



# Nuts & Bolts: Election Integrity & Preventing Election Fraud<sup>[1]</sup> in Arizona

By Dr. M.A. Yost

[1] “ *Fraud is a real risk that accompanies mail-in voting even if Arizona had the good fortune to avoid it...*

*One strong and entirely legitimate state interest is the prevention of fraud. Fraud can affect the outcome of a close election, and fraudulent votes dilute the right of citizens.... “*

*Brnovich v. Democrat National Committee 594 U. S. (2021)*



# Introduction of Presentation

- What authority & responsibility does the AZ State legislature have?
- Brief History of Elections
- AZ State Legislature's federal Constitutional responsibility
- AZ State Legislature's state Constitutional responsibility
- What has the US Supreme Court said specifically about the AZ State Legislature's authority on elections?
- AZ State Legislature's state Constitutional authority of any County's state shared revenue
- What is the solution to ensure AZ counties follow AZ election law?
- How do we effectively get the attention of our AZ State legislature to achieve election integrity?
- What power do Precinct & State Committeemen have over our AZ State legislature?
- Web Links you can use.
- Videos to Watch.





# What authority & responsibility does the AZ State legislature have?

- AZ state legislature....
  - Has vested legislative authority (power to make laws)
  - Writes the state budget. (power of the purse)
  - Disburses money to Counties as state shared revenue.
  - Sets the times, places and manner of holding elections.
  - Appoints US Presidential electors for Arizona.
  - Has a state house and state senate chambers.
  - Both state house and state senate make their own rules. During legislative session can change, amend or repeal their own rules at any time of their choosing





# Brief History of Elections

- AZ State legislature has been in Republican control for 32 years, since 1991 when it was split party control between both chambers.
- In 1991, AZ State legislature allowed voters to request an absentee ballot for any reason.
- In 1997, lawmakers changed the language so that “absentee” voting would be referred to as “early” voting.
- In 2007, Arizona made it even easier to regularly vote early. The state established the Permanent Early Voting List (PEVL).
- In 2018, after the Katie Hobbs & Adrian Fontes was elected, Arizona elections began to go downhill and the morale of our state on elections was decimated.





# AZ State Legislature's federal Constitutional responsibility

## **United States Constitution Article 1 Section 4 Clause 1:**

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;

## **United States Constitution Article 2 Section 1 Clause 2:**

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors;

## **United States Constitution Article 4 Section 4:**

The United States shall guarantee to every State in this Union a Republican Form of Government.





# AZ State Legislature's state Constitutional responsibility of elections

## Arizona Constitution Article 4

The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives. *Definition: Legislative authority is defined as the power to make laws.*

## Arizona Constitution Article 3

The powers of the government of the state of Arizona shall be divided into three separate departments, the legislative, the executive, and the judicial;

## Arizona Constitution Article 2 Section 21

All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

## Arizona Constitution Article 7 Section 7:

In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected.





# What has the US Supreme Court said specifically about the AZ State Legislature's authority on elections?

*"A State indisputably has a compelling interest in preserving the integrity of its election process."*  
Purcell v. Gonzalez, 549 U. S. 1, 4 (2006) (per curiam)

*" Fraud is a real risk that accompanies mail-in voting even if Arizona had the good fortune to avoid it. Election fraud has had serious consequences in other States. The Arizona Legislature was not obligated to wait (for election fraud to occur). "* Brnovich v. Democrat National Committee 594 U. S. (2021)

*" Election fraud has had serious consequences in other States. The Arizona Legislature was not obligated to wait for something similar to happen closer to home. "* Brnovich v. Democrat National Committee 594 U. S. (2021)

*" One strong and entirely legitimate state interest is the prevention of fraud. Fraud can affect the outcome of a close election, and fraudulent votes dilute the right of citizens to cast ballots that carry appropriate weight. Fraud can also undermine public confidence in the fairness of elections and the perceived legitimacy of the announced outcome. "* Brnovich v. Democrat National Committee 594 U. S. (2021)

*" Take the example of a State's interest in preventing voting fraud. Even if a State could point to a history of serious voting fraud within its own borders, the dissent would apparently strike down a rule designed to prevent fraud unless the State could demonstrate an inability to combat voting fraud in any other way, such as by hiring more investigators and prosecutors, prioritizing voting fraud investigations, and heightening criminal penalties. Nothing about equal openness and equal opportunity dictates such a high bar for States to pursue their legitimate interests. "* Brnovich v. Democrat National Committee 594 U. S. (2021)

*" Limiting the classes of persons who may handle early ballots to those less likely to have ulterior motives deters potential fraud and improves voter confidence. "* Brnovich v. Democrat National Committee 594 U. S. (2021)





# What is the solution to ensure AZ counties follow AZ election law?

- AZ State legislature needs to compel AZ counties to follow AZ election law in Title 16 & within the overall state annual budget for each legislative session, by tying the compliance of the law to the AZ counties state shared revenue.
- Leverage the negotiations of the state annual budget (in divided government) to require the AZ Governor to sign election integrity bills (preventing election fraud) before appropriating money to the AZ Governor's 9<sup>th</sup> floor.  
(preventing election fraud means: no adjudication, no duplicate ballots, no emergency/voting centers, hand counting at precincts & more)
- Shutdown state government agencies if necessary, and necessities will not be impacted.





# AZ State Legislature's state Constitutional authority of the County's state shared revenue

## Arizona Constitution Article 9 Section 5

No money shall be paid out of the state treasury except in the manner provided by law.

*Note: The legislature writes & makes the law within their inherent legislative power & authority.*

## Arizona Constitution Article 9 Section 20

Expenditure limitation.....for each county.

## Arizona Revised Statute 42-5029, subsection D

D. Of the monies designated as distribution base, the department shall:

2. Pay 38.08 percent to the counties in this state by averaging the following proportions:

## Arizona Joint Legislative Budget Committee

A portion of transaction privilege and severance taxes referred to as the distribution base is designed for distribution to counties....pursuant to A.R.S. 42-5029(D)(4)





# How do we effectively get the attention of our AZ State legislature to achieve election integrity?

- The budget is the key to get what we need which is election integrity. The Censures are a signal that we have to send to the AZ state legislature to push our agenda to get done what we need which is: election integrity & election fraud prevention.
- Politics is about signaling.
- We censure politicians to veer them the way we need, into passing election integrity laws. The budget for necessities won't be affected.
- We've tried other avenues to push election integrity laws and it seems that our politicians are not doing what's right for the citizens of Arizona to ensure our elections are fair and secure.





# What power do AZ Precinct & State Committeemen have over our AZ State legislature?

- AZ Precinct/State Committeemen run their political party. It is not run by Chairs or Executive Boards, as the committeemen can remove political officers of their party at any time of the committeemen's choosing.
- AZ Precinct & State Committeemen have the power to Censure, Recall & take party based action against AZ State legislature if AZLeg refuses to do it's job.
- A Censure is the most effective way to document, publicly disapprove & create media exposure of the refusal from AZ State legislature.





# Web Links you can use

Censure Template to hold AZ State legislature accountable

[https://1drv.ms/b/s!AuK\\_Ph4JOs8egb4QlcCI7VSgFfx5YA?e=y9kuFD](https://1drv.ms/b/s!AuK_Ph4JOs8egb4QlcCI7VSgFfx5YA?e=y9kuFD)

State/US Constitutional Authority of the Arizona State Legislature

<https://christianforarizona.com/state-us-constitutional-authority-of-the-arizona-state-legislature/>

Find your AZ State Representative or your AZ State Senator

[https://openstates.org/find\\_your\\_legislator/?lat=33.63114790855967&lon=-112.10614424425891&address=&state=](https://openstates.org/find_your_legislator/?lat=33.63114790855967&lon=-112.10614424425891&address=&state=)

Arizona Constitution (state)

<https://www.azleg.gov/constitution/>

Constitution of the United States (federal)

[https://www.senate.gov/civics/constitution\\_item/constitution.htm](https://www.senate.gov/civics/constitution_item/constitution.htm)

Links provided by Christian Lamar, AZGOP Exec Committee, Member at Large





# Videos to Watch

Andy Biggs on SB1487 – State Senate Government Committee on Feb 17, 2016

[https://1drv.ms/v/s!AuK\\_Ph4JOs8egb5rsuTtukaWdmOBrQ](https://1drv.ms/v/s!AuK_Ph4JOs8egb5rsuTtukaWdmOBrQ)

Wendy Rogers & Sonny Borelli – State Senate Elections Committee on Feb 13, 2023

[https://1drv.ms/v/s!AuK\\_Ph4JOs8egb999rqb00aEUipysA?e=8Sa14S](https://1drv.ms/v/s!AuK_Ph4JOs8egb999rqb00aEUipysA?e=8Sa14S)

John Kavanagh on AZSOS EPM – State Senate Elections Committee on Feb 13, 2023

[https://1drv.ms/v/s!AuK\\_Ph4JOs8egcMQ8pYsHJ8nbAYwzw?e=tlj96K](https://1drv.ms/v/s!AuK_Ph4JOs8egcMQ8pYsHJ8nbAYwzw?e=tlj96K)

Tom Horne on State Boards – 12 News Sunday Square Off on Mar 5, 2023

[https://1drv.ms/v/s!AuK\\_Ph4JOs8egcEcNM-a-ErieasptA?e=ehmLOU](https://1drv.ms/v/s!AuK_Ph4JOs8egcEcNM-a-ErieasptA?e=ehmLOU)

