bring old methods into play.
The individuals taking themselves off of permanent early voting is clearly a good way to show they have a genuine interest in change. Is it not?…I was never a permanent early voter. I don't forget to vote on Election Day. I did vote early once…in the recorders office.

I don't see how I can clarify further. I didn't force anyone to do anything…only suggested they stand up and do something if they believe in that. I don't have a lot of confidence in accurate reporting but appreciate your efforts in getting this right.
I played the "telephone game" as a kid.

Peggy

Sent from my iPad

On Oct 4, 2022, at 11:22 AM, Jen Fifield <jfifield@votebeat.org> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Peggy,

It was nice to talk to you just now. Here's my email. I just had a few follow-up questions:

- What day did you send the email to your constituents? I saw it on Sept. 23 but not sure that's when you sent it?
- You told me that you have suspicions about using machines to count ballots, and you know your community does as well. But you also told me that you weren't saying you necessarily supported a hand count, or in-person voting only at this time. But your email said the following: I have been waiting for a campaign to come up promoting people removing themselves from the Permanent Early Voter List. **I**

AMERICAN OVERSIGHT

suggested it a few weeks ago as a way to demonstrate our collective desire to have in person elections on election day.
- Would you like to clarify your thoughts a bit on this further so I can make sure to get your opinions correctly in my story?
-If you don't support it, or don't know for sure where you stand, why is it you would encourage people to remove themselves from the early voter list?
-With so many people in AZ enjoying the convenience of voting by mail/early, are you concerned that telling a Republican base not to do this will mean that they may not be able to vote as easily as before? Or forget to vote on election day?

Thank you,
Jen

Jen Fifield
Reporter, votebeat.org
[redacted]
jfifield@votebeat.org

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Zack Stieber
Subject: RE: Request for Comment
Date: Tuesday, November 8, 2022 9:14:00 AM

Depends what lawyers say. I don't think actions of the board were unlawful .
Crosby

From: Zack Stieber <zack.stieber@epochtimes.nyc>
Sent: Tuesday, November 8, 2022 6:30 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Request for Comment

CAUTION: EXTERNAL EMAIL*

Hi Supervisor Crosby,

Good morning. Do you have a comment on the judge's ruling against a full ballot hand count in Cochise County?

Thank you,
Zack Stieber
The Epoch Times
[redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Zack Stieber
Subject: RE: Request for Comment
Date: Tuesday, November 8, 2022 9:16:00 AM

I respect Epoch times. The result is it's illegal to check the accuracy of your voting machines. Even though the judge didn't say that.

Crosby

From: Zack Stieber <zack.stieber@epochtimes.nyc>
Sent: Tuesday, November 8, 2022 6:30 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Request for Comment

CAUTION: EXTERNAL EMAIL*

Hi Supervisor Crosby,

Good morning. Do you have a comment on the judge's ruling against a full ballot hand count in Cochise County?

Thank you,
Zack Stieber
The Epoch Times
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Zack Stieber
Subject: Re: Request for Comment
Date: Tuesday, November 8, 2022 8:24:15 AM

What we intended to do was legal and if I can find the will in other key participants and way to do it, I will proceed. Pima county is our most liberal county in Arizona. It was in our judges DNA to side with the plaintiff. Our attorneys presented the best defense that could be had and we lost due to political bias. Hand counting is as American as apple pie. I am extremely blessed to be serving alongside visionaries, statesmen and defenders of truth from our county and beyond that have our backs all the way. I am not licking wounds today and I assure you, they are not either.

Sent from my iPad

On Nov 8, 2022, at 6:30 AM, Zack Stieber <zack.stieber@epochtimes.nyc> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Supervisor Judd,

Good morning. Do you have a comment on the judge's ruling against a full ballot hand count in Cochise County?

Thank you,
Zack Stieber
The Epoch Times
[redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Gail Griffin
Subject: Re: Research Folder R-55-141
Date: Friday, October 7, 2022 11:49:57 AM
Attachments: 141 elections; hand counting; county authority; drop boxes.pdf

---

Thank you Gail.
I am grounded still and haven't been able to attend everything I would like. Kit is doing better today and at home again. I am hoping he has a lot of good days ahead. And maybe I will see you again soon.
Peggy

Sent from my iPad

On Oct 7, 2022, at 11:37 AM, Gail Griffin [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

From: Mike Braun
Sent: Thursday, October 6, 2022 5:25 PM
To: Gail Griffin <GGriffin@azleg.gov>

Subject: Research Folder R-55-141

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AMERICAN OVERSIGHT

ARIZONA LEGISLATIVE COUNCIL

MEMO

October 5, 2022

TO: Representative Gail Griffin

FROM: Hannah Nies; General Counsel

RE: Elections; Hand Counting; County Authority; Drop Boxes (R-55-141)

QUESTIONS

1. May a county opt to not use electronic tabulating equipment that is certified for use in this state pursuant to Arizona Revised Statutes (A.R.S.) section 16-442 and instead hand count all ballots?

2. What powers does a county have with respect to the conduct of elections?

3. May a county require that all drop boxes be inside and monitored by cameras?

ANSWERS

1. A.R.S. section 16-621, subsection C and the Elections Procedures Manual (EPM) do specifically allow a county to hand count all ballots if counting the ballots with tabulating equipment becomes impracticable. In situations in which it is not impracticable, however, it is unclear whether a county could opt not to use electronic tabulating equipment and instead hand count all ballots. Neither the A.R.S. nor the EPM specifically requires a county to use electronic tabulating equipment or prohibits a county from hand counting all its ballots. However, both the statutes and the EPM seem to contemplate that each county will use the electronic tabulating equipment (unless it is impracticable to do so).

2. See DISCUSSION.

3. Yes, a county may require that all drop boxes be inside and monitored by cameras.

DISCUSSION

Statute requires the Secretary of State every two years to issue a manual of official instructions and procedures for conducting elections, the EPM. A.R.S. section

AMERICAN OVERSIGHT

16-452, subsection B. The rules the Secretary of State adopts through the EPM have the force of law, and their violation is punishable as a misdemeanor. Id. subsection C; Ariz. Pub. Integrity All. v. Fontes, 250 Ariz. 58, 63, ¶ 16 (2020). Thus, when answering these questions, we must look to both the A.R.S. and the EPM.[1]

Hand Counting

Neither the A.R.S. nor the EPM specifically requires a county to use electronic tabulating equipment or prohibits a county from hand counting all its ballots. See A.R.S. section 16-443 ("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.") (emphasis added).

However, both the statutes and the EPM seem to contemplate that each county will use the electronic tabulating equipment. For example, the EPM requires the county officer in charge of elections to "file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place." Ariz. Sec'y of State, 2019 Election Procedures Manual 99 (2019), https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf. The fact that a county is required to submit a tabulation contingency plan that details what it will do if it is unable to use its central count equipment indicates that it is assumed that the county will use this equipment to begin with.

Furthermore, A.R.S. section 16-621, subsection C provides that "[i]f for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the officer in charge of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots." (Emphasis added). See also 2019 EPM at 196 ("If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.") (emphasis added). "Impracticable" is not defined for the purposes of the statute. In these instances, words used in a statute are given their ordinary meaning. A.R.S. section 1-213. "Impracticable" means "not practicable [capable of being put into practice or of being done or

[1] A.R.S. section 16-452 requires the EPM to be issued "not later than December 31 of each odd-numbered year immediately preceding the general election." The process begins with the Secretary of State submitting the manual "to the governor and the attorney general not later than October 1 of the year before each general election." A.R.S. section 16-452. The manual "shall be approved by the governor and attorney general" before its issuance. Id. The Attorney General and the Secretary of State failed to come to an agreement and the EPM was not approved by December 31, 2021. The Attorney General filed a lawsuit against the Secretary of State and requested his preferred 2021 EPM be adopted. The court denied his request and ordered the use of the 2019 EPM for the 2022 elections. Brnovich v. Hobbs, No. Pl300CV202200269 (Super. Ct. 2022), https://www.democracydocket.com/wp-content/uploads/2022/05/Order-06-07-2022.pdf. Thus, for the purposes of this memo, we examined the 2019 EPM.

AMERICAN OVERSIGHT

accomplished]; incapable of being performed or accomplished by the means employed or at command." Merriam-Webster's Collegiate Dictionary 625, 974 (11th ed. 2006). Thus, this language seems to indicate that a county could hand count all the ballots only if the counting is incapable of being performed or accomplished by the electronic tabulating equipment.

Finally, the rules prescribed in the EPM must "achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots." A.R.S. section 16-452, subsection A (emphases added). In furtherance of this statutory directive, the EPM prescribes ample rules regarding tabulating ballots (including rules for conducting the hand count audit required pursuant to A.R.S. section 16-602), but it remains silent regarding procedures for the exclusive hand counting of ballots.

Thus, a county could hand count all ballots if it becomes impracticable to count the ballots using electronic tabulating equipment. It is unclear whether a county could do so if it is not impracticable, but the A.R.S. and the EPM seem to contemplate that the counties will use the electronic tabulating equipment.

County Authority

Both the A.R.S. and the EPM prescribe many powers and duties with respect to the conduct of elections on county elections officers. See, e.g., A.R.S. section 16-549, subsection A (allowing the county recorder or other county elections officer to appoint special elections boards); A.R.S. section 16-621, subsection A (providing that all proceedings at the counting center shall be under the direction of the board of supervisors or other county elections officer and conducted in accordance with the EPM); A.R.S. section 16-246, subsection C (allowing the county recorder or county elections officer to establish on-site early voting locations). Our office is unable to produce an exhaustive list of all of the powers and duties a county has with respect to elections under state law. Please let us know if you would like for us to research whether a county has the authority to take a particular action with respect to the conduct of elections.

Ballot Drop Boxes

The EPM allows counties to establish ballot drop-off locations or drop boxes. 2019 EPM at 56 ("If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee)."). Counties that establish ballot drop-off locations or drop boxes must "develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes." Id. at 60. The EPM prescribes various requirements that counties must comply with when implementing these security procedures. See id. at 60-62. One such requirement is that "[a] ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building." Id. at 60

AMERICAN OVERSIGHT

(emphasis added). Thus, the EPM clearly allows a county to establish drop boxes indoors. There is nothing in the EPM that would prohibit a county from monitoring these drop box locations by cameras.

CONCLUSION

A county could hand count all ballots if it becomes impracticable to count the ballots using electronic tabulating equipment. It is unclear whether a county could do so if it is not impracticable, but the A.R.S. and the EPM seem to contemplate that the counties will use the electronic tabulating equipment. A county could also require that ballot drop boxes be established only in indoor locations that are monitored by cameras.

AMERICAN OVERSIGHT

From: Crosby, Tom
To: Schouten, Fredreka
Subject: RE: Response to the Secretary of State"s office?
Date: Thursday, October 27, 2022 2:57:00 PM

I am a Partisan Republican, probably best self- identified as Federalist, although all terms like that need further definition.
May I ask your definition of democracy? I say "majority rule".
I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal.

Best wishes,

Tom Crosby

From: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Sent: Wednesday, October 26, 2022 5:09 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Response to the Secretary of State's office?

CAUTION: EXTERNAL EMAIL*

Greetings,

Fredreka Schouten here with CNN. I'm reaching out to see how the county is responding to the Secretary of State's Tuesday letter that sought clarification, more details on the plans for a hand count audit of all precincts in Cochise County. Many thanks.

Best,
Fredreka

AMERICAN OVERSIGHT

Fredreka Schouten (sk-OW-tuhn)
National political writer | CNN Politics
Fredreka.Schouten@cnn.com
Twitter: @fschouten
Mobile: [redacted]

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AMERICAN OVERSIGHT

From: English, Ann S
To: Schouten, Fredreka
Subject: Re: Response to the Secretary of State"s office?
Date: Friday, November 4, 2022 8:42:05 PM

I sat through the court case today and the judge said he would render a decision on Monday morning. I have no idea what his decision will be until he makes it.
It would not be appropriate for me to discuss with you since I am a party(Board of Supervisors), to the suit. My no vote on the issue did not remove me from the suit.
Ann English

Get Outlook for iOS

From: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Sent: Friday, November 4, 2022 10:03:33 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: RE: Response to the Secretary of State's office?

CAUTION: EXTERNAL EMAIL*

Chairwoman English – Do you have a few minutes to chat? Fredreka/CNN [redacted]

From: English, Ann S <AEnglish@cochise.az.gov>
Sent: Wednesday, October 26, 2022 8:43 PM
To: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Subject: Re: Response to the Secretary of State's office?

EXTERNAL SENDER: Caution opening links or attachments

The Board sent a letter to SOS and said they would not break the law.
Now they are trying to figure out what they can do to further their goal and force more hand counting.
Stay tuned. I have no idea of any details. I personally think they would not get the number of Democrats needed for any additional counting and it cannot happen without both parties participating. We will see.
Ann English

Get Outlook for iOS

From: Schouten, Fredreka <Fredreka.Schouten@cnn.com>
Sent: Wednesday, October 26, 2022 5:08:39 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Response to the Secretary of State's office?

CAUTION: EXTERNAL EMAIL*

Greetings,

AMERICAN OVERSIGHT

Fredreka Schouten here with CNN. I'm reaching out to see how the county is responding to the Secretary of State's Tuesday letter that sought clarification, more details on the plans for a hand count audit of all precincts in Cochise County. Many thanks.

Best,
Fredreka

Fredreka Schouten (sk-OW-tuhn)
National political writer | CNN Politics
Fredreka.Schouten@cnn.com
Twitter: @fschouten
Mobile: [redacted]

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: RE: Ruling
Date: Wednesday, November 9, 2022 1:40:00 PM

It is done. We are following the attorneys suggestion.
Give us a bit of time. But keep your chin up.
THANKS

From: DANDLAC[redacted]@protonmail.com>
Sent: Wednesday, November 9, 2022 4:54 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Cc: drjoe[redacted]@proton.me>; joan wilson[redacted]@protonmail.com>
Subject: Re: Ruling

CAUTION: EXTERNAL EMAIL*

Hi Peggy
It is clear a hand count is more necessary than ever based on the results we are seeing.
Will Citizens be able to speak at the meeting at 1 pm? Can we gather at the BOS Meeting Room?
We have to see this through!
Thank you for staying strong.
Dan

Sent from ProtonMail mobile

-------- Original Message --------
On Nov 8, 2022, 21:36, Judd, Peggy < PJudd@cochise.az.gov> wrote:

> Tomorrow that will be decided at 1pm
>
> Sent from my iPad
>
> > On Nov 8, 2022, at 6:51 PM, DANDLAC[redacted]@protonmail.com> wrote:
> >
> > **CAUTION:** EXTERNAL EMAIL*
> > Hi Ms Judd,
> >
> > I saw this horrible decision!

AMERICAN OVERSIGHT

I understand there is an appeal? Do you have any information on that?

Dan

Sent with Proton Mail secure email.

------- Original Message -------
On Tuesday, November 8th, 2022 at 10:04 AM, Judd, Peggy
<PJudd@cochise.az.gov> wrote:

Sent from my iPad

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: DANDLAC
Subject: Re: Searching for the path of least resistance
Date: Monday, October 24, 2022 3:55:34 PM

It appears in the law that we can only hand count 5 contested races.
So I'm with you

Sent from my iPad

On Oct 24, 2022, at 3:21 PM, DANDLAC [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Ms Judd
For your consideration, as a fall back position, I would not be opposed to doing a "phased" 100% Hand count.

By this I mean lets do a 100% handcount of the statewide races first - only count 100% of the ballots for Governor, AG, Secretary of State, School Superintendent, and the Federal Senate and House Races.

If the counts are good or bad, we can then decide to do the next "phase" or level which could be all State Senate & House Races.

After the completion of each level make a determination if the next level down should be counted based on how much delta we are seeing between the machine count and the hand count.

Your thoughts?

Dan

Sent from ProtonMail mobile

-------- Original Message --------
On Oct 18, 2022, 07:29, Judd, Peggy < PJudd@cochise.az.gov> wrote:

I have adjusted my motion to include that. I am now in compliance with advice by Mr McIntyre too. He still isn't saying it is legal but if we get out of the way it should be good…that was one of his complaints.
Peggy

AMERICAN OVERSIGHT

Sent from my iPad

On Oct 17, 2022, at 9:10 PM, DANDLAC
[redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Joe, Ms Judd,

For what it's worth, I strongly recommend we do NOT do the 100% hand count in conjunction with their normal election process. If anything goes wrong they will blame us and possibly bring legal action for interfering with an election - yes I believe they would do it.

I believe the correct process would be to let them do their entire process with no interference. When they are completely done and have their results, we then do the 100% hand count, completing it before certification. Then we can compare their count to the people's count and see if certification should be done. I just really believe encumbering them with the 100% while doing their normal process is a potential disaster we dont want to provoke, and perhaps even be set up for - this is how un-trusting I am they will do something to hurt our cause of election integrity.

Thoughts?

Dan

Sent with Proton Mail secure email.

------- Original Message -------
On Monday, October 17th, 2022 at 12:06 PM, drjoe
[redacted]@proton.me> wrote:

Good morning Peggy,

Hope you're off to a great week! I'm sure your attention is in high demand!!

Personally, I am led to believe the path of least resistance is to use the path *already in place by ARS*! Simply modify 2%

AMERICAN OVERSIGHT

minimum and require 100%. Practically speaking, the 2% self audit becomes a 100% self audit. This provides the legal means for accomplishing the directive...done.

I would consider amending and clarifying the current agenda item. Perhaps something of this nature:
"conducted by the county elections officer IAW ARS Title 16-602, Note: The 2% minimum hand count requirement mentioned in*16-602.B.1*, is exceeded, and reads 100% for the 2022 General Election."
I'm sure an attorney could word it better. *The County Attorney would be ideal, as in doing he would validate the process.*

Remember:

> There is no law that forbids hand counting... Only a law that allows, not mandates, machines to be used if counties choose to use them.
>
> No law forbidding self audit of 100 %. ..Only a law requiring a minimum of 2%. (Perhaps the path of least resistance)
>
> There is no law forbidding an operational emergency backup voting plan should machines be rendered unusable for any reason. Only a law that requires that such a

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system be in place
and operational.

These FACTS
disprove any
argument that hand
counts are
forbidden and
cannot be used
lawfully!

As Solomon said....
One story sounds
right, until you hear
the other
side.....

FWIW I gathered
the portions of
ARS Chapter11,
16, and the EPM
which seem
pertinent for
review.

God bless and give you strength
and wisdom
DrJ

Sent from my Verizon,
Samsung Galaxy
smartphone

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AMERICAN OVERSIGHT

From: English, Ann S
To: Bud Foster
Subject: Re: sec of state"s letter
Date: Tuesday, October 25, 2022 1:49:18 PM

I do not have coverage at my home for Zoom.
I can tell you, I have no idea what the other two board members have in mind for next steps. When I have been advised by the County Attorney I have no authority to make this decision, I took it seriously. I asked the Board, after they made the motion, to reconsider and take their proposal to the legislature where laws are enacted to give us authority.
They chose not to wait and you would have to ask them how they think their vote can be accomplished into action. I have not seen or heard any details.
Ann English
I am sitting at the end of my driveway so I could contact you. I can get and receive emails at my home.

Get Outlook for iOS

From: Bud Foster <Bud.Foster@kold.com>
Sent: Tuesday, October 25, 2022 12:30:52 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: sec of state's letter

CAUTION: EXTERNAL EMAIL*

Ann,

I wondering if you have read the letter from the Secretary of State's office asking the board to rescind its decision for a hand count?

What's your opinion of it and will you be willing to do a Zoom interview about it this afternoon?

Thanks

Bud Foster/KOLD-TV (Tucson) (CBS)

Sent from Mail for Windows

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Nick Phillips
Subject: Re: Seeking response to Secretary of State"s letter
Date: Monday, October 24, 2022 9:41:23 AM
Attachments: image001.png

Wait and see

Get Outlook for iOS

From: Nick Phillips <nphillips@azcapitoltimes.com>
Sent: Monday, October 24, 2022 9:40:35 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: RE: Seeking response to Secretary of State's letter

CAUTION: EXTERNAL EMAIL*

Thanks for forwarding this to me, Tom. Any further comment about the letter before today's meeting? How are you planning to vote today?

From: Crosby, Tom <TCrosby@cochise.az.gov>
Sent: Sunday, October 23, 2022 12:08 PM
To: Nick Phillips <nphillips@azcapitoltimes.com>
Subject: FW: Seeking response to Secretary of State's letter

From: Crosby, Tom
Sent: Sunday, October 23, 2022 12:07 PM
To: Resnik, Brahm <bresnik@12NEWS.COM>
Subject: RE: Seeking response to Secretary of State's letter

I skimmed over the letter as I found it on the news. I was a Union Representative for the Border Patrol. I'm pretty familiar with Bureaucracy. I sent you past examples of stonewalling, right? Threats are after stonewalling.

Tom Crosby

From: Resnik, Brahm <bresnik@12NEWS.COM>
Sent: Friday, October 21, 2022 12:19 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Seeking response to Secretary of State's letter

CAUTION: EXTERNAL EMAIL*

Good afternoon Supervisor Crosby,
I'm reporting a story for this evening's 6pm newscast on the Cochise County Board's possible vote Monday on whether to hand count the 2022 midterm ballots.

AMERICAN OVERSIGHT

Are you available to respond via Zoom today to the Secretary of State's letter threatening legal action against you if the board proceeds with a hand count?
I can do the interview anytime before 3pm. It would take less than 10 minutes.
Thank you for your attention to this.
Best,
Brahm

Brahm

Resnik

Anchor/Reporter,

"Sunday Square Off"

Moderator

200 E Van Buren St

Phoenix AZ, 85004

E: bresnik@12news.com

C: [redacted]

@brahmresnik

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AMERICAN OVERSIGHT

From: English, Ann S
To: Resnik, Brahm
Subject: Re: Seeking response to Secretary of State"s letter
Date: Friday, October 21, 2022 12:50:52 PM
Attachments: Outlook-vp1skrbp.png

Brahm,
The letter from the State Election Director simply reinforced the opinion of the Cochise County Attorney. An action of the Board to try to force a 100% hand count of the election when we have working voting machines and a counting machine, is not in our delegated authority from the legislature.
When 2 Board members request a meeting, it is calendared and their motions are stated on the agenda. I cannot tell you if they will vote or how they will vote. For myself, I will never knowingly vote for an issue my attorney,Cochise County Attorney, has told me is illegal.
Ann English

Get Outlook for iOS

From: Resnik, Brahm <bresnik@12NEWS.COM>
Sent: Friday, October 21, 2022 12:21:07 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Seeking response to Secretary of State's letter

CAUTION: EXTERNAL EMAIL*

Good afternoon Supervisor English,
I'm reporting a story for this evening's 6pm newscast on the Cochise County Board's possible vote Monday on whether to hand count the 2022 midterm ballots.
Are you available to respond via Zoom today to the Secretary of State's letter threatening legal action against you if the board proceeds with a hand count?
I can do the interview anytime before 3pm. It would take less than 10 minutes.
Thank you for your attention to this.
Best,
Brahm

Brahm Resnik
Anchor/Reporter,
"Sunday Square Off"
Moderator

200 E Van Buren St
Phoenix AZ, 85004
E: bresnik@12news.com

C: [redacted]
@brahmresnik

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cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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From: Crosby, Tom
To: Resnik, Brahm
Subject: RE: Seeking response to Secretary of State"s letter
Date: Sunday, October 23, 2022 12:06:00 PM
Attachments: image001.png

I skimmed over the letter as I found it on the news. I was a Union Representative for the Border Patrol. I'm pretty familiar with Bureaucracy. I sent you past examples of stonewalling, right? Threats are after stonewalling.

Tom Crosby

From: Resnik, Brahm <bresnik@12NEWS.COM>
Sent: Friday, October 21, 2022 12:19 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Seeking response to Secretary of State's letter

CAUTION: EXTERNAL EMAIL*

Good afternoon Supervisor Crosby,
I'm reporting a story for this evening's 6pm newscast on the Cochise County Board's possible vote Monday on whether to hand count the 2022 midterm ballots.
Are you available to respond via Zoom today to the Secretary of State's letter threatening legal action against you if the board proceeds with a hand count?
I can do the interview anytime before 3pm. It would take less than 10 minutes.
Thank you for your attention to this.
Best,
Brahm

Brahm Resnik

Anchor/Reporter,

"Sunday Square Off"

Moderator

200 E Van Buren St

Phoenix AZ, 85004

E: bresnik@12news.com

C: [redacted]

@brahmresnik

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From: Judd, Peggy
To: J I Tenney
Subject: RE: So there is a hand count vote that will happen
Date: Friday, October 21, 2022 8:27:00 PM

Thank you Jim. I think there will be a lot of people there to speak and watch. And also protest against it.
If you want to come you are more than welcome. I would love to have you there. If you want to link in on your computer there is a link on the Agenda on our Agenda and Minutes page at Cochise.az.gov
It says something like "join meeting here" and it takes you right in.

I think I would be honored if you want to share the good news with your amazing email list.
I am glad you are pleased. I care about that.
Peggy

From: J I Tenney [redacted]@yahoo.com>
Sent: Friday, October 21, 2022 7:54 PM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: So there is a hand count vote that will happen

CAUTION: EXTERNAL EMAIL*

I am very proud of you taking this on.. If I can do anything to assist please let me know. Will send email. If I need to come speak at at the discussion I can do that.
Jim

J L (Jim) Tenney
Tenney's 4U Land & Real Estate LLC
[redacted]
Willcox, Arizona 85643
[redacted] Cell
[redacted]@yahoo.com

On Saturday, October 15, 2022 at 10:40:37 AM PDT, Judd, Peggy <pjudd@cochise.az.gov> wrote:

Hi Jim,

I thought you might want to know. A week from Monday the board will vote on a hand count for our complete election. Just to make sure our machines are actually doing their job.

Some people are very excited, they asked me to be on a talk show. Here it is just in case you want to see it.

It's kind of a big deal…

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https://us01.l.antigena.com/l/AzPpbuCYbiMl_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFelwkUPPaJlDklPB9EQgsVR6speNqAYWPplzS_sE-m9JcYYOFYF8aylzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~

Peggy Judd

Cochise County Supervisor

District 3

1415 Melody Lane, Building G

Bisbee, AZ 85603

520-432-9200 phone

520-432-5016 fax

520-366-2826 cell

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www.cochise.az.gov

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From:	Crosby, Tom
To:	DANDLAC
Cc:	Tom Giuffrida; drjoe
Subject:	RE: Some Confusion we need clarification on.... Re: Directly from the SOS EPM!!!
Date:	Thursday, October 27, 2022 2:48:00 PM
Attachments:	2022 Brnovich Hickman memo 2020033.pdf Placing Elections Director under County Recorder.docx 2022 Oct 27th BOS"s placing Elections Director under County Recorder.pdf

100% (all) of the precincts is at least 2 % of the precincts. The agenda item to put Election director under Recorder is not yet submitted.

Crosby

From: DANDLAC[redacted]@pm.me>
Sent: Wednesday, October 26, 2022 8:47 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>
Cc: joan wilson[redacted]@protonmail.com>; drjoe[redacted]@proton.me>; cochisecountyrepublicans@gmail.com
Subject: Some Confusion we need clarification on.... Re: Directly from the SOS EPM!!!

CAUTION: EXTERNAL EMAIL*

Peggy, Tom, David, Jean, Joe, Rob,

There is still a lot of confusion about the the types of ballots and the percentages we can count of the 5 selected races. In the meeting at the CCRC this evening, everyone was all over the place on this, with David also not sure about the precinct ballot count because Mara does the precinct count on the day of the vote. **This really, really demands clarification**. It is **hugely significant** if we dont get to count both precinct "day of voting" ballots and early ballots. There is no way we could say anything with certainty about the veracity of the count if we cant do 100% of both types of ballots, again just for those 5 selected races (actually 4 because there is not a Presidential race to count - unless a 5th race can be chosen in lieu of the Presidential race).

This paragraph (a) pertains to voting center ballots (Day of Vote ballots), The officer in charge must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. **FROM AT LEAST 2% OF THE PRECINCTS is the key verbage and means it can be anything above that too, up to and including 100% of all the precincts ballots for the 5 races selected.**
a. On Page 215 of SOS EPM (attached) it says in sub para A: For the Precinct Hand count, the officers in charge of elections must conduct a hand count of regular ballots **from at least 2% of the precincts**, or 2 precincts, **whichever is greater**.

This paragraph (b) describes the requirement for the hand count of the early ballots, and it is clear in saying **Counties may elect to audit a higher number of ballots at their discretion.** Meaning we can do 100% of those 5 races early ballots if we chose to.
b. On Page 215 of SOS EPM it says in sub para B: The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5000 early ballots, whichever is less. **Counties may elect to audit a higher number of ballots at their discretion. Meaning we can do 100% of the 5 races selected on page 217 of the EPM if we chose to.**

AMERICAN OVERSIGHT

c. On Page 217 of the SOS EPM it states the 5 types of races which can be included in the hand count. We should be able to do 100% of the 5 races chosen from those on pg 217. Those will be chosen from:

1. Statewide Candidate Race
2. One Statewide Ballot Measure
3. One legislative candidate race
4. One federal candidate race
5. One Presidential elector race (only in general elections with a race for POTUS.

So, if there are 50000 total votes and we have 5 races to count, that means those 50k ballots (total for all mail in and precinct) will need to be counted 5 times if we will focus on one race at a time. Thats a total of 250,000 vote counts. If we have 100 people divided in to 3 person teams, that means 33 teams would need to count 250000 votes. 250000 divided by 33 = 7575 votes counted by each team. If each team counts 1000 votes per hour, that means approximately 7.5 hours.
If we have 150 people, then we have 50 teams counting 250000 votes. 250000 divided by 50 equals 5000 votes counted by each team. If each team counts 1000 votes per hour then about 5 hours.

To count 1000 votes per hour means each team needs to count 17 votes per minute or about 1 vote every 3.5 seconds.

If we have 240 people, then we have 80 teams. 250000 divided by 80 equals 3125 votes per team. With this many teams we would be able to cut back the number counted per hour for each team. If they count 500 per hour or about 8 per minute, then it takes 80 teams about 6 hours.
By my figuring, the sweet spot is somewhere between 50 and 80 three person teams.

Does anyone see any of this differently?

Dan

Sent with Proton Mail secure email.

------- Original Message -------
On Wednesday, October 26th, 2022 at 3:18 PM, DANDLAC[redacted]@pm.me> wrote:

Hi Ms Judd, Mr Crosby,

First, thanks for standing your ground!

Key points to make which you may already be aware of but if you are not:

a. on Page 215 of SOS EPM (attached) it says in sub para A: For the Precinct Hand count, the officers in charge of elections must conduct a hand count of regular ballots **from at least 2% of the precinct**s, or 2 precincts, **whichever is greater**. **My interpretation: we can do up to 100% of the 5 races selected on page 217 of**

AMERICAN OVERSIGHT

the EPM (also attached).

b. Also on Page 215 of SOS EPM it says in sub para B: The officer in charge of elections is required to conduct a hand count of 1% of the total number of early ballots cast, or 5000 early ballots, whichever is less. **Counties may elect to audit a higher number of ballots at their discretion. Interpretation: We can do 100% of the 5 races selected on page 217 of the EPM.**

c. On Page 217 of the SOS EPM it states the 5 types of races which can be included in the hand count. We should be able to do 100% of the 5 races chosen from those on pg 217.

d. Peggy stated, several times,the hand count would stay within the requirements laid out, Tom concurred. They drafted a reply stating as much.

e. This would all be legal, so why is McIntire still saying he will not defend you and why is he telling Mara she doesnt have to do it because it is not legal?

f. Finally, the letter sent by the SOS contradicts their own EPM manual as laid out above.

Dan

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MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

November 4, 2020

Via Email

The Honorable Clint Hickman
Maricopa County Board of Supervisors
510 South 3rd Avenue
Phoenix, Arizona 85003

Re: Hand Count Audit

Dear Chairman Hickman:

Maricopa County will soon begin the manual hand count of certain precincts and early voting batches in accordance with A.R.S. § 16-602. Because of widespread concern raised about the ballot marking procedure in Maricopa County election day voting centers, we suggest Maricopa County consider expanding the hand count audit to five per cent of the voting center locations, which it may do in accordance with A.R.S. § 16-602(B)(1) and Chapter 11, Section III(A) of the Elections Procedures Manual.

Although at this point in time we have no reason to believe the tabulation equipment did not work properly, an expanded hand count may help alleviate concern and provide public confidence in the integrity of the vote tabulation process. Thank you for your prompt attention to this matter.

Sincerely,

Joseph Kanefield
Chief Deputy & Chief of Staff

cc: Scott Jarrett, Director of Elections Day and Emergency Voting, Maricopa County

AMERICAN OVERSIGHT

Placing Elections Director under County Recorder 10-27-2022

In the course of the last two years or so I have repeated my viewpoint that the County government is not properly organized.

I have repeatedly quoted this primary section of the County Supervisor's ARS's;

11-251. Powers of board

The board of supervisors, under such limitations and restrictions as are prescribed by law, may:

1. Supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with assessing, collecting, safekeeping, managing or disbursing the public revenues, see that the officers faithfully perform their duties and direct prosecutions for delinquencies, and, when necessary, require the officers to renew their official bonds, make reports and present their books and accounts for inspection.

((Continues to paragraph 67)

The current condition of abdication of executive authority by the BOS's by insertion of the position of County Administrator, in spite of that position not existing in the ARS's;

and the ambiguity and lack of specificity of the duties of the County Administrator;

Res 3-15 para 2 does not state what administrative oversight is performed

Para 8 does not say what organizational chart is referred to

Para 9 C/Ad evaluates all department heads, appoint, promote, salary increases

can be construed as making him the "Supervisory Election Director" in spite of that C/Ad position not existing in the ARS's.

Para 15 "liaison" is undefined

Para 16 "Permit…the Board to perform its oversight role" is ambiguous to the existence of C/Ad position duties described in para 9 above

The County Recorder without question exists in the ARS's.

The statutes of the County Recorder in Title 19 are much narrower in scope than those of the County Supervisors, and much more closely related to elections.

Therefore the County Election Director should be under the County Recorder instead of the BOS's.

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Cochise County
Board of Supervisors

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Agenda Item Request Form

NOTE: This form and all attachments need to be received 11 days in advance of the meeting date to give Board staff time to enter into AgendaQuick and begin the routing/approval process. Agenda items will be routed to the impacted Department Director(s), Finance, Budget, and the County Attorney's Office for review.

If this request is for a new County-wide program or policy, a Work Session should first be scheduled for the Board to review the proposal in detail. Complete and submit the Work Session Request Form. If this request is for use of Community Enhancement Funds, complete and submit the Community Enhancement Fund Form.

Supervisor Name:
Tom Crosby

Agenda Item Text:
The County Election Director shall be under the elected County Recorder in Cochise County government organization.

Background:
In the course of the last two years or so I have repeated my viewpoint that the County government is not properly organized. The statutes of the County Recorder in ARS Title 19 are much narrower in scope than those of the County Supervisors, and much more closely related to elections.
Therefore the County Election Director should be under the County Recorder instead of the BOS's.

Department's Next Steps (if approved):
Coordinate with Human Resources as appropriate.

Impact of NOT Approving/Alternatives:
County Elections Director would not move under County Recorder in government organization.

To BOS Staff: Document Disposition/Follow-Up:

Attachments:
See attachment "Placing Elections Director under County Recorder" 10-27-2022

AMERICAN OVERSIGHT

From: English, Ann S
To: Ali Morse
Subject: Re: Special Board meeting tomorrow, 11/15
Date: Monday, November 14, 2022 10:03:28 AM

Ballots are secured.

Get Outlook for iOS

From: Ali Morse [redacted]@yahoo.com>
Sent: Monday, November 14, 2022 10:02:15 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Special Board meeting tomorrow, 11/15

CAUTION: EXTERNAL EMAIL*

OK, thank you. Are the ballots in a secure place or has Mr. Stevens seized them to start his hand count? I have been very upset about his whole ordeal...

Allison

On Monday, November 14, 2022 at 09:58:17 AM MST, English, Ann S <aenglish@cochise.az.gov> wrote:

Keep an eye on public notice of board meetings. It MAY have a cancellation of special meeting. You notice I said MAY.
Ann

Get Outlook for iOS

From: Ali Morse [redacted]@yahoo.com>
Sent: Monday, November 14, 2022 9:54:31 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Re: Special Board meeting tomorrow, 11/15

CAUTION: EXTERNAL EMAIL*

I like your lighthearted tone, Ann! Thank you and how do we find out what happens later today?

Appreciatively,

Allison

On Monday, November 14, 2022 at 09:50:59 AM MST, English, Ann S <aenglish@cochise.az.gov> wrote:

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When you are not worried about illegality, you can do lots of things . Stay tuned as the issue develops. Maybe good news later today.
Ann

Get Outlook for iOS

From: Ali Morse [redacted]@yahoo.com>
Sent: Monday, November 14, 2022 9:30:26 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Special Board meeting tomorrow, 11/15

CAUTION: EXTERNAL EMAIL*

Hello again, Supervisor English,

Since I will be speaking tomorrow, I want to be clear about agenda item #1 for the special meeting at 1:00p. Is it even legal to go back and change a current standing action that the board passed on Oct. 24? It would seem a little late for that now and clearly they are just trying to get around the court order.

Thank you,

Allison Morse

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Cochise County Republican Committee
Subject: RE: Special Board of Supervisors Meeting
Date: Saturday, October 22, 2022 7:09:00 PM

Thank you Robert. It all worked out. Newspapers!!!???
Peggy

From: Cochise County Republican Committee <cochisecountyrepublicans@gmail.com>
Sent: Saturday, October 22, 2022 5:10 PM
Subject: Special Board of Supervisors Meeting

CAUTION: EXTERNAL EMAIL*

Hello,

There will be a Special Board of Supervisors meeting on Monday, Oct 24 at 2pm. They will be discussing and voting on whether to move forward with the 100% Handcount. We encourage everyone to attend this meeting to support this effort and our Supervisors, Peggy Judd and Tom Crosby. I have included a link for the agenda and a link if you wish to speak on this matter.

https://destinyhosted.com/agenda_publish.cfm?id=26244&mt=BOS.BOE.FCD.LIB.LIGHT.PUBNTC.EXEC.SPCL.WKS.RAC&vl=true&get_month=10&get_year=2022&dsp=ag&seq=2454

https://www.cochise.az.gov/DocumentCenter/View/2252/Board-of-Supervisors-Speaker-Request-Form-PDF

Robert Montgomery
CCRC Chairman

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Ken Heusman
Subject: Re: stop the hand count
Date: Wednesday, October 26, 2022 6:33:51 AM

The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part. Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
We understand the intricacies of this decision and know many people will remain troubled over this decision, long into the future. But fighting each other and calling names didn't work, maybe a concession to satisfy…doubt, curiosity or or even conspiracy is what our county needs right now.

Peggy

Sent from my iPad

On Oct 26, 2022, at 6:21 AM, Ken Heusman [redacted]@yahoo.com> wrote:

CAUTION: EXTERNAL EMAIL*

show some concern for Cochise county residents, do what right, stop the hand count

thanks,
Ken Heusman

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: lionprint
Subject: Re: Support
Date: Friday, October 28, 2022 10:41:54 PM

Thank you, Joe

Sent from my iPad

On Oct 28, 2022, at 5:35 AM, lionprint [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

I am writing to offer my full support in your decision for the hand count. Our family stands with you and Douglas Stands with you.

Joe

Sent with Proton Mail secure email.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Ann Prezyna
Subject: Re: Tabulating 2022 Cochise County Ballots
Date: Sunday, October 23, 2022 7:24:31 AM
Attachments: Election concerns.pdf

Thank you for your letter.

I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) after the election is complete and results are final. Repeat. The training and hand count will begin only after the last ballot is counted by machine. I have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told accurately.
If this can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 22, 2022, at 7:09 AM, Ann Prezyna <[redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Cochise County Board of Supervisors:

Please see my attached letter expressing my concerns about the proposal to hand count ballots in Cochise County.

Respectfully,

Ann E. Prezyna
Palominas, Arizona

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AMERICAN OVERSIGHT

Ann E. Prezyna
[redacted]
Hereford, AZ 85615-1327

October 22, 2022

Cochise County Board of Supervisors via email
Ann English, aenglish@cochise.az.gov
Peggy Judd, pjudd@cochise.az.gov
Tom Crosby, tcrosby@coshise.az.gov

RE: Handcounting 2022 Election Ballots

Dear Ms. English, Ms. Judd, and Mr. Crosby:

I am a 71-year-old attorney and ranch owner residing in Palominas, Arizona. I learned this morning that you plan to hand count ballots to tabulate the results of the election in Cochise County. As I witness the erosion of democratic principles in this county, including in Arizona, I see this as another step in that direction. Hand counting ballots is unreliable (try tabulating by hand a row of numbers and witness how many times you may have to redo it to get the results to be consistent) and easily prone to human error and interference in the results.

I am registered as an independent voter, but I am increasingly concerned that my vote will not count. Gerrymandering aside, machine tabulation is a far superior means of counting ballots: quick and accurate. Why return to an arcane methodology unless you want results to be delayed and skewed to a particular outcome?

I read the letter that our state elections director wrote expressing her concerns about the legality of implementing a hand count and agree with her statements.

Please don't erode our democracy. Use the best available technology to ensure its continued existence in our country.

Respectfully,

Ann E. Prezyna

Arizona Secretary of State Katie Hobbs
State Elections Director Kori Lorick

AMERICAN OVERSIGHT

From: English, Ann S
To: [redacted]@gmail.com
Subject: Re: Thank you
Date: Wednesday, October 26, 2022 7:44:54 PM

I cannot answer your questions at this time.
Thank you for your concern.
Ann

Get Outlook for iOS

From: [redacted]@gmail.com [redacted]@gmail.com>
Sent: Wednesday, October 26, 2022 1:30:44 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Thank you

CAUTION: EXTERNAL EMAIL*

Hello,

I would like to thank you for voting against the mandate for a hand count of the ballots for the upcoming mid-term election. I have emailed supervisors Judd and Crosby to let them know that I do not approve of their handing of this matter.

Assuming this mandate proceeds, what will be done to protect voter privacy? Who is paying for this? Cochise County residents?

Thank you. I appreciate all that you do for Cochise County.

Shannon J. Walsh
Benson, AZ
[redacted]@gmail.com
Phone: [redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: damasters damasters
Subject: RE: Thank you
Date: Thursday, October 27, 2022 2:54:00 PM

Yes, please Pray for me!! That's how we got this far.

Tom Crosby

From: damasters damasters [redacted]@hotmail.com>
Sent: Wednesday, October 26, 2022 12:05 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
Subject: Thank you

CAUTION: EXTERNAL EMAIL*

Dear Supervisors Judd and Crosby,

On behalf of my husband and I, we wish to thank you for your courage, integrity, strength, and conviction
to perform your duties and responsibilities you accepted when you took the oath of office you hold.
We attended the hand count meeting in Bisbee and want to thank you for your decision.
This election is critical to the survival of our nation of free, civil, and just people, and the decision you made
concerning the 100% hand count is crucial to our nation.

"Be strong and courageous. Do not be afraid; do not be discouraged, for the Lord your God will be with you
wherever you go." Joshua 1;9

"But those who hope in the Lord will renew their strength. They will soar on wings like eagles, they will run
and not grow weary; they will walk and not be faint." Isaiah 40;31

Thank you again for your service to Cochise County and the United States of America!

Ann and Burke Masterson

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Leigh Budlong
Subject: Re: Thank you Mr. Crosby!
Date: Sunday, November 6, 2022 5:37:01 AM

Please fast and pray
Crosby

Get Outlook for iOS

From: Leigh Budlong [redacted]@gmail.com>
Sent: Friday, November 4, 2022 7:51:34 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Thank you Mr. Crosby!

CAUTION: EXTERNAL EMAIL*

Dear Tom,

I'm in Yavapai County and for the first time, I spoke at a county Board of Supervisor meeting earlier this week. I wanted to let them know we have a problem to solve and an opportunity to work together. We can't do this alone and it takes courage. My deepest appreciation to you and Board member Peggy Judd! We are backing you and supporting you!

With appreciation,
Leigh

On Thu, Oct 27, 2022 at 2:56 PM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Thanks Leigh,
>
> Tom Crosby
>
> ---
>
> **From:** Leigh Budlong [redacted]@gmail.com>
> **Sent:** Wednesday, October 26, 2022 6:50 PM
> **To:** Crosby, Tom <TCrosby@cochise.az.gov>
> **Subject:** Thank you Mr. Crosby!
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Dear Mr. Crosby:

AMERICAN OVERSIGHT

I want to thank you from the bottom of my heart for your actions to have a hand count. It is truly a sign of courage and for that I'm very grateful! You have my admiration!

Best regards,

Leigh

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Leigh Budlong
Subject: RE: Thank you Mr. Crosby!
Date: Saturday, November 12, 2022 9:18:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Leigh Budlong <[redacted]@gmail.com>
Sent: Friday, November 4, 2022 7:52 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Thank you Mr. Crosby!

CAUTION: EXTERNAL EMAIL*

Dear Tom,

I'm in Yavapai County and for the first time, I spoke at a county Board of Supervisor meeting earlier this week. I wanted to let them know we have a problem to solve and an opportunity to work together. We can't do this alone and it takes courage. My deepest appreciation to you and Board member Peggy Judd! We are backing you and supporting you!

With appreciation,
Leigh

On Thu, Oct 27, 2022 at 2:56 PM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Thanks Leigh,
>
> Tom Crosby
>
> ---
>
> **From:** Leigh Budlong[redacted]@gmail.com>
> **Sent:** Wednesday, October 26, 2022 6:50 PM
> **To:** Crosby, Tom <TCrosby@cochise.az.gov>
> **Subject:** Thank you Mr. Crosby!
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Dear Mr. Crosby:
>
> I want to thank you from the bottom of my heart for your actions to have a hand count. It is truly a sign of courage and for that I'm very grateful! You have my admiration!
>
> Best regards,

AMERICAN OVERSIGHT

> Leigh
>
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AMERICAN OVERSIGHT

From: English, Ann S
To: Maria Troutner
Subject: Re: Thank you
Date: Monday, October 17, 2022 4:24:46 PM

Thank you for your kind remarks.
Ann

Get Outlook for iOS

From: Maria Troutner [redacted]@mtecom.net>
Sent: Monday, October 17, 2022 2:42:39 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Thank you

CAUTION: EXTERNAL EMAIL*

Supervisor Ann English,

Thank you for standing up for integrity and honesty by not going along with the republican supervisors that wanted a hand count of our ballots.

It's discouraging to know that there are County officials who believe in the conspiracy theory that the last election was a fraud. Sad!

Continue your good work for the people of Cochise County.

Maria Araiza Troutner
[redacted]
Cascabel, Az
District 3
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Joan Reamer
Subject: RE: Thanks for standing for Election Integrity
Date: Tuesday, October 25, 2022 12:03:19 PM

Thank you…blessings have been received by all.
Peggy

Sent from Mail for Windows

From: Joan Reamer
Sent: Tuesday, October 25, 2022 10:24 AM
To: Judd, Peggy
Cc: Crosby, Tom
Subject: Thanks for standing for Election Integrity

CAUTION: EXTERNAL EMAIL*

Dear Peggy,

After I & my husband sat yesterday in the special meeting for 5 hours, we had to leave with our driver. I prayed for light to shine in the darkness as each speaker presented their views. I prayed for you & Tom to be used of God in spite of the threats & bullying. We thank the LORD for your standing for the integrity of Cochise County elections. When the Patterson's informed us of the board's approval for 100% hand count, we rejoiced in both you & Tom for contributing to the miracle the LORD made possible through your votes.

We give God the glory for the great thing HE has done while recognizing you both were a part of His plan/purpose. We thank you for your courage. Praying for both your protection & wisdom as the process goes forward.

Thank you again for trusting in righteousness to bring light into the darkness of our government election process.

Blessings & prayers,

Joan & my husband, Fred Reamer

Sent from my iPad
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AMERICAN OVERSIGHT

From: English, Ann S
To: Molly Lou Smith
Subject: Re: Thanks from Molly Smith
Date: Monday, November 14, 2022 9:17:46 PM

Thank you Molly. I try.

Get Outlook for iOS

From: Molly Lou Smith [redacted]@gmail.com>
Sent: Monday, November 14, 2022 6:07:55 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: Thanks from Molly Smith

CAUTION: EXTERNAL EMAIL*

Hello Ann,

Thank you for standing up to the proposed hand count of ballots. It must be difficult to deal with those who will not follow the law or listen to legal opinions. I want you to know that your voice of reason in opposing the unnecessary expenditures of tax dollars for fighting a lawsuit over an illegal auction is much appreciated.

Molly Smith
[redacted]

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: DANDLAC
Subject: RE: The Appeal to overcome the PIMA Judge"s Injunction to the Cochise County"s Ballot Hand Count is ON!!!
Date: Saturday, November 12, 2022 9:12:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: DANDLAC[redacted]@protonmail.com>
Sent: Wednesday, November 9, 2022 1:42 PM
To: [redacted]@protonmail.com
Cc: cochisecountyrepublicans@gmail.com
Subject: The Appeal to overcome the PIMA Judge's Injunction to the Cochise County's Ballot Hand Count is ON!!!

CAUTION: EXTERNAL EMAIL*

ALL BCC!!!

Wonderful news to report! Our **Patriot Supervisors** did exactly as we thought they would - defend freedom, liberty, the rule of law, and our State and Federal Constitutions!

They directed the Attorney to proceed with the Appeal!

Congratulations and thank you Ms Judd and Mr Crosby! We continue to stand with you!

Naturally, as expected, Ms English, being anti-rule of law, and opposing the hand count, voted against moving forward with the appeal.

WTP!

Sent with Proton Mail secure email.

------- Original Message -------
On Tuesday, November 8th, 2022 at 4:45 PM, DANDLAC[redacted]@protonmail.com> wrote:

All WTP Team Members,

Jean asked me to send because she is still at polling center...

There is an Emergency Cochise County Board of Supervisors meeting tomorrow at 1 pm. It is to discuss the response action(s) to the injunction due to the lawsuit to prevent us from doing the hand count. It is important to attend Please note it is a virtual meeting

AMERICAN OVERSIGHT

and it does NOT appear the BOS conference room will be open for Citizens to attend, however I will attempt to confirm this with the County tomorrow morning and send another email.

Follow the instructions below to attend virtually - I will also try to find out how Citizens can comment during the meeting and let everyone know.

AGENDA FOR EMERGENCY BOARD OF SUPERVISORS MEETING

PURSUANT TO A.R.S. § 38-431.02(D), NOTICE IS HEREBY GIVEN THAT AN EMERGENCY SESSION OF THE COCHISE COUNTY BOARD OF SUPERVISORS WILL BE HELD ON

WEDNESDAY, NOVEMBER 9, 2022 at 1:00 PM

VIRTUAL MEETING - MICROSOFT TEAMS COMPUTER AND MOBILE APP

Due to the emergency nature of the meeting and room scheduling conflicts, the Board will hold this meeting virtually via Microsoft Teams computer and mobile app.

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

ROLL CALL

Members of the Cochise County Board of Supervisors will attend by telephone, video or internet conferencing.

Members of the public may attend this meeting via Microsoft Teams computer or mobile app, or via phone by calling 602-609-7513 or 888-680-6714, Conference ID 741 453 813#. If you have trouble accessing this meeting remotely, call 520-432-9200 for direction.

ACTION

Board of Supervisors

Discussion and possible direction to outside legal counsel, Mr. Bryan Blehm from The Valley Law Group, PLLC, regarding litigation and options in the matter of Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their

AMERICAN OVERSIGHT

1. official capacities, CV202200518.

   Pursuant to A.R.S. § 38-431.03 (A)(3) and (4), the Board may go into executive session for legal advice with the attorney of the public body and to consider its position and instruct attorneys regarding the public body's position in pending litigation. Click to View

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: renee benoit
Subject: RE: The People Do Not Want a Full Hand Count
Date: Tuesday, November 1, 2022 8:52:00 AM

Will try to find a copy to send you.
Peggy

From: renee benoit[redacted]@yahoo.com>
Sent: Tuesday, November 1, 2022 8:33 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: The People Do Not Want a Full Hand Count

CAUTION: EXTERNAL EMAIL*

Dear Ms Judd,

I do appreciate that you took the time to respond to me. Crosby has not responded.

What is the contingency plan?

Renée Benoit
Hereford, AZ

On Tuesday, November 1, 2022 at 08:12:13 AM MST, Judd, Peggy <pjudd@cochise.az.gov> wrote:

This is not about the 2020 election. Do you really think that people hand counting ballots in a secure room can steel an election. Do you think the last many elections were altered that way?
One last question. When you walk away from at ATM do you count your cash?

I know counting has its issues for perfect accuracy, but people are always, in every situation, checking what machines calculated. In fact people are behind what machines do…hidden people, not out in the open in front of others of both parties.

This is about our future.
But I do respect your opinion, and I like that our county errs on the side of full transparency and extra assurance that our machines are right and have been all along.

Just this once… unless there is a failure of machines or power grid in the future and we must do it this way. At least we know it can be done. It's been a long while since we hand counted all the ballots. It will be good to get some experience in this, just in case.

I hear we have a contingency plan that includes hand counting.
My best to you,
Peggy

AMERICAN OVERSIGHT

Sent from my iPad

On Oct 29, 2022, at 8:14 AM, renee benoit [redacted]@yahoo.com> wrote:

CAUTION: EXTERNAL EMAIL*

Ms Judd,

Change your mind! We, the people, do not want a full hand count! Studies have shown that hand counting is more susceptible than machines to error! There's human fatigue, biases etc that play a role in the higher rate of mistakes. If you're trying to get a more accurate count a full hand count is NOT THE WAY TO DO IT!

If you're trying to falsify the results and skew it in favor of whatever candidate you like a hand count is the way to do it. Is that what you're trying to do? Do you think the 2020 election was stolen and you're thinking, heck, two can play at that game and now you're trying to steal it back?

DON'T DO IT! We are watching you.

Change your mind and rescind your decision. Mistakes are made. You made one but we'll forgive you if you do the right thing.

Renée Benoit
The Joke Curator

https://us01.l.antigena.com/l/rPaqhI025fQRthkc3~3xv6a_0xdZI7C5VOmsdME5x3zaDJbiw9u8RtD6kyXyQ~oAhDC20_aUBT3uB0yYoDXcKI8~hXTXomUgLmun8N2MVa7X2KO

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Ann Prezyna
Subject: RE: The truth about election fraud: it"s rare FYI
Date: Saturday, November 12, 2022 9:14:00 AM

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Ann Prezyna [redacted]@gmail.com>
Sent: Tuesday, November 8, 2022 8:45 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: The truth about election fraud: it's rare FYI

CAUTION: EXTERNAL EMAIL*

I know Tricia well. We are kindred spirits. Work is keeping me quite busy these days, including now. But I will look when I can. Thanks for sending.

PS Try hugging a tree. It is very calming.

On Tue, Nov 8, 2022 at 8:30 PM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> There's fraud and there's human error which gets covered up. I like a local gal named Tricia Gerodette. Do you know her? She probably wouldn't mind me describing her as a "tree hugger". Sometime common enemies unite unlikely people in politics. Both or all three (libertarians) sides think they are the most patriotic, and the opposition puts out misinformation.
>
> In the 2000 mules doc, I detail what I think of the 2020 election. In the docs about Commingling, I **proved** the City Council and BOS's white washed the issue from the 2012 election.
>
> If you have time you can look at the attached docs. Happy voting day.
>
> Tom Crosby
>
> ---
>
> **From:** Ann Prezyna [redacted]@gmail.com>
> **Sent:** Tuesday, November 8, 2022 9:46 AM
> **To:** Crosby, Tom <TCrosby@cochise.az.gov>
> **Subject:** Re: The truth about election fraud: it's rare FYI
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Actually, I am an attorney. I help litigate cases against state and federal governments over wildlife and wild lands in several states (not Arizona). I have a BS from Cornell, a JD from GW, and a MS

AMERICAN OVERSIGHT

from Wisconsin. So I guess I have done my time in academia.

Thank you for teaching. Good teachers are sorely needed.

I worked most of my career in government (Alaska AGO and EPA), but also worked for BP, several nonprofits, and two private law firms. I value both government and businesses, but see excesses in both.

ap

On Tue, Nov 8, 2022 at 7:10 AM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Hi Ann,
>
> I assume you're a teacher or retired teacher. My dad was a college prof. My mom a public school teacher. She paid for my kids to go to private school.
>
> I taught one semester at a local public education facility, and it was chaos. I don't think its functioning anymore.
>
> Competition is the way to provide the best service for the money, not government monopoly.
> Tom Crosby
>
> ---
>
> **From:** Ann Prezyna <[redacted]@gmail.com>
> **Sent:** Sunday, November 6, 2022 7:48 AM
> **To:** Crosby, Tom <TCrosby@cochise.az.gov>
> **Subject:** Re: The truth about election fraud: it's rare FYI
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Only for those who get their information from unreliable sources. Personally, I worry much more about Arizona being at the bottom of the heap (49th or 50th out of 50 states) in terms of education than election fraud. Lack of a good education leads to a lack of critical thinking and interest in fact finding, leading to poor decision making that affects us all at a very critical time in our history.
>
> On Sun, Nov 6, 2022 at 6:02 AM Crosby, Tom <TCrosby@cochise.az.gov> wrote:
>
>> The truth is rare.
>>
>> Crosby
>>
>> ---
>>
>> **From:** Ann Prezyna [redacted]@gmail.com>
>> **Sent:** Tuesday, November 1, 2022 9:29 AM
>> **To:** Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
>> **Subject:** The truth about election fraud: it's rare FYI

AMERICAN OVERSIGHT

CAUTION: EXTERNAL EMAIL*

From today's Washington Post:

https://www.washingtonpost.com/politics/2022/11/01/truth-about-election-fraud-its-rare/

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Ann Prezyna
Subject: RE: The truth about election fraud: it"s rare FYI
Date: Tuesday, November 8, 2022 12:16:00 PM
Attachments: SW Gas 2008 Ballot Language.docx
2000 mules read only.docx
BOS"s 8-31-2021 Franchise fee BOS.docx
Comingling chronology.docx
AgendaItemRequest_ratify 10-24-2022 vote.pdf
Comingling calculations II.docx
cominglingEL30Areport181.jpg
cominglingfalsifiedreport183.jpg
Tom-and Robert in the PArk 2014.jpg

There's fraud and there's human error which gets covered up. I like a local gal named Tricia Gerodette. Do you know her? She probably wouldn't mind me describing her as a "tree hugger". Sometime common enemies unite unlikely people in politics. Both or all three (libertarians) sides think they are the most patriotic, and the opposition puts out misinformation.

In the 2000 mules doc, I detail what I think of the 2020 election. In the docs about Commingling, I **proved** the City Council and BOS's white washed the issue from the 2012 election.

If you have time you can look at the attached docs. Happy voting day.

Tom Crosby

From: Ann Prezyna [redacted]@gmail.com>
Sent: Tuesday, November 8, 2022 9:46 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: The truth about election fraud: it's rare FYI

CAUTION: EXTERNAL EMAIL*

Actually, I am an attorney. I help litigate cases against state and federal governments over wildlife and wild lands in several states (not Arizona). I have a BS from Cornell, a JD from GW, and a MS from Wisconsin. So I guess I have done my time in academia.

Thank you for teaching. Good teachers are sorely needed.

I worked most of my career in government (Alaska AGO and EPA), but also worked for BP, several nonprofits, and two private law firms. I value both government and businesses, but see excesses in both.

ap

On Tue, Nov 8, 2022 at 7:10 AM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Hi Ann,
>
> I assume you're a teacher or retired teacher. My dad was a college prof. My mom a public school

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teacher. She paid for my kids to go to private school.

I taught one semester at a local public education facility, and it was chaos. I don't think its functioning anymore.

Competition is the way to provide the best service for the money, not government monopoly.
Tom Crosby

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I was disappointed but not surprised when I got a copy of the 2008 SW Gas Franchise Ballot Language. Because of the wide margin of approval, (80%) and large number of undervotes (4000) for this ballot measure, in my opinion, voters did NOT understand that they were helping the City make a 150% tax increase.

In addition the actual franchise agreement that was in the paper for 30 days did NOT mention the amount of transaction privilege tax.

Furthermore, according to the last data I received from staff, there was $362,000 of what I have called the "Irrational" relocation reimbursement fee, of which SW Gas availed themselves of merely $2700, leaving the rest, after a designated time period to the City's general fund.

In my opinion, if that $362, 000 of that '08 SW Gas tax represents 1% that means the City *tricked* voters in order to collect over $1 million dollars, **so far.

I offered the Council a paper title "Goldwater response". In regard to ballot language honesty and liability before the courts, one of the things it said was;

AMERICAN OVERSIGHT

“the court will not review unless there has been no substantial compliance with a statute.”

Well, a recent example of that might be the 2010 Water District Ballot language, which also mislead by omission:

HB2300 says: …Proposed ballot language that is sufficiently detailed to inform the voters of ,.. (etc)…the revenue generating authority of the proposed district.

48-6431. Financial authority of district

The district may generate monies for the benefit of the district by any of the following:

1. The transaction privilege tax levied pursuant to section 48-6432.

2. The sale of water or water rights that are owned by the district.

3. User fees for services provided by the district and that are agreed to by those users.

4. Revenue bonds sold by and debt repaid to the district.

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I'm going to offer my friend, Mr. Hampton one of my business cards.

My card says: Reduce taxes and fees to promote the local economy. No hidden taxes. No automatic tax increases.

That's my story, and I'm sticking with it.

When I was campaigning in 2010, I talked to a local business owner. The first thing he said to me was, "another lying politican

That's why this ballot language issue is a BIG deal.

If you look at voter turnout, it's paltry. In my opinion it's because people don't trust politicians and the government.

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Who remembers that I brought up the issues of voting and ballots, and ballot question irregularities, caused by human error, and willingness by the City to omit the truth, before, during and after the 2012 City elections?

I was 10 years ahead of today's election integrity proponents.

. **I put a thorough explanation of those 2012 issues physically into the hands of Ken Bennet the SoS, and Tom Horne the AG. I dropped off that same info for County Atty Rheinheimer. None of them did anything but sweep it under the rug**, as did my colleagues on the Sierra Vista City Council.

Sent: Tuesday, August 10, 2021 6:42 AM
To: MSG Jack Dona US Army RET <
Subject: RE: ARIZONA: Voter Fraud Allegations against Cochise County

Dear Mr. Dona,

I have been watching the election fraud issue with keen interest since the election. We should meet and talk face to face. Keep putting the word out. The future of the world depends on the Maricopa audit. It has to be irrefutable.

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My understanding of the Maricopa audit is that AFTER 6 MONTHS, the hand count pretty much matched the machine count. I understand that mail in ballots could have been fraudulent, and were late, to my knowledge perhaps up to the claims of hundreds of thousands. But I do not have irrefutable proof of that, and as you know, once the ballots are separated from the envelopes that are not rematched.

In my opinion, the legislature was mistaken to adjourn instead of recess, thus presumably making it impossible to call themselves back into session. In my opinion, the legislature should have used the authority of the Sergeant at Arms to hold the Maricopa Board of Supervisors in contempt.

In my opinion, **the legislature** was mistaken not to use the technology that might have identified single envelope signers signing multiple envelopes, fraudulently printed ballots, or other means to determine fraud besides miscounting votes.

The US Constitution holds the State legislature responsible for naming presidential electors, not the AZ Secretary of State, or AZ Attorney General.

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The Electoral College Clause of the U.S. Constitution:

Each State shall appoint, in such Manner as the ***Legislature thereof may direct***, a Number of Electors, equal to the whole Number of Senators and Representatives Etc…

The legislature ***can't*** delegate that duty to the executive branch Secretary of State.

Article 3, Arizona Constitution

Distribution of Powers

> The powers of the government of the state of Arizona shall be divided into three separate departments, the legislative, the executive, and the judicial; and, except as provided in this constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.[1

I said publicly before and say here again, ***"The legislature*** **can audit Cochise County every day of the week, and twice on Sundays." Such a request never**

AMERICAN OVERSIGHT

came from *the legislature.* My view is that the County cannot refuse such an order by *the legislature*, as Counties are political subdivisions of the State.

Here's one of several theories I've heard about the machines. **1.** Election Data is encrypted and sent to the voting machine company, totaled, and sent back to the County in readable form***. I'm not in favor of that transmission out of the County, but a hand count would discover that potential fraud.***

2. Possible attacks were occurring in real time during and shortly after the election and, using Hammer and Scorecard, were done without leaving a footprint or signature – most likely meaning administrator access to the election management system was surreptitiously gained.

Again, not pointing a finger at the county elections office but an **attack which they would not be aware of.**
Getting the Cast Vote Record will help us see what we need to see, either way it goes.

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I watched the interview segments with Ms. Marra several times. I understood she was satisfied with the backing and security she has.

She said, "The longer we go on, the angrier people are getting". In my opinion, that is indicative of more evidence of the veracity of voting fraud allegations coming out as time goes on. However, I have no reason as of this present time to think Cochise County's 2020 election was dishonest. I'm not saying that voting machines cannot be hacked. I'm personally inclined to think they probably can be hacked. *I do not know if they were hacked or not.*

Pretty much immediately after the 2020 election I and Recorder Stevens discussed the allegation that there was a 6000 vote (as I recall) discrepancy in Cochise County.

Mr. Stevens was sure that the votes that left Cochise County were the same votes that were received by the Secretary of State.

AMERICAN OVERSIGHT

In conclusion: repeating my Aug 2021 remark:
“. The future of the world depends on the Maricopa audit. It has to be irrefutable.”

It wasn’t.

Time after time I heard my legislators lament, “we don’t have the votes”.

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Franchise fee BOS's 8-31-2021

https://destinyhosted.com/cochidocs/2021/BOS/20210831_2177/5988_Resolution_21-_Mobilitie_LLC_RENEWAL_%28SS_formatted%29.pdf

Resolution , Page 4, para 10, strike sentence 2

Add Crosby Amendment

No form of pass through tax or fee, no matter what it may be called, will be implemented without a majority vote by the final payers of the tax or fee. That ballot question will contain an estimate of the average increase in charge to the average final payer.

****

Lack of opposition at BOS meetings does not indicate acceptance by citizens.

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Comingling chronology

At the Sept-13-12 City Counci l meeting, Carol Dockter commented that this has been a problem before.

After on the date of the primary election 2012, I stated that I was given the wrong ballot.

At the 9-13 City Council meeting, I Said the vote should not be canvassed until the extent of comingling was known.

9-13-2012 Ms Adams said the problem would not happen in the general election. (The City's response was to) "Find a City representative to be a poll watcher at each polling place that does straddle the County/City boundaries. So that there is someone there who has the extra training…that…We have talked to them (the poll watchers) and they can absolutely insure, the best they can of course, that this will not happen in the general election. And that the Elections Director has agreed to do that; place these poll workers at the polls where that could happen."

"All of the glitchces that happen in the primary are generally covered a little bit more carefully in the second training. So I expect that this will not happen in the general."

Ms. Adams also claimed that these results were as "Accurate as possible"

Now, it's highly probable that the City Council would have voted to accept the canvass even if Ms. Adams didn't say the problem wouldn't happen in the general.

Even though "Ms. Dockter was "a little upset", "quite a bit upset>" Even though Mr. Hampton, "was concerned" and he wasn't "personally confident" Even though "Mr. Reardon said, "This is hard to believe. This is most exhasperating" ; They and all members of the Council except myself,l voted to approve the canvass anyway.

At a work session after the primary, Ms Murray stated that only her office counts the ballots. The later she said poll workers count the ballots. An interview with another County election officer stated that , for the primary election workers signed a sheet saying they received ballots, with no additional detail. After the primary election when she collected unused ballots, she did not count by individual ballot style. If such documentation is not available, then you cannot conclude that all voters received the correct ballots.

After Primary

Nov. 2, 2012 Crosby emailed Murray for clarification on how she does pre and post ballot count, and I defined the problem of comingling. Ms. Murray's response Nov 2, 2012 indicated she understood the definition of "type" as "ballot type each individual voter is to receive." She states her office counts the ballots prior to being sent to the individual precincts. A label indicates how many of each type are being delivered.

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Nov 10, 2012, Ms Murray email to Pat Call and Michael Ortega. Ms Murray said, "We found one package mislabeled…." And referring to the Yaqui Polling place, "**The poll had City and County ballots from the time they opened until the time they closed the polls."**

Nov 20, 2012 The City Atty wrote to the County Atty saying that the Mayor asked the County Atty Office to investigate allegations of ballot comingling, including the County Elections Director fail to provide the correct ballots to the polling places. This represents another example of the City Attorney failure, in that he should have told the Mayor that the County Atty was conflicted.

About Nov.15 ,19 or 20, 2012 The City Clerk produced a memo regurgitating Ms. Murray's Nov 10, 2012 email. Ms Murray said, "At 11AM I did not deliver city ballots for the first time." But is does not say how many ballots were available at the beginning of the day. "I was just delivering an extra supply"

But she does not say if the extra supply is City ballots, or how many extra ballots she delivered at 11AM.

This is an important point because there are only 26 registered City voters in Yaqui precinct. Only 9 voted. I have written documentation that 3 of these City voters did not get City ballots. I interviewed 1 additional City voter that said he did not get a City ballot, and it is my opinion that his wife also did not get a City ballot. Yet the unsigned document says 9 City ballots were used and 41 were unused.

It is my impression that these ballot packettes contain 50 ballots. The unsigned document from her office indicates there were 50 total city ballots delivered to Yaqui, but it doesn't indicate in what quantities or at what times. If the evidence I have is correct, the unsigned County document is a false report.

"I am very confident that voters did receive the correct ballot" She didn't say, "all voters received the correct ballot."

Nov 20, 2012 I asked Ms. Adams, "Are you solely responsible for the SSVEC question not being on the early ballot pamphlet?" Ms. Adams replied that it was a group decision between her, Fauvre, and Potucek."

Nov 26, 2012, I emailed Mary Jacobs stating I wanted to pre/post ballot counts, and documentation of jill's responsibilities and lack thereof.

Dec. 6, 2013. Mr Fifer from the County atty's office replied in regards to the Mayor's request to investigate "Alleged Election Irregularites". Mr Fifer reiterated Ms. Murray's claim that there were no irregularities with regard to proper ballots at Yaqui Precinct.

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Dec. 10, 2013 I submitted a Council Inquiry once again asking for a detailed description of Ms. Adams duties. This was answered some time later with an unsolicited confidential memo from the City Atty., which failed to answer the issues and questions of my inquiry.

Dec. 12, 2013, I submitted Memo "County's Response Regarding Election Irregularities" I requested documentation that Staff was unable to obtain the information I requested for a period of 6 weeks, and the reason for the delay. And to have the documentation to me by the close of business that Friday. City Staff never provided that documentation.

Feb 1, 2013 I submitted a Council Request noting the failure of Staff to fully respond to my request of 12-12-2012, and to correct the discrepencies. Ms, Adams references a claim by Ms. Murray that "small differences" exist of "less than 1% of ballots cast. " But I found the error in the number of City Voters vs. City ballots to be 66% at the Yaqui Precinct.

About 2-15-13, I told the City Manager at work session or meeting, that I wanted the Clerk to analyze the voting data to determine the amount of ballot comingling. I restated the need for the County's pre and post election ballot counts.

Feb 21, 2013 Ms Adams, replied to my Feb 1 2013 Council request, which still did not contain the information I requested in my 12-12-2012 memo.

March 22, 2013 I wrote a memo to County Atty. Rheinheimer asking him what Mr. Fifer did to investigate the issue of Ballot Comingling.

March 27 Mr. Rheinheimher replied that he was conflicted, as the County Elections Department is his client.

April 4, 2013,

Once again, I asked for documentation that the pre election ballot count is not available. I asked for the records from the printer of the ballots, and distribution of the ballots.

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What is the definition of canvass? It does not mean approve. It means examine. The council was not obligated to accept the results. The City Attorney was silent on this issue, thus failed to provide guidance.

The County is not superior to the City. The County simply has a contract with the city. The City Clerk does not get out of her responsibility to oversee the election process by virtue of this contract.

None theless, The issues at the General election are the same, plus the additional issue of the veracity of the County Election directors assertions about the provision of the correct ballots at various locations.

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Cochise County
Board of Supervisors

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

Agenda Item Request Form

NOTE: This form and all attachments need to be received 11 days in advance of the meeting date to give Board staff time to enter into AgendaQuick and begin the routing/approval process. Agenda items will be routed to the impacted Department Director(s), Finance, Budget, and the County Attorney's Office for review.

If this request is for a new County-wide program or policy, a Work Session should first be scheduled for the Board to review the proposal in detail. Complete and submit the Work Session Request Form. If this request is for use of Community Enhancement Funds, complete and submit the Community Enhancement Fund Form.

Supervisor Name:
Tom Crosby

Agenda Item Text:
The agenda Item #2 from the Oct. 24th, 2022 Special meeting shall be ratified in it's passed form: 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.

Background:
This item is to prevent anyone from saying the above noted action on the Oct. 24th, 2022 BOS meeting was invalid for any reason.

Department's Next Steps (if approved):

Impact of NOT Approving/Alternatives:

To BOS Staff: Document Disposition/Follow-Up:

Attachments:

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Comingling calculations

PCT	City Sign Ins	City Ballots	Difference	Too many
Ave D Sol	384	402	18	County Voters
Busby	452	458	6	County Voters
College	482	481	1	County Ballot
Estates	47	49	2	County Voters
Hopi	468	479	11	County Voters
Snyder	386	386	0	
Soldier	627	636	9	County Voters
Village Meadows	555	573	18	County Voters
Yaqui	9	3	6	County Ballots
			71	Wrongly Cast

Tony's method

SUM:

Precinct Yes and No votes

+

Provisional Yes and No votes

+

Undervotes

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= total city votes

SUBTRACT:

total City votes

-

City Sign in voters

==========

=extra city votes cast (or deficit)

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0043 43 SV YAQUI

	TOTAL VOTES	%	PRECINCT	PROVISIONALS	EARLY
Sierra Vista Unified School Dist. 68 Q1					
Vote for not more than 1					
YES - SI.	1,070	69.21	414	18	638
NO.	476	30.79	190	6	280
Over Votes	0		0	0	0
Under Votes	225		89	3	133
City of Sierra Vista Council Member					
Vote for not more than 2					
BOUCHARD, LAURA	5	16.67	0	0	5
CALHOUN, GWEN	9	30.00	0	0	9
GEORGE, JOHN	8	26.67	2	0	6
GRAY, RACHEL	8	26.67	2	0	6
WRITE-IN.	0		0	0	0
Over Votes	0		0	0	0
Under Votes	10		2	0	8
City of Sierra Vista - Franchise					
Vote for not more than 1					
For the Franchise Renewal A Fav	12	66.67	1	0	11
Against the Franchise Renewal E	6	33.33	1	0	5
Over Votes	0		0	0	0
Under Votes	2		1	0	1
Proposition 114 STATE PROPS					
Vote for not more than 1					
YES - SI.	1,488	86.46	594	19	875
NO.	233	13.54	85	6	142
Over Votes	4		1	0	3
Under Votes	46		13	2	31
Proposition 115 STATE PROPS					
Vote for not more than 1					
YES - SI.	386	22.89	144	5	237
NO.	1,300	77.11	523	20	757
Over Votes	2		1	0	1
Under Votes	83		25	2	56
Proposition 116 STATE PROPS					
Vote for not more than 1					
YES - SI.	903	54.79	376	15	512
NO.	745	45.21	277	9	459
Over Votes	0		0	0	0
Under Votes	123		40	3	80
Proposition 117 STATE PROPS					
Vote for not more than 1					
YES - SI.	994	59.34	402	16	576
NO.	681	40.66	260	9	412
Over Votes	1		0	0	1
Under Votes	95		31	2	62

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COCHISE COUNTY
GENERAL ELECTIO
NOVEMBER 6, 2012

does not indicate # of voters that signed in. Who is vouching for this info Ms Adams or

BALLOT REPORT

PROVIS

POLLING LOCATION	BALLOTS TO PRECINCT	SPOILED BALLOTS	PRECINCT BALLOTS COUNTED	PROVISIONAL BALLOTS	PROVISIONAL - REJECTED	PROVISIONAL BALLOTS COUNTED	TOTAL BALLOTS COUNTED	UNUSED BALLOTS	# OF VOTERS FROM RECORDER'S OFFICE VOTER HISTORY
26 SV AVENIDA DEL SOL	1850	5	544	70	3	67	611	1231	608
26.01 Within City Limits	1350	5	404	59	3	56	460	882	458
26.02 County residents (outside city limits)	500	0	140	11	0	11	151	349	150
28 SV BUSBY	1500	7	477	51	6	45	522	965	527
28.01 Within City Limits	1450	7	455	50	6	44	499	938	504
28.02 County residents (outside city limits)	50	0	22	1	0	1	23	27	23
31 SV COLLEGE	1300	13	555	72	8	64	619	660	619
31.01 Within City Limits	1100	13	482	67	8	59	541	538	541
31.02 County residents (outside city limits)	200	0	73	5	0	5	78	122	78
33 SV ESTATES	1200	3	489	50	5	45	534	658	545
33.01 Within City Limits	100	3	47	10	0	10	57	40	63
33.02 County residents (outside city limits)	1100	0	442	40	5	35	477	618	482
34 SV HOPI	1400	8	482	76	14	62	544	834	539
34.01 Within City Limits	1350	8	478	76	14	62	540	788	535
34.02 County residents (outside city limits)	50	0	4	0	0	0	4	46	4
38 SV SNYDER	875	6	386	47	6	41	427	436	433
38.01 Within City Limits	850	6	386	47	6	41	427	411	433
38.02 County residents (outside city limits)	25	0	0	0	0	0	0	25	0
39 SV SOLDIER CREEK	2825	7	693	121	37	84	777	2004	746
39.01 Within City Limits	2750	7	693	119	37	82	775	1931	744
39.02 County residents (outside city limits)	75	0	0	2	0	2	2	73	2
41 SV VILLAGE MEADOWS	1600	5	673	54	13	41	714	868	711
41.01 Within City Limits	1400	5	575	46	13	33	608	774	605
41.02 County residents (outside city limits)	200	0	98	8	0	8	106	94	106
43 SV YAQUI	1450	9	693	29	2	27	720	719	720
43.02 Within City Limits	50	0	9	0	0	0	9	41	9
		9	684	29	2	27	711	678	711

In what #s and at what time were these ballots delivered?

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From: Crosby, Tom
To: Ann Prezyna
Subject: RE: The truth about election fraud: it"s rare FYI
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Attachments: SW Gas 2008 Ballot Language.docx
2000 mules read only.docx
BOS"s 8-31-2021 Franchise fee BOS.docx
Comingling chronology.docx
AgendaItemRequest_ratify 10-24-2022 vote.pdf
Comingling calculations II.docx
cominglingEL30Areport181.jpg
cominglingfalsifiedreport183.jpg
Tom-and Robert in the PArk 2014.jpg

There's fraud and there's human error which gets covered up. I like a local gal named Tricia Gerodette. Do you know her? She probably wouldn't mind me describing her as a "tree hugger". Sometime common enemies unite unlikely people in politics. Both or all three (libertarians) sides think they are the most patriotic, and the opposition puts out misinformation.

In the 2000 mules doc, I detail what I think of the 2020 election. In the docs about Commingling, I **proved** the City Council and BOS's white washed the issue from the 2012 election.

If you have time you can look at the attached docs. Happy voting day.

Tom Crosby

From: Ann Prezyna [redacted]@gmail.com>
Sent: Tuesday, November 8, 2022 9:46 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: The truth about election fraud: it's rare FYI

CAUTION: EXTERNAL EMAIL*

Actually, I am an attorney. I help litigate cases against state and federal governments over wildlife and wild lands in several states (not Arizona). I have a BS from Cornell, a JD from GW, and a MS from Wisconsin. So I guess I have done my time in academia.

Thank you for teaching. Good teachers are sorely needed.

I worked most of my career in government (Alaska AGO and EPA), but also worked for BP, several nonprofits, and two private law firms. I value both government and businesses, but see excesses in both.

ap

On Tue, Nov 8, 2022 at 7:10 AM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> Hi Ann,
>
> I assume you're a teacher or retired teacher. My dad was a college prof. My mom a public school

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teacher. She paid for my kids to go to private school.

I taught one semester at a local public education facility, and it was chaos. I don't think its functioning anymore.

Competition is the way to provide the best service for the money, not government monopoly.
Tom Crosby

From: Ann Prezyna [redacted]@gmail.com>
Sent: Sunday, November 6, 2022 7:48 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: The truth about election fraud: it's rare FYI

CAUTION: EXTERNAL EMAIL*

Only for those who get their information from unreliable sources. Personally, I worry much more about Arizona being at the bottom of the heap (49th or 50th out of 50 states) in terms of education than election fraud. Lack of a good education leads to a lack of critical thinking and interest in fact finding, leading to poor decision making that affects us all at a very critical time in our history.

On Sun, Nov 6, 2022 at 6:02 AM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> The truth is rare.
>
> Crosby
>
> ---
>
> **From:** Ann Prezyna [redacted]@gmail.com>
> **Sent:** Tuesday, November 1, 2022 9:29 AM
> **To:** Crosby, Tom <TCrosby@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>
> **Subject:** The truth about election fraud: it's rare FYI
>
> **CAUTION:** EXTERNAL EMAIL*
>
> From today's Washington Post:
>
> https://www.washingtonpost.com/politics/2022/11/01/truth-about-election-fraud-its-rare/
>
> This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

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I was disappointed but not surprised when I got a copy of the 2008 SW Gas Franchise Ballot Language. Because of the wide margin of approval, (80%) and large number of undervotes (4000) for this ballot measure, in my opinion, voters did NOT understand that they were helping the City make a 150% tax increase.

In addition the actual franchise agreement that was in the paper for 30 days did NOT mention the amount of transaction privilege tax.

Furthermore, according to the last data I received from staff, there was $362,000 of what I have called the "Irrational" relocation reimbursement fee, of which SW Gas availed themselves of merely $2700, leaving the rest, after a designated time period to the City's general fund.

In my opinion, if that $362, 000 of that '08 SW Gas tax represents 1% that means the City *tricked* voters in order to collect over $1 million dollars, **so far.

I offered the Council a paper title "Goldwater response". In regard to ballot language honesty and liability before the courts, one of the things it said was;

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“the court will not review unless there has been no substantial compliance with a statute.”

Well, a recent example of that might be the 2010 Water District Ballot language, which also mislead by omission:

HB2300 says: …Proposed ballot language that is sufficiently detailed to inform the voters of ,.. (etc)…the revenue generating authority of the proposed district.

48-6431. Financial authority of district

The district may generate monies for the benefit of the district by any of the following:

1. The transaction privilege tax levied pursuant to section 48-6432.

2. The sale of water or water rights that are owned by the district.

3. User fees for services provided by the district and that are agreed to by those users.

4. Revenue bonds sold by and debt repaid to the district.

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I'm going to offer my friend, Mr. Hampton one of my business cards.

My card says: Reduce taxes and fees to promote the local economy. No hidden taxes. No automatic tax increases.

That's my story, and I'm sticking with it.

When I was campaigning in 2010, I talked to a local business owner. The first thing he said to me was, "another lying politican

That's why this ballot language issue is a BIG deal.

If you look at voter turnout, it's paltry. In my opinion it's because people don't trust politicians and the government.

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Who remembers that I brought up the issues of voting and ballots, and ballot question irregularities, caused by human error, and willingness by the City to omit the truth, before, during and after the 2012 City elections?

I was 10 years ahead of today's election integrity proponents.

. **I put a thorough explanation of those 2012 issues physically into the hands of Ken Bennet the SoS, and Tom Horne the AG. I dropped off that same info for County Atty Rheinheimer. None of them did anything but sweep it under the rug**, as did my colleagues on the Sierra Vista City Council.

Sent: Tuesday, August 10, 2021 6:42 AM
To: MSG Jack Dona US Army RET <
Subject: RE: ARIZONA: Voter Fraud Allegations against Cochise County

Dear Mr. Dona,

I have been watching the election fraud issue with keen interest since the election. We should meet and talk face to face. Keep putting the word out. The future of the world depends on the Maricopa audit. It has to be irrefutable.

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My understanding of the Maricopa audit is that AFTER 6 MONTHS, the hand count pretty much matched the machine count. I understand that mail in ballots could have been fraudulent, and were late, to my knowledge perhaps up to the claims of hundreds of thousands. But I do not have irrefutable proof of that, and as you know, once the ballots are separated from the envelopes that are not rematched.

In my opinion, the legislature was mistaken to adjourn instead of recess, thus presumably making it impossible to call themselves back into session. In my opinion, the legislature should have used the authority of the Sergeant at Arms to hold the Maricopa Board of Supervisors in contempt.

In my opinion, **the legislature** was mistaken not to use the technology that might have identified single envelope signers signing multiple envelopes, fraudulently printed ballots, or other means to determine fraud besides miscounting votes.

The US Constitution holds the State legislature responsible for naming presidential electors, not the AZ Secretary of State, or AZ Attorney General.

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The Electoral College Clause of the U.S. Constitution:

Each State shall appoint, in such Manner as the ***Legislature thereof may direct***, a Number of Electors, equal to the whole Number of Senators and Representatives Etc…

The legislature ***can't*** delegate that duty to the executive branch Secretary of State.

Article 3, Arizona Constitution

Distribution of Powers

> The powers of the government of the state of Arizona shall be divided into three separate departments, the legislative, the executive, and the judicial; and, except as provided in this constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.[1

I said publicly before and say here again, ***"The legislature*** **can audit Cochise County every day of the week, and twice on Sundays." Such a request never**

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came from *the legislature.* My view is that the County cannot refuse such an order by *the legislature*, as Counties are political subdivisions of the State.

Here's one of several theories I've heard about the machines. **1.** Election Data is encrypted and sent to the voting machine company, totaled, and sent back to the County in readable form***. I'm not in favor of that transmission out of the County, but a hand count would discover that potential fraud.***

2. Possible attacks were occurring in real time during and shortly after the election and, using Hammer and Scorecard, were done without leaving a footprint or signature – most likely meaning administrator access to the election management system was surreptitiously gained.

Again, not pointing a finger at the county elections office but an **attack which they would not be aware of.**
Getting the Cast Vote Record will help us see what we need to see, either way it goes.

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I watched the interview segments with Ms. Marra several times. I understood she was satisfied with the backing and security she has.

She said, "The longer we go on, the angrier people are getting". In my opinion, that is indicative of more evidence of the veracity of voting fraud allegations coming out as time goes on. However, I have no reason as of this present time to think Cochise County's 2020 election was dishonest. I'm not saying that voting machines cannot be hacked. I'm personally inclined to think they probably can be hacked. *I do not know if they were hacked or not.*

Pretty much immediately after the 2020 election I and Recorder Stevens discussed the allegation that there was a 6000 vote (as I recall) discrepancy in Cochise County.

Mr. Stevens was sure that the votes that left Cochise County were the same votes that were received by the Secretary of State.

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In conclusion: repeating my Aug 2021 remark:
“. The future of the world depends on the Maricopa audit. It has to be irrefutable.”

It wasn’t.

Time after time I heard my legislators lament, “we don’t have the votes”.

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Franchise fee BOS's 8-31-2021

https://destinyhosted.com/cochidocs/2021/BOS/20210831_2177/5988_Resolution_21-_Mobilitie_LLC_RENEWAL_%28SS_formatted%29.pdf

Resolution , Page 4, para 10, strike sentence 2

Add Crosby Amendment

No form of pass through tax or fee, no matter what it may be called, will be implemented without a majority vote by the final payers of the tax or fee. That ballot question will contain an estimate of the average increase in charge to the average final payer.

****

Lack of opposition at BOS meetings does not indicate acceptance by citizens.

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Comingling chronology

At the Sept-13-12 City Counci l meeting, Carol Dockter commented that this has been a problem before.

After on the date of the primary election 2012, I stated that I was given the wrong ballot.

At the 9-13 City Council meeting, I Said the vote should not be canvassed until the extent of comingling was known.

9-13-2012 Ms Adams said the problem would not happen in the general election. (The City's response was to) "Find a City representative to be a poll watcher at each polling place that does straddle the County/City boundaries. So that there is someone there who has the extra training…that…We have talked to them (the poll watchers) and they can absolutely insure, the best they can of course, that this will not happen in the general election. And that the Elections Director has agreed to do that; place these poll workers at the polls where that could happen."

"All of the glitchces that happen in the primary are generally covered a little bit more carefully in the second training. So I expect that this will not happen in the general."

Ms. Adams also claimed that these results were as "Accurate as possible"

Now, it's highly probable that the City Council would have voted to accept the canvass even if Ms. Adams didn't say the problem wouldn't happen in the general.

Even though "Ms. Dockter was "a little upset", "quite a bit upset>" Even though Mr. Hampton, "was concerned" and he wasn't "personally confident" Even though "Mr. Reardon said, "This is hard to believe. This is most exhasperating" ; They and all members of the Council except myself,l voted to approve the canvass anyway.

At a work session after the primary, Ms Murray stated that only her office counts the ballots. The later she said poll workers count the ballots. An interview with another County election officer stated that , for the primary election workers signed a sheet saying they received ballots, with no additional detail. After the primary election when she collected unused ballots, she did not count by individual ballot style. If such documentation is not available, then you cannot conclude that all voters received the correct ballots.

After Primary

Nov. 2, 2012 Crosby emailed Murray for clarification on how she does pre and post ballot count, and I defined the problem of comingling. Ms. Murray's response Nov 2, 2012 indicated she understood the definition of "type" as "ballot type each individual voter is to receive." She states her office counts the ballots prior to being sent to the individual precincts. A label indicates how many of each type are being delivered.

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Nov 10, 2012, Ms Murray email to Pat Call and Michael Ortega. Ms Murray said, "We found one package mislabeled…." And referring to the Yaqui Polling place, "**The poll had City and County ballots from the time they opened until the time they closed the polls."**

Nov 20, 2012 The City Atty wrote to the County Atty saying that the Mayor asked the County Atty Office to investigate allegations of ballot comingling, including the County Elections Director fail to provide the correct ballots to the polling places. This represents another example of the City Attorney failure, in that he should have told the Mayor that the County Atty was conflicted.

About Nov.15 ,19 or 20, 2012 The City Clerk produced a memo regurgitating Ms. Murray's Nov 10, 2012 email. Ms Murray said, "At 11AM I did not deliver city ballots for the first time." But is does not say how many ballots were available at the beginning of the day. "I was just delivering an extra supply"

But she does not say if the extra supply is City ballots, or how many extra ballots she delivered at 11AM.

This is an important point because there are only 26 registered City voters in Yaqui precinct. Only 9 voted. I have written documentation that 3 of these City voters did not get City ballots. I interviewed 1 additional City voter that said he did not get a City ballot, and it is my opinion that his wife also did not get a City ballot. Yet the unsigned document says 9 City ballots were used and 41 were unused.

It is my impression that these ballot packettes contain 50 ballots. The unsigned document from her office indicates there were 50 total city ballots delivered to Yaqui, but it doesn't indicate in what quantities or at what times. If the evidence I have is correct, the unsigned County document is a false report.

"I am very confident that voters did receive the correct ballot" She didn't say, "all voters received the correct ballot."

Nov 20, 2012 I asked Ms. Adams, "Are you solely responsible for the SSVEC question not being on the early ballot pamphlet?" Ms. Adams replied that it was a group decision between her, Fauvre, and Potucek."

Nov 26, 2012, I emailed Mary Jacobs stating I wanted to pre/post ballot counts, and documentation of jill's responsibilities and lack thereof.

Dec. 6, 2013. Mr Fifer from the County atty's office replied in regards to the Mayor's request to investigate "Alleged Election Irregularites". Mr Fifer reiterated Ms. Murray's claim that there were no irregularities with regard to proper ballots at Yaqui Precinct.

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Dec. 10, 2013 I submitted a Council Inquiry once again asking for a detailed description of Ms. Adams duties. This was answered some time later with an unsolicited confidential memo from the City Atty., which failed to answer the issues and questions of my inquiry.

Dec. 12, 2013, I submitted Memo "County's Response Regarding Election Irregularities" I requested documentation that Staff was unable to obtain the information I requested for a period of 6 weeks, and the reason for the delay. And to have the documentation to me by the close of business that Friday. City Staff never provided that documentation.

Feb 1, 2013 I submitted a Council Request noting the failure of Staff to fully respond to my request of 12-12-2012, and to correct the discrepencies. Ms, Adams references a claim by Ms. Murray that "small differences" exist of "less than 1% of ballots cast. " But I found the error in the number of City Voters vs. City ballots to be 66% at the Yaqui Precinct.

About 2-15-13, I told the City Manager at work session or meeting, that I wanted the Clerk to analyze the voting data to determine the amount of ballot comingling. I restated the need for the County's pre and post election ballot counts.

Feb 21, 2013 Ms Adams, replied to my Feb 1 2013 Council request, which still did not contain the information I requested in my 12-12-2012 memo.

March 22, 2013 I wrote a memo to County Atty. Rheinheimer asking him what Mr. Fifer did to investigate the issue of Ballot Comingling.

March 27 Mr. Rheinheimher replied that he was conflicted, as the County Elections Department is his client.

April 4, 2013,

Once again, I asked for documentation that the pre election ballot count is not available. I asked for the records from the printer of the ballots, and distribution of the ballots.

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What is the definition of canvass? It does not mean approve. It means examine. The council was not obligated to accept the results. The City Attorney was silent on this issue, thus failed to provide guidance.

The County is not superior to the City. The County simply has a contract with the city. The City Clerk does not get out of her responsibility to oversee the election process by virtue of this contract.

None theless, The issues at the General election are the same, plus the additional issue of the veracity of the County Election directors assertions about the provision of the correct ballots at various locations.

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Cochise County
Board of Supervisors

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

Agenda Item Request Form

NOTE: This form and all attachments need to be received 11 days in advance of the meeting date to give Board staff time to enter into AgendaQuick and begin the routing/approval process. Agenda items will be routed to the impacted Department Director(s), Finance, Budget, and the County Attorney's Office for review.

If this request is for a new County-wide program or policy, a Work Session should first be scheduled for the Board to review the proposal in detail. Complete and submit the Work Session Request Form. If this request is for use of Community Enhancement Funds, complete and submit the Community Enhancement Fund Form.

Supervisor Name:
Tom Crosby

Agenda Item Text:
The agenda Item #2 from the Oct. 24th, 2022 Special meeting shall be ratified in it's passed form: 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.

Background:
This item is to prevent anyone from saying the above noted action on the Oct. 24th, 2022 BOS meeting was invalid for any reason.

Department's Next Steps (if approved):

Impact of NOT Approving/Alternatives:

To BOS Staff: Document Disposition/Follow-Up:

Attachments:

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Comingling calculations

PCT	City Sign Ins	City Ballots	Difference	Too many
Ave D Sol	384	402	18	County Voters
Busby	452	458	6	County Voters
College	482	481	1	County Ballot
Estates	47	49	2	County Voters
Hopi	468	479	11	County Voters
Snyder	386	386	0	
Soldier	627	636	9	County Voters
Village Meadows	555	573	18	County Voters
Yaqui	9	3	6	County Ballots
			71	Wrongly Cast

Tony's method

SUM:

Precinct Yes and No votes

+

Provisional Yes and No votes

+

Undervotes

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= total city votes

SUBTRACT:

total City votes

-

City Sign in voters

==========

=extra city votes cast (or deficit)

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0043 43 SV YAQUI

	TOTAL VOTES	%	PRECINCT	PROVISIONALS	EARLY
Sierra Vista Unified School Dist. 68 Q1					
Vote for not more than 1					
YES - SI.	1,070	69.21	414	18	638
NO.	476	30.79	190	6	280
Over Votes	0		0	0	0
Under Votes	225		89	3	133
City of Sierra Vista Council Member					
Vote for not more than 2					
BOUCHARD, LAURA	5	16.67	0	0	5
CALHOUN, GWEN	9	30.00	0	0	9
GEORGE, JOHN	8	26.67	2	0	6
GRAY, RACHEL	8	26.67	2	0	6
WRITE-IN.	0		0	0	0
Over Votes	0		0	0	0
Under Votes	10		2	0	8
City of Sierra Vista - Franchise					
Vote for not more than 1					
For the Franchise Renewal A Fav	12	66.67	1	0	11
Against the Franchise Renewal E	6	33.33	1	0	5
Over Votes	0		0	0	0
Under Votes	2		1	0	1
Proposition 114 STATE PROPS					
Vote for not more than 1					
YES - SI.	1,488	86.46	594	19	875
NO.	233	13.54	85	6	142
Over Votes	4		1	0	3
Under Votes	46		13	2	31
Proposition 115 STATE PROPS					
Vote for not more than 1					
YES - SI.	386	22.89	144	5	237
NO.	1,300	77.11	523	20	757
Over Votes	2		1	0	1
Under Votes	83		25	2	56
Proposition 116 STATE PROPS					
Vote for not more than 1					
YES - SI.	903	54.79	376	15	512
NO.	745	45.21	277	9	459
Over Votes	0		0	0	0
Under Votes	123		40	3	80
Proposition 117 STATE PROPS					
Vote for not more than 1					
YES - SI.	994	59.34	402	16	576
NO.	681	40.66	260	9	412
Over Votes	1		0	0	1
Under Votes	95		31	2	62

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does not indicate # of voters that signed in. Who is vouching for this info Ms Adams or

COCHISE COUNTY
GENERAL ELECTIO
NOVEMBER 6, 2012

BALLOT REPORT

PROVIS

POLLING LOCATION	BALLOTS TO PRECINCT	SPOILED BALLOTS	PRECINCT BALLOTS COUNTED	PROVISIONAL BALLOTS	PROVISIONAL - REJECTED	PROVISIONAL BALLOTS COUNTED	TOTAL BALLOTS COUNTED	UNUSED BALLOTS	# OF VOTERS FROM RECORDER'S OFFICE VOTER HISTORY
26 SV AVENIDA DEL SOL	1850	5	544	70	3	67	611	1231	608
26.01 Within City Limits	1350	5	404	59	3	56	460	882	458
26.02 County residents (outside city limits)	500	0	140	11	0	11	151	349	150
28 SV BUSBY	1500	7	477	51	6	45	522	965	527
28.01 Within City Limits	1450	7	455	50	6	44	499	938	504
28.02 County residents (outside city limits)	50	0	22	1	0	1	23	27	23
31 SV COLLEGE	1300	13	555	72	8	64	619	660	619
31.01 Within City Limits	1100	13	482	67	8	59	541	538	541
31.02 County residents (outside city limits)	200	0	73	5	0	5	78	122	78
33 SV ESTATES	1200	3	489	50	5	45	534	658	545
33.01 Within City Limits	100	3	47	10	0	10	57	40	63
33.02 County residents (outside city limits)	1100	0	442	40	5	35	477	618	482
34 SV HOPI	1400	8	482	76	14	62	544	834	539
34.01 Within City Limits	1350	8	478	76	14	62	540	788	535
34.02 County residents (outside city limits)	50	0	4	0	0	0	4	46	4
38 SV SNYDER	875	6	386	47	6	41	427	436	433
38.01 Within City Limits	850	6	386	47	6	41	427	411	433
38.02 County residents (outside city limits)	25	0	0	0	0	0	0	25	0
39 SV SOLDIER CREEK	2825	7	693	121	37	84	777	2004	746
39.01 Within City Limits	2750	7	693	119	37	82	775	1931	744
39.02 County residents (outside city limits)	75	0	0	2	0	2	2	73	2
41 SV VILLAGE MEADOWS	1600	5	673	54	13	41	714	868	711
41.01 Within City Limits	1400	5	575	46	13	33	608	774	605
41.02 County residents (outside city limits)	200	0	98	8	0	8	106	94	106
43 SV YAQUI	1450	9	693	29	2	27	720	719	720
43.02 Within City Limits	50	0	9	0	0	0	9	41	9
		9	684	29	2	27	711	678	711

In what #'s and at what time were these ballots delivered?

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: RE: There is a special meeting for hand count
Date: Saturday, October 15, 2022 10:32:00 AM

---

https://us01.l.antigena.com/l/AzPpbuCYbiMI_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFeIwkUPPaJlDklPB9EQgsVR6speNqAYWPpIzS_sE-m9JcYYOFYF8aylzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~
Hi.... Here is the link to the show last night
Peggy

From: MSG Jack Dona US Army RET [redacted]@aol.com>
Sent: Friday, October 14, 2022 9:59 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; 'DD L' [redacted]@hotmail.com>; 'Joseph Patterson' [redacted]@COX.NET>; 'Gwynn Patterson' [redacted]@gmail.com>
Subject: RE: There is a special meeting for hand count
Importance: High

CAUTION: EXTERNAL EMAIL*

Ms. Judd,

I will be there and I will speak out in support of the hand count. Stand strong…hold the line! You are doing God Almighty's Work for us Peggy!

V/R,

MSG FJD

From: Judd, Peggy [mailto:PJudd@cochise.az.gov]
Sent: Friday, October 14, 2022 7:53 PM
To: 'MSG Jack Dona US Army RET'; DD L; Joseph Patterson; Gwynn Patterson
Subject: There is a special meeting for hand count

Monday the 24th at 2:00PM
Please come and speak again.
THANKS TO YOU ALL!

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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From: Judd, Peggy
To: DD L; Gwynn Patterson; Joseph Patterson
Subject: RE: There is a special meeting for hand count
Date: Saturday, October 15, 2022 10:33:00 AM

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https://us01.l.antigena.com/l/AzPpbuCYbiMI_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFeIwkUPPaJlDklPB9EQgsVR6speNqAYWPpIzS_sE-m9JcYYOFYF8aylzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~
Here is the link from last night
Peggy

From: DD L[redacted]@hotmail.com>
Sent: Friday, October 14, 2022 8:03 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; 'MSG Jack Dona US Army RET'[redacted]@aol.com>; Joseph Patterson[redacted]@COX.NET>; Gwynn Patterson[redacted]@gmail.com>
Subject: RE: There is a special meeting for hand count

CAUTION: EXTERNAL EMAIL*

You can bet we will come in force Ms Judd, we are behind you 1000%!

Sent from Mail for Windows

From: Judd, Peggy
Sent: Friday, October 14, 2022 7:53 PM
To: 'MSG Jack Dona US Army RET'; DD L; Joseph Patterson; Gwynn Patterson
Subject: There is a special meeting for hand count

Monday the 24th at 2:00PM
Please come and speak again.
THANKS TO YOU ALL!

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Re: There is a special meeting for hand count
Date: Saturday, October 15, 2022 1:34:02 PM
Attachments: image001.jpg
image001.jpg

Sent from my iPad

On Oct 15, 2022, at 12:22 PM, MSG Jack Dona US Army RET
[redacted]@aol.com> wrote:

CAUTION: EXTERNAL EMAIL*

LOL…I'm glad my strategy worked!

V/R,

MSG FJD

From: Judd, Peggy [mailto:PJudd@cochise.az.gov]
Sent: Saturday, October 15, 2022 11:51 AM
To: MSG Jack Dona US Army RET
Subject: RE: There is a special meeting for hand count

You are amazing really, I am glad you know Seth. I don't but my daughter does. I am sure that somehow, Brian got the idea that you found out that Seth was wrong and you don't believe in him anymore. He couldn't be more than wrong. But I am tickled that Brian is wrong. AS long as I know that… I am ok.
Thanks for verifying it.
Peggy

Sent from Mail for Windows

From: MSG Jack Dona US Army RET
Sent: Saturday, October 15, 2022 11:29 AM
To: Judd, Peggy
Subject: RE: There is a special meeting for hand count

CAUTION: EXTERNAL EMAIL*

Peggy,

I am very good friends with Seth Keshel. We have been in daily

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communications for months now. My intent in bringing up the Keshel video was to leverage the other side, i.e., "prove that Keshel and the 45th President are lying!"….or if you refuse to do that, then it means there is fraud and you are covering it up. I had a meeting with Seth back in august to strategize on voter issues prior to the Kari Lake event at the Maverick. He awarded me his personal coin:

image001.jpg

I never supported nor was I ever engaged in your recall. That effort was started by Robert Montgomery, and was spearheaded by Kara Harris. My concern with you last year was voting for the rivers of money pouring into the county via these Intergovernmental Agency Agreements. They are draconian in nature, and if you look at how they are worded, curtail the rights of the people to live in freedom under the guise of a "pandemic"…that has past now, but I still worry that the IGA's are still in effect until next year I believe.

Regarding the other supervisor. I am cordial with him. But I do not like him. He has not been very professional to me, and is extremely manipulative. He has a habit of being erratic, and seems to just want to stir up trouble. I was burned twice by him, and now have no communication with him at all. he did come up to me at the last meeting and shook my hand. I have never discussed this with Brian McIntyre.

You are doing great work! Hold the Line! You are going to come under enormous pressure for the next 10 days. Don't buckle! feel free to call anytime: [redacted]

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V/R,

MSG FJD

From: Judd, Peggy [mailto:PJudd@cochise.az.gov]
Sent: Saturday, October 15, 2022 6:49 AM
To: MSG Jack Dona US Army RET
Subject: Re: There is a special meeting for hand count

Jack,
I really appreciate your passion and statesmanship in support of this. It was also great with Seth Keshel's video.
I remember you are one who helped fight for my recall as well. Not mad…I received an amazing apology and realized you had shared that with many…including Brian McIntyre.

He believes that when you said, you have done research and talked to people about this man and found him to be full of half truths and disingenuous (that is not a direct quote, just what I remember) anyway Brian believes that when you said that it was about Seth. I took it to be about a certain other Supervisor who had some really zealous communicating skills and strong feeling about certain topics that he led a damaging movement against a person who was actually ok. Maybe I was wrong…but I thought that ok person was me.

He really believes that you have separated ways with Seth Keshel and was walking back your support for his findings. When you referred to that in your testimony he got triggered and thought you were not being honest.
Please see if you can help him understand what your apology email was about… because he literally thought it was a walk back on your support of fixing this stolen election and Your Support of Seth.

If I am getting this all wrong, please forgive me….I am totally drawing out of memory and literally don't have time to take a stroll back in time. We are in battle and we are winning. Thank you!
Peggy
Sent from my iPad

On Oct 14, 2022, at 9:59 PM, MSG Jack Dona US Army RET [redacted]@aol.com> wrote:

CAUTION: EXTERNAL EMAIL*

Ms. Judd,

AMERICAN OVERSIGHT

I will be there and I will speak out in support of the hand count. Stand strong…hold the line! You are doing God Almighty's Work for us Peggy!

V/R,

MSG FJD

From: Judd, Peggy [mailto:PJudd@cochise.az.gov]
Sent: Friday, October 14, 2022 7:53 PM
To: 'MSG Jack Dona US Army RET'; DD L; Joseph Patterson; Gwynn Patterson
Subject: There is a special meeting for hand count

Monday the 24th at 2:00PM
Please come and speak again.
THANKS TO YOU ALL!

Peggy Judd
Cochise County Supervisor
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From: Judd, Peggy
To: deborahcatlett
Subject: RE: TODAY MTG. HAND COUNTING BALLOTS
Date: Friday, October 28, 2022 8:34:00 PM

CAUTION: EXTERNAL EMAIL*

Hi Peggy!
Thank you so much for replying!
No, I'm registered Republican, and the few Dems I know are elderly and likely not up to the task.
I'm in Willcox every weekday, and on my way this morning I was thinking of asking folks how to contact you!
Joan Bittle (Dale), from Harvest Ministry church told me you went to school with Joan's son, Ted Morris.
I will definitely pass along the information because there's got to be some Dem and Lib folks out there!
Who and/or where should they reach out to?
Thanks again!

They can call Rob Montgomery at [redacted]. He is helping to gather the information for the Libertarian Chair, Eli… his number is [redacted]. They will make sure all are submitted.

The Democrat chair has verbally committed, but we don't know where she is at right now.
Our Recorder did reach out to her today. So Monday, Elizabeth Tyndall may be taking names too. I don't know her number.

Thank you too!
Peggy

Sent from my Galaxy

-------- Original message --------
From: "Judd, Peggy" <PJudd@cochise.az.gov>
Date: 10/28/22 10:48 AM (GMT-07:00)
To: deborahcatlett <[redacted]@aol.com>
Subject: RE: TODAY MTG. HAND COUNTING BALLOTS

Thank you so much. We are in the planning stages for the count and we need any Arizona Registered voters to count from other parties. If you have Dem on Lib friends/family. We need them.
If you are that… we need you!

AMERICAN OVERSIGHT

Peggy

From: deborahcatlett <[redacted]@aol.com>
Sent: Monday, October 24, 2022 5:13 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: TODAY MTG. HAND COUNTING BALLOTS

CAUTION: EXTERNAL EMAIL*

Good morning Peggy!

Sending you a quick email to support you and your YES VOTE today on the HAND COUNTING OF BALLOTS in the upcoming election!
If more volunteers are needed for the hand count, please contact me, my info is below!

God Bless and thank you!

Sent from my Galaxy

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: deborahcatlett
Cc: Robert Montgomery
Subject: RE: TODAY VOTE HAND COUNT BALLOTS
Date: Sunday, November 6, 2022 6:09:00 AM

I forwarded your message to County Repub Chair. Thanks

Crosby

From: deborahcatlett <[redacted]@aol.com>
Sent: Monday, October 24, 2022 5:19 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: TODAY VOTE HAND COUNT BALLOTS

CAUTION: EXTERNAL EMAIL*

Good morning Tom!

Sending you a quick email to support you and your YES VOTE today on the HAND COUNTING OF BALLOTS in the upcoming election!
If more volunteers are needed for the hand count, please contact me, my info is below!

God Bless and thank you!

Sent from my Galaxy

Sent from my Galaxy

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Chamisa Farms
Subject: Re: todays meeting on Hand Count
Date: Tuesday, October 25, 2022 9:49:40 PM

Hi Robin,

Thank you for your letter and questions. I'm sorry I didn't get a reply to you sooner. I am sorry you had to witness such a sad display of public behavior. We are all ok though and had two good meetings today. You have three strong supervisors and excellent board of supervisors office staff.

There is no law, that is one of the problems we are still overcoming. It was wrong for our attorneys to attempt to guide our vote through intimidation. The Secretary of State helped today by sending us another letter. Where we are asked to follow certain statutes for hand counts, which we had planned to follow all along.

The county is responsible for collecting ballots in a centrally located, secure site. That will be in our elections office in Bisbee.

Your faith in our elections and dedication to the sanctity of our votes is inspiring. Thank you for reaching out. If you have any more questions. I am here for you.

Peggy

Sent from my iPad

On Oct 24, 2022, at 9:34 PM, Chamisa Farms <chamisa@chamisafarm.com> wrote:

CAUTION: EXTERNAL EMAIL*

Hi Peggy,
I attended the meeting, and I was going to comment and ask a question, but I arrived just as the meeting got started and did not have a chance to submit the form. I was shocked and very surprised at the comments that I heard during the hour and a half that I was there. I don't know how you can sit there and suffer the verbal abuse and quite frankly even threats toward an elected official. The slurs, the lack of civility, and name calling also hurled at the persons in the room who were in support of the ballot hand count were ugly, reprehensible, and downright hateful. I do not envy your having to make decisions regarding this issue. Thank you for serving Cochise county and representing us. It is appreciated.

AMERICAN OVERSIGHT

I do have a couple of questions. *Exactly* what ***is*** the statute in state election procedures/law that states it is illegal to hand count the ballots **after** the polls close? Who is in charge of and has custody and dispensation of the ballots- the county or the state??

And a comment: all a hand count does is verify the count on the tabulator. It does not check the veracity and/or validity of the ballots and the people submitting them. If the veracity and validity are being check, that process is an **audit**, and that is a totally different kettle of fish. After hearing from people in the know, I think it would be very hard to rig the count using the machines in Cochise county. But because 80% of our votes come in as mail-in ballots, there is most definitely room and an invitation for tampering. Precinct in person voting could definitely help keep elections honest.

Thanks again and best regards,
Robin Claxton
PS I have already voted in person at Bisbee. I took myself **off** the mail in ballot rolls in 2020. I am 80, and have mobility issues, and therefore I have little patience with people who can't get to the polls. There are certain things in life that should have top priority, and voting is one of them!

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Kim DePew
Subject: RE: Tuesday BOS meeting and work session
Date: Wednesday, October 12, 2022 4:56:00 PM

As you know, I tried to get a vote on it the 13th.

Tom Crosby

From: Kim DePew [redacted]@gmail.com>
Sent: Friday, October 7, 2022 2:48 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
Subject: Tuesday BOS meeting and work session

CAUTION: EXTERNAL EMAIL*

Dear Supervisors: It is more than encouraging that you have scheduled a work session to discuss adding a total hand count of ballots to this November's election. Way to go! Confidence will be restored if everyone cooperates. Can you get this to a vote ASAP?

See you Tuesday.

Kim DePew

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From: Crosby, Tom
To: Kim DePew
Subject: RE: Tuesday BOS meeting and work session
Date: Wednesday, October 12, 2022 4:51:00 PM

Tell me more, Kim? I voted against it because Jean Giuffrida and another conservative school board candidate didn't like it.
I'm a Bible thumper, and I disagree with modern Psychology because it's always somebody else's fault, instead of personal responsibility.

I have a Bachelor's in Psychology, but I rejected modern psychology about half way through my college (I told you about my special program) I saw my sister set herself WAY back by changing her major late in the game, so I didn't want to do that. So I got a degree in something I didn't believe in, and went in the Bor' Patro'.

Tom

From: Kim DePew [redacted]@gmail.com>
Sent: Monday, October 10, 2022 3:39 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Tuesday BOS meeting and work session

CAUTION: EXTERNAL EMAIL*

Are you in favor of the School mental health IGA?
Not me. However, I think the sun sets over the gals at Valley View Preschool.
Interestingly, they don't seem to be applying for this IGA $$.
Kim

On Mon, Oct 10, 2022 at 3:26 PM Crosby, Tom <TCrosby@cochise.az.gov> wrote:

> I want to vote on it as soon as possible. Thanks Kim.
>
> Crosby
>
> ---
>
> **From:** Kim DePew [redacted]@gmail.com>
> **Sent:** Friday, October 7, 2022 2:48 PM
> **To:** Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>
> **Subject:** Tuesday BOS meeting and work session
>
> **CAUTION:** EXTERNAL EMAIL*
>
> Dear Supervisors: It is more than encouraging that you have scheduled a work session to discuss adding a total hand count of ballots to this November's election. Way to go! Confidence will be restored if everyone cooperates. Can you get this to a vote ASAP?
>
> See you Tuesday.

AMERICAN OVERSIGHT

Kim DePew

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Christine Reagan
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Saturday, November 12, 2022 3:57:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

I understand. It's a pain, but it's how we have to do it.
In fact, I don't believe it's legitimate. It's the bureaucrats wanting to control the elected officials. The true purpose is to stop voting on legal action behind closed doors, but the bureaucrats extrapolate it seemingly to infinity.

Crosby

From: Christine Reagan <christine@actforamerica.org>
Sent: Saturday, November 12, 2022 3:49 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Forgive me, I didn't realize the need for separation. I do now and will be sure to keep communications exclusive and separate.

Our time to act is now.

Respectfully yours,

Christine Reagan
National Grassroots Director| ACT for America
Cell: [redacted]
Office: 202-204-6999 ext. 4107
Email: christine@actforamerica.org

On Nov 12, 2022, at 1:55 PM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

Christine,

You have to be careful NOT to tell we three Supervisors, what each other think, say, or how we might vote. So when you get replies DO NOT forward that to my colleagues, or vice versa
Tom Crosby
[redacted]@gmail.com

AMERICAN OVERSIGHT

From: Christine Reagan <christine@actforamerica.org>
Sent: Saturday, November 12, 2022 9:35 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Peggy Judd <supervisorjudd@gmail.com>
Subject: Re: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Hi Tom, Did you have the same trouble with the tabulators that Maricopa did-do you know what the failure rate was? We have a band of heavy hitting legal help coming in to mediate in Maricopa and anywhere else that's necessary. If you have any list of issues, please list and provide the exact location of occurrence and who the name and phone number is to contact. I've copied Peggy on this so you can both be on the same page. We will let the legal team know about your case as well!

Our time to act is now.

Respectfully yours,

Christine Reagan
National Grassroots Director| ACT for America
Cell: [redacted]
Office: 202-204-6999 ext. 4107
Email: christine@actforamerica.org

On Nov 12, 2022, at 8:17 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Christine Reagan <christine@actforamerica.org>
Sent: Sunday, November 6, 2022 10:00 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Jim O'Connor <jwo@ronnoco3.com>
Cc: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us;

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aromero@co.apache.az.us; English, Ann S <AEnglish@cochise.az.gov>;
Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David
<DStevens@cochise.az.gov>; lmarra@cochise.az.g;
phorstman@coconino.az.gov; jvasquez@coconino.az.gov;
mryan@coconino.az.gov; jbegay@coconino.az.gov;
lfowler@coconino.az.gov; phansen@coconino.az.gov;
emusta@coconino.az.gov; schristensen@gilacountyaz.gov;
thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov;
sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov;
pdavid@graham.az.gov; jhoward@graham.az.gov;
dsmith@graham.az.gov; wjohn@graham.az.gov;
hduderstadt@graham.az.gov; dgomez@greenlee.az.gov;
rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov;
shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov;
dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov;
hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov;
bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov;
Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov;
Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov;
sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov;
Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov;
Buster.johnson@mohave.gov; Jean.bishop@mohave.gov;
Ron.gould@mohave.gov; Kristi.blair@mohave.gov;
Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov;
Alberto.penshlakai@navajocountyaz.gov;
Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov;
Dawnafe.whitesinger@navajocountyaz.gov;
Michael.sample@navajocountyaz.gov;
Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov;
Matt.heinz@pima.gov; Sharon.bronson@pima.gov;
Steve.christy@pima.gov; Adelita.grijalva@pima.gov;
Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov;
Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov;
Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov;
Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov;
mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov;
bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov;
Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov;
Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov;
Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov;
Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov;
Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov;
Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov;
Lynne.pancrazi@yumacountyaz.gov;
Leon.wilmot@ycso.yumacountyaz.gov;

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Richard.colwell@yumacountyaz.gov;
Tiffany.anderson@yumacountyaz.gov
Subject: Re: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear All,

As Tom Crosby of Cochise County has stated,

> "It has to be irrefutable proof machines aren't certified".

Regarding our concern about the legal certification status on the voting machines, please allow me to provide a list of the key documents we are seeking from the Supervisors and County Attorney or anyone in authority:

1. Where is the test report on their model of voting machine?
2. Where is the Lab Accreditation Certificate as of the certification test date?
3. Is the accreditation certificate valid or has it been modified? Note: We have copies of the ones posted and time stamped to reveal a modified document made to look like they were accredited at the time but generated years after the certification. This is revealed in the 13-minute walk through video sent earlier today and provided here>> https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-

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from-subject-matter-experts-do-not-u.html.

Perhaps more of you would be inclined to assist, understanding if we will all work together to provide the real proof of certification status, the grassroots will work hard to convey the legal status of the machines to the public at large and put this issue to rest- if we are able to provide proof of the legal status of the voting machines and electronic devices, as prescribed by law.
I thank you all for your service to the state of Arizona.
Please provide these materials to Commissioner Jim O'Connor for review.
Our time to act is now.

Respectfully yours,

Christine Reagan
National Grassroots Director| ACT for America
Cell: [redacted]
Office: 202-204-6999 ext. 4107
Email: christine@actforamerica.org

On Nov 6, 2022, at 4:39 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

It has to be irrefutable proof machines aren't certified

Get Outlook for iOS

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 1:38:25 PM
To: gbowman@co.apache.az.us <gbowman@co.apache.az.us>; ashepherd@co.apache.az.us

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<ashepherd@co.apache.az.us>; ndavis@co.apache.az.us
<ndavis@co.apache.az.us>; lnoble@co.apache.az.us
<lnoble@co.apache.az.us>; aromero@co.apache.az.us
<aromero@co.apache.az.us>; Crosby, Tom
<TCrosby@cochise.az.gov>; English, Ann S
<AEnglish@cochise.az.gov>; Judd, Peggy
<PJudd@cochise.az.gov>; Stevens, David
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<lmarra@cochise.az.g>; phorstman@coconino.az.gov
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<jvasquez@coconino.az.gov>; mryan@coconino.az.gov
<mryan@coconino.az.gov>; jbegay@coconino.az.gov
<jbegay@coconino.az.gov>; lfowler@coconino.az.gov
<lfowler@coconino.az.gov>; phansen@coconino.az.gov
<phansen@coconino.az.gov>; emusta@coconino.az.gov
<emusta@coconino.az.gov>; schristensen@gilacountyaz.gov
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<pdavid@graham.az.gov>; jhoward@graham.az.gov
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Tiffany.anderson@yumacountyaz.gov
<Tiffany.anderson@yumacountyaz.gov>
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear Representatives,
It has come to my attention that the video link is a Microsoft product that some are unable to view.
Please find this short 13-minute video presentation below.
https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html

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The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org
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ACT for America is the nation's premier nonprofit
grassroots movement devoted to preserving America's
Culture, Security and Freedom.

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; tcrosby@cochise.az.gov; aenglish@cochise.az.gov; pjudd@cochise.az.gov; dstevens@cochise.az.gov; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov;

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Leon.wilmot@ycso.yumacountyaz.gov;
Richard.colwell@yumacountyaz.gov;
Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

Dear Arizona County Board of Supervisors, Recorders, and Elections Directors,

AMERICAN OVERSIGHT

My name is Christine Reagan, and I am the National Grassroots Director for www.actforamerica.org, the nation's largest grassroots movement in the nation with activists in 98% of all US counties across America including members in every county in your state. I am currently supporting a grassroots movement calling for a contingency hand count election considering the overwhelming evidence that the Arizona voting machines and tabulators are NOT lawfully certified by an accredited lab, violating state law, and presenting a serious cyber security threat.

Please click to view this video walkthrough on the potential certification fraud here>>Presentation of Evidence of Fraudulent Voting Machine Certification

I am in support of Arizona State Commissioner Jim O'Connor's letter dated October 19th, 2022, calling for the immediate investigation of the legal status of certifications for our voting machines, tabulators, and electronic equipment currently scheduled for use in our Midterm Election on November 8th. Jim O'Connor has 30 years of relative experience and has sent every county official, including your office, a formal letter calling for an immediate investigation and remedy. Jim O'Connor is working with cyber security experts including Michael Schafer, a Maricopa County Business Owner who operates a federally certified and accredited cyber security laboratory who has produced the video walk through video presenting the evidence of the potentially fraudulent voting machine certifications going back to 2018 elections that has yet to be remedied. Sadly, as of today, I don't believe any local officials have provided a prompt and courteous response to Commission O'Connor's letter requesting evidence that proves the voting machines are legally certified which is raising serious questions in your Arizona State grassroots network of leaders, activists, and voters.

As mentioned in Jim O'Connor's letter, there is a potential case of serious fraud that may have been committed against the State of Arizona as it relates to the HAVA Act and US Election Assistance Commission EAC Certification requirements on our electronic voting machines and tabulators currently scheduled for use in our 2020 Midterm

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election.

Our Arizona Counties are about to engage in a potentially fraudulent election that will cause egregious public harm and further erode public confidence in our ability to conduct a free and fair election.

Arizona's voting machines and tabulators may be unlawfully certified by an unaccredited lab in violation of A.R.S. § 16-442(B), the requirements of the Federal (HAVA) Help America Vote Act, and the Arizona State Constitution Article 7, Sec. 7 (only legal votes may be counted). In addition, our current research and documented evidence shows that our 2018 & 2020 elections were conducted where the electronic voting machines and tabulators were also not certified by accredited labs because their accreditations had expired, in violation of both federal, state law, and civil rights of the people of the state of Arizona.

In good faith, Arizona County Election Officials cannot use the electronic voting machines and tabulators, because of their lack of certification by an accredited lab pursuant to state law A.R.S. § 16-442(B).

1) Arizona State Voting Machines are NOT Legally Certified Pursuant to Arizona State law, *"Machines or tabulators used at any election for federal, state or county offices **may only be used** in this state **IF** they comply with the Help America Vote Act of 2002 and if those machines or tabulators have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002."* ***See A.R.S. § 16-442(B)***.

2) In addition, the US Cybersecurity & Infrastructure Security Agency has issued an ICS-Cert Advisory Alert (ICSA-22-154-01) in June of this year titled 'Vulnerabilities Affecting Dominion Voting Systems ImageCastX, deployed throughout the state of Arizona. This legal notice lists 13 serious security vulnerabilities that ***have not been mitigated or remedied in our state***.

Every county that conducts this upcoming election on uncertified machines is facing tremendous public backlash and financial liability.

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In your capacity, as elected officials, under ARS 16-442, you have permissive authority in that you **MAY choose** to use electronic voting machines. There is NO REQUIRED authority mandating you to use the voting machines and tabulators.

Every county has the option to use a contingency plan or revert to traditional voting methods using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

Arizona Citizens have sent out nearly 634,000 emails notifying and calling upon the Sheriff's, Local Officials, State Legislature, Governor, Attorney General, and Secretary of State to perform their duty and investigate the validity of the voting machine certification. The Sheriff's offices, alone, should have received at least 2000 direct emails in the past few weeks. AZ No Voting Machines 2022

Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week,

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allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor [redacted]@ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan

National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org

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From: Crosby, Tom
To: christine@actforamerica.org
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Sunday, November 6, 2022 5:51:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

I have comms with O'Conner and Shafer.

Crosby

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov;

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Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

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Every county has the option to use a contingency plan or revert to traditional voting methods using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

Arizona Citizens have sent out nearly 634,000 emails notifying and calling upon the Sheriff's, Local Officials, State Legislature, Governor, Attorney General, and Secretary of State to perform their duty and investigate the validity of the voting machine certification. The Sheriff's offices, alone, should have received at least 2000 direct emails in the past few weeks. AZ No Voting Machines 2022

Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

AMERICAN OVERSIGHT

In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week, allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor [redacted] @ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org
Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: christine@actforamerica.org
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Saturday, November 12, 2022 9:21:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Christine,
That wouldn't forward to my home computer.

Please resend. [redacted] @gmail.com
Tom Crosby

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 1:38 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov;

AMERICAN OVERSIGHT

Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear Representatives,
It has come to my attention that the video link is a Microsoft product that some are unable to view.
Please find this short 13-minute video presentation below.
https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
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Direct Cell: [redacted]
Website: www.actforamerica.org
Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; tcrosby@cochise.az.gov; aenglish@cochise.az.gov; pjudd@cochise.az.gov; dstevens@cochise.az.gov; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov;

AMERICAN OVERSIGHT

rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

Dear Arizona County Board of Supervisors, Recorders, and Elections Directors,

My name is Christine Reagan, and I am the National Grassroots Director for www.actforamerica.org, the nation's largest grassroots movement in the nation with activists in 98% of all US counties across America including members in every county in your state. I am currently supporting a grassroots movement calling for a contingency hand count election considering the overwhelming evidence that the Arizona voting machines and tabulators are NOT lawfully certified by an accredited lab, violating state law, and presenting a serious cyber security threat.

Please click to view this video walkthrough on the potential certification fraud here>>Presentation of Evidence of Fraudulent Voting Machine Certification

I am in support of Arizona State Commissioner Jim O'Connor's letter dated October 19th, 2022, calling for the immediate investigation of the legal status of certifications for our voting machines, tabulators, and electronic equipment currently scheduled for use in our Midterm Election on November 8th. Jim O'Connor has 30 years of relative experience and has sent every county official, including your office, a formal letter calling for an immediate investigation and remedy. Jim O'Connor is working with cyber security experts including Michael Schafer, a Maricopa County Business Owner who operates a federally certified and accredited cyber security laboratory who has produced the video walk through video presenting the evidence of the potentially fraudulent voting

AMERICAN OVERSIGHT

machine certifications going back to 2018 elections that has yet to be remedied. Sadly, as of today, I don't believe any local officials have provided a prompt and courteous response to Commission O'Connor's letter requesting evidence that proves the voting machines are legally certified which is raising serious questions in your Arizona State grassroots network of leaders, activists, and voters.

As mentioned in Jim O'Connor's letter, there is a potential case of serious fraud that may have been committed against the State of Arizona as it relates to the HAVA Act and US Election Assistance Commission EAC Certification requirements on our electronic voting machines and tabulators currently scheduled for use in our 2020 Midterm election.

Our Arizona Counties are about to engage in a potentially fraudulent election that will cause egregious public harm and further erode public confidence in our ability to conduct a free and fair election.

Arizona's voting machines and tabulators may be unlawfully certified by an unaccredited lab in violation of A.R.S. § 16-442(B), the requirements of the Federal (HAVA) Help America Vote Act, and the Arizona State Constitution Article 7, Sec. 7 (only legal votes may be counted). In addition, our current research and documented evidence shows that our 2018 & 2020 elections were conducted where the electronic voting machines and tabulators were also not certified by accredited labs because their accreditations had expired, in violation of both federal, state law, and civil rights of the people of the state of Arizona.

In good faith, Arizona County Election Officials cannot use the electronic voting machines and tabulators, because of their lack of certification by an accredited lab pursuant to state law A.R.S. § 16-442(B).

1) Arizona State Voting Machines are NOT Legally Certified Pursuant to Arizona State law, *"Machines or tabulators used at any election for federal, state or county offices **may only be used** in this state **IF** they comply with the Help America Vote Act of 2002 and if those machines or tabulators have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002."* ***See A.R.S. § 16-442(B)***.

2) In addition, the US Cybersecurity & Infrastructure Security Agency has issued an ICS-Cert Advisory Alert (ICSA-22-154-01) in June of this year titled 'Vulnerabilities Affecting Dominion Voting Systems ImageCastX, deployed throughout the state of Arizona. This legal notice lists 13 serious security vulnerabilities that ***have not been mitigated or remedied in our state***.

Every county that conducts this upcoming election on uncertified machines is facing tremendous public backlash and financial liability.

In your capacity, as elected officials, under ARS 16-442, you have permissive authority in that you **MAY choose** to use electronic voting machines. There is NO REQUIRED authority mandating you to use the voting machines and tabulators.

Every county has the option to use a contingency plan or revert to traditional voting methods

AMERICAN OVERSIGHT

using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

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Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week, allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor [redacted] @ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org
Stay Connected:

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: adric
Subject: RE: Vote for Hand Count
Date: Saturday, October 15, 2022 2:34:00 PM

I wish, but I have heard Supervisor Crosby is away by Wednesday for the week and the meeting is scheduled for Monday the 24th. I think that it is scheduled is a real accomplishment.
But I did ask for the first available minute. Hoping for Tuesday. We will make the best of it, my good sir.
Thank you,
Peggy

From: adric <[redacted]@cox.net>
Sent: Saturday, October 15, 2022 12:02 PM
To: Judd, Peggy <PJudd@cochise.az.gov>; Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Vote for Hand Count

CAUTION: EXTERNAL EMAIL*

Dear Board Members:

Wednesday October 19, 2022 would be a good time for the Cochise County Board of Supervisors to vote on the issue of the "hand counting of ballots".

I would think the sooner the better.

Sincerely,

Uwe Adric

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Cox 02
Subject: RE: Vote Hand Count
Date: Thursday, October 13, 2022 9:01:00 AM

If it was actually breaking the law, it would have never been considered.

-----Original Message-----
From: Cox 02 [redacted] @cox.net>
Sent: Thursday, October 13, 2022 8:25 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Vote Hand Count

CAUTION: EXTERNAL EMAIL*

I just learned of a special session planned to vote on hand counting the vote. Please vote no/not to hand count. As an elected official it is your responsibility to follow the law. Breaking the law to do a hand count wastes time and money. Wasting the taxes I paid that you are responsible for managing appropriately. Please do not do this. Thank you.

Mary Lynne Benhase
[redacted]
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: judy perry
Subject: Re: Vote No to Hand Count Votes
Date: Sunday, October 23, 2022 7:11:02 AM

Thank you for coming to us with your request. I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) after the election is complete and results are final. I have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told truthfully.
If this can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 23, 2022, at 6:39 AM, judy perry <[redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Please vote no to hand count our Cochise County votes. The machines are highly accurate and I trust them much more than hand counting, which is likely to make mistakes. This is a waste of taxpayer money. The ballot is long and complicated. We need to encourage folks to trust our election. This will be confusing for voters. It sets an ominous precedent that our very special county should not be encouraging. Please vote no.
Judith E Perry

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: JOHN MORRIS
Subject: RE: VOTE YES for Hand-Count
Date: Thursday, October 27, 2022 2:54:00 PM

Thanks John,

Crosby

From: JOHN MORRIS [redacted]@cox.net>
Sent: Wednesday, October 26, 2022 10:39 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: VOTE YES for Hand-Count

CAUTION: EXTERNAL EMAIL*

Dear Supervisor Crosby,

Please vote in SUPPORT of the Hand-Count, don't let the SoS intimidate you - we MUST restore confidence in our elections!! Thank you for doing the right thing!!!

Sincerely,

John Morris

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Desert Rat
Subject: RE: VOTE YES for Hand-Count
Date: Thursday, October 27, 2022 3:03:00 PM

All is well,

I've invited several reporters to look at the agenda items from the Special meeting the 24th, and simply take them at face value. #1 was voted down. #2 passed. The SoS is not saying #2 is illegal. It's the normal handcount procedure applied to all precincts (54).'s ARS 16-602B

Best wishes,

Tom Crosby

From: Desert Rat[redacted]@yahoo.com>
Sent: Thursday, October 27, 2022 3:01 PM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Re: VOTE YES for Hand-Count

CAUTION: EXTERNAL EMAIL*

So what is it now, I am so confused? and let me know if you need volunteers to count, Ray out here might be interested also!

Clay Greathouse
Unique, Rural, Off-Grid,
Cochise County, Arizona
Tombstone Real Estate
Cell-([redacted]
Office-(520) 457-3322

On Tuesday, October 25, 2022 at 10:47:40 AM MST, Crosby, Tom <tcrosby@cochise.az.gov> wrote:

Ive been sick too.

Sorry,

Crosby

AMERICAN OVERSIGHT

From: Desert Rat [redacted]@yahoo.com>
Sent: Monday, October 24, 2022 10:45 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: VOTE YES for Hand-Count

CAUTION: EXTERNAL EMAIL*

Please vote in SUPPORT of the Hand-Count, don't let the SoS intimidate you - we MUST restore confidence in our elections!! Thank you for doing the right thing!!! Wish I could be there, but sick as a Dog! Clay

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Georgia Lawrence
Subject: RE: Vote
Date: Sunday, October 30, 2022 6:37:00 PM

PER Statute: We are only allowed to have 75% of counters to be from a single party, but our goal is to have 50/50. Please help us get there by encouraging Elizabeth Tyndall, the Cochise County Democrat Chair to Participate. And turn in names by Thursday this week.

Observers are part of the process too and should also be 50/50. With 50/50 there would be both or more parties (Lib) at each table. Why it is 75% is that there are typically 3 per table, so a Democrat would be at each table. Thanks for contacting me today. There are a lot of details that will be forthcoming.

Please know there is a strong desire to have 50/50 even though we don't have to do it that way. From the first discussion I had on this, I always thought it would be 50/50 and I still stand by that.
This needs to be a perfect count, just like our great elections are perfect in their limited count each year.

Peggy

-----Original Message-----
From: Georgia Lawrence [redacted]@gmail.com>
Sent: Sunday, October 30, 2022 7:31 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Vote

CAUTION: EXTERNAL EMAIL*

Please reconsider your plan to hand count all Cochise County votes. It's obvious you are a Republican and you only want Republicans to count votes. This is not fair I am a democrat. Should you obtain approval to do this then you should have one Democrat and one Republican counting votes together.

Georgia Lawrence

Sent from my iPhone
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AMERICAN OVERSIGHT

From: Judd, Peggy
To: PubliusFJB
Subject: Re: We just passed a hand count resolution in Cochise Cty, AZ and could use some legal help
Date: Tuesday, October 25, 2022 9:21:17 PM

Douglas,
I will be sending you the letter we received from Hobb's office today.
It is interesting and appears we weren't doing something illegal at all, but we may have to fight for the ability to count hand ballots.
Thank you,
Peggy Judd

Sent from my iPad

On Oct 25, 2022, at 9:01 PM, PubliusFJB [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Dear Judicial Watch,

Last night, 10/24/22, our county Board of Supervisors passed a resolution calling for a 100% hand count of the Nov 8 election ballots. The Democrat political machine mounted a large turnout from Tucson and Phoenix in an attempt to intimidate our 2 BoS members who are pushing the resolution. The County Attorney has also threatened the Supervisors Tom Crosby and Peggy Judd saying that he won't represent them to fight any lawsuit that is potentially filled by the Sec of State's office and they might be civilly liable personally for their actions. The Secretary of State, Katy Hobbs, who is on the ballot has written threatening letters to the County to also intimidate us with her intention to sue the County if we move forward with this resolution... she has called a hand count "illegal" but has offered no argument as to the basis of why it is illegal. I think Katy Hobbs should be recusing herself from this as she is on the ballot running for Governor and this is a crystal clear case of conflict of interest.

In short we could use some legal help/advise on this one and so I'm reaching out to Mr Fitton to see if there is anything Judicial Watch could do to assist us in this.

https://news.yahoo.com/despite-warnings-legal-consequences-cochise-043430590.html

https://www.youtube.com/watch?v=urlEu7QM4Uk

https://www.youtube.com/watch?v=22GShXP46OI

https://www.youtube.com/watch?v=NRgb6rtobe8

V/R
Douglas Elfving

Doug Elfving - MRP Realtor®
Long Realty Director's Circle 2021
Long Realty - Sierra Vista

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2363 E. Fry Blvd.
Sierra Vista, AZ 85635

Office: 520-439-3991
Cell: [redacted]
email: delfving@LongRealty.com

web: https://us01.l.antigena.com/l/yQCsAO9kH33BaKCz6lMfrndtL3KMVEBHmeQim3-r9yLeLnXo-enST~ize_aVL1CR5j_pP2~Xtaog8z6WZ3_OGbECY3VCidx8jHy43bByLSa3ElmzG226lE7fC8uKSU3pmcgV6CL

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AMERICAN OVERSIGHT

From: Crosby, Tom
To: Lisa Wakatani
Subject: RE: Welp...META Interference...AGAIN!!
Date: Saturday, November 12, 2022 9:19:00 AM
Attachments: image001.png

To my knowledge the hand count issue was turned down by the Supreme Court, but I haven't seen the docs yet. Probably because of the long weekend. I heard that from an attorney, second hand yesterday. I have been busy with grunt work, picking up signs, which hardly anybody does.

Tom Crosby

From: Lisa Wakatani [redacted]@gmail.com>
Sent: Thursday, November 3, 2022 2:33 PM
To: Aginfo@azag.gov; dducey@az.gov; dougducey@az.gov; Office of the Arizona Governor <engage@az.gov>; Morgan Abraham <mabraham@azleg.gov>; Richard Andrade <randrade@azleg.gov>; Brenda Barton <bbarton@azleg.gov>; Leo Biasiucci <lbiasiucci@azleg.gov>; Walter Blackman <wblackman@azleg.gov>; Jasmine Blackwater-Nygren <jblackwater-nygren@azleg.gov>; Reginald Bolding <rbolding@azleg.gov>; Shawnna Bolick <sbolick@azleg.gov>; Russell Bowers <rbowers@azleg.gov>; Judy M. Burges <jburges@azleg.gov>; Kelli Butler <kbutler@azleg.gov>; Andre Cano <acano@azleg.gov>; Frank Carroll <fcarroll@azleg.gov>; Neal Carter <ncarter@azleg.gov>; Joseph Chaplik <jchaplik@azleg.gov>; Cesar Chavez <cchavez@azleg.gov>; Regina Cobb <rcobb@azleg.gov>; David Cook <dcook@azleg.gov>; Andrea Dalessandro <adalessandro@azleg.gov>; Domingo DeGrazia <ddegrazia@azleg.gov>; Lupe Diaz <ldiaz@azleg.gov>; Tim Dunn <tdunn@azleg.gov>; Mitzi Epstein <mepstein@azleg.gov>; Diego Espinoza <despinoza@azleg.gov>; Brian Fernandez <bfernandez@azleg.gov>; John Fillmore <jfillmore@azleg.gov>; Mark Finchem <mfinchem@azleg.gov>; Travis Grantham <tgrantham@azleg.gov>; Gail Griffin <ggriffin@azleg.gov>; Alma Hernandez <ahernandez@azleg.gov>; Melody Hernandez <mhernandez@azleg.gov>; Daniel Hernandez <dhernandez@azleg.gov>; Jake Hoffman <jake.hoffman@azleg.gov>; Jennifer Jermaine <jjermaine@azleg.gov>; Joel John <jjohn@azleg.gov>; Steve Kaiser <skaiser@azleg.gov>; John Kavanagh <jkavanagh@azleg.gov>; Sarah Liguori <sliguori@azleg.gov>; Jennifer Longdon <jlongdon@azleg.gov>; Teresa Martinez <tmartinez@azleg.gov>; Christopher Mathis <cmathis@azleg.gov>; Robert Meza <rmeza@azleg.gov>; Quang Nguyen <qnguyen@azleg.gov>; Joanne Osborne <josborne@azleg.gov>; Jacqueline Parker <jparker@azleg.gov>; Jennifer Pawlik <jpawlik@azleg.gov>; Kevin Payne <kpayne@azleg.gov>; Beverly Pingerelli <bpingerelli@azleg.gov>; Pamela Powers Hannley <ppowershannley@azleg.gov>; Marcelino Quinonez <mquinonez@azleg.gov>; Athena Salman <asalman@azleg.gov>; Judy Schwiebert <jschwiebert@azleg.gov>; Amish Shah <ashah@azleg.gov>; Lorenzo Sierra <lsierra@azleg.gov>; Christian Solorio <csolorio@azleg.gov>; Ben Toma <btoma@azleg.gov>; Michelle Udall <mudall@azleg.gov>; Jeff Weninger <jweninger@azleg.gov>; Justin Wilmeth <jwilmeth@azleg.gov>; Lela Alston <lalston@azleg.gov>; Nancy Barto <nbarto@azleg.gov>; Sonny Borrelli <sborrelli@azleg.gov>; Sean Bowie <sbowie@azleg.gov>; Paul Boyer <pboyer@azleg.gov>; Lupe Contreras <lcontreras@azleg.gov>; Karen Fann <kfann@azleg.gov>; Rosanna Gabaldon <rgabaldon@azleg.gov>; Sally Ann Gonzales <sgonzales@azleg.gov>; David Gowan

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<dgowan@azleg.gov>; Rick Gray <rgray@azleg.gov>; Theresa Hatathlie <thatathlie@azleg.gov>; Sine Kerr <skerr@azleg.gov>; Vince Leach <vleach@azleg.gov>; David Livingston <dlivingston@azleg.gov>; Christine Marsh <cmarsh@azleg.gov>; Juan Mendez <jmendez@azleg.gov>; J.D. Mesnard <jmesnard@azleg.gov>; Lisa Otondo <lotondo@azleg.gov>; Tyler Pace <tpace@azleg.gov>; Warren Petersen <wpetersen@azleg.gov>; Martin Quezada <mquezada@azleg.gov>; Rebecca Rios <rrios@azleg.gov>; Wendy Rogers <wrogers@azleg.gov>; Thomas T.J. Shope <tshope@azleg.gov>; Stephanie Stahl Hamilton <sstahlhamilton@azleg.gov>; Victoria Steele <vsteele@azleg.gov>; Raquel Teran <rteran@azleg.gov>; Kelly Townsend <ktownsend@azleg.gov>; Michelle Ugenti-Rita <mugenti-rita@azleg.gov>
Cc: Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Cochise County Republican Committee <cochisecountyrepublicans@gmail.com>
Subject: Welp...META Interference...AGAIN!!

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LadyPatriot11 @LadyPatriot2022
1 hour ago

@SantaSurfing

Tom Fitton @TomFitton

BREAKING: @Facebook election interference (again) at the behest of the Left to help

Ian Miles Cheong @stillgr... · 4d
Meta has just placed a temporary ban on all social and political ads ahead of the midterms.

Meta

PREPARING FOR THE 2022 RESTRICTION PERIOD FOR ADS ABOUT SOCIAL ISSUES, ELECTIONS OR POLITICS IN THE UNITED STATES

As we did in 2020 — we are implementing a restriction period for ads about social issues, elections, or politics in the US for the week leading up to General Election Day. This means that from 12:01 AM PT on Tuesday, November 1, 2022 through 11:59 PM PT on Tuesday, November 8, 2022 no new ads about social issues, elections, or politics can be published, and most edits will be prohibited.

We are putting this restriction period in place again because we found that the restriction period achieves the right balance of giving campaigns a voice while providing additional time for scrutiny of political ads in the Ad Library.

As long as an ad serves an impression before the restriction period goes into effect, candidates running for office and other organizations can continue running these ads through the restriction period to share their closing arguments and mobilize voters with ads.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: Hope Wiltfong
Subject: Re: WHAT IS THIS ABOUT A HAND COUNT?!
Date: Thursday, October 27, 2022 4:05:46 AM

Dear Hope,

It is not illegal as the entire election would be over before it begins. The warning of illegal was when we were wanting to do it side by side the machine counts. As it is now, ALL machine counts will be complete and final decision will be announced prior to the beginning of hand count.

The purpose of this is to verify, like you do with the money you get from an ATM. Machines are not perfect.

It was good to hear from you on this matter,
Peggy
Sent from my iPad

On Oct 26, 2022, at 8:35 PM, Hope Wiltfong [redacted]@gmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

You've been told it's illegal to try to do this close to an election. There is no history to back up any claims of vote suppression or invalidation. You're doing this just so you can claim something when someone you don't want to win, wins. Stop being stupid.

Hope Wiltfong
[redacted]
Hereford, AZ 85615-9015
[redacted]

--
Hope

Plant your own garden instead of waiting for someone else to bring you flowers.

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.

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AMERICAN OVERSIGHT

From: Judd, Peggy
To: Ken Muscutt
Subject: RE: What were you thinking?
Date: Thursday, October 27, 2022 1:34:00 PM

Me too, but they will say what they want to.
Thanks

-----Original Message-----
From: Ken Muscutt [redacted]@icloud.com>
Sent: Wednesday, October 26, 2022 9:40 AM
To: Judd, Peggy <PJudd@cochise.az.gov>
Subject: Re: What were you thinking?

CAUTION: EXTERNAL EMAIL*

That sounds more than reasonable…..wish all of those steps/safeguards had been part of initial reporting

Sent from my iPhone

> On Oct 26, 2022, at 6:36 AM, Judd, Peggy <PJudd@cochise.az.gov> wrote:
>
>
> The Secretary of State has sent us a new letter asking us to verify in writing that we will follow the law in our efforts. We will meet to draft the response she seeks. We were always going to follow the statutes and work within the law. So basically this is the easy part.
> Tomorrow at 1pm, we will meet with county staff to work out the timeline and logistics. It is perfectly legal and we are perfectly capable of this task. Our county is able, funding is available in the current AZ state budget, if we need that, and many volunteers are still responding - even a few (not) Republicans.
> We understand the intricacies of this decision and know many people
> will remain troubled over this decision, long into the future. But
> fighting each other and calling names didn't work, maybe a concession
> to satisfy…doubt, curiosity or or even conspiracy is what our county
> needs right now Peggy Sent from my iPad
>
>> On Oct 25, 2022, at 5:26 PM, Ken Muscutt [redacted]@icloud.com> wrote:
>>
>> CAUTION: EXTERNAL EMAIL*
>>
>> I do not usually write to elected officials, but in this case I feel it is a requirement. What could possibly be the reason for voting to hand count every ballot cast in Cochise County? It can't be the belief that the 2020 count in Cochise County was fraudulent……after all Trump carried the county by a wide margin.
>>
>> As a tax payer my thoughts go to three main points of contention:
>> 1. Is what you voted for illegal according to state law….and unwarranted as our voting machines have never faltered to date?
>> 2. Will the hand count be done by whom, will both Dems and Republicans have even representation?
>> 3. In a county not flush with cash, how do you propose the bill for this gets paid?
>>
>> Remember what that ill-fated hand recount in Maricopa County resulted in…….national embarrassment, a final report that has never been made public because …….a wider margin of victory for Biden.
>>
>> Sent from my iPad
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From: Crosby, Tom
To: Lynn Cisar
Subject: Re: Yesterday"s BOS Meeting
Date: Wednesday, October 12, 2022 3:20:45 PM

As you are aware I'm in favor of hand count. I lack confidence in AG Crosby

Get Outlook for iOS

From: Lynn Cisar [redacted]@cox.net>
Sent: Wednesday, October 12, 2022 10:37:22 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>
Subject: Yesterday's BOS Meeting

CAUTION: EXTERNAL EMAIL*

Hi Tom,
I attended yesterday's board of supervisors meeting and would like to ask that you all please try to get approval from the State Attorney General for a hand count for the upcoming November Election, if that approval is needed.
Thank you so much for your hard work!!
Lynn Cisar
Rick Cisar

Sent from my iPhone
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From: Judd, Peggy
To: [redacted]
Subject: Re: Your plan to conduct a hand count
Date: Sunday, October 23, 2022 7:27:16 AM

Thank you for coming to us with your request. I hope my email will help you understand, we all agree this county is very good at elections. I believe with all my heart the insecurities of the voters asking for this will dissipate when they see we are willing and able to hand count (which will be conducted by volunteers from both parties) after the election is complete and results are final. Repeat. The training and hand count will begin only after the last ballot is counted by machine. I have full confidence this process will demonstrate the machines in our county and the elections director can be depended on.

There will be no cost as the State Senate has provided a fund for counties to do this, after volunteers the minimal cost will be covered there.

Everything for voters will be exactly the same. The confusion is only because so many people are trying to tell the story and I am not sure that it is being told accurately.
If this can't be done legally, safely, economically and efficiently. I will vote no.

Thank you,
Peggy Judd

Sent from my iPad

On Oct 22, 2022, at 1:24 AM, [redacted]@protonmail.com> wrote:

CAUTION: EXTERNAL EMAIL*

Having a hand count would be illegal, say the Cochise County Attorney, the Arizona Legislative Council, and the Arizona Secretary Of State. It would lead to hopelessly bollixing up Cochise County's election. It would give the Big Lie fanatics power over honest people's votes. You would be financing the Big Lie believers' hobby horse at the expense of Cochise County taxpayers. With every legal authority against you, you would be exposing yourselves to personal liability for illegal conduct, which by definition cannot be undertaken in good faith; see A.R.S. 11-266. Return our county government to sanity, and stop this nonsense.
-- Michael Jackson, Esq.

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AMERICAN OVERSIGHT

From: English, Ann S
To: Ali Morse
Subject: Re: your position of BOS Chair
Date: Sunday, November 13, 2022 2:38:05 PM

The role of chair is up to the members. Some rotate it and some do not.
I have always felt it was valuable to the county for me to be chair and keep the meetings on track.
Right now, they are both upset with me for not going along with their hand count proposal.
Tom is upset with me for trying to keep him from Open Meeting violations.
If or when they replace me, we will see if they can handle the responsibility. Peggy is virtual about 90% if the time because she says her husband is sick and she cannot leave him and I have no idea if Tom has ever run a meeting.
I will continue to be part of the process when it is held in a legal manner. I will not participate in any actions I feel are illegal
There will always be differences of opinion between board members. We need to keep it civil and legal.

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From: Ali Morse [redacted]@yahoo.com>
Sent: Sunday, November 13, 2022 11:18:08 AM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: re: your position of BOS Chair

CAUTION: EXTERNAL EMAIL*

Good afternoon, Supervisor English,

I'm sorry to bother you on a Sunday. Many of us are outraged at the hijacking attempt of Cochise County MAGA Republicans to seize control of the BOS and election process. I just want to be very clear before I speak on Tuesday.

Have you been Chair since the beginning of your term as Supervisor and how long has that been? Are you personally wanting to step down? Are there any specific rules/protocols that govern the selection of Board Chair and the length of that term? Are there any rules/protocols that would allow (or prevent) the other Supervisors to replace you?

Thank you very much for your time. We here in Portal think you have been doing a stellar job and demonstrate a tremendous amount of patience and tolerance.

Sincerely,

Allison Morse
Portal

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From: English, Ann S
To: Christine Rhodes
Subject: Re: Judd/Crosby denied Supreme Court hearing and Expedited action byAppeals Court (Herald-Review)
Date: Saturday, November 12, 2022 6:23:30 AM

The Board voted to hire Blehm on the recommendation of Judd. I also voted to hire an attorney for the Board, Marra and Stevens because no one should be without representation in the courts.

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From: Christine Rhodes [redacted]@gmail.com>
Sent: Friday, November 11, 2022 10:31:41 PM
To: English, Ann S <AEnglish@cochise.az.gov>
Subject: FW: Judd/Crosby denied Supreme Court hearing and Expedited action byAppeals Court (Herald-Review)

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Why did county administrator sign a contract with Blehm Law Firm? Chris R.

Sent from Mail for Windows

From: Michael Gregory
Sent: Friday, November 11, 2022 7:18 PM
To: Michael Gregory
Subject: Judd/Crosby denied Supreme Court hearing and Expedited action byAppeals Court (Herald-Review)

Supreme Court says no to transfer of hand-count case from Appeals Court
By Shar Porier shar.porier@myheraldreview.com Nov 11, 2022 Updated 4 hrs ago

BISBEE — As Supervisors Peggy Judd and Tom Crosby and County Recorder David Stevens attempt to proceed with a limited hand count of ballots, ignoring the temporary injunction against it, they decided to request their case go directly to the Arizona Supreme Court as recommended by attorneys Bryan Blehm and Alexander Kolodin.

The court said not so fast.

In a Nov. 10 letter to the county, Arizona Supreme Court Justice William Montgomery released a ruling denying the attorneys' requests to transfer the case from the Arizona Court of Appeals directly to the Supreme Court.

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The attorneys provided arguments that claimed the case "presents statewide importance of the novel issue of pure law" and the statutory hand count deadline "will preclude review by the Arizona Appeals Courts."

Montgomery did not accept the arguments and denied the transfer.

Arizona Court of Appeals Division II presiding Judge Karl C. Eppich stated in a Nov. 10 ruling the "expedited election appeal is not applicable in this case," just as Stevens "conceded" in a phone conference.

Eppich also denied the motion to transfer the case and stated the "matter shall proceed as a non–expedited appeal according to the rules of civil appellate procedure." He set a date for the appeal to be submitted to the court no later than Dec. 12.

Appellate Judge Christopher Staring agreed with Eppich's decision but Appellate Judge Sean Brearcliffe dissented and said the motion should be granted and he would "accept the opening brief and order an expedited briefing schedule."

The injunction against any forward movement on a hand count as handed down by Pima Superior Court Judge Casey McGinley on Nov. 7 is still in effect. The American Alliance of Retired People and Democrat Stephanie Stevenson filed suit against the county for unauthorized hand count and the judge ruled in their favor.

In addition, County Attorney Brian McIntyre noted in a letter to the attorney for Elections Director Lisa Marra and all the parties involved on legal ramifications of moving forward on an expanded count. He noted in the letter there were several legal issues to be faced if the count moved forward.

One of the issues he noted in the Nov. 10 letter concerned a possible felony charge if anyone interferes in any manner with an election officer in performing election duties.

Another is "Knowingly and unlawfully carries away ballots from the possession of the person authorized by law to have custody."

A third states: "A person who disobeys or resists the lawful order, process or the mandate of a court or interferes with judicial proceedings."

Lastly, "A person commits conspiracy if, with the intent to promote or aid in the commission of an offense, such person agrees with one or more persons that that at least one of them will engage in conduct constituting the offense and commits an overt act."

He also stated, "I have alerted the appropriate authorities to the potential violations based upon the statement of two elected officials connected to this."

McIntyre said he sent the letter "to advise all parties involved, of our position if any efforts are made to move forward despite the court's order."

On Tuesday, Nov. 15, in the regular 10 a.m. meeting at the county complex on

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Melody Lane,the supervisors will discuss attorney fees being charged by Blehm and Kolodin.
Judd and Crosby claimed they had secured outside money to pay the fees, but County Administrator Richard Karwaczka signed a contract on behalf of the county with Blehm's law firm. A $10,000 retaining fee is required and Blehm will receive $325 per hour.
Though Judd and Crosby said they had outside money to pay for the attorney fees, no secured donors or the amounts of their donations have been provided.
At 1 p.m. Nov. 15, there will be a special meeting of the supervisors to discuss modifying the Oct. 24 decision regarding a hand count audit down to 99% of the ballots, instead of 100%. They would allow Stevens to hold the hand count as soon as possible to beat the canvass deadline of Friday, Nov. 18, at which time the supervisors will hold a special meeting at 4 p.m. to approve the canvass as presented by Marra.
According to the meeting document, Judd, Crosby and Stevens have gathered more than 200 volunteers to perform the hand count to assure voters the election results were reliable and secure.
However, in talking with some of those who signed up to help but do not want to be identified, they said they did so "under duress" and only signed up to make sure the hand count would be done legally with no interference from Republican ballot counters. They are not in favor of the count at all.
According to the meeting document as submitted by Judd, "Two other results of this hand count will be simply a larger random selection audit of machine accuracy and a test of our backup plan in case some or all of our machines become compromised or fail at the last minute. The Arizona Revised Statutes have never prohibited hand count, even when adding provisions for using the machines for counting. County Recorder David Stevens, our state senator and representatives are in support of this and will be able to follow through with proper action in the Legislature as needed.
"As a result of the politically derived ruling received Nov. 7, on the eve of the General Election Day, a restrictive and damaging precedent will be set. Our hand count should proceed legally according to limitations set within that document to provide a positive path forward for Cochise County and other who desire more transparent elections."

There has been no public statement as to where the count will be held other than in Sierra Vista at a donated location. Also not released publicly is an official plan of how the ballots will be secured in transferring them to the site nor how the count will be conducted and tallied.

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From: Crosby, Tom
To: Christine Reagan
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices
Date: Tuesday, November 8, 2022 7:01:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Thanks Christine, I'm very interested. I've looked at about 200 pages of info about machines and certification.

Crosby

From: Christine Reagan <christine@actforamerica.org>
Sent: Sunday, November 6, 2022 10:00 AM
To: Crosby, Tom <TCrosby@cochise.az.gov>; Jim O'Connor <[redacted]@ronnoco3.com>
Cc: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov;

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Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Re: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear All,

As Tom Crosby of Cochise County has stated,

> "It has to be irrefutable proof machines aren't certified".

Regarding our concern about the legal certification status on the voting machines, please allow me to provide a list of the key documents we are seeking from the Supervisors and County Attorney or anyone in authority:

1. Where is the test report on their model of voting machine?
2. Where is the Lab Accreditation Certificate as of the certification test date?
3. Is the accreditation certificate valid or has it been modified? Note: We have copies of the ones posted and time stamped to reveal a modified document made to look like they were accredited at the time but generated years after the certification. This is revealed in the 13-minute walk through video sent earlier today and provided here>> https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html.

Perhaps more of you would be inclined to assist, understanding if we will all work together to provide the real proof of certification status, the grassroots will work hard to convey the legal status of the machines to the public at large and put this issue to rest- if we are able to provide proof of the legal status

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of the voting machines and electronic devices, as prescribed by law.
I thank you all for your service to the state of Arizona.
Please provide these materials to Commissioner Jim O'Connor for review.
Our time to act is now.

Respectfully yours,

Christine Reagan
National Grassroots Director| ACT for America
Cell: [redacted]
Office: 202-204-6999 ext. 4107
Email: christine@actforamerica.org

On Nov 6, 2022, at 4:39 AM, Crosby, Tom <TCrosby@cochise.az.gov> wrote:

It has to be irrefutable proof machines aren't certified

Get Outlook for iOS

From: christine@actforamerica.org <christine@actforamerica.org>
Sent: Thursday, November 3, 2022 1:38:25 PM
To: gbowman@co.apache.az.us <gbowman@co.apache.az.us>; ashepherd@co.apache.az.us <ashepherd@co.apache.az.us>; ndavis@co.apache.az.us <ndavis@co.apache.az.us>; lnoble@co.apache.az.us <lnoble@co.apache.az.us>; aromero@co.apache.az.us <aromero@co.apache.az.us>; Crosby, Tom <TCrosby@cochise.az.gov>; English, Ann S <AEnglish@cochise.az.gov>; Judd, Peggy <PJudd@cochise.az.gov>; Stevens, David <DStevens@cochise.az.gov>; lmarra@cochise.az.g <lmarra@cochise.az.g>; phorstman@coconino.az.gov <phorstman@coconino.az.gov>; jvasquez@coconino.az.gov <jvasquez@coconino.az.gov>; mryan@coconino.az.gov <mryan@coconino.az.gov>; jbegay@coconino.az.gov <jbegay@coconino.az.gov>; lfowler@coconino.az.gov <lfowler@coconino.az.gov>; phansen@coconino.az.gov <phansen@coconino.az.gov>; emusta@coconino.az.gov <emusta@coconino.az.gov>; schristensen@gilacountyaz.gov <schristensen@gilacountyaz.gov>; thumphrey@gilacountyaz.gov <thumphrey@gilacountyaz.gov>; wcline@gilacountyaz.gov <wcline@gilacountyaz.gov>; sbingham@gilacountyaz.gov <sbingham@gilacountyaz.gov>; emariscal@gilacountyaz.gov <emariscal@gilacountyaz.gov>; pdavid@graham.az.gov <pdavid@graham.az.gov>; jhoward@graham.az.gov <jhoward@graham.az.gov>; dsmith@graham.az.gov <dsmith@graham.az.gov>; wjohn@graham.az.gov <wjohn@graham.az.gov>;

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hduderstadt@graham.az.gov <hduderstadt@graham.az.gov>; dgomez@greenlee.az.gov <dgomez@greenlee.az.gov>; rcampbell@greenlee.az.gov <rcampbell@greenlee.az.gov>; rlunt@greenlee.az.gov <rlunt@greenlee.az.gov>; shilheiro@greenlee.az.gov <shilheiro@greenlee.az.gov>; bfigueroa@greenlee.az.gov <bfigueroa@greenlee.az.gov>; dplunkett@lapazcountyaz.gov <dplunkett@lapazcountyaz.gov>; dminor@lapazcountyaz.gov <dminor@lapazcountyaz.gov>; hirwin@lapazcountyaz.gov <hirwin@lapazcountyaz.gov>; rgarcia@lapazcountyaz.gov <rgarcia@lapazcountyaz.gov>; bbartelsmeyer@lapazcountyaz.gov <bbartelsmeyer@lapazcountyaz.gov>; Jack.sellers@maricopa.gov <Jack.sellers@maricopa.gov>; Thomas.galvin@maricopa.gov <Thomas.galvin@maricopa.gov>; Bill.gates@maricopa.gov <Bill.gates@maricopa.gov>; Clint.hickman@maricopa.gov <Clint.hickman@maricopa.gov>; Steve.gallardo@maricopa.gov <Steve.gallardo@maricopa.gov>; sricher@risc.maricpa.gov <sricher@risc.maricpa.gov>; Scott.jarrett@maricopa.gov <Scott.jarrett@maricopa.gov>; Travis.lingenfelter@mohave.gov <Travis.lingenfelter@mohave.gov>; Hildy.angius@mohave.gov <Hildy.angius@mohave.gov>; Buster.johnson@mohave.gov <Buster.johnson@mohave.gov>; Jean.bishop@mohave.gov <Jean.bishop@mohave.gov>; Ron.gould@mohave.gov <Ron.gould@mohave.gov>; Kristi.blair@mohave.gov <Kristi.blair@mohave.gov>; Allen.tempert@mohave.gov <Allen.tempert@mohave.gov>; Fern.benally@navajocountyaz.gov <Fern.benally@navajocountyaz.gov>; Alberto.penshlakai@navajocountyaz.gov <Alberto.penshlakai@navajocountyaz.gov>; Jason.whiting@navajocountyaz.gov <Jason.whiting@navajocountyaz.gov>; Daryl.seymore@navajocountyaz.gov <Daryl.seymore@navajocountyaz.gov>; Dawnafe.whitesinger@navajocountyaz.gov <Dawnafe.whitesinger@navajocountyaz.gov>; Michael.sample@navajocountyaz.gov <Michael.sample@navajocountyaz.gov>; Rayleen.richards@navajocountyaz.gov <Rayleen.richards@navajocountyaz.gov>; Rex.scott@pima.gov <Rex.scott@pima.gov>; Matt.heinz@pima.gov <Matt.heinz@pima.gov>; Sharon.bronson@pima.gov <Sharon.bronson@pima.gov>; Steve.christy@pima.gov <Steve.christy@pima.gov>; Adelita.grijalva@pima.gov <Adelita.grijalva@pima.gov>; Gabriella.cazarez.kelly@pima.gov <Gabriella.cazarez.kelly@pima.gov>; Brad.nelson@pima.gov <Brad.nelson@pima.gov>; Kevin.cavanaugh@pinal.gov <Kevin.cavanaugh@pinal.gov>; Mike.goodman@pinal.gov <Mike.goodman@pinal.gov>; Stephen.miller@pinal.gov <Stephen.miller@pinal.gov>; Jeffrey.mcclure@pinal.gov <Jeffrey.mcclure@pinal.gov>; Jeff.serdy@pinal.gov <Jeff.serdy@pinal.gov>; Dana.lewis@pinal.gov <Dana.lewis@pinal.gov>; Virginia.ross@pinal.gov <Virginia.ross@pinal.gov>; mruiz@santacruzcountyaz.gov <mruiz@santacruzcountyaz.gov>; rmolera@santacruzcountyaz.gov <rmolera@santacruzcountyaz.gov>; bbracker@santacruzcountyaz.gov <bbracker@santacruzcountyaz.gov>; ssainz@santacruzcountyaz.gov <ssainz@santacruzcountyaz.gov>; Harry.oberg@yavapaiaz.gov <Harry.oberg@yavapaiaz.gov>; James.gregory@yavapaiaz.gov <James.gregory@yavapaiaz.gov>; Donna.michaels@yavapaiaz.gov

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<Donna.michaels@yavapaiaz.gov>; Craig.brown@yavapaiaz.gov
<Craig.brown@yavapaiaz.gov>; Mary.mallory@yavapaiaz.gov
<Mary.mallory@yavapaiaz.gov>; David.rhodes@yavapaiaz.gov
<David.rhodes@yavapaiaz.gov>; Michelle.burchill@yavapaiaz.gov
<Michelle.burchill@yavapaiaz.gov>; Lynn.constabile@yavapaiaz.gov
<Lynn.constabile@yavapaiaz.gov>; Martin.porchas@yumacountyaz.gov
<Martin.porchas@yumacountyaz.gov>; Jonathan.lines@yumacountyaz.gov
<Jonathan.lines@yumacountyaz.gov>; Darren.simmons@yumacountyaz.gov
<Darren.simmons@yumacountyaz.gov>; Tony.reyes@yumacountyaz.gov
<Tony.reyes@yumacountyaz.gov>; Lynne.pancrazi@yumacountyaz.gov
<Lynne.pancrazi@yumacountyaz.gov>; Leon.wilmot@ycso.yumacountyaz.gov
<Leon.wilmot@ycso.yumacountyaz.gov>; Richard.colwell@yumacountyaz.gov
<Richard.colwell@yumacountyaz.gov>; Tiffany.anderson@yumacountyaz.gov
<Tiffany.anderson@yumacountyaz.gov>
Subject: RE: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

CAUTION: EXTERNAL EMAIL*

Dear Representatives,
It has come to my attention that the video link is a Microsoft product that some are unable to view.
Please find this short 13-minute video presentation below.
https://rumble.com/v1omeaq-voting-machines-are-corrupted-evidence-from-subject-matter-experts-do-not-u.html

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org

Stay Connected:

ACT for America is the nation's premier nonprofit grassroots movement devoted to preserving America's Culture, Security and Freedom.

From: christine@actforamerica.org <christine@actforamerica.org>

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Sent: Thursday, November 3, 2022 12:03 PM
To: gbowman@co.apache.az.us; ashepherd@co.apache.az.us; ndavis@co.apache.az.us; lnoble@co.apache.az.us; aromero@co.apache.az.us; tcrosby@cochise.az.gov; aenglish@cochise.az.gov; pjudd@cochise.az.gov; dstevens@cochise.az.gov; lmarra@cochise.az.g; phorstman@coconino.az.gov; jvasquez@coconino.az.gov; mryan@coconino.az.gov; jbegay@coconino.az.gov; lfowler@coconino.az.gov; phansen@coconino.az.gov; emusta@coconino.az.gov; schristensen@gilacountyaz.gov; thumphrey@gilacountyaz.gov; wcline@gilacountyaz.gov; sbingham@gilacountyaz.gov; emariscal@gilacountyaz.gov; pdavid@graham.az.gov; jhoward@graham.az.gov; dsmith@graham.az.gov; wjohn@graham.az.gov; hduderstadt@graham.az.gov; dgomez@greenlee.az.gov; rcampbell@greenlee.az.gov; rlunt@greenlee.az.gov; shilheiro@greenlee.az.gov; bfigueroa@greenlee.az.gov; dplunkett@lapazcountyaz.gov; dminor@lapazcountyaz.gov; hirwin@lapazcountyaz.gov; rgarcia@lapazcountyaz.gov; bbartelsmeyer@lapazcountyaz.gov; Jack.sellers@maricopa.gov; Thomas.galvin@maricopa.gov; Bill.gates@maricopa.gov; Clint.hickman@maricopa.gov; Steve.gallardo@maricopa.gov; sricher@risc.maricpa.gov; Scott.jarrett@maricopa.gov; Travis.lingenfelter@mohave.gov; Hildy.angius@mohave.gov; Buster.johnson@mohave.gov; Jean.bishop@mohave.gov; Ron.gould@mohave.gov; Kristi.blair@mohave.gov; Allen.tempert@mohave.gov; Fern.benally@navajocountyaz.gov; Alberto.penshlakai@navajocountyaz.gov; Jason.whiting@navajocountyaz.gov; Daryl.seymore@navajocountyaz.gov; Dawnafe.whitesinger@navajocountyaz.gov; Michael.sample@navajocountyaz.gov; Rayleen.richards@navajocountyaz.gov; Rex.scott@pima.gov; Matt.heinz@pima.gov; Sharon.bronson@pima.gov; Steve.christy@pima.gov; Adelita.grijalva@pima.gov; Gabriella.cazarez.kelly@pima.gov; Brad.nelson@pima.gov; Kevin.cavanaugh@pinal.gov; Mike.goodman@pinal.gov; Stephen.miller@pinal.gov; Jeffrey.mcclure@pinal.gov; Jeff.serdy@pinal.gov; Dana.lewis@pinal.gov; Virginia.ross@pinal.gov; mruiz@santacruzcountyaz.gov; rmolera@santacruzcountyaz.gov; bbracker@santacruzcountyaz.gov; ssainz@santacruzcountyaz.gov; Harry.oberg@yavapaiaz.gov; James.gregory@yavapaiaz.gov; Donna.michaels@yavapaiaz.gov; Craig.brown@yavapaiaz.gov; Mary.mallory@yavapaiaz.gov; David.rhodes@yavapaiaz.gov; Michelle.burchill@yavapaiaz.gov; Lynn.constabile@yavapaiaz.gov; Martin.porchas@yumacountyaz.gov; Jonathan.lines@yumacountyaz.gov; Darren.simmons@yumacountyaz.gov; Tony.reyes@yumacountyaz.gov; Lynne.pancrazi@yumacountyaz.gov; Leon.wilmot@ycso.yumacountyaz.gov; Richard.colwell@yumacountyaz.gov; Tiffany.anderson@yumacountyaz.gov
Subject: Urgent Request to Investigate the Legal Status of the Voting Machines, Tabulators, and Electronic Devices

Dear Arizona County Board of Supervisors, Recorders, and Elections Directors,

My name is Christine Reagan, and I am the National Grassroots Director for

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www.actforamerica.org, the nation's largest grassroots movement in the nation with activists in 98% of all US counties across America including members in every county in your state. I am currently supporting a grassroots movement calling for a contingency hand count election considering the overwhelming evidence that the Arizona voting machines and tabulators are NOT lawfully certified by an accredited lab, violating state law, and presenting a serious cyber security threat.

Please click to view this video walkthrough on the potential certification fraud here>>Presentation of Evidence of Fraudulent Voting Machine Certification

I am in support of Arizona State Commissioner Jim O'Connor's letter dated October 19th, 2022, calling for the immediate investigation of the legal status of certifications for our voting machines, tabulators, and electronic equipment currently scheduled for use in our Midterm Election on November 8th. Jim O'Connor has 30 years of relative experience and has sent every county official, including your office, a formal letter calling for an immediate investigation and remedy. Jim O'Connor is working with cyber security experts including Michael Schafer, a Maricopa County Business Owner who operates a federally certified and accredited cyber security laboratory who has produced the video walk through video presenting the evidence of the potentially fraudulent voting machine certifications going back to 2018 elections that has yet to be remedied. Sadly, as of today, I don't believe any local officials have provided a prompt and courteous response to Commission O'Connor's letter requesting evidence that proves the voting machines are legally certified which is raising serious questions in your Arizona State grassroots network of leaders, activists, and voters.

As mentioned in Jim O'Connor's letter, there is a potential case of serious fraud that may have been committed against the State of Arizona as it relates to the HAVA Act and US Election Assistance Commission EAC Certification requirements on our electronic voting machines and tabulators currently scheduled for use in our 2020 Midterm election.

Our Arizona Counties are about to engage in a potentially fraudulent election that will cause egregious public harm and further erode public confidence in our ability to conduct a free and fair election.

Arizona's voting machines and tabulators may be unlawfully certified by an unaccredited lab in violation of A.R.S. § 16-442(B), the requirements of the Federal (HAVA) Help America Vote Act, and the Arizona State Constitution Article 7, Sec. 7 (only legal votes may be counted). In addition, our current research and documented evidence shows that our 2018 & 2020 elections were conducted where the electronic voting machines and tabulators were also not certified by accredited labs because their accreditations had expired, in violation of both federal, state law, and civil rights of the people of the state of Arizona.

In good faith, Arizona County Election Officials cannot use the electronic voting

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machines and tabulators, because of their lack of certification by an accredited lab pursuant to state law A.R.S. § 16-442(B).

1) Arizona State Voting Machines are NOT Legally Certified Pursuant to Arizona State law, *"Machines or tabulators used at any election for federal, state or county offices* ***may only be used*** *in this state* ***IF*** *they comply with the Help America Vote Act of 2002 and if those machines or tabulators have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002."* ***See A.R.S. § 16-442(B)***.

2) In addition, the US Cybersecurity & Infrastructure Security Agency has issued an ICS-Cert Advisory Alert (ICSA-22-154-01) in June of this year titled 'Vulnerabilities Affecting Dominion Voting Systems ImageCastX, deployed throughout the state of Arizona. This legal notice lists 13 serious security vulnerabilities that ***have not been mitigated or remedied in our state***.

Every county that conducts this upcoming election on uncertified machines is facing tremendous public backlash and financial liability.

In your capacity, as elected officials, under ARS 16-442, you have permissive authority in that you **MAY choose** to use electronic voting machines. There is NO REQUIRED authority mandating you to use the voting machines and tabulators.

Every county has the option to use a contingency plan or revert to traditional voting methods using paper ballots in precincts and hand counted vote tally to conduct elections. Considering two major breaches of public trust and the desire to perform our duty ensuring adherence to state law ARS 16-442, it's incumbent upon you not to use the voting machines and tabulators. I urge you to take immediate steps to acquire proof that our voting machines and tabulators do not violate the afore-mentioned state and federal laws.

We must remedy and prevent what is certain to otherwise be a catastrophic failure and injury to the people of Arizona, to whom this election belongs. Honor your oath and do your public duty for the benefit of the people of Arizona.

Arizona Citizens have sent out nearly 634,000 emails notifying and calling upon the Sheriff's, Local Officials, State Legislature, Governor, Attorney General, and Secretary of State to perform their duty and investigate the validity of the voting machine certification. The Sheriff's offices, alone, should have received at least 2000 direct emails in the past few weeks. AZ No Voting Machines 2022

Arizona grassroots leadership and activists are seeking a non-partisan effort to provide the minimum level of election security, as defined by Arizona state law, to provide the public a reasonable expectation that the voting machines and tabulators have been verified and legally certified!

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In the event you agree that the voting machines are not legally certified, our only immediate remedy is to prohibit the use of illegal machines and allow the counties to proceed with their contingency hand count election procedures that every county is trained and equipped to conduct. As for the argument on the time and resources that would be required, many states including battleground states of Pennsylvania and Michigan are publicly declaring that election certifications will take days or even a week, allowing Arizona to be in good company.

Elections belong to the people and the people would rather feel confident and secure and wait a few days than live under a shadow of doubt.

I thank you all in advance for your prompt and thorough action!

CC: Arizona State County Board of Supervisors, Recorders, Election Directors, and Sheriffs.

Please provide a detailed response to Jim O'Connor [redacted] @ronnoco3.com at your earliest convenience.

The Time to Act is Now!
Respectfully Yours,
Christine Reagan
National Grassroots Director| ACT for America
Office: 202-204-6999 ext. 4107
Direct Cell: [redacted]
Website: www.actforamerica.org
Stay Connected:

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: ALERT: Cochise County Board of Supervisors Sued to Stop Hand Count
Date: Monday, March 4, 2024 2:08:50 PM

Your message
To: MSG Jack Dona US Army RET
Subject: ALERT: Cochise County Board of Supervisors Sued to Stop Hand Count
Sent: 11/2/2022 12:15 PM
was read on 11/2/2022 12:17 PM.

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: ALERT: Cochise County Votes for 100% hand Count!
Date: Monday, March 4, 2024 1:52:04 PM

Your message
To: Board; BOS-Supervisors; Recorder; 'Joe Patterson'; 'Gwynn Patterson'; 'joan wilson'; dgowan@azleg.gov; sborrelli@azleg.gov
Cc: 'MSG Jack Dona US Army RET'
Subject: ALERT: Cochise County Votes for 100% hand Count!
Sent: 10/24/2022 10:26 PM
was read on 10/25/2022 9:51 PM.

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: ALERT: Cochise County Votes for 100% hand Count!
Date: Monday, March 4, 2024 1:51:41 PM

Your message
To: Board; BOS-Supervisors; Recorder; 'Joe Patterson'; 'Gwynn Patterson'; 'joan wilson'; dgowan@azleg.gov; sborrelli@azleg.gov
Cc: 'MSG Jack Dona US Army RET'
Subject: ALERT: Cochise County Votes for 100% hand Count!
Sent: 10/24/2022 10:24 PM
was read on 10/25/2022 9:14 PM.

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From:	Judd, Peggy
To:	MSG Jack Dona US Army RET
Subject:	Read: ALERT: Cochise County, Kari Lake: Hand Count/Shipping Containers on Sunday Morning Futures With Maria Bartiromo 10/23/22
Date:	Monday, March 4, 2024 1:44:46 PM

Your message
To: MSG Jack Dona US Army RET
Subject: ALERT: Cochise County, Kari Lake: Hand Count/Shipping Containers on Sunday Morning Futures With Maria Bartiromo 10/23/22
Sent: 10/23/2022 1:18 PM
was read on 10/23/2022 4:41 PM.

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: AZ Attorney General Opinion Letter on Cochise County Hand Count 10-28-2022 (DISTRO LIST-2)
Date: Monday, March 4, 2024 2:05:03 PM

Your message
To: McIntyre, Brian M; Marra, Lisa M; Correa, Paul
Cc: Karwaczka, Richard; BOS-Supervisors; Board; Recorder; Mattix, Timothy; Wright, Melissa A
Subject: AZ Attorney General Opinion Letter on Cochise County Hand Count 10-28-2022 (DISTRO LIST-2)
Sent: 10/28/2022 9:52 PM
was read on 10/28/2022 10:26 PM.

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: Cochise Co. Hand Count - serve constituents, build public trust
Date: Monday, March 4, 2024 1:41:58 PM

Your message
To: 'Marcus'
Cc: McIntyre, Brian M; Recorder; BOS-Supervisors; Board
Subject: RE: Cochise Co. Hand Count - serve constituents, build public trust
Sent: 10/21/2022 1:51 PM
was read on 10/21/2022 8:42 PM.

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From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: Cochise Co. Hand Count - serve constituents, build public trust
Date: Monday, March 4, 2024 1:41:42 PM

Your message
To: 'Marcus'
Cc: McIntyre, Brian M; Recorder; BOS-Supervisors; Board
Subject: RE: Cochise Co. Hand Count - serve constituents, build public trust
Sent: 10/21/2022 1:49 PM
was read on 10/21/2022 3:18 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists???
Date: Monday, March 4, 2024 12:56:03 PM

Your message
To: McIntyre, Brian M; CRoberts@cochise.azgov
Cc: Recorder; BOS-Supervisors; Board
Subject: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???
Sent: 10/12/2022 10:44 PM
was read on 10/13/2022 6:35 AM.

AMERICAN OVERSIGHT

From: Crosby, Tom
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists???
Date: Monday, March 4, 2024 12:56:47 PM

Your message
To: McIntyre, Brian M; CRoberts@cochise.azgov
Cc: Recorder; BOS-Supervisors; Board
Subject: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???
Sent: 10/12/2022 10:44 PM
was read on 10/13/2022 8:30 AM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists???
Date: Monday, March 4, 2024 12:59:41 PM

Your message
To: McIntyre, Brian M
Cc: Recorder; BOS-Supervisors; Board
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???
Sent: 10/14/2022 1:47 PM
was read on 10/14/2022 4:06 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists??? (2nd Distro)
Date: Monday, March 4, 2024 1:00:20 PM

Your message
Cc: McIntyre, Brian M; Recorder; BOS-Supervisors; Board; 'Radford Hyde'
Subject: FW: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists??? (2nd Distro)
Sent: 10/14/2022 6:27 PM
was read on 10/14/2022 6:57 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists??? (2nd Distro)
Date: Monday, March 4, 2024 1:00:34 PM

Your message
Cc: McIntyre, Brian M; Recorder; BOS-Supervisors; Board; 'Radford Hyde'
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists??? (2nd Distro)
Sent: 10/14/2022 6:26 PM
was read on 10/14/2022 6:57 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists??? (2nd Distro)
Date: Monday, March 4, 2024 12:59:19 PM

Your message
To: McIntyre, Brian M
Cc: Recorder; BOS-Supervisors; Board
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists??? (2nd Distro)
Sent: 10/14/2022 1:50 PM
was read on 10/14/2022 3:44 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists??? (2nd Distro)
Date: Monday, March 4, 2024 12:59:19 PM

Your message
To: McIntyre, Brian M
Cc: Recorder; BOS-Supervisors; Board
Subject: RE: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists??? (2nd Distro)
Sent: 10/14/2022 1:50 PM
was read on 10/14/2022 3:44 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO"s and Closet Marxists???
Date: Monday, March 4, 2024 12:56:01 PM

Your message
To: McIntyre, Brian M; CRoberts@cochise.azgov
Cc: Recorder; BOS-Supervisors; Board
Subject: COCHISE COUNTY HAND COUNT: MORE "LAWFARE" by RINO's and Closet Marxists???
Sent: 10/12/2022 10:41 PM
was read on 10/13/2022 6:33 AM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: Cochise County Hand Count: The Leftist Newspapers Lining up Against Voter Integrity
Date: Monday, March 4, 2024 12:55:38 PM

Your message
To: MSG Jack Dona US Army RET
Subject: Cochise County Hand Count: The Leftist Newspapers Lining up Against Voter Integrity
Sent: 10/12/2022 6:55 PM
was read on 10/12/2022 7:07 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: MSG Jack Dona US Army RET
Subject: Read: Update: Latest on the Cochise County Hand Count 10-30-2022
Date: Monday, March 4, 2024 2:05:53 PM

Your message
To: MSG Jack Dona US Army RET
Subject: Update: Latest on the Cochise County Hand Count 10-30-2022
Sent: 10/30/2022 12:13 PM
was read on 10/30/2022 1:14 PM.

AMERICAN OVERSIGHT

From: Judd, Peggy
To: J I Tenney
Subject: So there is a hand count vote that will happen
Date: Saturday, October 15, 2022 10:40:00 AM

Hi Jim,

I thought you might want to know. A week from Monday the board will vote on a hand count for our complete election. Just to make sure our machines are actually doing their job.
Some people are very excited, they asked me to be on a talk show. Here it is just in case you want to see it.
It's kind of a big deal…
https://us01.l.antigena.com/l/AzPpbuCYbiMI_bf1w-xKKXhjiZlvPTainhMvqY_Rw9_Cv0GpyFeIwkUPPaJlDklPB9EQgsVR6speNqAYWPpIzS_sE-m9JcYYOFYF8ayIzo7x1fhazSifyJO_aNiroYray9ukW~64DYaNfc6CnUqyFAh_CghttZ7~

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

AMERICAN OVERSIGHT

From: Judd, Peggy
To: "MSG Jack Dona US Army RET"; DD L; Joseph Patterson; Gwynn Patterson
Subject: There is a special meeting for hand count
Date: Friday, October 14, 2022 7:53:00 PM

Monday the 24th at 2:00PM
Please come and speak again.
THANKS TO YOU ALL!

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

AMERICAN OVERSIGHT

From:	Judd, Peggy
To:	Chamisa Farms
Subject:	This is the short one
Date:	Thursday, October 13, 2022 2:01:57 PM
Attachments:	Kari Lake Weighs in on Cochise County Hand Count.mp4

Sent from my iPad

AMERICAN OVERSIGHT

From: Judd, Peggy
To: "MSG Jack Dona US Army RET"
Subject: Veteran"s Appreciation
Date: Thursday, November 3, 2022 12:57:00 PM

Dear Mr. Dona,

I neglected to thank you and many of your amazing colleagues for their esteemed and selfless service to our Nation. I am here to make sure that all of your efforts and, for many, even their lives were not wasted. Have a Blessed Veteran's Day and know. I love you, and each of your friends who have served in the armed services and appreciate you for your service.

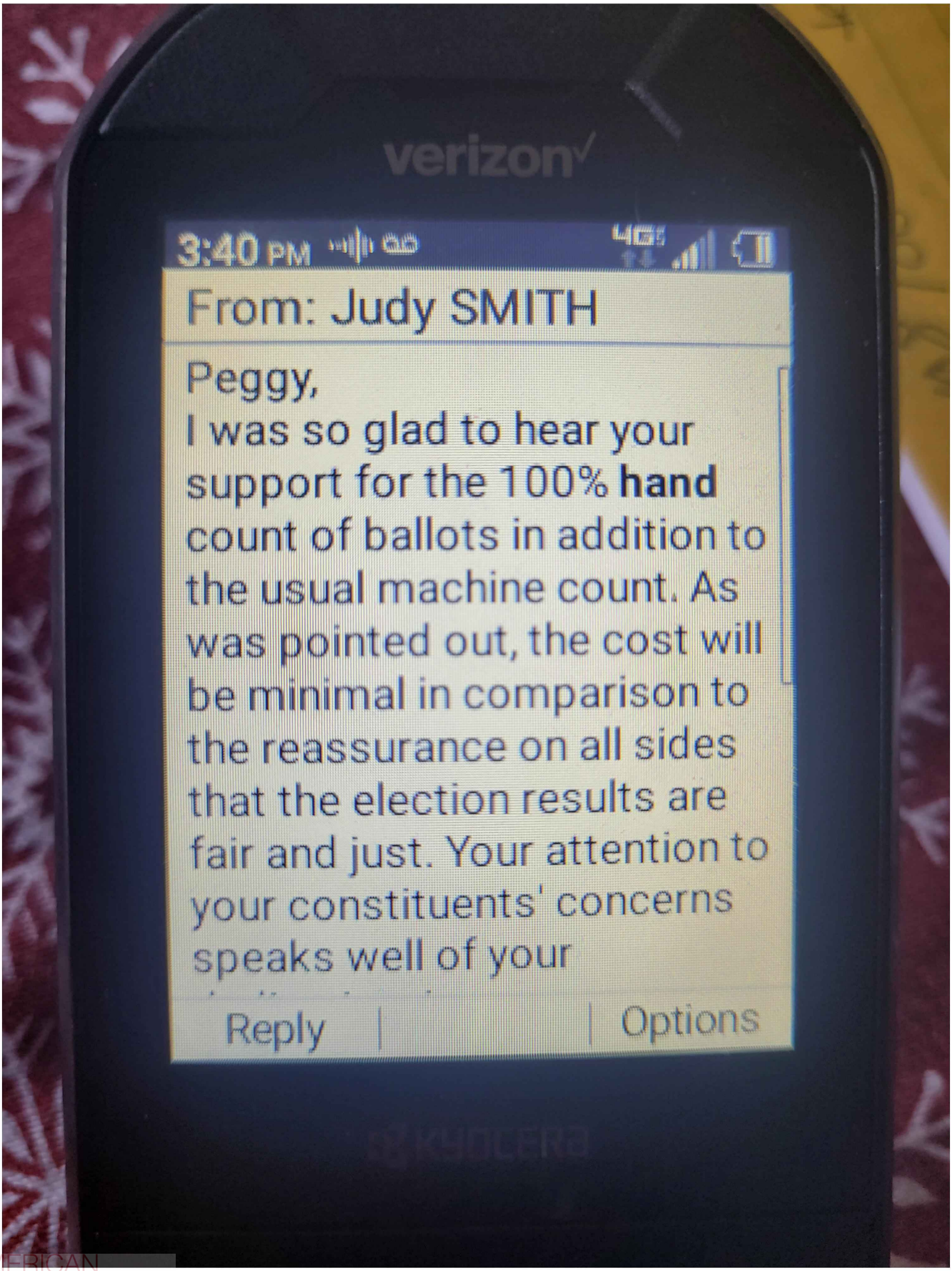
Also, I failed to mention. As much as I appreciate your input and support, I have not been coordinating with any particular outside individuals or organizations in this hand count effort. Much advice and appreciation and prayers have been offered, and I have taken it all in and especially appreciate the prayers. Going forward, now that we have secured legal counsel, I feel it is not appropriate for me to join in league with anyone in particular and I will be happy to hear from you, with your individual efforts and your general reports and findings. But I am exclusively depending on our very capable Recorder, Mr. Stevens and our legal counsel in this matter.

I still am deeply appreciative of you and know we patriots are in this together.
God Bless,

Peggy Judd
Cochise County Supervisor
District 3
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax
520-366-2826 cell

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

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

3:40 PM

From: Judy SMITH

speaks well of your dedication. I was sorry to hear several days ago that Kit is not well, and you mentioned it today. I know how stressful that can be on both of you, and I will keep you in my prayers. Thank you for all you do.
Judy Smith

6:29 PM

Reply | Options

AMERICAN OVERSIGHT

verizon

3:40 PM

Message details

Type: Text message
From: Judy SMITH[+1 [redacted]
Sent: Oct 11, 6:29 PM
Received: Oct 11,

OK

AMERICAN OVERSIGHT

verizon

3:40 PM

From: +1 [redacted]

Hello Peggy Judd, I attended the meeting yesterday and wanted to thank you so much for being strong and standing up for the people of Cochise County! I know the amount of bravery it takes these days. My family and I are more than willing to volunteer to help with the count in any way. All we want is a fair election. Machines are capable of

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:40 PM

From: +1 [redacted]

willing to volunteer to help with the count in any way. All we want is a fair election. Machines are capable of manipulation and a **hand** count would put many minds at ease, and hopefully put confidence in our system going forward. Thank you again and please continue this fight!

7:31 AM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:40 PM

Message details

Type: Text message

From: +1 [redacted]

Sent: Oct 12, 7:31 AM

Received: Oct 12, 7:31 AM

OK

AMERICAN OVERSIGHT

verizon

3:41 PM

Message details

Type: Multimedia message

From: Lupe DIAZ[[redacted]

To: Peggy Judd[(520) 366-2826]

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:41 PM

From: Lupe DIAZ[[redacted]

<Subject: Fwd:>
The law says "at least" two percent must be counted by **hand**. There is nothing preventing 100% **Hand** Counts.

10:37 AM

Reply | Options

AMERICAN OVERSIGHT

verizon

3:41 PM

To: Holly Williams

This is Peggy Judd from Cochise County AZ. I HAVE GOT TO AN AGENDA ITEM FOR A **HAND** COUNT.! I really would like to speak to you ASAP I hear they are working on getting me on with steve Bannon and Mike Lindell. Please call. We need to make this bigger and we can.

7:02 AM

Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:41 PM

Message details

Type: Text message
To: Holly Williams[redacted]
Sent: Oct 15, 7:02 AM

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:41 PM

To: Tina Peters

Hi Tina. I hesitate to bother you on the weekend but I am hoping you will phone me at your convenience about our vote to do a complete handcount in cochise county AZ. Thanks Peggy Judd

2:31 PM

Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:42 PM

Message details

Type: Text message
To: Tina Peters[redacted]
Sent: Oct 15, 2:31 PM

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:42 PM

From: +1[redacted]

This is Christine Reagan|Act for America. I am running the grassroots support for Ban the Voting Machines, in cooperation with Commissioner Jim O'Connor, Michele Swinick who's introduced us, Michael Schafer and more. I'm hoping to catch up with you and learn the details of your plans and proceedings required to

Reply | | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:42 PM

From: +1[redacted]

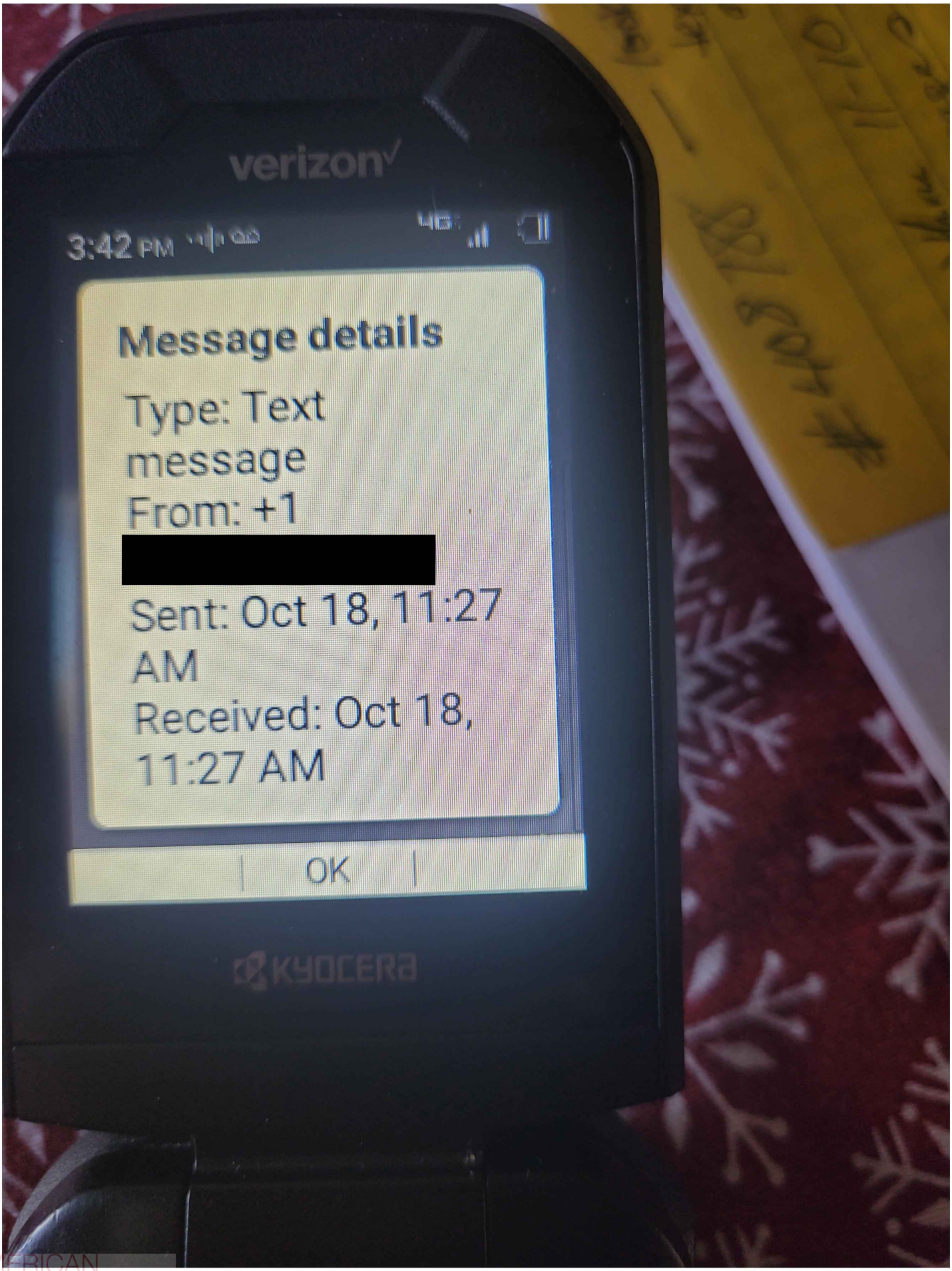
cooperation with Commissioner Jim O'Connor, Michele Swinick who's introduced us, Michael Schafer and more. I'm hoping to catch up with you and learn the details of your plans and proceedings required to conduct a **hand** count election as soon as you can spare a little time. Thank you!

11:27 AM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:42 PM

From: David STEVENS o...

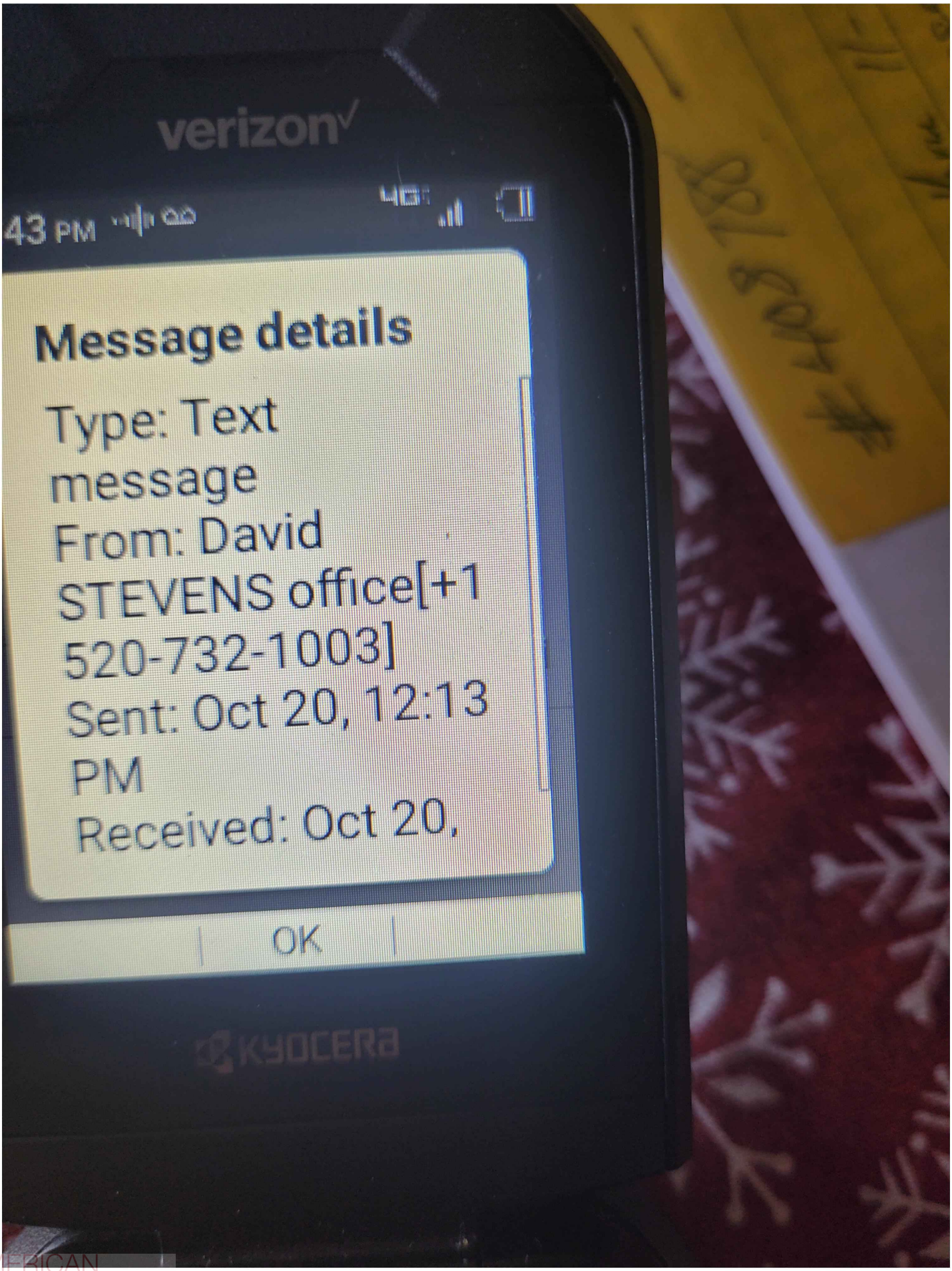
https://www.azag.gov/sites/default/files/2020-11/2020-11-04%20Letter%20to%20Hon.%20Hickman%20RE-Hand%20Count%20Audit_0.pdf

12:13 PM

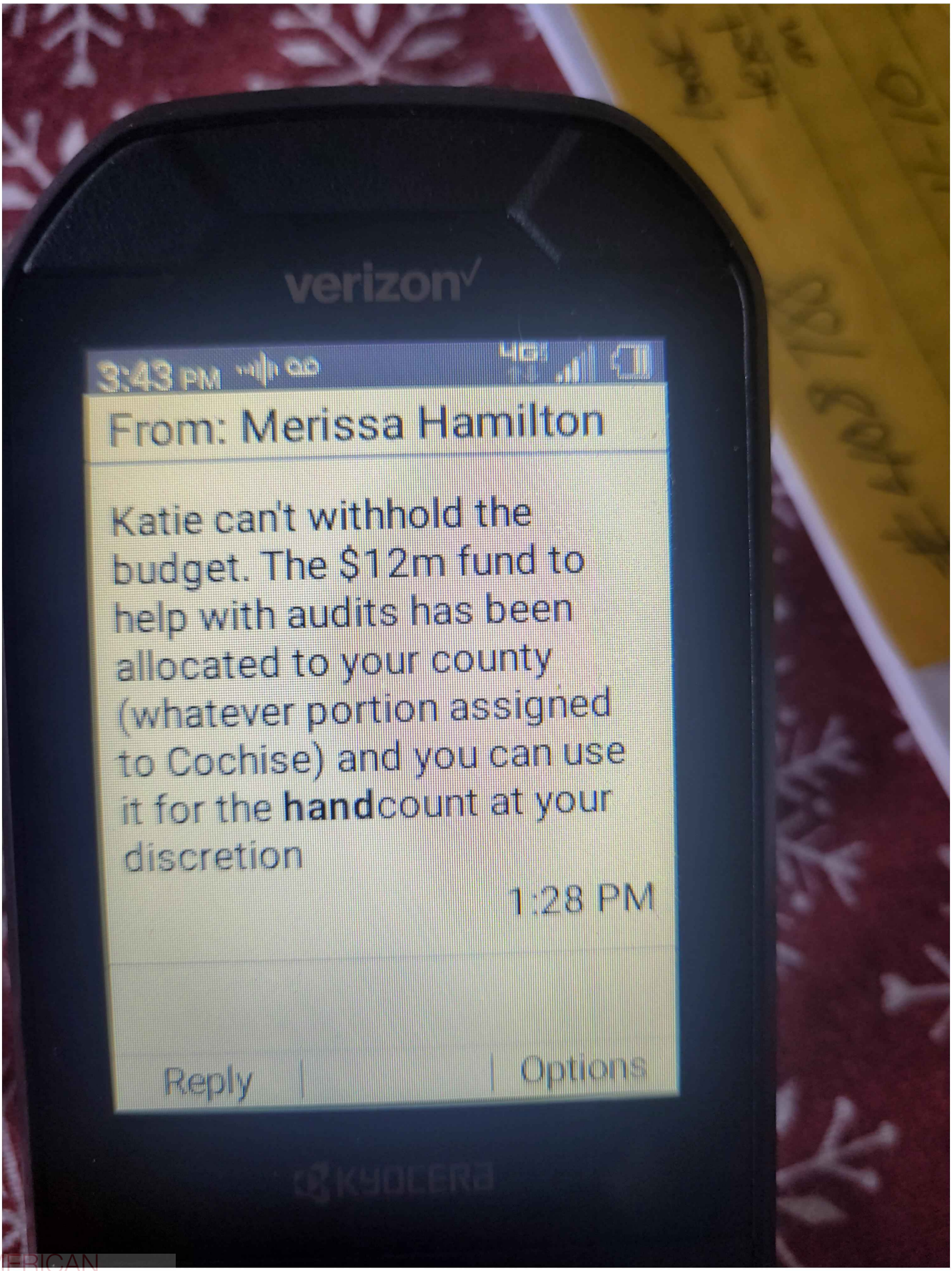
Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:43 PM

Message details

Type: Text message
From: Merissa Hamilton[+1
[redacted]
Sent: Oct 21, 1:28 PM
Received: Oct 21,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:43 PM

From: +1[redacted]

Hi Peggy. My name is Andrew and I'm a TV reporter for KGUN9. I'm doing a story about Cochise County voting on whether to **hand** count ballots. I'd like to schedule an on camera interview with you today. Let me know if that would possible! Thank you!

1:52 PM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:43 PM

Message details

Type: Text message

From: +1 [redacted]

Sent: Oct 21, 1:52 PM

Received: Oct 21, 1:52 PM

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:43 PM

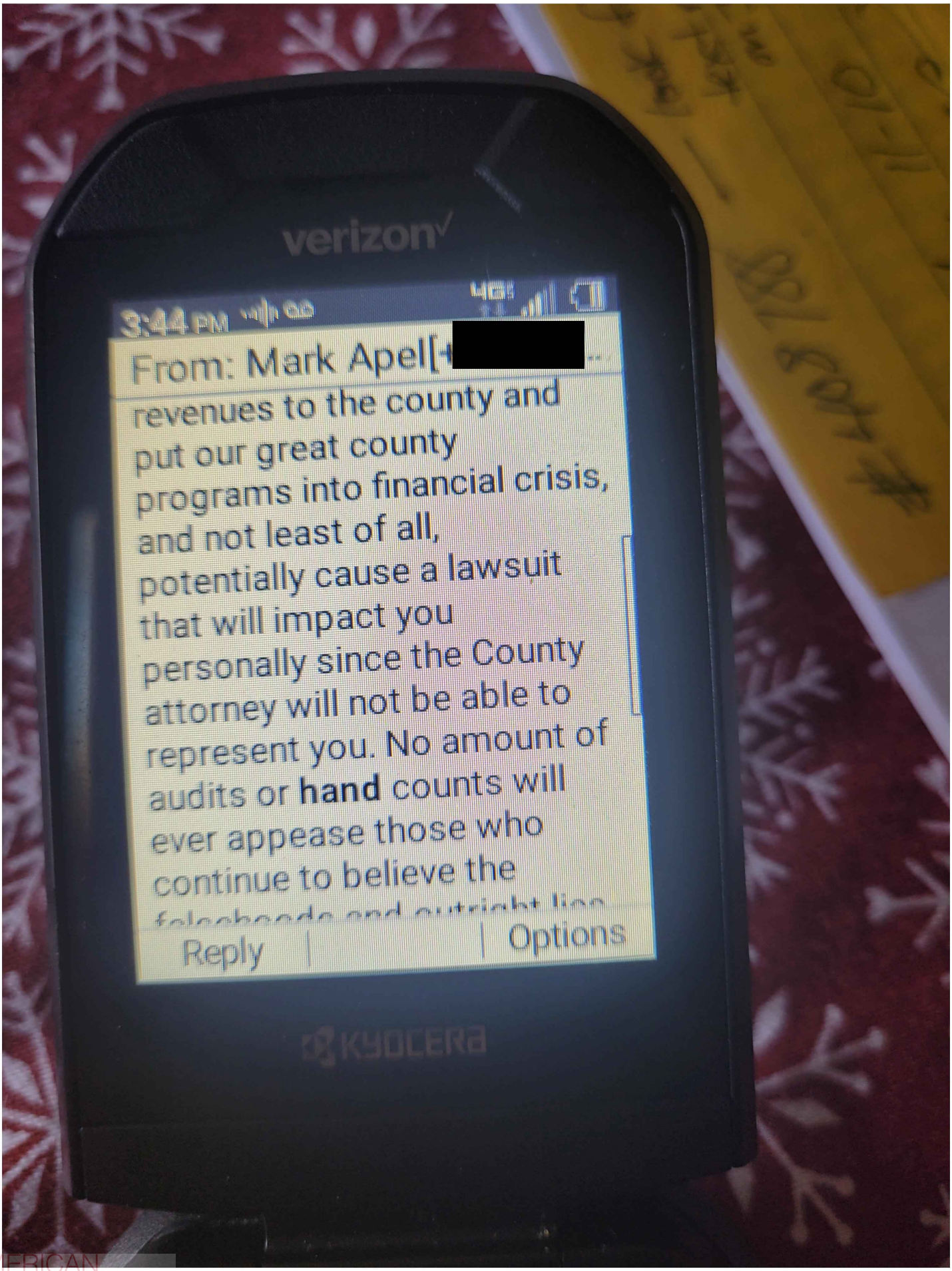
From: Mark Apel[+[redacted]

Hi Peggy. I'm writing to you as a friend and county citizen. I just read the letter from the Secretary of State regarding **hand** counts and I implore you to NOT vote for this idea. It is clearly illegal. It will plunge our highly regarded election process into chaos, threaten the State shared revenues to the county and put our great county

Reply | Options

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:44 PM

From: Mark Apell[redacted]

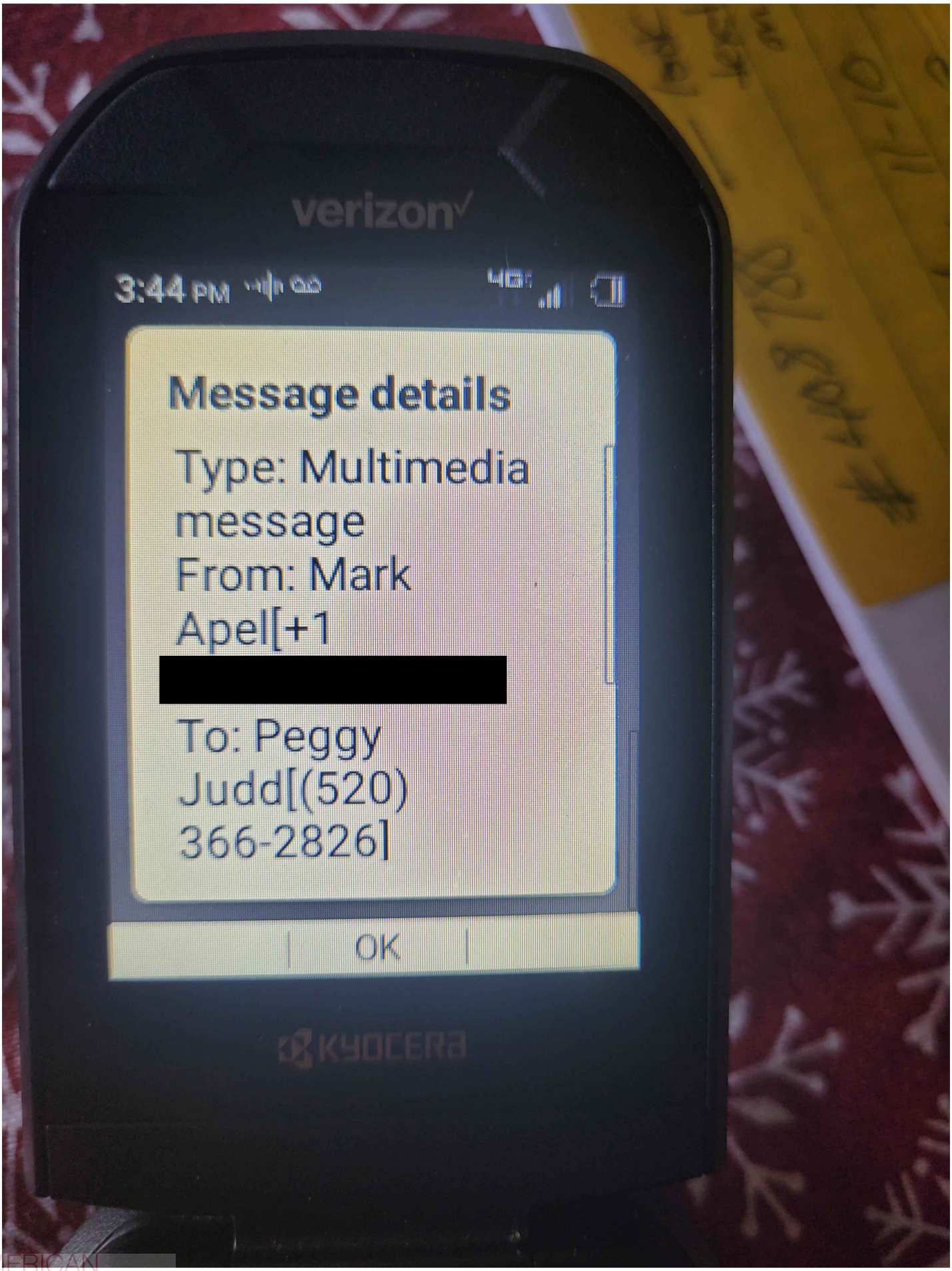
falsehoods and outright lies perpetuated by those who want to push our democracy towards authoritarianism. Please consider the consequences and implications of your vote and its impact to the county you have dutifully and compassionately worked for all these years.

7:57 AM

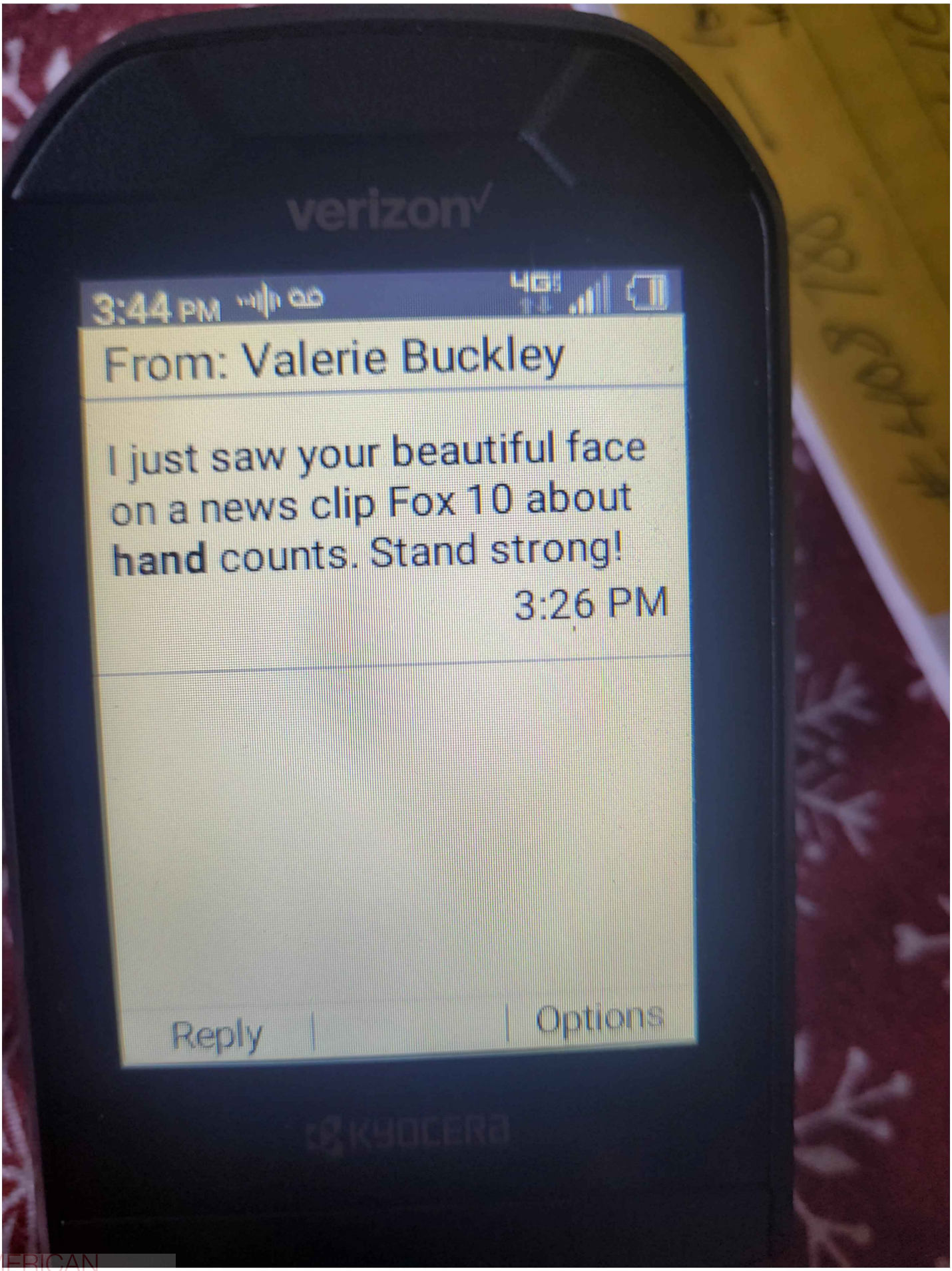
Reply | Options

KYOCERA

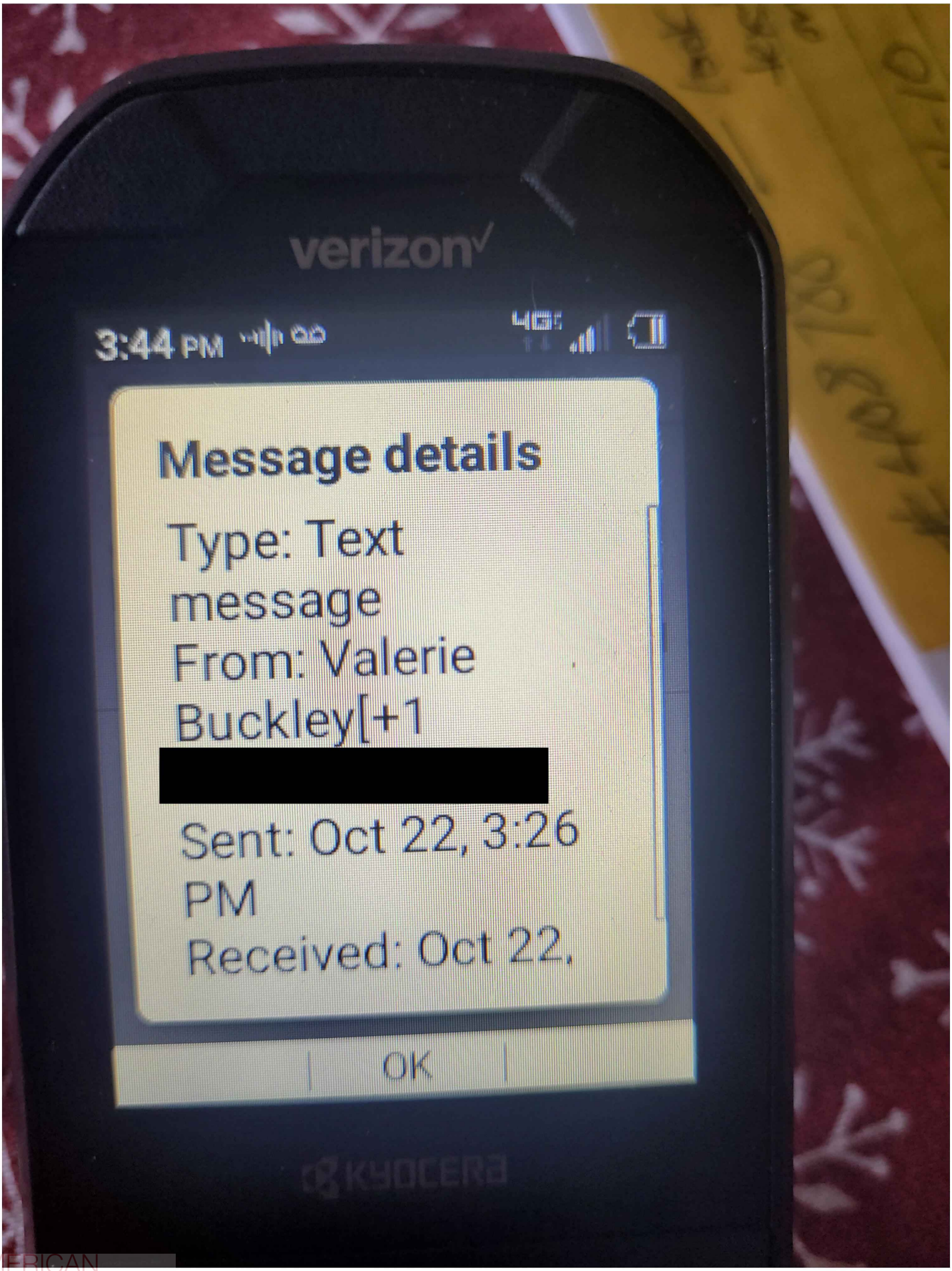
AMERICAN OVERSIGHT



AMERICAN OVERSIGHT



AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:45 PM

From: Michelle S[redacted]

WATCH NOW! The Voting Machines Summit

It's Time You Learned The FACTS & TRUTH about the Uncertified & Fraud Enabling Machines! They MUST Be BANNED!

The Sunday shows brought out the Arizona Rinos in full force to LIE about the Midterms & Machines

Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:46 PM

From: Michelle S[redacted]

you know.

WATCH NOW: txting.io/64H4PHVyNja8

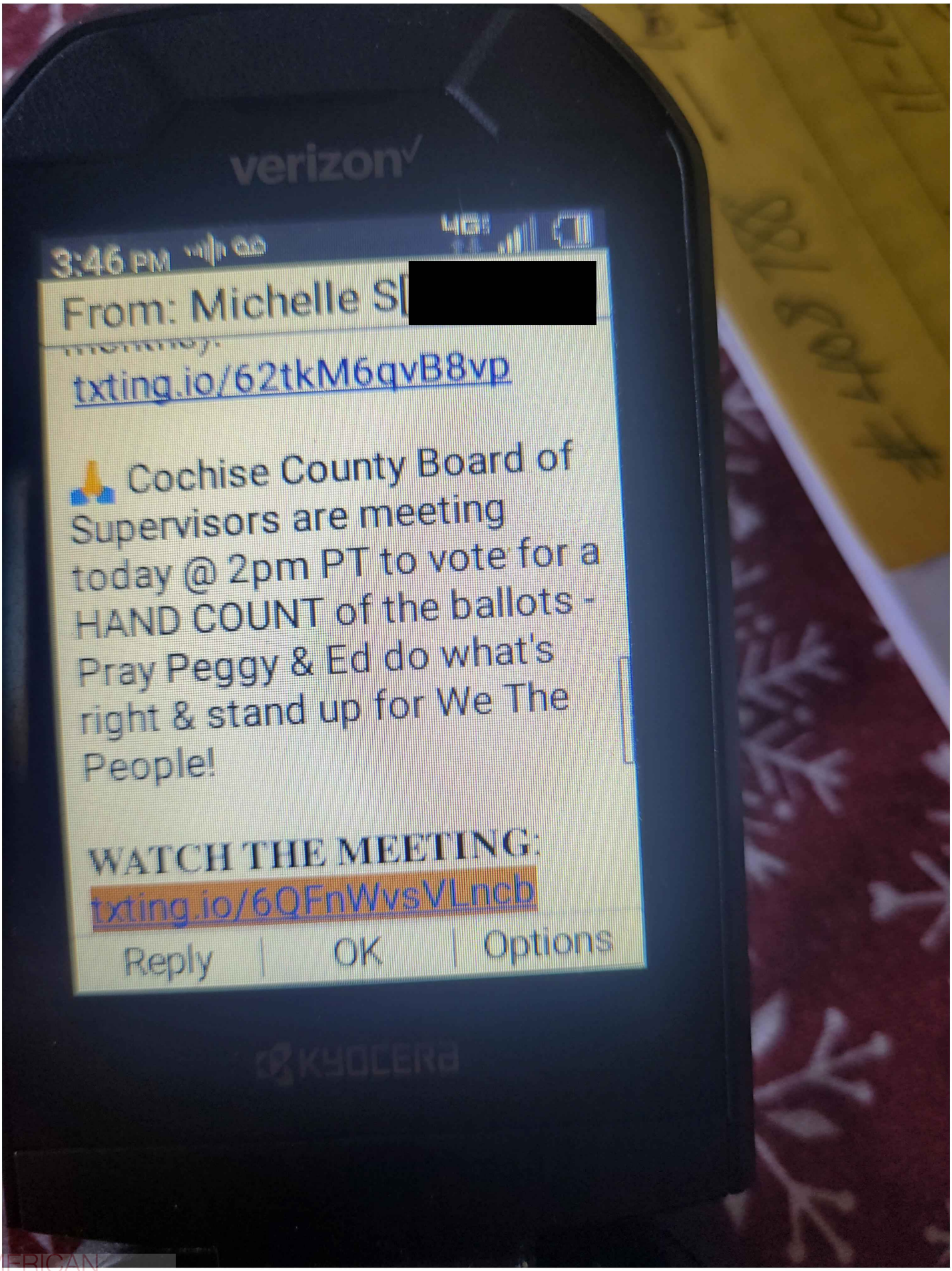
DOWNLOAD The "Ban The Voting Machines" Media Package - Articles, Interviews, Summits, Videos & More (only from the last 2 months):

txting.io/62tkM6qvB8vp

Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:46 PM

From: Michelle S[redacted]

Pray Peggy & Ed do what's right & stand up for We The People!

WATCH THE MEETING:
txting.io/6QFnWvsVLncb

✓ VOTE DAY OF, IN PERSON, BLUE BALL POINT PEN - DO NOT VOTE EARLY!

#SaveMyFreedomMovement

Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:46 PM

From: Michelle S[redacted]

NOT VOTE EARLY!

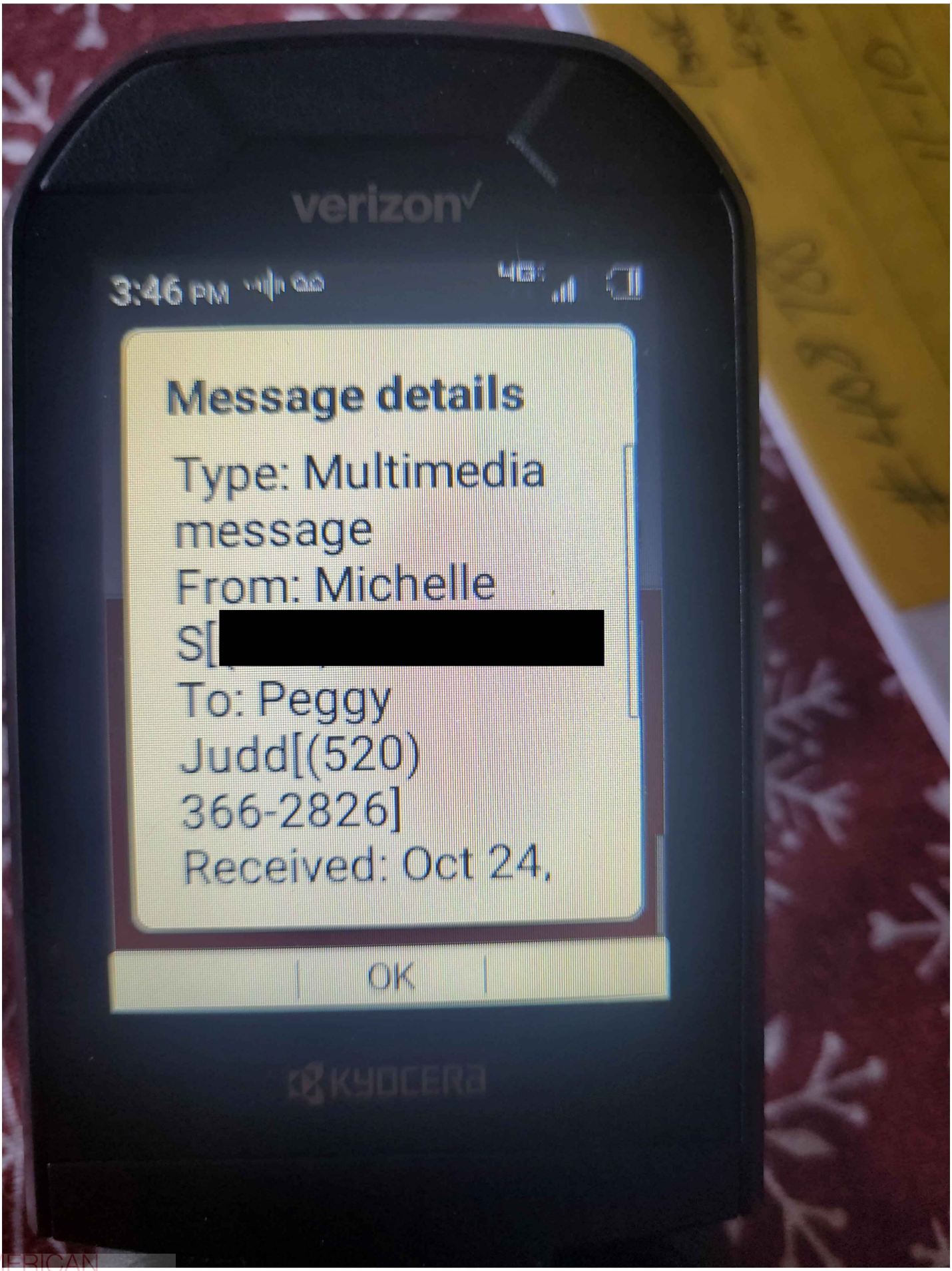
#SaveMyFreedomMovement

12:19 PM

Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:46 PM

From: David Gowan

Does the Cochise bos know there is no law prohibiting them from **hand** count ?

From President Fann

2:34 PM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:47 PM

Message details

Type: Text message
From: David Gowan[+1
[redacted]
Sent: Oct 24, 2:34 PM
Received: Oct 24,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:47 PM

From: David Gowan

I just spoke to AG's office. There's nothing that stop a **hand** count in law.

2:35 PM

Reply | Options

AMERICAN OVERSIGHT

verizon

3:47 PM

Message details

Type: Text message

From: David Gowan[+1 [redacted]

Sent: Oct 24, 2:36 PM

Received: Oct 24,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:47 PM

From: David Gowan

There are so many in the Senate, who support you guys on the **hand** count. Just want you to know, many of them are watching online right now.

3:47 PM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

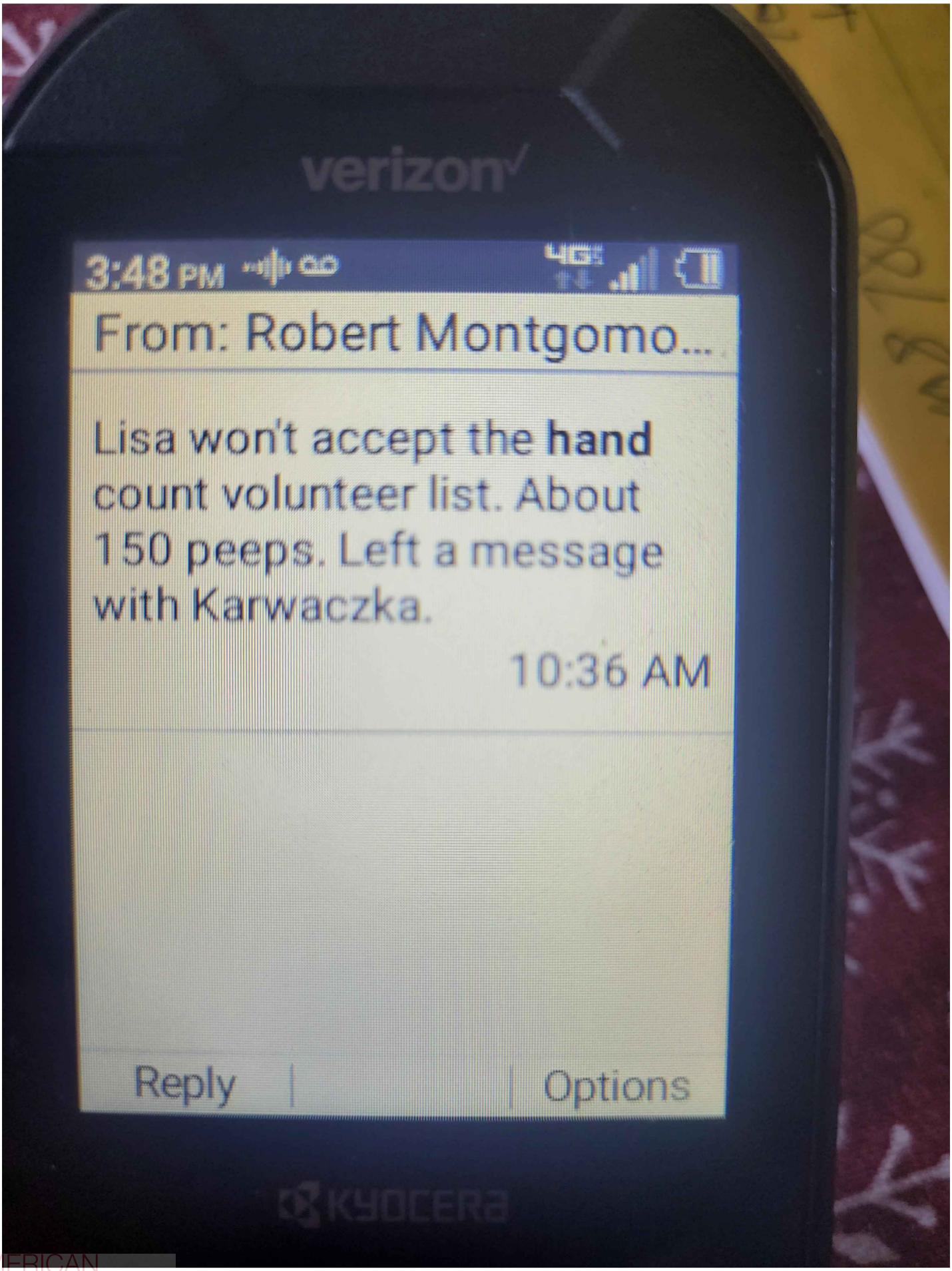
3:47 PM

Message details

Type: Text message
From: David Gowan[+1
[redacted]
Sent: Oct 24, 3:47 PM
Received: Oct 24,

OK

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:48 PM

Message details

Type: Text message
From: Robert Montgomory[+1 [redacted]
Sent: Oct 27, 10:36 AM
Received: Oct 27,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:48 PM

From: Eli Covid Debate

Hi Supervisor Judd, this is Eli, I am the chair of the Cochise Libertarian Party. I understand you (the supervisors) need a volunteer list of **hand** counters from the chairs of the parties in Cochise. I was made aware of this literally today, so I would like to ask if you would give me some time to get the voter data and reach out to

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:48 PM

From: Eli Covid Debate

understand you (the supervisors) need a volunteer list of hand counters from the chairs of the parties in Cochise. I was made aware of this literally today, so I would like to ask if you would give me some time to get the voter data and reach out to the Libertarians in Cochise County.

8:55 PM

Reply | Options

AMERICAN OVERSIGHT

verizon

3:48 PM

Message details

Type: Text message

From: Eli Covid Debate|+1

[redacted]

Sent: Oct 27, 8:55 PM

Received: Oct 27,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:48 PM

From: Michelle S

Amazing hit piece yesterday from Media Matters about our Ban the voting machines in AZ movement, cochise county, precinct strategy, war room, election deniers & so many names mentioned. Best part, she posted 9 of my tv show episodes. Love this lady! The 5 video clips they made actually promote the facts & truth.

Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:48 PM

From: Michelle S

many names mentioned. Best part, she posted 9 of my tv show episodes. Love this lady! The 5 video clips they made actually promote the facts & truth.

https://www.mediamatters.org/voter-fraud-and-suppression/arizona-county-backtracks-hand-counting-all-ballots-urged-hate-group

10:39 AM

Reply | OK | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

Message details

Type: Text message

From: Michelle S[redacted]

Sent: Oct 28, 10:39 AM

Received: Oct 28, 10:39 AM

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

From: David Gowan

Check your email. Good news! I sent you the informal opinion from the Attorney General's office on hand counts.

8:50 PM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

Message details

Type: Text message

From: David Gowan[+1 [redacted]

Sent: Oct 28, 8:50 PM

Received: Oct 28,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

From: Michael S

Good morning Peggy. This is the day the Lord has made. Bless you and your family and our elections.

The way to avoid any risk of the SOS threats or suits is cancelling the voting machines for non compliance of ARS 16-442B and using a contingency plan for traditional voting methods

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

From: Michael S

the SOS threats or suits is cancelling the voting machines for non compliance of ARS 16-442B and using a contingency plan for traditional voting methods that do not include any voting machines.

Were here to suport you and now that you have agreement on the paper ballot count a

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

From: Michael S

on the paper ballot count a lot of head ache and risk could be eliminated by not doing both machines and the **hand** count but just doing the full **hand** count.

Could i possibly get Toms cell. I wont disclose my source. He has emailed me and asked to talk.

7:44 AM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:49 PM

Message details

Type: Text message
From: Michael S[+1
[redacted]
Sent: Oct 29, 7:44 AM
Received: Oct 29,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:50 PM

From: Sharynn Fenin

Does this mean the hand count is not happening?

8:59 AM

Reply | Options

AMERICAN OVERSIGHT

verizon

3:50 PM

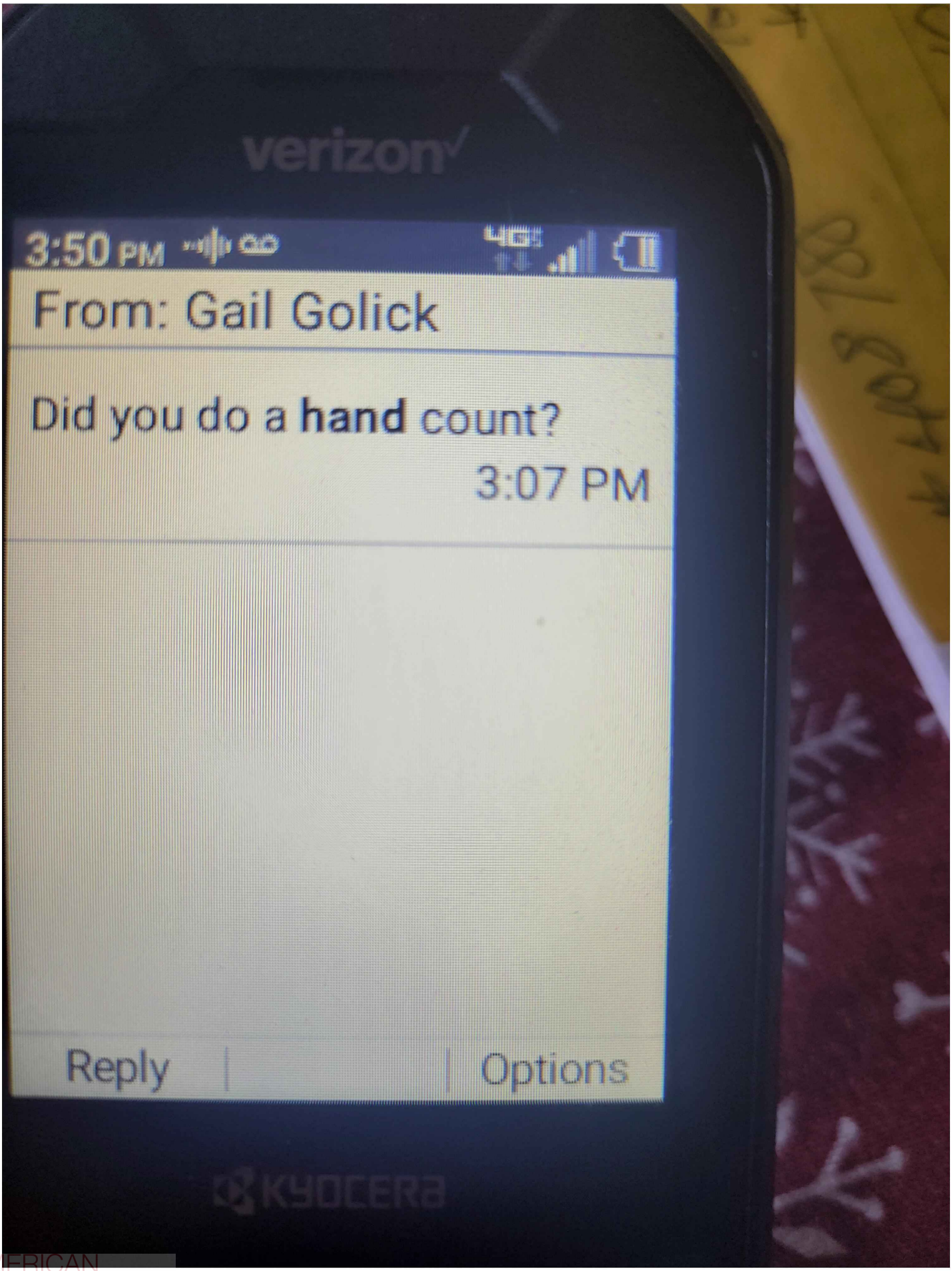
Message details

Type: Text message
From: Sharynn Ferrin [+1
[redacted]
Sent: Nov 8, 8:59 AM
Received: Nov 8,

OK

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:50 PM

Message details

Type: Text message
From: Gail Golick[+1
[redacted]
Sent: Nov 9, 3:07 PM
Received: Nov 9,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:51 PM

From: +1[redacted]

Rachel,

"I join the voters of Maricopa County requesting the immediate resignations of the entire Board of Supervisors and the County Recorder for their gross negligence and maladministration of our 2022 General Election.

They had many citizens

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:51 PM

From: +1 [redacted]

They had many citizens inform them of the many problems and vulnerabilities associated with continuing the use of voting machines and tabulators, which they ignored.

It's time to initiate a full 100% **HAND** COUNT of ALL Maricopa County Ballots. To be clear, the people now demand **HAND** COUNT, not another fake audit in which

Reply | Options

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AMERICAN OVERSIGHT

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3:51 PM

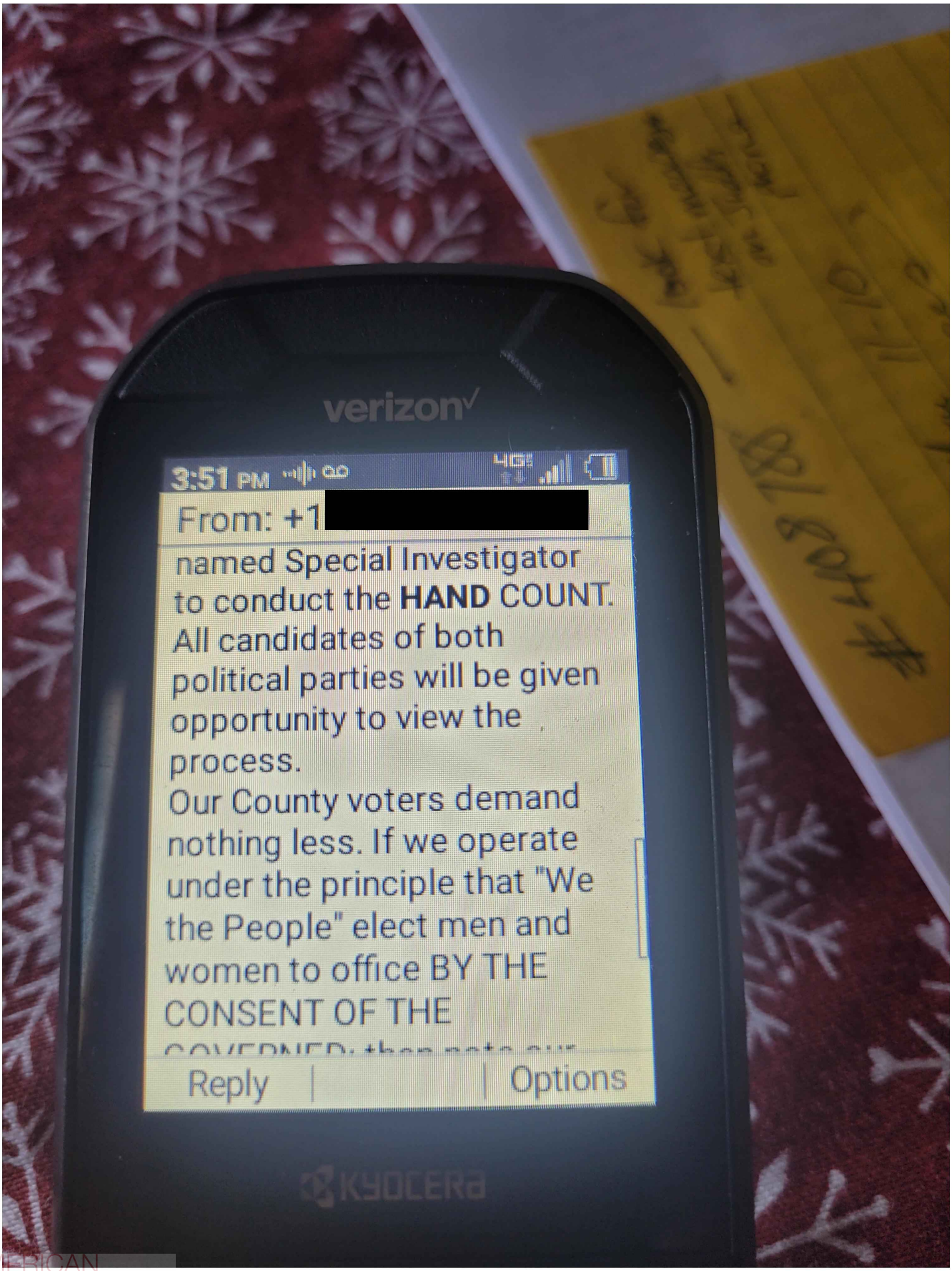
From: +1 [redacted]

fraudulent ballots are recounted.
Further, I suggest Jennifer Wright, Deputy Attirney General in charge of the Election Intergrity Division, be named Special Investigator to conduct the **HAND** COUNT. All candidates of both political parties will be given opportunity to view the process.

Reply | Options

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:52 PM

From: +1 [redacted]

under the principle that "We the People" elect men and women to office BY THE CONSENT OF THE GOVERNED; then note our consent is WITHHELD until the results of **HAND** COUNTS in every race is conducted under the supervision of the TRUSTED Deputy AG noted above.

6:01 AM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:52 PM

Message details

Type: Multimedia message

From: +1 [redacted]

To: Peggy Judd[(520) 366-2826]

Received: Nov 11,

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:52 PM

From: +1 [redacted]

Hi Peggy, hope you're well --this is Charles Homans, I'm a reporter at the New York Times. I was wondering if you might have time to talk? I'm trying to keep up with what's going on with the Cochise County **hand** count--I was in Bisbee for the hearing a week ago and talked to Tom and Ann there, was hoping to catch up with you as well.

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:52 PM

From: +1 [redacted]

Times. I was wondering if you might have time to talk? I'm trying to keep up with what's going on with the Cochise County **hand** count--I was in Bisbee for the hearing a week ago and talked to Tom and Ann there, was hoping to catch up with you as well. This is my cell, I'm around at this number anytime. Thanks!

1:55 PM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

52 PM

Message details

Type: Text message

From: +1 [redacted]

Sent: Nov 11, 1:54 PM

Received: Nov 11, 1:55 PM

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:52 PM

From: Gail Golick

Hi Peggy. Are you still doing the **hand** count?
If so I have the people. Just say the word.

10:53 AM

Reply | Options

AMERICAN OVERSIGHT

verizon

3:53 PM

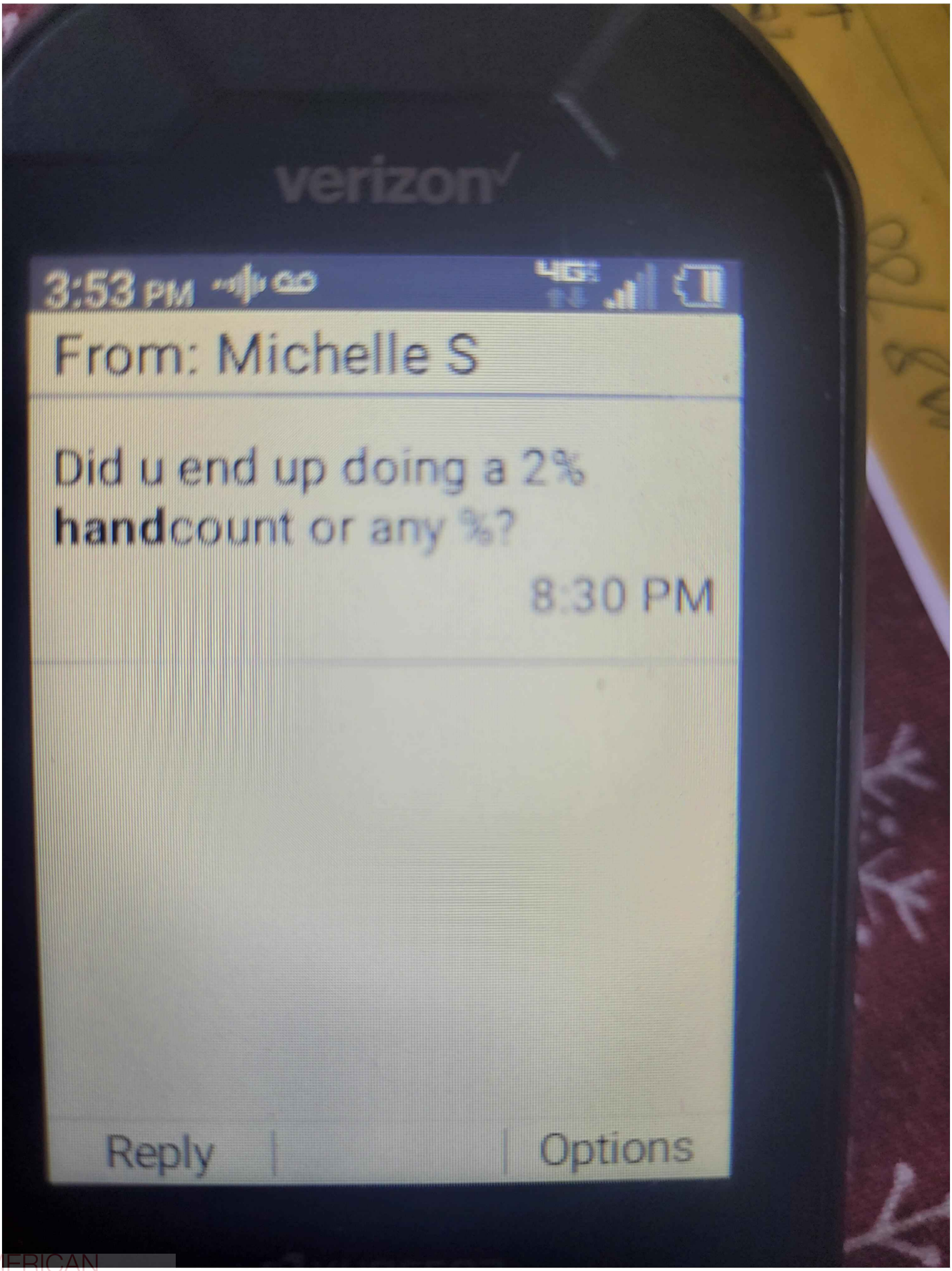
Message details

Type: Text message
From: Gail Golick[+1
[redacted]
Sent: Nov 15, 10:53 AM
Received: Nov 15,

OK

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

3:53 PM

Message details

Type: Text message

From: Michelle S[redacted]

Sent: Nov 17, 8:30 PM

Received: Nov 17, 8:30 PM

OK

KYOCERA

AMERICAN OVERSIGHT

verizon

3:53 PM

From: Michelle S

Hi Superstar! I just wanted to confirm your requirement to certify is for the SOS to prove the machines are certified. Someone mentioned it may be the **hand**count which cant be trusted based on the isolation of the misreads into black bags. I dont need to go into details on that. Thxs

1:03 PM

Reply | Options

KYOCERA

AMERICAN OVERSIGHT

verizon

3:53 PM

Message details

Type: Text message

From: Michelle S[redacted]

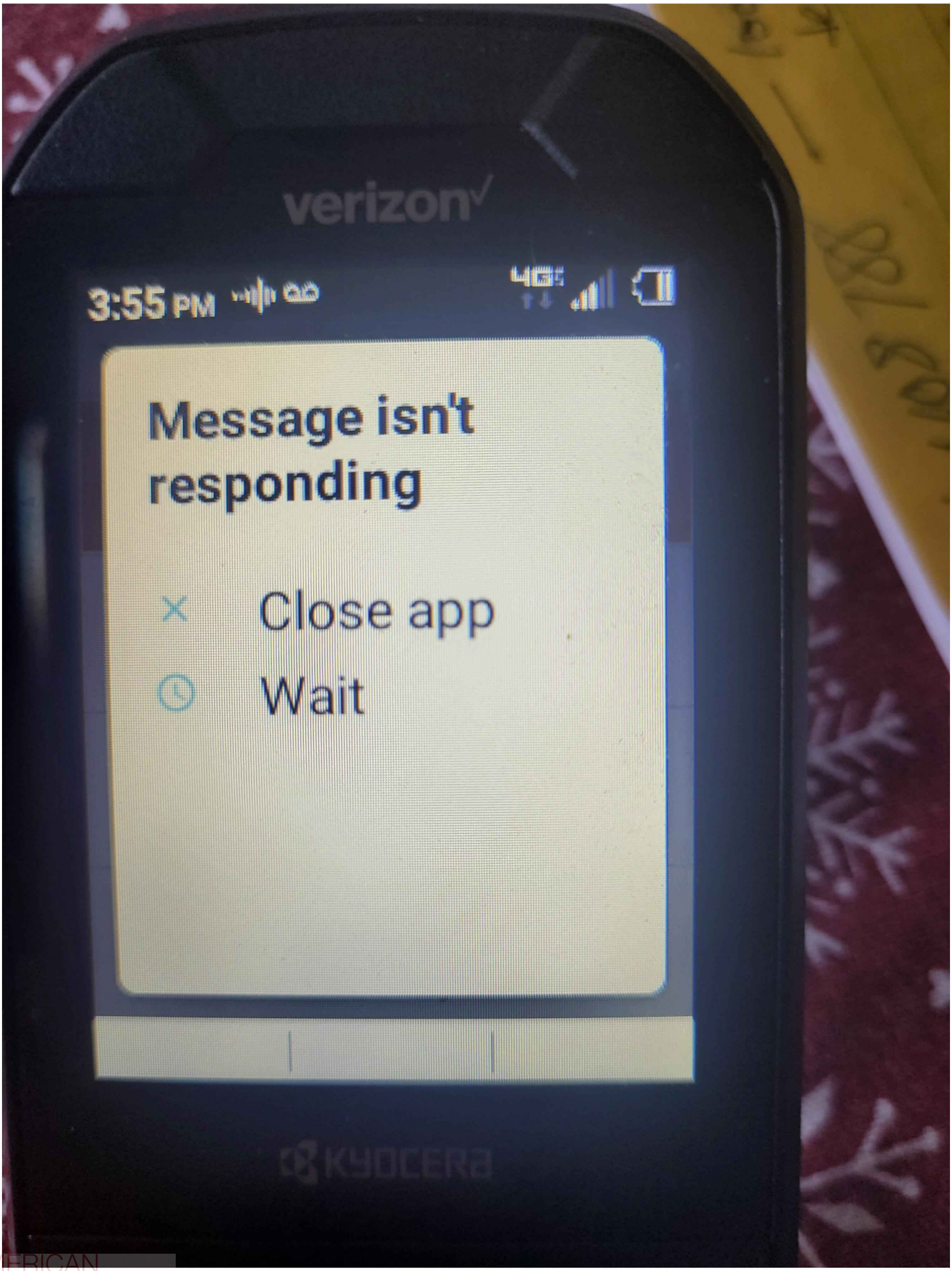
Sent: Nov 21, 1:03 PM

Received: Nov 21, 1:03 PM

OK

KYOCERA

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

verizon

4:00 PM

From: Robert Montgomo...

Found out that if Supervisors vote against canvass, Cochise County votes would not count for Abe and Kari. They are counting on a **recount** and need Cochise votes. However, canvass could be next week sometime. Also , we could lose the US House by losing Ciscomani.

10:53 AM

Reply | Options

KYOCERA

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Date	Document	Page	Type of redaction	Reason withheld
3.4.24	Text Messages	3-8, 10, 12-15	Phone number	Personal Identifiable Information
3.4.24	Text Messages	19-25, 27-33	Phone number	Personal Identifiable Information
3.4.24	Text Messages	35, 37, 39, 41	Phone number	Personal Identifiable Information
3.4.24	Text Messages	44, 47, 49, 53	Phone number	Personal Identifiable Information
3.4.24	Text Messages	55, 57-66	Phone number	Personal Identifiable Information
3.4.24	Text Messages	68, 70, 72	Phone number	Personal Identifiable Information
11.6.22	Another volunteerFW TODAY VOTE HAND COUNT BALLOTS	1	Email	Personal Identifiable Information
10.1.22	Crosby message 10-1-2022 1 22 PM Confidence in a tally	1	Email	Personal Identifiable Information
10.27.22	FW a proposal regarding vote counting	1	Email	Personal Identifiable Information
10.27.22	FW a proposal regarding vote counting	2	Address	Personal Identifiable Information
10.14.22	FW Checking in on the Hand Count (2)	1-2	Email	Personal Identifiable Information
10.22.22	FW Cochise County Sups hand count resolutions for 2 PM meeting the 24th	1	Email	Personal Identifiable Information
10.21.22	FW Crosby message ref hand count draft (4)	1	Email	Personal Identifiable Information
10.20.22	FW Crosby message ref hand count draft	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.12.22	FW FW Research Folder R-55-141	1	Email	Personal Identifiable Information
10.27.22	FW Hand Count Ballots in Cochise County	1	Email & Phone number	Personal Identifiable Information
10.5.22	FW Hand Count election Ballots	1	Email	Personal Identifiable Information
10.5.22	FW Hand Count election Ballots	2	Email & Address	Personal Identifiable Information
10.18.22	FW Heads up on hand count	1	Email	Personal Identifiable Information
10.29.22	FW Informal Opinion No. I22-004 Request Nos. R22-010	1	Email	Personal Identifiable Information
10.26.22	FW Letter to the Cochise Board of Supervisors (5)	1	Email	Personal Identifiable Information
10.5.22	FW Reporter, story on hand count ballots	1	Phone number	Personal Identifiable Information
10.26.22	FW Standing up for Democracy in Cochise County	1	Email	Personal Identifiable Information
11.14.22	Fwd Items on the two Nov 15, 2022 Agendas	1	Email	Personal Identifiable Information
10.7.22	Fwd Research Folder R-55-141	1	Email	Personal Identifiable Information
10.5.22	Hand count (2)	1	Email	Personal Identifiable Information
10.11.22	Hand count (3)	1	Email	Personal Identifiable Information
10.11.22	Hand count (4)	1	Email	Personal Identifiable Information
10.11.22	Hand count (5)	1	Email	Personal Identifiable Information
10.11.22	Hand count (6)	1	Email	Personal Identifiable Information
10.11.22	Hand count (8)	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.11.22	Hand count (9)	1	Email	Personal Identifiable Information
10.11.22	Hand count (10)	1	Email	Personal Identifiable Information
10.11.22	Hand count (11)	1	Email	Personal Identifiable Information
10.11.22	Hand count (12)	1	Email	Personal Identifiable Information
10.11.22	Hand count (13)	1	Email	Personal Identifiable Information
10.11.22	Hand count (15)	1	Email	Personal Identifiable Information
10.11.22	Hand count (16)	1	Email	Personal Identifiable Information
10.11.22	Hand count (17)	1	Email	Personal Identifiable Information
10.11.22	Hand count (19)	1	Email	Personal Identifiable Information
10.11.22	Hand count (20)	1	Email	Personal Identifiable Information
10.11.22	Hand count (21)	1	Email	Personal Identifiable Information
10.11.22	Hand count (22)	1	Email	Personal Identifiable Information
10.11.22	Hand count (23)	1	Email	Personal Identifiable Information
10.11.22	Hand count (24)	1	Email	Personal Identifiable Information
10.11.22	Hand count (25)	1	Email	Personal Identifiable Information
10.11.22	Hand count (26)	1	Email	Personal Identifiable Information
10.11.22	Hand count (27)	1	Email	Personal Identifiable Information
10.11.22	Hand count (28)	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.11.22	Hand count (29)	1	Email	Personal Identifiable Information
10.11.22	Hand count (30)	1	Email	Personal Identifiable Information
10.11.22	Hand count (31)	1	Email	Personal Identifiable Information
10.11.22	Hand count (32)	1	Email	Personal Identifiable Information
10.11.22	Hand count (33)	1	Email	Personal Identifiable Information
10.11.22	Hand count (34)	1	Email	Personal Identifiable Information
10.11.22	Hand count (35)	1	Email	Personal Identifiable Information
10.11.22	Hand count (37)	1	Email	Personal Identifiable Information
10.11.22	Hand count (38)	1	Email	Personal Identifiable Information
10.11.22	Hand count (39)	1	Email	Personal Identifiable Information
10.11.22	Hand count (40)	1	Email	Personal Identifiable Information
10.11.22	Hand count (41)	1	Email	Personal Identifiable Information
10.11.22	Hand count (42)	1	Email	Personal Identifiable Information
10.11.22	Hand count (43)	1	Email	Personal Identifiable Information
10.24.22	Hand count (44)	1	Email	Personal Identifiable Information
10.26.22	Hand count no confidence	1	Email	Personal Identifiable Information
10.5.22	Hand count	1	Email	Personal Identifiable Information
10.15.22	Heads up on hand count	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.11.22	In person (2)	1	Email	Personal Identifiable Information
10.11.22	In person voting	1	Email	Personal Identifiable Information
10.11.22	In person	1	Email	Personal Identifiable Information
11.6.22	Maybe a volunteerFW Support	1	Email	Personal Identifiable Information
10.27.22	Message Recall Failure Recall 2019 EPM, Chapter 11	1	Email	Personal Identifiable Information
10.27.22	Message Recall Failure Recall 2019 EPM, Chapter 11, HAND COUNT	1	Email	Personal Identifiable Information
10.11.22	Re	2, 4	Email	Personal Identifiable Information
10.11.22	RE 2 30pm Oct 11 work session (4)	2-3	Email & Phone number	Personal Identifiable Information
10.11.22	Re 2 30pm Oct 11 work session (5)	1-2	Email & Phone number	Personal Identifiable Information
10.25.22	Re 10 24 22 Objection to changing vote counting	1	Email & Phone number	Personal Identifiable Information
11.12.22	Re 17 attorneys notified, warned in Cochise County expanded hand	1	Email	Personal Identifiable Information
11.2.22	Re 100%	1	Email	Personal Identifiable Information
10.27.22	RE a proposal regarding vote counting	1	Email	Personal Identifiable Information
10.27.22	RE a proposal regarding vote counting	2	Address	Personal Identifiable Information
11.10.22	RE ABC15 URGENT REQUEST (2)	1-2	Phone number	Personal Identifiable Information
11.11.22	Re ABC15 URGENT REQUEST (4)	1-2	Phone number	Personal Identifiable Information

AMERICAN OVERSIGHT

11.9.22	RE Agenda for 11 9 Emergency Board of Supervisors Meeting	1	Email	Personal Identifiable Information
10.27.22	RE Ballot Counting	1	Email	Personal Identifiable Information
10.26.22	Re ballot hand count (2)	1	Email	Personal Identifiable Information
10.30.22	Re Ballot hand count (4)	1-2	Email	Personal Identifiable Information
10.30.22	Re Ballot hand count (4)	3	Address & Phone number	Personal Identifiable Information
10.11.22	Re ballot hand count	2	Email	Personal Identifiable Information
11.12.22	RE Be Prepared to Vote – Know The Propositions on the Ballot	1	Email	Personal Identifiable Information
11.12.22	RE Be Prepared to Vote – Know The Propositions on the Ballot	2	Address & Phone number	Personal Identifiable Information
11.3.22	Re Before I transmit….	1	Email	Personal Identifiable Information
10.27.22	RE Blackmail or just cowards!	1	Email	Personal Identifiable Information
11.13.22	Re BOS salaries	1	Email	Personal Identifiable Information
10.22.22	Re Cancelation of Hand-Count Meeting (2)	1	Email	Personal Identifiable Information
10.14.22	RE Checking in on the Hand Count (4)	1-3	Email	Personal Identifiable Information
10.14.22	RE Checking in on the Hand Count (6)	1-2	Email	Personal Identifiable Information
10.14.22	RE Checking in on the Hand Count (7)	1-2	Email	Personal Identifiable Information
10.26.22	Re Checking in (2)	1-2	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.27.22	RE Cochise County Board of Supervisors re Hand Count of Ballots	1	Email	Personal Identifiable Information
10.27.22	RE Cochise County Board of Supervisors re Hand Count of Ballots	2	Email, Address, Phone number	Personal Identifiable Information
10.14.22	RE COCHISE COUNTY HAND COUNT MORE LAWFARE by RINO'S and Closet	1-3	Email	Personal Identifiable Information
10.14.22	RE COCHISE COUNTY HAND COUNT MORE LAWFARE by RINO's and Closet (2)	1-2	Email	Personal Identifiable Information
10.27.22	RE Cochise County Vote (2)	1	Email	Personal Identifiable Information
10.27.22	RE Cochise County vote	1	Email	Personal Identifiable Information
11.12.22	RE Comment on moving forward on hand count	1	Phone number	Personal Identifiable Information
11.12.22	Re Comment on moving forward on hand count (2)	1	Phone number	Personal Identifiable Information
11.12.22	RE Comment on moving forward on hand count (3)	2	Phone number	Personal Identifiable Information
10.11.22	Re Confidence in a tally	2	Email	Personal Identifiable Information
11.23.22	RE Crosby message ref hand count draft (2)	1	Email & Phone number	Personal Identifiable Information
10.25.23	RE Did you all vote to do the hand count	1	Email, Phone number, Address	Personal Identifiable Information
10.27.22	Re Directly from the SOS EPM!!!	1	Email	Personal Identifiable Information
10.11.22	Re Do not allow hand count!	2	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

11.10.22	Re Do you have a few minutes to chat about this situation	1	Phone number	Personal Identifiable Information
10.27.22	RE Election hand recount	1	Email	Personal Identifiable Information
11.13.22	Re Election Integrity (2)	1	Email	Personal Identifiable Information
11.13.22	Re Election Integrity	1	Email	Personal Identifiable Information
11.12.22	RE Emergency Meeting	1	Email	Personal Identifiable Information
11.10.22	Re expanded hand count moving forward	1	Email	Personal Identifiable Information
11.10.22	RE Explanation	1-2	Email	Personal Identifiable Information
10.12.22	RE Follow up on the Hand Count of the Vote (3)	1-2	Email	Personal Identifiable Information
10.24.22	Re FOX 10 INQUIRY COCHISE COUNTY HAND COUNT DECISION	1	Phone number	Personal Identifiable Information
11.1.22	Re Gail Golec!!! (2)	1-2	Email	Personal Identifiable Information
11.12.22	RE Hand count (2)	1	Email	Personal Identifiable Information
10.5.22	Re Hand count (2)	1	Email	Personal Identifiable Information
10.5.22	Re Hand count (3)	1	Email	Personal Identifiable Information
10.13.22	Re Hand count (4)	1	Email	Personal Identifiable Information
10.15.22	Re Hand count (5)	1	Email	Personal Identifiable Information
10.22.22	RE Hand count (6)	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.27.22	Re Hand Count (7)	1	Email	Personal Identifiable Information
10.27.22	RE Hand Count (8)	1	Email	Personal Identifiable Information
10.27.22	RE Hand count (9)	1	Email	Personal Identifiable Information
10.27.22	RE Hand Count (10)	1	Email	Personal Identifiable Information
11.12.22	RE hand count (13)	1	Email	Personal Identifiable Information
11.12.22	RE Hand count (14)	1	Email & Address	Personal Identifiable Information
11.14.22	RE Hand Count (15)	1	Phone number	Personal Identifiable Information
10.12.22	RE Hand count	1	Email	Personal Identifiable Information
10.18.22	Re Hand Count Ballot initiative	3	Phone number	Personal Identifiable Information
10.27.22	RE Hand count costs (2)	2	Phone number	Personal Identifiable Information
10.11.22	RE Hand Count election Ballots (2)	2	Email & Address	Personal Identifiable Information
10.5.22	RE Hand Count election Ballots	1	Email & Address	Personal Identifiable Information
10.27.22	RE Hand count goal	1	Phone number	Personal Identifiable Information
10.7.22	Re Hand count initiative for fair election	1	Email	Personal Identifiable Information
11.8.22	RE Hand count lawsuit	1	Phone number	Personal Identifiable Information
10.13.22	RE hand count of 2022 ballots (3)	2	Phone number & Address	Personal Identifiable Information
10.13.22	Re hand count of 2022 ballots (4)	2	Phone number & Address	Personal Identifiable Information
10.13.22	RE hand count of 2022 ballots	1	Phone number & Address	

AMERICAN OVERSIGHT

10.24.22	RE Hand count of ballots	1	Email	Personal Identifiable Information
10.14.22	RE Hand Count of Vote (3)	1	Email & Phone number	Personal Identifiable Information
10.14.22	RE Hand Count of Vote (3)	2	Phone number	Personal Identifiable Information
10.12.22	RE Hand count of vote	1	Email	Personal Identifiable Information
10.13.22	RE Hand Count PLEASE! (2)	1-2	Email	Personal Identifiable Information
10.13.22	RE Hand Count PLEASE! (2)	3	Email & Phone number	Personal Identifiable Information
11.3.22	Re Hand Count Procedures	1-2	Email & Phone number	Personal Identifiable Information
10.19.22	RE Hand Count Request	1	Email & Phone number	Personal Identifiable Information
11.12.22	RE Hand count ruling (2)	1	Phone number	Personal Identifiable Information
11.12.22	RE Hand count ruling	1	Phone number	Personal Identifiable Information
10.27.22	RE Hand count thanks	1	Email	Personal Identifiable Information
10.27.22	RE Hand count!	1	Email	Personal Identifiable Information
10.5.22	Re Hand count (16)	1	Email & Address	Personal Identifiable Information
10.26.22	Re Hand Counting (2)	1	Email	Personal Identifiable Information
10.12.22	Re Hand counting ballots (2)	1	Email	Personal Identifiable Information
10.23.22	RE Hand Counting Ballots (3)	1	Email & Address	Personal Identifiable Information
10.11.22	Re Hand counting ballots in Cochise County	2	Email & Phone number	Personal Identifiable Information
10.11.22	Re Hand counting ballots	2	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.11.22	Re Hand counting ballots	3	Address & Phone number	Personal Identifiable Information
10.23.22	Re Hand counting of ballots	1	Email	Personal Identifiable Information
10.11.22	Re Hand Counting	2	Email	Personal Identifiable Information
10.27.22	RE Hand counts.	1	Email	Personal Identifiable Information
10.27.22	RE Hand Counts	1	Email	Personal Identifiable Information
10.11.22	Re Hand-count (2)	2	Email	Personal Identifiable Information
10.13.22	Re Hand-count (3)	1	Email	Personal Identifiable Information
10.23.22	Re HAND-COUNT (4)	1, 4	Email	Personal Identifiable Information
11.1.22	Re Hand-count (5)	1	Email	Personal Identifiable Information
11.13.22	Re Hand-Count (6)	1	Email	Personal Identifiable Information
10.5.22	Re Hand-count	1	Email	Personal Identifiable Information
10.26.22	RE Here is evidence of why we need a hand count	1	Email	Personal Identifiable Information
11.12.22	RE Hi from The Atlantic (2)	1	Phone number	Personal Identifiable Information
11.10.22	RE Hi from The Atlantic	1	Phone number	Personal Identifiable Information
10.13.22	Re In person voting (4)	1, 3-4	Email	Personal Identifiable Information
10.16.22	Re Interview	1	Email	Personal Identifiable Information
11.12.22	Re Judd Crosby denied Supreme Court hearing and Expedited action byAppeals Court	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.11.22	Re Just say NO to hand count	2	Email	Personal Identifiable Information
10.26.22	Re KBRP Radio Interview Friday 10 28 22 (10am) (2)	2	Phone number	Personal Identifiable Information
10.26.22	RE KGUN9 (3)	1-4	Phone number	Personal Identifiable Information
10.27.22	RE KGUN9 (4)	1-3	Phone number	Personal Identifiable Information
10.26.22	RE KGUN9	1-2	Phone number	Personal Identifiable Information
11.12.22	RE KOLD request for Cochise County response filed today	2	Phone number	Personal Identifiable Information
11.10.22	RE KSAZ – Ballot Hand Count (2)	1	Phone number	Personal Identifiable Information
11.10.22	RE KSAZ – Ballot Hand Count	1	Phone number	Personal Identifiable Information
10.12.22	Re KSAZ – Meeting Tonight (2)	2	Phone number	Personal Identifiable Information
10.12.22	RE KSAZ – Meeting Tonight (3)	1	Phone number	Personal Identifiable Information
10.11.22	Re KSAZ – Meeting Tonight	1	Phone number	Personal Identifiable Information
10.31.22	Re Lawsuit challenging hand count	1	Email	Personal Identifiable Information
11.12.22	RE Lawsuit response	1	Email	Personal Identifiable Information
10.12.22	RE Legal thoughts	1	Email	Personal Identifiable Information
11.12.22	Re Letter from Brian McIntyre, County Attorney for Cochise County	1-4	Email	Personal Identifiable Information
10.11.22	Re Mid-term election ballot	2	Email	Personal Identifiable Infomation

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10.25.22	Re my heart breaks	1	Email	Personal Identifiable Information
10.23.22	Re Not thinking at all	2	Address	Personal Identifiable Information
10.27.22	RE OUR VIEW Standing up for Democracy in Cochise County	1	Email	Personal Identifiable Information
10.27.22	RE Paper Ballot Counting	1	Email & Address	Personal Identifiable Information
11.2.22	Re Phone Call We Received From Precinctman Randall Limbach	1	Email	Personal Identifiable Informaiton
10.31.22	Re Please reinstate 100% hand count for general election!	1	Email	Personal Identifiable Information
10.11.22	Re Please use machines for counting ballots	2	Email	Personal Identifiable Information
10.26.22	Re Poor vote	1	Email & Address	Personal Identifiable Information
10.21.22	RE Press Inquiry AZ Secretary of	2	Phone number	Personal Identifiable Information
10.21.22	Re Press request (2)	2	Phone number	Personal Identifiable Information
10.21.22	Re Press request	1	Phone number	Personal Identifiable Information
10.23.22	RE Public Comment for 10 24 2022 meeting in Cochise County	1	Email	Personal Identifiable Information
10.15.22	RE Public Notice and Agenda for next week	1	Email	Personal Identifiable Information
10.23.22	Re Question about Divulging One's Home Address (2)	1	Email	Personal Identifiable Information

AMERICAN OVERSIGHT

10.28.22	RE questions for today's Work Session (10 28 22) (2)	1, 3	Email	Personal Identifiable Information
10.28.22	RE questions for today's Work Session (10 28 22) (3)	1, 3	Email	Personal Identifiable Information
10.12.22	RE Questions on hand counting (2)	3	Email & Phone number	Personal Identifiable Information
11.7.22	Re Quick request for comment from the NY Times (2)	1-2	Phone number	Personal Identifiable Information
11.7.22	Re Quick request for comment from the NY Times	1	Phone number	Personal Identifiable Information
10.11.22	Re Rampant Republican Idiocy	2	Email	Personal Identifiable Information
11.11.22	Re random count	1	Email	Personal Identifiable Information
10.23.22	RE Re Hand-count	1, 4	Email	Personal Identifiable Information
11.8.22	Re Reaction on hand count lawsuit	1	Phone number	Personal Identifiable Information
11.8.22	RE Reaction to the ruling	2	Phone number	Personal Identifiable Information
11.8.22	Re Reaction to the ruling (2)	2	Phone number	Personal Identifiable Information
11.8.22	RE Reaction to the ruling (3)	2	Phone number	Personal Identifiable Information
10.11.22	Re Reporter hand count of ballots story (2)	2	Phone number	Personal Identifiable Information
10.5.22	Re Reporter hand count of ballots story	2	Phone number	Personal Identifiable Information
11.8.22	Re Request for Comment (2)	1	Phone number	Personal Identifiable Information
11.8.22	RE Request for Comment (3)	1	Phone number	Personal Identifiable Information

AMERICAN OVERSIGHT

11.8.22	Re Request for Comment	1	Phone number	Personal Identifiable Information
10.7.22	Re Research Folder R-55-141	1	Email	Personal Identifiable Information
10.27.22	Re Response to the Secretary of State's office (2)	2	Phone number	Personal Identifiable Information
11.4.22	RE Response to the Secretary of State's office (3)	1-2	Phone number	Personal Identifiable Information
11.9.22	RE Ruling	1	Email	Personal Identifiable Information
10.24.22	Re Searching for the path of lease resistance (2)	1-2	Email	Personal Identifiable Information
10.24.22	RE Seeking response to Secretary of State's letter (2)	2	Phone number	Personal Identifiable Information
10.23.22	RE Seeking response to Secretary of State's letter	1	Phone number	Personal Identifiable Information
10.21.22	Re Seeking response to Secretary of State's letter (2)	1	Phone number	Personal Identifiable Information
10.21.22	RE So there is a hand count vote that will happen	1	Email, Phone number, Address	Personal Identifiable Information
10.27.22	RE Some Confusion we need clarification on…	1-2	Email	Personal Identifiable Information
11.14.22	Re Special Board meeting tomorrow, 11 15	1-2	Email	Personal Identifiable Information
10.26.22	Re stop the hand count	1	Email	Personal Identifiable Information
10.28.22	Re Support	1	Email	Personal Identifiable Information
10.23.22	Re Tabulating 2022 Cochise County Ballots	1	Email	Personal Identifiable Information

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10.23.22	Re Tabulating 2022 Cochise County Ballots	2	Address	Personal Identifiable Information
10.26.22	Re Thank you (2)	1	Email & Phone number	Personal Identifiable Information
10.27.22	Re Thank you (3)	1	Email	Personal Identifiable Information
11.6.22	RE Thank you Mr Crosby! (2)	1	Email	Personal Identifiable Information
11.12.22	Re Thank you Mr Crosby! (3)	1	Email	Personal Identifiable Information
10.17.22	Re Thank you	1	Email & Address	Personal Identifiable Information
11.14.22	Re Thanks from Molly Smith	1	Email & Phone number	Personal Identifiable Information
11.12.22	RE The Appeal to overcome	1	Email	Personal Identifiable Information
11.1.22	Re The People Do Not Want a Full Hand Count (2)	1-2	Email	Personal Identifiable Information
11.12.22	RE The truth about election fraud it's rare FYI (2)	1-2	Email	Personal Identifiable Information
11.8.22	RE The truth about election fraud it's rare FYI	1-2	Email	Personal Identifiable Information
10.15.22	Re There is a special meeting for hand count (2)	1	Email	Personal Identifiable Information
10.15.22	RE There is a special meeting for hand count (3)	1	Email	Personal Identifiable Information
10.15.22	RE There is a special meeting for hand count (5)	1	Email	Personal Identifiable Information

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10.15.22	RE There is a special meeting for hand count (5)	2	Phone number	Personal Identifiable Information
10.15.22	RE There is a special meeting for hand count (5)	3	Email	Personal Identifiable Information
10.28.22	RE TODAY MTG HAND COUNTING BALLOTS (2)	1	Email & Phone number	Personal Identifiable Information
10.28.22	RE TODAY MTG HAND COUNTING BALLOTS (2)	2	Email	Personal Identifiable Information
11.6.22	RE TODAY VOTE HAND COUNT BALLOTS	1	Email	Personal Identifiable Information
10.12.22	RE Tuesday BOS meeting and work session (2)	1	Email	Personal Identifiable Information
10.12.22	RE Tuesday BOS meeting and work session	1	Email	Personal Identifiable Information
11.8.22	RE Urgent Request to Investigate the Legal Status of the Voting Machines Tabul (2)	1	Email	Personal Identifiable Information
11.8.22	RE Urgent Request to Investigate the Legal Status of the Voting Machines Tabul (2)	3, 5	Phone number	Personal Identifiable Information
11.8.22	RE Urgent Request to Investigate the Legal Status of the Voting Machines (2)	9	Email & Phone number	Personal Identifiable Information
11.12.22	RE Urgent Request to Investigate the Legal Status of the Voting	1	Email	Personal Identifiable Information

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11.12.22	RE Urgent Request to Investigate the Legal Status of the Voting	2	Phone number	Personal Identifiable Information
11.12.22	RE Urgent Request to Investigate the Legal Status of the Voting	5	Email & Phone number	Personal Identifiable Information
11.12.22	RE Urgent Request to Investigate the Legal Status of the Voting (2)	1	Email & Phone number	Personal Identifiable Information
11.12.22	RE Urgent Request to Investigate the Legal Status of the Voting (2)	2, 5, 9	Phone number	Personal Identifiable Information
11.12.22	RE Urgent Request to Investigate the Legal Status of the Voting (2)	14	Email & Phone number	Personal Identifiable Information
11.6.22	RE Urgent Request to Investigate the Legal Status of the Voting Machines	4	Email & Phone number	Personal Identifiable Information
10.15.22	RE Vote for Hand Count	1	Email	Personal Identifiable Information
10.13.22	RE Vote Hand Count	1	Email & Phone number	Personal Identifiable Information
10.23.22	Re Vote No to Hand Count Votes	1	Email	Personal Identifiable Information
10.27.22	RE VOTE YES for Hand-Count (2)	1	Email	Personal Identifiable Information
10.27.22	RE VOTE YES for Hand-Count (3)	1	Email & Phone number	Personal Identifiable Information
10.27.22	RE VOTE YES for Hand-Count (3)	2	Email	Personal Identifiable Information
10.30.22	RE Vote	1	Email	Personal Identifiable Information
10.25.22	Re We just passed a hand count resolution in Cochise County, AZ	1	Email	Personal Identifiable Information

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10.25.22	Re We just passed a hand count resolution in Cochise County, AZ	2	Phone number	Personal Identifiable Information
11.12.22	RE Welp…META Interference…AGAIN!!!	1	Email	Personal Identifiable Information
10.27.22	Re WHAT IS THIS ABOUT A HAND COUNT !	1	Email, Address, Phone number	Personal Identifiable Information
10.27.22	Re What were you thinking (2)	1	Email	Personal Identifiable Information
10.12.22	Re Yesterday's BOS Meeting	1	Email	Personal Identifiable Information
10.22.22	RE Your plan to conduct a hand count	1	Email	Personal Identifiable Information
11.13.22	Re your position of BOS Chair	1	Email	Personal Identifiable Information
10.28.22	Email	1	Email	ARS § 38-507
10.11.22	Hand count (7)	1	Email	Personal Identifiable Information
10.11.22	Hand count (18)	1	Email	Personal Identifiable Information
10.23.22	RE Your plan to conduct a hand count (2)	1	Email	Personal Identifiable Information

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