

Good morning; I am Christopher Cole, First Vice-Chair Pima County Libertarian Party. I am also a member of the Election Integrity Commission but I am not speaking on behalf of the EIC, but for myself and the Pima Libertarian Party. I want you to be sure of this distinction.

The ES5200 is a great vote tabulation system but the County, as far as I can determine, committed a Class 6 Felony using it during the Presidential Preference Election, the Special Election and the Primary Election earlier this year. Because the system, as used, was probably not certified by the Federal Government which means the Arizona certification was void also.

But the EVS5200 was certified you are probably thinking. It was but once Pima County disabled a security feature, the printer, which places a serial number on the ballot prior to taking the ballot image for tabulation, the certification was no longer valid as far as I have been able to determine.

The Federal Government, and the Arizona State Government, certified the EVS5200 system as a whole, and the printer is part of that system. There is no certification for the EVS5200 without the printer. Thus, the County used an uncertified system, which is a Class 6 Felony as defined by the Arizona Revised Statutes Title 16. Moreover, it appears that the County intends to commit this felony again during the General Election.

You, the Board of Supervisors, may be able to successfully use the "I was only following orders" defense since you are forced to rely on the information provided you by those who apparently actively committed the felony. Mr. Huckleberry and Mr. Nelson, however, have no such defense. They have read the certification and know that it is for the intact EVS5200 system, not a castrated version of the system.