

# CHRISTIAN LAMAR

AZ GOP EXECUTIVE  
COMMITTEE  
MEMBER-AT-LARGE

March 18, 2023

**FROM:**

Christian Lamar, AZGOP Executive Committee, Member-at-Large (CD8) (LD2)

**TO:** Michael Braun, Exec Dir., Hannah Nies, Rusty Crandell, AZ Legislative Council

**CC:** AZ State Senate President Warren Petersen,  
AZ State House Speaker Ben Toma

**RE:** Maricopa County's compliance of AZ election law; state shared revenue

**INTRODUCTION:**

*On March 4<sup>th</sup> 1861, Abraham Lincoln in his 1<sup>st</sup> Inaugural Address said " This country with it's institutions, belong to The People who inhabit it. "*

This letter is in response to the Memo from the Arizona Legislative Council, dated on March 15, 2023. For simplicity purposes, we will offer a direct response and rebuttal to correct and provide clarification on our position. Republican AZ state legislature is 1) Refusing to do their federal/state Constitutional responsibility to Compel any county (including Maricopa County) to comply with AZ election law in Title 16 of the Arizona Revised Statutes; by adding an exception or condition to the County's state shared revenue found in ARS 42-5029 subsection D, 2) During the current budget talks between AZ State legislature & the AZ Governor, AZLeg is refusing to ensure at least 3 meaningful election integrity bills are on the negotiating table & **signed** by the AZ Governor **before** appropriating all monies to the AZ Governor's 9<sup>th</sup> floor.

In summary, AZ Legislative Council's office wrote a " Mueller Report " style memo to **confuse** our wonderful AZ citizens & our spectacular AZ Precinct Committeemen on what the Republican AZ state legislature is refusing to do. **By the way our AZ Precinct Committeemen are the legs/arms/body of the Arizona Republican Party.** The Republican AZ state legislature is refusing to do their federal/state Constitutional responsibility and is attempting to convince us that they are doing " everything they can do, " to fight for election integrity, prevent election fraud and get tough on Hobbs in this most pivotal 56<sup>th</sup> AZ State legislative session to save the 2024 election! Where are the actions showing they are doing " everything they can do? "

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What solution does the Republican AZ state legislature have to ensure Maricopa County follows AZ election law? How will the Republican AZ state legislature ensure Maricopa County follows AZ election law?

*On March 16<sup>th</sup> 2023 it was publicly stated on the Mike Broomhead show by AZ State Senator Steve Kaiser (LD2) that **zoning reform** in SB1117 is the most important bill to the 2023 56<sup>th</sup> Republican AZ State legislature: “ this is the most important bill of the session, “ per AZ State Senate President Warren Petersen.*

### RESPONSE TO BACKGROUND:

**False statement** by AZLeg Council’s description of the proposal. The proper description of the proposal is: 1) Compel any county (including Maricopa County) to comply with AZ election law in Title 16 of Arizona Revised Statutes by adding an exception or condition to the County’s state shared revenue found in ARS 42-5029 subsection D, 2) During the current budget talks between AZ State legislature & the AZ Governor, ensure at least 3 meaningful election integrity bills are on the negotiating table & **signed** by the AZ Governor **before** appropriating all monies to the AZ Governor’s 9<sup>th</sup> floor in the AZ state annual budget.

### RESPONSE TO ANSWER:

**The Answer is false, moot and not applicable;** since AZ Legislative Council incorrectly described the proposal. Furthermore, the AZ state legislature has the vested legislative authority (power to make laws); writes the state annual 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 state house/state senate chambers, both state house and state senate make their own rules. During each AZ legislative session the AZ state legislature can change, amend or repeal their own rules at any time of their choosing with a simple majority vote.

Draft a proposal/striker amendment **in good faith** and correctly manage your time to at least attempt to serve the citizens of Arizona in the AZ state legislature. AZLeg has **failed** to fulfill their federal/state Constitutional responsibility, hence the **necessity** of AZ Republicans to hold our Republican AZ State legislature accountable by publicly expressing our disapproval of the Republican AZ State legislature with Censure resolutions introduced/adopted by their own voters.

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*By the way, our spectacular AZ Precinct Committeemen do not need the AZ State legislature's permission to hold the AZ state legislature accountable. We sent the Republican AZ State legislature 3 written notices on January 1<sup>st</sup> 2023, January 14<sup>th</sup> 2023 & February 1<sup>st</sup> 2023. AZ Precinct Committeemen has the **POWER** over our elected officials. We don't need the government's permission to hold the government accountable. We have now demonstrated that power clearly through GOD!*

### RESPONSE TO DISCUSSION:

Discussion is **not applicable** since AZLeg Council incorrectly described the proposal. The actions of **necessity** which are unfulfilled by the Republican AZ State legislature are the discussion and that is whether it is constitutional for the AZ State legislature to: 1) Compel any county (including Maricopa County) to comply with AZ election law in Title 16 of Arizona Revised Statutes 2) During the current budget talks between AZ State legislature & the AZ Governor, ensure at least 3 meaningful election integrity bills are on the negotiating table & **signed** by the AZ Governor **before** appropriating all monies to the AZ Governor's 9<sup>th</sup> floor in the AZ state annual budget.

Swiftly the AZLeg Council deems our proposals unconstitutional but AZLeg surely did not apply the same standard in 2020 to then AZ Governor Doug Ducey's unconstitutional executive orders. We don't recall a 3 page " Mueller Report " style Memo against AZ Governor Doug Ducey for writing unconstitutional executive orders.

AZLeg Council *refused* to directly address: 2) During the current budget talks between AZ State legislature & the AZ Governor, ensure at least 3 meaningful election integrity bills are on the negotiating table & **signed** by the AZ Governor **before** appropriating all monies to the AZ Governor's 9<sup>th</sup> floor in the AZ state annual budget.

In this current 2023 AZ State 56th legislative session; there are several Republican AZLeg members who have sponsored SB1137 – " Maricopa county; division; new counties. " This bill single's out Maricopa County dividing it up into 4 new Maricopa counties. 4 Maricopa Counties would mean 4 new Bill Gates, 4 new Stephen Richers, 4 new Jack Sellers and 4 new Scott Jarretts, all *mostly* under the same AZ election laws from 2020/2022. Wait. So that means the AZ state legislature has power to disband the county any time they want at-will, with no legal justification word salad at all? That is constitutional? So if that's constitutional, why wouldn't it be constitutional to attach conditions or exceptions to Maricopa County's state shared revenue? Could it be constitutional to single out Maricopa county for refusing to comply with AZ election law? Could it be constitutional to compel Maricopa County to follow AZ election law with the county's own state shared revenue (\$855 million, largest portion of Maricopa County's

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\$3.3 billion annual county budget) ? Could it be constitutional to ensure Maricopa County does not USURP the AZ State legislature's authority?

SB1137 also calls for a new election. Wow? It is constitutional for the AZ state legislature to order & command a new election at-will. Who knew?

AZ State legislature has enacted 4 different statutes into law in years 2010, 2014, 2016 and 2022 that do exactly what they claim is unconstitutional. Once more, AZ Legislative Council's 03/15/2023 Memo is moot and irrelevant to the discussion:

**§ 42-5033 in 2010 – Special Census;** “ B. Notwithstanding any of the provisions of section 42-5029, any municipality which is initially incorporated subsequent to the decennial census or July 1 of the fifth year thereafter and which has caused a special census of the population within the municipal limits to be taken by the United States census bureau may cause the result of such special census to be certified to the director. Commencing on July 1 following the completion of such special census, it shall be used as the basis of apportionment of the taxes collected under this article in determining the amount payable to such municipality until the next federal decennial census or special census as provided under section 28-6532. “

**§ 35-145 in 2014 – Control of taxes receivable from counties; statements from county treasurer; violation; penalty** “ B. Any county which fails or refuses to comply with the provisions of this section, or refuses to pay any obligations due the state from the county, shall be notified in writing by the state treasurer. Any county which persists in such failure or refusal for a period of thirty days after mailing the notice is disqualified from receiving any portion of the excise tax monies under section 42-5029 until the county complies with the provisions of this section and pays the state its obligations. “

**§ 41-194.01 in 2016 – Violations of state law by counties, cities and towns; attorney general investigation; report; withholding of state shared revenues; notice of violation;** “ the state treasurer who shall withhold and redistribute state shared monies from the county, city or town as provided by section 42-5029 “

**§ 42-5032 in 2022 – Distribution of bridge construction and highway improvement revenues to county;** “ pursuant to section 42-5029, subsection D, paragraph 4, one-twelfth of the amount determined under this subsection to a county that issues bonds pursuant to title 28, chapter 21, article 4 or enters into an intergovernmental agreement pursuant to section 28-401, subsection D. The amount to be paid under this subsection is the amount of state transaction privilege tax revenues received each calendar year, up to four hundred sixteen thousand six hundred sixty-seven dollars, from taxpayers described in subsection C of this section.“

Maricopa county as the operator of the elections and a civil division of the state does not have 14th amendment rights to USURP the AZ state legislature's federal/state Constitutional authority of elections. Of course the County may file a legal challenge against the AZ State legislature's authority of lawmaking & any court would uphold AZ state legislature's vested legislative authority. The county only has an operational role of the election law written by AZ

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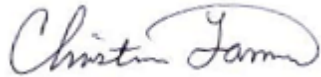
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state legislature. Also the County can be singled out by SB1487 written by 2016 AZ State Senate President Andy Biggs, any legislative subpoena/summons/letter/press release/committee hearing, election audit at the state legislature's discretion, legislative investigation or any other legislative function.

*On August 26<sup>th</sup> 1863 Abraham Lincoln, authored a letter saying : " I freely acknowledge myself the servant of the people, according to the bond of service-the United States Constitution; and that as such, I am responsible to them. "*

This is why our American citizens, and especially our glorious Arizona citizens dislike politics, politicians & political parties because the AZ state legislature is carrying out their *own* agenda. The Republican AZ State legislature is totally out of order, blowing off AZ citizens, gas lighting AZ citizens and refusing to faithfully do their federal/state Constitutional responsibility, which is to fight for election integrity, get tough on Hobbs & serve the AZ citizens!

Respectfully,



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*On Sept 17th 1787 at the Constitutional Convention Benjamin Franklin was asked what type of government do we have " A Republic, if u can keep it. " Our Republican form of government written in Article 4 Section 4 of the United States Constitution is in failure, and this is our alert urgency signal.*

*Here is a US Supreme Court decision concerning the AZ State legislature's responsibility of our elections: " 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.... " This is the landmark US Supreme Court decision of Brnovich v Democrat National Committee of 2021, which struck down parts of the Voting Rights Act. The US Supreme Court upheld the AZ State legislature's State/Federal*

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*Constitutional Authority of elections, even though the DNC, Katie Hobbs & even Maricopa County send their lobbyists to fight against almost every election integrity bill written by the AZ State legislature.*

*Rasmussen latest poll conducted on March 13<sup>th</sup>-14<sup>th</sup> 2023 of 1,001 Arizona Likely Voters:*

*Finds 55% of Arizona likely voters believe it is likely that problems with the 2022 election in Maricopa County affected the outcome.*

[https://www.rasmussenreports.com/public\\_content/politics/public\\_surveys/most\\_arizona\\_voters\\_believe\\_election\\_irregularities\\_affected\\_outcome](https://www.rasmussenreports.com/public_content/politics/public_surveys/most_arizona_voters_believe_election_irregularities_affected_outcome)