

The Honorable Mike Pence,
The Vice President of the United States
United States Senate
Washington, D.C. 20501

Majority Members
Arizona Legislature
Senate and House of Representatives
1700 W. Washington Street
Phoenix, AZ 85007

RE: Reclamation of Electoral College Electors from Arizona

Dear Sir,

January 1, 2021

We write to put a fine point on the controversy involving alleged fraud in the 2020 Arizona Election. In nearly every venue, institutions meant to protect the precious individual voting franchise that gives rise to the consent of the governed through free and fair elections, which is the foundation for the Guarantee Clause in the Constitution of the United States, have blocked Arizona voters from hearing and seeing evidence of fraud.

The courts have refused to hear a multitude of cases brought to introduce evidence of election process violations so that all could see substantive proof of ballot tampering. Even electronic calculation of votes —giving rise to fractional voting— where tabulation of whole numbers safeguards the legal norm under “one person, one vote,” adopted under the Warren Court as a civil rights matter.

Under Article II, Section 1, Clause 2 [the Appointment Clause] of the Constitution of the United States, it is the Legislatures that possess plenary power to select Electoral College Electors. Nowhere in the Constitution is such power over Electors given to any other state government branch, not to the Executive Branch or the Judiciary. And when the Legislature has permitted the Executive branch to transmit the results of an uncontested election to you, such approval may be withdrawn by the Legislature under the same plenary power. Arizona legislators are at this very moment engaged in litigation, asking for relief in the form of preventing certification of Presidential electors and counting their votes where the Presidential electors did not receive state legislative post-election certification as required by Article II.

The Legislature has received voluminous evidence and testimony. One example is the testimony of Dr. Shiva Ayyadurai, Ph.D. (M.I.T.) , on November 30, 2020; Dr. Ayyadurai is one of the most respected mathematicians and experts in pattern recognition in America engaged in the examination of election results in all of the contested states. He concludes that the only explanation for the actual voting results in Arizona is that 130% of Democrats voted for candidate Biden and a -30% voted for President Trump, and 100% of Republicans voted for President Trump, with “no party affiliation” voters split 36% for Biden, 58% for the President. In his words, such a demographic distribution is “highly implausible.” (Exhibit 1). Coupled with the Maricopa County Board of Supervisors' outright refusal to comply with Arizona Senate subpoenas directing a forensic audit of Dominion ballot tabulation equipment and software and scrutiny of all mail-in ballot images, the evidence rises to the level of clear and convincing. It shows the 2020 Arizona Elections to be irredeemably flawed.

Never has the separation of powers been more tested than in this election. The Arizona Election Code requires that all person’s voting in a election must be registered to vote 29 days prior to an election by law, and voter registration was extended by the federal judiciary to October 23 in direct conflict with A.R.S. § 16-101(A)(3), a clear usurpation by the federal Judicial branch of authority exclusively controlled by the State Legislature [emphasis added] and a crystal-clear violation of the separation of powers.

The Governor transmitted to you a document that advances Electors from the Democratic Party and has failed to notify you of the tainted nature of said Electors, despite the evidence thus far provided showing enough fraud. Even this cannot settle the matter, and neither candidate is a clear winner in the absence of a forensic audit.

There is no limitation in Article II, Section 1, Clause 2 on how the Legislature may notify you of the electors you should consider valid. “*Each State shall appoint, in such Manner as the Legislature thereof may direct.*” You have received two slates, one Democratic Party Electors, and one Republican Party Electors. In this day of COVID-19 meeting restrictions, and out of an abundance of caution, face-to-face meetings have been made especially difficult. Such restrictions notwithstanding, whether the Legislature is in regular session as a body, called to a special session, or out of session, a communication from the majority of the body’s Members is nonetheless a statement of the Legislature that must be considered. The Legislature defines the “manner,” and that is what we seek to express to you with this writing. Neither the Executive nor the Judiciary is permitted to erect a barrier to the Legislature as it expresses its position in the matter, which is exactly what has been done.

Please find attached a sample of the voluminous evidentiary material in support of the Legislature’s position, both Constitutional analysis and evidence presented at both the November 30, 2020, Public Hearing on Election Integrity, and December 14, 2020, Senate Judiciary Hearing on Election Integrity that resulted in the issuance of subpoenas to the Maricopa County Board of Supervisors to conduct a forensic audit of their election hardware and software, as well as the ballot images. While expressing the desire to have a transparent audit, the Maricopa County

Board of Supervisors has fought that Senate subpoenas every step of the way, and thus far, they have refused to cooperate; instead, they took the matter to court. Both hearings are preserved as a video archive available for you to view the testimony and evidence.

Based upon the clear and convincing nature of the evidence, we respectfully ask that you recognize our desire to reclaim Arizona's Electoral College Electors and block the use of any Electors from Arizona until such time as the controversy is properly resolved through the pending litigation or a comprehensive forensic audit.

Respectfully,

Members of the House undersigned

Rep. Steve Pierce, LD-1

Rep. Kevin Payne, LD-21

Rep. Mark Finchem, LD-11

Rep. David Cook, LD-8

Rep. John Fillmore, LD-16

Rep. Bob Thorpe, LD-6

Rep. Nancy Barto, LD-15



Rep. Kelly Townsend, LD-16

Rep. Anthony Kern, LD-20

Rep. Jay Lawrence, LD-23

Rep. Bret RobertsLD-11

Rep. Noel Campbell, LD-1

Rep. Leo Biasiucci, LD-5

Rep. Walter Blackman, LD-6

Rep. Travis Grantham, LD-12

Rep. Tony Rivero, LD-21

Rep. Frank Carrol, LD-22

Rep. Regina Cobb, LD-5

Rep. John Allen, LD-15

Rep. Timothy Dunn, LD-13

Rep. Gail Griffin, LD-13

Rep. Becky Nutt, LD-13

Rep. John Kavanagh, LD-23

Rep. Joanne Osborne, LD-13

Rep. Warren Petersen, LD-12

Rep. Thomas J. Shope, LD-8

Rep. Ben Toma, LD-22

Rep. Michelle Udall, LD-25

Rep. Jeff Weninger, LD-17

Rep. Shawna Bolick, LD-20

Rep. Russell Bowers, LD-LD-25, Speaker of
the House

Members of the Senate undersigned

Sen. Sylvia Allen, LD-6

Sen. Sonny Borrelli, LD-5

Sen. Paul Boyer, LD-20

Sen. Kate Brophy Magee, LD-28

Sen. David Farnsworth, LD-16

Sen. Eddie Farnsworth, LD-12

Sen. David Gowan, LD-14

Sine Kerr, LD-13

Sen. Vince Leach, LD-11

Sen. David Livingston, LD-22

Sen. J.D. Mesnard, LD-17

Sen. Tyler Pace, LD-25

Sen. Frank Pratt, LD-8

Sen. Michelle Ugenti-Rita

Sen Karen Fann, LD-1, President of the Senate

Attachments: Resolution to Reclaim Electors
Dominion Texas Report
Dominion Affidavits
AZ Attorney General Fann, et al. v. Maricopa County Board, et al.

- Exhibits:
- (1) Dr. Shiva Ayyadurai's Mathematical Analysis
 - (2) November 30, 2020 Hearing Evidence Book
 - (3) Senate Subpoenas
 - (4) AZ Preliminary Evidence