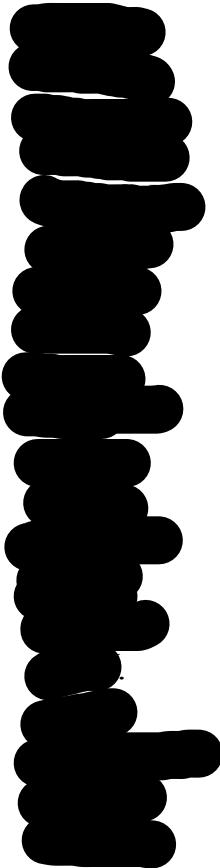


IN THE SUPREME COURT OF ARIZONA

We the People of the State of Arizona *ex rel.*,



) PETITION FOR REVIEW
)) SPECIAL ACTION IN
)) WRIT OF QUO WARRANTO
))
))

Petitioners

v.

Governor Doug Ducey,
Secretary of State Katie Hobbs,
State Treasurer Kimberly Yee,
Maricopa Sheriff Paul Penzone,
Pima Sheriff Chris Nanos,
Phoenix Mayor Kate Gallego
Tucson Mayor Regina Romero
Maricopa Recorder Stephen Richer

Superintendent of Public Instruction Kathy Hoffman
Corporations Commissioner Ana Tovar
Corporations Commissioner Lea Marquez Peterson
Corporations Commissioner Sandra D. Kennedy
Corporations Commissioner Justin Olson
District 9 Senator Victoria Steele
District 10 Senator Kirsten Engle
District 25 Representative Russell Bowers
District 9 Representative Randall Friese
District 10 Representative Domingo DeGarzia
District 12 Representative Travis Grantham

Respondents

Respectfully submitted

May ___, 2021

See Affidavits for Petitioner signatures

WITNESS to filing:

I. PARTIES

1. We the People of the State of Arizona *ex rel.*, Petitioners pro se, are residents and lawful electors in the state of Arizona (see **affidavits**). Petitioners identity and their respective qualifications for office are outlined fully on the sworn affidavits. Petitioners have chosen to redact their names and personal information and utilize initials due a reasonable concern for their safety.

2. Respondents are currently serving as office holders in the state of Arizona having been purportedly ‘elected’ to said positions in either the November 2018 or November 2020 elections as well as the City of Tucson 2019 election.

3. Pro se filings are held to a less stringent standard than those drafted by attorneys. See *Haines v. Kerner* 404 U.S.519, 520 (1972) Due to the urgency and nature of the claims, Petitioners ask the court to review and proceed within 5 days.

II. JURISDICTION

4. The Supreme Court has original jurisdiction in extraordinary writs to State Officers. Ariz. Const. art. VI, § 5(1). Petitioners ask the court to accept rightful jurisdiction of this complaint, as it is the only court where Petitioners have an opportunity to bring these particular claims. There exists a conflict of

interest with Attorney General Mark Brnovich as he, in his current position, and by nature of this writ, is also in question¹ (Rule 42 of the State Bar of Arizona, Arizona Rules of Professional Conduct ER1.7(a)(2)). Attorney General Brnovich has received a hand delivered letter informing him of our filing.

By A.R.S. § 12-2043... any person claiming an office may bring an action:
"A. If the attorney general * * * refuses to bring an action as provided for in §§ 12-2041 and 12-2042, upon information or at the request of any person claiming such office or franchise, the person may apply to the court for leave to bring the action in his own name and may so bring it if leave therefor is granted."

"The foregoing statutes do not restrict the common law right of quo warrant. They are simply cumulative thereto in that a private person, claimant of an office, may bring the action, thereby ameliorating the strictness of the common law rule." (Emphasis added)²

5. "By the express provisions of the statute a private party can only bring *Quo Warranto* when he, himself, claims the office or franchise in question."

Skinner v. City of Phoenix, 54 Ariz. 316, 323, 95 P.2d 424, 427 (1939). Therefore, Petitioners ask that this Court accept jurisdiction. We the People of the State of Arizona *ex rel.*, have the right to challenge the usurpers and claim the offices in question when merit may be found as to intentional or unintentional usurpation. Petitioners come as a group instead of individually, to save the court time and resource and to be heard corporately, but we do challenge individual seats.

¹ Petitioner has followed Arizona law in first making Attorney General Mark Brnovich aware of this Petition for Writ of *Quo Warranto*, while declaring an immediate conflict of interest due to his State Office being filled during the 2018 election, which, by this writ is proven to be unlawful, and therefore himself an alleged inadvertent usurper. This poses a direct conflict in that he could not be unbiased in filing this petition for Petitioners..

² <https://www.courtlistener.com/opinion/1193580/state-ex-rel-sawyer-v-lasota/>

Petitioners evidence is the same and therefore we as individuals and corporately do come before the court to directly challenge usurper's seats.

III. LEGAL FOUNDATION

6. Per ARS 12-2044 A. "*When the action involves the right to an office, the complaint shall show the one who is entitled to the office, and the issues made thereon shall be tried. The judgment given shall adjudge who is entitled to the office. If judgment is given awarding the right to the office to the person alleged to be entitled thereto, he may recover the damages which he has sustained by reason of the usurpation of the office by defendant.*"

7. Petitioners challenge the Respondents right to office based on actions by others that were in direct violation of HAVA federal law and state statute prescribed as conditions necessary to be legally voted into office.

Conditions for receiving votes for office were not met as to law and statute. Therefore Respondents are inadvertent usurpers. Should the court find, once the issues are tried, that the Respondents are usurpers, Petitioners submit each's entitlement, right and qualifications to recover damage by serving Pro Tempore.

8. Petitioners each come as qualified electors, entitled to the seats in question. From time to time, a seat may inadvertently become vacant due to illness or death, or other reasons. At those times, the appropriate official may appoint a person to fill that seat Pro Tempore without going through the usual

means of getting on the ballot and being elected at normal election time.

Arizona Constitution Article 5 section 2. Eligibility to state offices

Section 2. No person shall be eligible to any of the offices mentioned in section 1 of this article except a person of the age of not less than twenty-five years, who shall have been for ten years next preceding his election a citizen of the United States, and for five years next preceding his election a citizen of Arizona.

Petitioners are each constitutionally eligible for Pro Tempore office. When in the past, Citizens have been appointed by the Governor to finish out a Senate term due to unusual circumstances, the Governor has typically chosen pedigreed, well known politicians, but this is not necessary. Any Arizona resident meeting the minimum qualifications is entitled to and has the right be appointed to a seat in unusual situations.

We are in an unusual situation. Petitioners are as entitled as anyone else to step in to help in a temporary way. The executive branch are all, by nature of this writ, inadvertent usurpers, and therefore it falls to the court to appoint. The seats will be vacant upon judgment of usurpation. It would not be prudent to leave the state without leadership for the weeks it would take to remedy this crisis. For a short time, it makes sense to allow entitled and qualified citizens to utilize wisdom and fair judgment under oath to serve. There is nothing that prevents it.

This writ compels the court to view and understand the factual evidence which creates the intrusion of office, to judge usurpation, and to appoint Pro Tempore citizens to fill the vacant seats. In this case, the Petitioners will not serve until the

next *scheduled* election, but until a special election, which may be as quickly done as is reasonable. Petitioners will then timely step down.

9. We the People of the State of Arizona *ex rel.*, have the right to be represented by fairly and legally elected people as the outcome of a well-managed election process guaranteed to us as tax-payers and citizens of the state of Arizona.

AZ Constitution Article 2 Section 2. Political power; purpose of government

Section 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

The right to freely elect one's representatives and to influence the political direction of one's government is the democratic republic's indispensable political foundation. Without free elections, there is neither the possibility for citizens to express their will nor the opportunity for citizens to change their leaders, approve policies for the state, address wrongs, or protest the limitation of their rights afforded to them by the Constitution. Elections establish the citizenry's and the individual's right to Free Speech as depicted by the First Amendment of the Constitution of the United States of America.

Our rights have been grossly violated and injury occurred and is occurring. The facts show clearly egregious illegality. Results of these failures render null the leadership in place. In these times of crisis, we need bold, clear decision and leadership. The court must not look the other way as citizens bring forward these facts before the court. Invalid processes, non-contracted labs and continued mismanagement and records tampering are very serious when it comes to our national security apparatus and Arizona citizens rights. An unelected commission and several VSTL contract vendors did not follow the set forth rules as to the most basic conditions for being allowed to oversee and inspect the systems and devices that protect our most precious voice. Compliance to standards set by law did not happen and contractual fraud occurred on a broad scale. These missteps invalidate the very processes set in place by law and render outcomes null.

10. Citizens have no other place to turn. Petitioners do not want money for the injury. Arbitration does not restore the right or property of our vote and voice. Petitioners ask only for a true legal chance for our voices and the voice of all Arizonans to be truly heard. We want our voice back. RESTORED. Not in the next election. NOW. The HAVA act and the EAC were put in place to protect our voice and the constitutional right of every single eligible voter in Arizona to have their voice heard. We the People of the state of Arizona *ex rel.*, were supposed to be the intended *beneficiaries* of HAVA law and EAC oversight.

Contractual and compliance failures instead make us the beneficiaries of confusion, unrest and violated rights on a broad scale.

11. The help America vote act of 2002 (HAVA) established US code regarding election safety, accessibility and technical security. The Election Assistance Commission (EAC) was created as an oversight board, regulator, vendor manager, and implementer of compliance standards. EAC enters into signed agreements with vendors who analyze and test equipment. Arizona agreed to implement and abide by HAVA law and EAC compliance and testing standards as the first tier layer of protection and integrity for our elections. A.R.S.[16-442](#).B

12. Valid, ratified, contractual relationship between contractor labs (VSTLs) and the EAC (Election Assistance Commission) have not existed since 2016 and possibly earlier. The EAC sets forth its standards and rules to be abided by in its manual for VSTLs.³

13. These contractor labs (VSTLs) were the critical first line of defense for the cyber security and functionality of various systems used to tally results and promise us our vote was counted, and that the systems were free of malicious intrusion. If the contractor labs did not renew their contracts, then how can they be allowed access to our most critical infrastructure? How can they certify anything when they have not agreed to abide by law, and have not entered into

³ https://www.eac.gov/sites/default/files/eac_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf

valid contract to do so? Contract agreements were to be signed assurances of VSTL company standards, company financials, conflict free principal persons and agreement as to conflict of interest rules, communication, and transparency regarding other business relationships.⁴ Technical ability alone does not entitle a contractor to insert itself into a position of public trust. Law and standard dictate this.

14. The HAVA laws and EAC standards as to compliance were put there to ensure the very allegations that are made in this complaint would never happen. EAC avoided the most important part of its role, and instead it can be seen from the website that they spent time and money on glossy marketing, gatherings, awards, beautiful newsletters, trips, and statistics on doling out money to the states during crisis. All the while their most frontline function of securing the people's rights was ignored. Once scrutiny turned towards their ability to manage vendor contracts and accreditation they utilized the same national crisis as an excuse for its lack of oversight and ability to do simple tasks. This complaint is not about only dates on certificates. Egregious failures of law and public trust occurred. Petitioners voice was stolen, and questions exist as to who should be rightly in office in Arizona. Our voice and trust and rights must be restored in a timely fashion.

⁴ section 2.19 through & 3.15 of this manual outlines this in detail: https://www.eac.gov/sites/default/files/eac_assets/1/28/Cert%20Manual%207%208%2015%20FINAL.pdf Pages 27-41. Ongoing vendor management and oversight is outlined in sections 4 and 5 of this manual

15. Since the EAC has been derelict in its duty and employees have violated the oath they took, Petitioners are left with violation of civil and constitutional rights and very little if any direct recourse.

A clear and factual usurpation challenge must be answered by Respondents to prove that the facts are not true. Whether inadvertent or not, the usurpers are exercising powers that are not theirs to hold. This is dangerous and unconstitutional. Whether convenient or not, the court must weigh the complaint as to merit upon fully reviewing fact.

16. Injury to Petitioners is such that Civil and Constitutional rights were violated through gross negligence. Multiple violations of law render the utilization of voting systems in Arizona in 2018, 2019 (Tucson) and 2020 unlawful. This voids the rights of the usurpers to office, since it voids the vote of every Arizona voter.

17. Petitioners sworn affidavits show clear intention to sit Pro-Tempore only until such time as a free and fair election can be held.

18. This is a complaint that shows clear lapse of standards since 2016: multiple mistakes, omissions of paperwork, documents re-dated, correct signatures absent, standards ignored, non-existent contracts, and memos created to avoid compliance and feign due diligence.

19. The legal foundations here are solid although there is not exact

precedent for this complaint.

20. Petitioners ask the court to take the time for a thorough review of facts as to merit of these claims. (See appendix) Petitioners so say that this writ, used to redress a most egregious, broad grievance, is the perfect instrument at this time for this injury. May the court have courage to consider an unusual but fitting use of remedy for an unusually egregious violation of law.

21. The petition submitted before this court is unique and is therefore an opportunity to act upon fact in a most extraordinary way. This petition may not have perfect similitude to any previous case or *quo warranto* filing. Nevertheless, this is why we have the courts in place, to decide upon foundational clear constitutional standard, the violation and injury that is present. At times new and different applications of law and use of instruments is fitting and directly applicable as to restoration of justice.

22. The facts that Petitioners bring and the solution offered are to be measured by the constitutional foundations and the federal laws that Arizona ratified and agreed to abide by in state law. Petitioners sworn affidavits prevent them from sitting in a seat of office for any longer than is necessary to secure the rights of each Arizonan.

23. **Citizens have come forward with this prerogative writ, seeking not only relief *from* the illegal actions that violated Arizonan's civil and**

constitutional rights, and caused widespread usurpation, but Petitioners have chosen this writ and challenged usurpers seats so as to be *part of the very relief sought.*

24. It is fitting to address a crisis through commensurate response. Solutions to crisis that are far reaching in time as to years, and in jurisdiction as to being statewide, may at times require extraordinary courage to implement. We the People of the State of Arizona, *ex rel.*, present ourselves as part of the solution, in lieu of coming as complainants only, and we bring this writ together accordingly. Power is inherent in the people to understand the importance of self-governance, and this we represent, honor and stand in.

25. We the People of the state of Arizona *ex rel.*, petition for a timely restoration of justice and rights that addresses thoroughly the fallout from the statewide illegality of past elections caused by unelected entities. (EAC and VSTL contractors)

IV. APPROPRIATENESS - OTHER REMEDY NOT AVAILABLE

26. The focus is not on fault in this case. That may be for another instrument. Indeed millions of taxpayer dollars have been wasted through people not doing their job. Violations of law occurred at the federal level but were left unchecked at the state level. Petitioners find this writ to be a timely and

resource-saving way to provide resolution and remedy to such broad scale HAVA violations. Petitioners were beneficiaries of the failures. Failures clearly occurred.

27. Although, ‘fault’ may be found at the national level as presented clearly through fact and evidence, HAVA law dictates that complaints be brought at the state level and remedy is to begin there. 52 U.S.C 21112 outlines this.⁵ No direct instruction is given as to how the state must remedy the complaint. Therefore consider that there is no law forbidding this writ utilized in this way.

28. AZ Secretary of State provides a complaint form with an arbitrary deadline within which to file. The 60 day deadline is nowhere in statute or code.

29. The US code cited 52 U.S.C. 21112 notes no deadline within which the citizen must file, but does note the **response time of the state** in such matters. We by nature of this writ, and by section E of this code, request a hearing wherein Respondents prove the facts to be untrue and their seats lawfully held. Please pay particular attention to sections C, D, E and F.

The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

⁵ [https://uscode.house.gov/view.xhtml?req=\(title:52%20section:21112%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:52%20section:21112%20edition:prelim))

- (D) *The State may consolidate complaints filed under subparagraph (B).*
 - (E) *At the request of the complainant, there shall be a hearing on the record.*
 - (F) *If, under the procedures, the State determines that there is a violation of any provision of subchapter III, the State shall provide the appropriate remedy.*
 - (G) *If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.*
 - (H) *The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.*
 - (I) *If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.*
30. HAVA cases have been brought 2 years after the fact and so there is obviously not a deadline to follow as to the law.
31. The Arizona Secretary of State offers an administrative court option to the citizen. That option would not be appropriate to this complaint.
32. The Secretary of State is a named Respondent in this complaint, and therefore her office would not be able to process the complaint due to conflict of interest.
33. Petitioners are bringing *quo warranto* to the correct court for this instrument, and as a court of last resort for relief at the state level.

34. Petitioners come utilizing this instrument in this way to demand relief and restoration of rights.

35. The seriousness of the allegations and the unique approach to a solution may not be comfortable to entertain, yet Petitioners assert that it is the most fitting, clear way to proceed. No law prevents it.

V. SUMMATION & FURTHER UNDERSTANDING

By filing this *quo warranto* we expose that Arizona's elections in 2018, 2019 (Tucson), and 2020, were illegally held, per the HAVA law and corresponding state statute, and therefore null and void. (It is most likely the case that the 2016 elections could be included but will not be in this filing). [FIND EVIDENCE SET FORTH FULLY IN APPENDIX]

May the court understand that election equipment was designated to be critical infrastructure, and although this topic has been hyped and politicized, we stick to logic and facts as Petitioners bring the details forward. We see that the law was violated and that resulted in wide-scale inadvertent usurpation.

The only questions the court needs to answer as to *quo warranto* relief in relation to this writ are these:

36. Are the alleged usurpers proven to be in office illegally? They are - by allegation and proof of fact. Let them come and prove otherwise.

37. Is there appropriate and commensurate relief available? Yes. There is not precedent as to direct challenge with this number of petitioners and this unique scope of usurpation that Petitioners could find. Nevertheless, courts may courageously create precedent in appropriate response to unusual times and situations.

38. Are Petitioners entitled to the seats they challenge? Yes. Petitioners are constitutionally qualified and allowed to fill vacancies by appointment of an official with authority to do so. Vacancy exists upon proof of usurpation and judgment as such.

39. Have Petitioners and indeed citizens across Arizona been broadly deprived of rights by violation of law? Yes. Unelected commissions and contractors have broadly failed in their responsibility to provide for the most important foundations of our voice and our vote and our public trust in the process that upholds our constitutional republic; our fair, free and just election process. The very institutions set up to protect us, and to administer the HAVA law, have failed us miserably.

40. Petitioners realize the times we are living in and that if the court finds the facts to show inadvertent intrusion into office, that *by implication*, our state is currently run by all usurpers. Petitioners do not have the full and final answer as to how to correct this other than to hold new elections. Petitioners risk their time, energy, reputation, and finances to step in and be a part of fixing this.

41. Whether or not the court finds political comfort or expediency in utilizing such a legal instrument or such relief for this gross, widespread illegality, the court must weigh the facts and precedent with full understanding of the gravity of the violations of civil and constitutional rights. Once the facts are reviewed, we ask the court to provide the relief. If the court is unwilling or unable to do so, we respectfully ask for a full reasoning as to why and thorough direction as to where the Petitioners may find justice. Our state is in a crisis, being run by illegal officeholders across the board.

42. Our constitutional right to redress a grievance goes further than the right to submit a document before the court. Our right to find restoration of justice includes a thorough review of our complaint as to merit in the court of appropriate jurisdiction. The burden is on the Respondents named in this writ, to come forward and present evidence to show that the factual claims are incorrect. Petitioners have spent great time, effort and convenience to bring this claim before the court, let the Respondents take these violations of law and our constitution with as much care in bringing forth an appropriate answer to these claims. Petitioners demand response from Respondents within 3 days of completion of review and upon being notified by the court. The urgency of the claims demand immediate response. Usurpers should not exercise powers not legally vested in them for one day more.

43. There were multiple violations of law and the violations shown in this complaint, affected each Arizona county in the 2018, 2019 (Tucson) and 2020 elections.

44. There is relief available. Relief indicated is uncomfortable to implement. No matter how this complaint may play in the court of public opinion, we do not bring this complaint to the public but to the court.

45. Public trust in elections, whether from the mass frustration with 2016 election meddling, or from the firestorm of rhetoric now active in Arizona, is at an all time low. If the court reviews this petition and does nothing, what might that do to further erode public trust and rule of law? Every single Arizonan, regardless of results of elections or party or opinion, must be guaranteed their full rights or we do not have a government that can work. We are to have a government OF the people BY the people and FOR the people. The complaint itself demands timely response. Petitioners ask the court for a full review within 5 days.

46. Satisfactory relief must be provided to Arizonans, and We the People of Arizona *ex rel.*, are here to help the court begin to provide that relief, asking nothing for ourselves but for a short window to help the people govern themselves through this time. Injury occurred and crisis exists and is now known. Knowing these facts and doing nothing would be an irresponsible choice.

47. Relief in this writ is obvious as to direct challenge of certain seats. Petitioners submit that *quo warranto* relief related to HAVA in this complaint

cannot and should not be as it has been for other HAVA infractions, and that unusual infractions give rise to unusual response. It is understood that this instrument which utilizes HAVA violation of constitutional rights as proof of usurpation, is without precedent.

48. As noted in (Consent decree from CASE NO. CV 06-304 TUC-FRZ) regarding Cochise County HAVA violations brought 2 years after the fact, a typical response to smaller, more isolated violations has been:

- A. Acknowledge the infraction
- B. Slap the hands of defendants and enjoin the persons in violation
- C. Hire more people to oversee
- D. Write more rules
- E. Spend more taxpayer dollars in an attempt to fix a broken system.

49. **Note in the (COCHISE) HAVA case - that nowhere do the citizens receive back their voice or precious votes or confidence for the violations of law and constitutional rights by another.** Hand slapping, fines, new rules for the future and more statute and committees won't fix what has happened and is continuing to happen. An intervention is necessary, and a peaceful, clear, solution-minded writ backed by fact and intention to help, is a valid and lawful start on that path. This court is the only court that can remedy widespread state usurpation.

50. One might conclude that petitioners should just wait until the next election cycle ‘if you don’t like the outcome’. Petitioners complaint has nothing to do with election outcome. No court should entertain a filing where a petitioner brings complaint because they don’t like someone or do not like an election outcome. Indeed, in such a case, the citizen should trust the process, become involved and vote. That is how we bring lawful change in this state and nation. Petitioners in this complaint, come before the court of last resort with very serious violations of law that occurred and are occurring that hijacked our constitutional privilege and responsibility. The vote. The facts show that injury due to violations of law affected every Arizonan from every political stripe. Petitioners ask the court to see the urgency in providing unusual remedy that does not include continuing the same system that creates obfuscation, confusion, cover up, lack of oversight, intrusion into office, violation of rights, and maddening frustration from all ‘sides’.

51. A simple and clear, observable paper ballot election with 1 page of basic rules might be one way to refresh this great state and set us on course to respect one another and the very process designed and created to provide for personal empowerment. This may require an acknowledgment from all sides that there has been widespread election mismanagement for years despite herculean efforts to the contrary.

52. Time is of the essence. The EAC is continuing along its course of modifying documents without doing the accompanying due diligence or ensuring

valid contracts exist with VSTL vendors. Our **Arizona Equipment Certification Advisory Committee (ECAC)** was set in place by statute⁶ as a second tier of security, to advise counties and be the middle tier of due diligence in this process. Whatever work ECAC has done to advise and offer opinion regarding equipment in the last several years, is null and void since the top tier accreditation at the national level was not done. Arizona agreed that was of number one legal importance. A.R.S.**16-442.B**⁷

B. Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the help America vote act of 2002 and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002.

Arizona counties own, and utilized VSMs (voting systems) that were contractually uncertified and illegal. One cannot take a counterfeit bill from a bank and call it legal tender just because the bank didn't catch the counterfeit at first. That fraudulent bill would be removed from circulation despite the initial mistake in tendering it.

The Arizona level due diligence does not replace federal level failures, it is meant to supplement it and add to it. Arizona ECAC is able to do nothing more than ask good questions of the system machine manufacturers and be told that the company

⁶ A.R.S. § 16-442(A) <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00442.htm>

⁷ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00442.htm>

‘build’ is EAC approved. (See meeting minutes)⁸ The AZ ECAC has tried, in the middle of a monopolized marketplace of manufacturers, and pages of law and technical specs, to manage the firehose of continual add-ons, security updates and state statute changes. No matter their due diligence, it does not make up for the lack of full, detailed security and technical protocols and agreements put in place by HAVA law that were not ratified, legal or effectual. Perhaps it is time to stop the current unmanageable and bloated structure and go back to simplicity. It seems set up to perpetuate with no one to blame and very little redress for grievance.

53. When is enough enough? Our state and country has had division since 2016 due to concerns about fair and secure elections. Each time a ‘side’ doesn’t like the outcome, they point to whatever details they can find to resolve their grief. Perhaps both ‘sides’ have seen and know that something isn’t right and the system is rife with frustration, illegality and mismanagement. This petition is not about election outcome. It is about factual violations of law found by concerned citizens from all backgrounds and walks of life. The violations continue to occur. The violations caused inadvertent usurpation of all those elected in Arizona from 2018 on.

54. Every Arizonan’s cause and heart deserves to be heard at the ballot box. Let the court help restore this foundational constitutional right with a spirit of service toward stability, fairness, and mutual care in representative governance.

⁸ <https://azsos.gov/elections/voting-election/voting-equipment>

55. There are things that taxpayer money, and more pages of rules cannot fix. Trust, fairness, and restoration of rights deserve and demand immediate administration of relief in this time of state crisis. Relief begins with acknowledging the widespread usurpation caused by compliance failures. Perhaps Arizona would have the courage to be a frontier state in stepping forth to bring simplicity, honor and trust back to the process and be an example to the nation.

56. Unprecedented illegality with unprecedented consequences may require the court to rule in unprecedented ways and consider fair and wise use of this *quo warranto* in a slightly new way to serve the common good. Nothing prevents the court from doing so.

57. As the court sees the facts laid out as to violations of law, Petitioners ask the court to alleviate previous injury by restoring justice immediately. Petitioners are entitled and qualified to sit Pro-Tempore in usurpers seats. Waiting for the next election cycle allows egregious violations to remain acknowledged but not dealt with, and intruders into office to be allowed to act on our behalf. Violations continue to occur. This encourages even more division through frustration as Arizonans navigate yet another unprecedented crisis.

58. Alleviating previous injury shall not include adding to bureaucracy to enable more failed, bloated responses to very real violations of rights. The current system is irreparably broken as noted by years of failure that have yet to be corrected. Crisis intervention of a new kind is what is needed here. **Petitioners**

offer opportunity for and participate IN the remedy and relief in an effort to help restore our own and other's rights that were stolen.

59. The court can see the variety of usurper positions challenged in this *quo warranto* by looking at the list of Respondents. These positions were chosen by Petitioners not as to party or emotion, but out of a desire to serve in positions that might best help any transition and further the solution. Petitioners were not groomed for office nor intended to hold public office, and yet all are competent citizens who meet the constitutional requirements for each position challenged.

60. The court might choose to allow alleged usurpers the freedom to continue to seek the seat vacated in a new election, without implementing the statutory result that they be barred from further office.

V. PRAYER FOR RELIEF

Petitioner respectfully requests that the Court enter Judgement against the Respondent as follows:

1. Order that each Respondent be removed from the trusted office that is now held unlawfully.
2. Order a pro-tempore only seat to the challengers until such time as free, fair and secure elections can be held.

CONSTITUTIONAL FOUNDATIONS:

Arizona Constitution

Title 2 Article 2 Section 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

Title 2 Article 2 Section 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Title 2 Article 2 Section 33. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people

United States Constitution

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

“A share in the sovereignty of the state, which is exercised by the citizens at large, in voting at elections, is one of the most important rights of the subject, and in a republic ought to stand foremost in the estimation of the law.”

Alexander Hamilton