



A JOINT RESOLUTION OF THE 54TH LEGISLATURE,

STATE OF ARIZONA

TO

THE 116TH CONGRESS, OFFICE OF THE PRESIDENT OF THE SENATE, PRESIDING.

WHEREAS, it is the constitutional and legal obligation of the Legislature of the State of Arizona to ensure that the state’s presidential electors truly represent the will of the voters of Arizona; and

WHEREAS, pursuant to the direction of Congress as set forth in United States Code, title 3, section 1 as authorized by Article II, section 1, clause 4 of the Constitution of the United States, and state law adopted pursuant thereto, Arizona conducted an election for presidential electors on the Tuesday next after the first Monday in November of 2020—that is, on November 3, 2020; and

WHEREAS, that election was marred by irregularities so significant as to render it highly doubtful whether the certified results accurately represent the will of the voters; and

WHEREAS, Congress has further directed in U.S. Code, title 3, section 2 that when a state “has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the legislature of such State may direct”; and

WHEREAS, that provision implicitly recognizes that Article II, Section 1, Clause 2 of the U.S. Constitution grants to each state legislature, with stated limitations, the sole authority to prescribe the manner of appointing electors for that state; and

WHEREAS, the United States Supreme Court and other courts have explained that when a state legislature directs the manner of appointing electors, it does so pursuant to a grant of authority from the U.S. Constitution rather than by reason of any state constitutional or other legal provision; that this authority may be exercised by the legislature alone without other aspects of the normal lawmaking process; and that the state legislature's authority over the appointment of presidential electors is plenary and may be resumed at any time; and

WHEREAS, because U.S. Code, title 3, section 7 mandates that all presidential electors vote for President and Vice President of the United States on December 14, 2020, it is impossible to pursue the Legislature's preferred course of action, which would be for Arizona's voters to participate in a new and fair and free presidential election before that date; and

WHEREAS, in view of the facts heretofore recited, the Legislature is required to exercise its best judgment as to which slate of electors the voters prefer; and

WHEREAS, legal precedent exists where in 1960 the State of Hawaii sent an alternate slate of electors while the Presidential election was still in question in order to meet the deadline of selecting electors, and upon recount the alternate slate of electors' ballots were ultimately counted; and

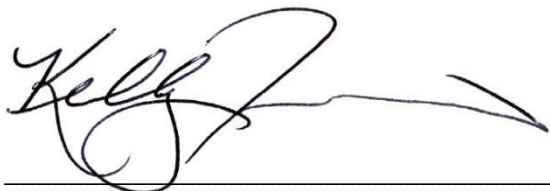
WHEREAS, the undersigned have an obligation to find the truth. For this reason, on several occasions since November 3, we state lawmakers have requested fact-finding hearings to include a comprehensive and independent forensic audit. At this time, no such audit has been authorized. This leaves the uncertainty of the election results in a state that requires further investigation and resolution; and

WHEREAS, the Senate Judiciary standing committee today called for a forensic audit of various election irregularities, ongoing litigation is currently active, and there are unresolved disputes by both the Legislature and at least one Presidential campaign, rendering the election inconclusive as of date of signing of this letter,

THEREFORE,

Be it resolved by the undersigned Legislators, members of the Arizona House and Senate, request that the alternate 11 electoral votes be accepted for to Donald J. Trump or to have all electoral votes nullified completely until a full forensic audit can be conducted. Be it further resolved that the United States Congress is not to consider a slate of electors from the State of Arizona until the Legislature deems the election to be final and all irregularities resolved

Signed this day, 14 December, 2020.



Senator Elect Kelly Townsend
Legislative District 16



Representative Bret Roberts
Legislative District 11



Senator Paul Boyer
Legislative District 20



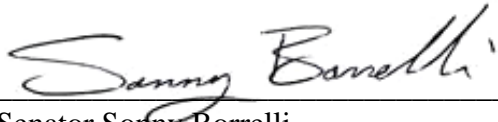
Representative Kevin Payne
Legislative District 21



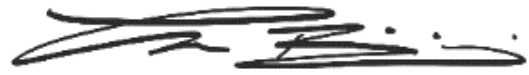
Representative Mark Finchem
Legislative District 11



Senator David Farnsworth
Legislative District 16



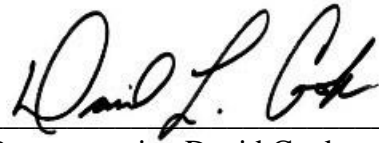
Senator Sonny Borrelli
Legislative District 5



Representative Leo Biasiucci
Legislative District 5



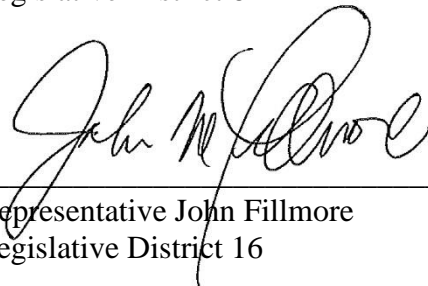
Representative Anthony Kern
Legislative District 20



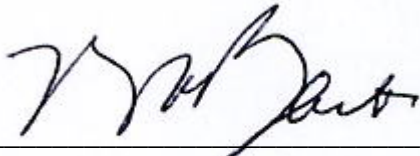
Representative David Cook
Legislative District 8



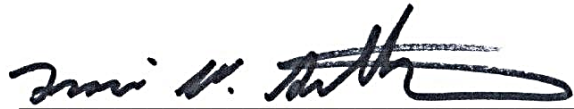
Senator Sylvia Allen
Legislative District 15



Representative John Fillmore
Legislative District 16



Senator Elect Nancy Barto
Legislative District 15



Representative Travis Grantham
Legislative District 12



Majority Leader Warren Petersen
Legislative District 12



Representative Walter Blackman
Legislative District 6



Representative Steve Pierce
Legislative District 1



Representative Shawna Bolick
Legislative District 20

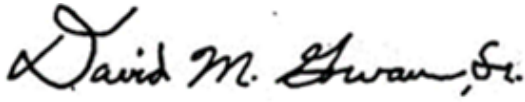


Representative Tony Rivero



Representative Noel Campbell

Legislative District 21



Senator David Gowan
Legislative District 14

Legislative District 1



Representative Bob Thorpe
Legislative District 6

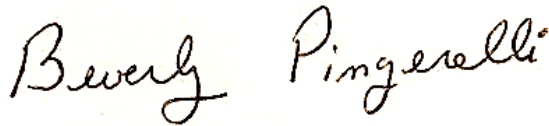
Members-Elect concurring...



Representative Elect Jacqueline Parker
Legislative District 16



Representative Elect Brenda Barton
Legislative District 6



Representative Elect Beverly Pingerelli
Legislative District 21



Representative Elect Joseph Chaplik
Legislative District 23



Representative Elect Jake Hoffman
Legislative District 12



Representative Elect Judy Burges
Legislative District 1



Senator Elect Wendy Rogers, Lt Col, USAF (ret)
Legislative District 6



Representative Elect Quang Nguyen
Legislative District 1

Addendum permitted and forthcoming, pending the authorization of additional members.

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