

Rim Country lawmakers seek to overturn certified election results

[by Peter Aleshire, consulting publications editor](#)

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Arizona judges have repeatedly ruled against Republican claims of election fraud, but that hasn't prevented Rim Country representatives from doubling down on their claims that the election was "stolen" from Donald Trump.

On Friday, a judge will hear the latest Republican claim that the election was so riddled with fraud that the Republican dominated Arizona Legislature should decide who gets the state's 11 electoral votes.

Six state Republican lawsuits have already been dismissed, after having come up with a handful of mismatched or miscounted ballots. On Tuesday, the Arizona Supreme Court dominated by Republican appointees unanimously dismissed another Republican state party lawsuit saying the lawyers had presented no evidence of fraud beyond the inadvertent mistakes in handling ballots made in any election.

The state Supreme Court unanimously concluded the Republicans had failed to "present any evidence of 'misconduct,' or 'illegal votes' ... let alone establish any degree of fraud or a sufficient error rate that would undermine the certainty of election results ... The validity of an election is not voided by honest mistakes or omissions unless they affect the result, or at least render it uncertain."

However, the Gila County Republican Party, House Rep. Paul Gosar, state Sen. Sylvia Allen, House Rep. Walt Blackman have all called for the Legislature to set aside the election results and award the state's 11 electoral votes to President Donald Trump.

Gosar in an open letter to Arizona voters called the election a virtual "coup d'etat." He is also backing an effort to recall Republican Gov. Doug Ducey.

The Gila County Republican Party adopted a resolution calling on the state Legislature to overturn the election results based on claims of possible fraud that have been repeatedly rejected in court. The resolution asserted that state lawmakers have the right to "take back the power to appoint electors" with no limitations on that power. Therefore, "because the stench of fraud surrounds our election" the Legislature should immediately convene and decide on electors without regard to the certified votes cast.

The Gila County Republican Party resolution concluded, "The governor could do that with the stroke of a pen, but sadly, like everything else he has done, Doug Ducey will choose to serve himself instead of the vast majority of voters who thought their vote would count. Just like the

selfish 'thumbs down' act of John McCain on the ACA vote, Doug Ducey will be relegated to the ash heap of history, disgraced for shirking his duty.”

Even if state legislatures in Arizona and Georgia overturned the vote, Trump would not have enough electoral votes to win. He lost the popular vote by 7 million.

Gosar said, “Are we witnessing a coup d’etat? We will not tolerate this. We can never accept the results of fraud. We are not giving up. The president has not conceded and will not concede to a Third World coup d’etat. We have a constitutional republic, not a banana republic.”

Gosar concluded, “Please stay strong and pray for our country and the true President of the United States. Be ready to defend the Constitution and the White House.”

Outgoing Sen. Sylvia Allen also decried the election.

“Nothing is more important to the continuation of our republic than protecting the integrity of our elections,” she said in an email to Republicans. “I take this very serious. There is no doubt in my mind that the irregularities that were testified during the hearing on December 30 (sic) make it impossible for us to legally certify this election. Arizona Eleven Electoral votes should not be counted for Vice President Biden.”

She cited information provided by Trump attorney Rudy Giuliani claiming widespread irregularities, mostly involving some poll watchers denied full access to the counting rooms and voting machines built by Dominion, which were used in 28 states including Arizona. The 10-hour briefing for select lawmakers in a hotel ballroom included numerous claims about the voting machines and procedures that judges have dismissed in a blizzard of unsuccessful lawsuits nationwide.

As it turned out, Giuliani was infected with COVID-19 and many lawmakers have now quarantined due to the potential exposure to COVID during the briefing by Giuliani.

Trump’s attorney recounted various unproven conspiracy theories about the Dominion machines that have either not been presented in court or rejected by judges in 40 dismissed lawsuits brought by the Trump campaign.

The lawsuits have presented a relative handful of improperly or mistakenly tabulated votes, but never enough to change the outcome in even the closest states — Georgia and Arizona. Almost all of those errors were attributed to human mistakes rather than problems with the computer systems.

Sen. Allen expressed “disappointment” that Republican Gov. Doug Ducey certified the state’s election results while some of the state lawmakers were meeting with Giuliani.

President Trump also attacked Ducey for certifying the election results saying in a tweet “why is he rushing to put a Democrat in office, especially when so many horrible things concerning voter fraud are being revealed at the hearing going on right now. Republicans will long remember.”

Ducey defended the election, saying “in Arizona we have some of the strongest election laws in the country, laws that prioritize accountability and clearly lay out procedures for conducting, canvassing and even contesting the results of an election. We’ve got ID at the polls. We review EVERY signature on early ballots — by hand — unlike other states that use computers. Prohibitions on ballot harvesting. Bipartisan poll observers. Clear deadlines, including no ballots allowed after Election Day. The problems that exist in other states simply don’t apply here. I’ve also said all along, I’m going to follow the law.”

However, Sen. Allen called for an investigation that could lead to the Legislature declaring the winner.

“I am very disappointed that while we were conducting this fact-finding hearing, the state of Arizona certified their general election results. The Arizona secretary of state, the governor of the state and the attorney general of the state prematurely certified results knowing that such action would deprive a candidate due process in the ongoing litigation regarding presidential electors.”

She said the Legislature should call an independent committee to investigate allegations and “bring to justice any who were responsible for the corruption of this election.”

In the email to Republicans, Allen said the Legislature should revoke Republican Gov. Doug Ducey’s certification of the election and withhold the state’s electoral votes.

“What has happened to the people of this country who would deliberately overthrow an election? We are better than this. ... If we destroy our constitutional republic and the democratic process of electing our leaders, we are done and will be no better than (sic) the totalitarian countries that rein (sic) down tyranny upon their citizens.”

Repeated Republican lawsuits have yielded little in Arizona, where Trump narrowly lost the presidential ballot, Democrat Mark Kelly comfortably won the U.S. Senate race, Republicans held onto their House and Senate state majorities and the partisan lineup on the U.S. House seats remained unchanged.

So far Republicans have lost six of their seven lawsuits in Arizona. Superior Court Judge Randall Warner did allow Republicans to review 200 ballots — including 100 early ballots and 100 ballots duplicated by a bipartisan board because the automatic tabulation machines couldn’t interpret the markings.

No errors were found in the machine-tabulated early ballots. However, a review of the 100 duplicate ballots found two votes that should have gone to Trump.

President Trump promptly tweeted that the results proved he should have won the election by 90,000 votes — rather than losing by about 11,000.

A further review of 1,526 more duplicate ballots the machines could not initially read found additional errors. Six Trump votes that weren’t counted, two Biden votes that weren’t counted

and one Trump vote mistakenly counted for Biden — an error rate of under 0.05%. If the same error rate was applied to all 27,869 duplicate ballots, it would produce an added 103 votes for Trump.

Another Republican lawsuit going before U.S. District Court Judge Diane Humetewa today asks the court to throw out the certified results and let the Legislature award the state's electoral votes.

Republican Party Chair Kelli Ward's 53-page lawsuit claimed 412,000 ballots were phony due to the Dominion machinery. As one line of evidence, she suggested the 80% turnout rate was "historically unprecedented and likely fraudulent," although many states had similarly high turnout rates.

None of the recounts, lawsuits or reviews have yet to turn up a large number of mismarked or fraudulent ballots, beyond the handful of disputed ballots common to all elections due to things like mismatched signatures, confusing markings, human error in tabulating ballots or discrepancies in voter registration addresses. None of the documented errors or extrapolation of those errors have convinced judges the election results aren't valid.

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