

## Gaggle - Fake Electors

**Kris Mayes** [00:00:04] After the general election on November 3rd, 2020, the defendants and other unindicted coconspirator raised false claims of widespread voter fraud in Arizona to pressure elections officials to change the outcome of a transparent, free and fair democratic election. Those efforts ultimately failed when officials stood firm, followed their statutory duties, and officially certified Arizona's election on November 30th, 2020.

**Mary Jo Pitzl** [00:00:35] That is the voice of Arizona's Attorney General, Kris Mayes. On Wednesday, April 24th, she shared a video on Twitter announcing that 11 Republicans in Arizona and seven others have been charged for falsely certifying that Donald Trump won the state in 2020, despite the fact that Arizonans narrowly favored Joe Biden.

**Kris Mayes** [00:00:57] The defendant Republican presidential electors allegedly plotting with additional defendants, then voted for Mr. Trump and Vice President Pence on December 14th, 2020, falsely claiming to be the duly elected and qualified electors for president and Vice President of the United States from the State of Arizona. These defendants deceived the citizens of Arizona by falsely claiming that those votes were contingent only on a legal challenge that would change the outcome of the election.

**Mary Jo Pitzl** [00:01:34] Welcome to this special episode of The Gaggle, a politics podcast by The Arizona Republic and azcentral.com. I'm Mary Jo Pitzl, state politics reporter for the paper. Ron Hansoe is out today. I'm in our capitol news bureau with our state politics reporter, Stacey Barchenger, who has been closely following this breaking story. Stacey, thanks for stepping away from your desk to join us. It's been busy, hasn't it?

**Stacey Barchenger** [00:02:00] Had a lot of desk time yesterday, Mary Jo, I hope you have slept.

**Mary Jo Pitzl** [00:02:05] Yeah, well [laughter], let's talk about this indictment. It's 58 pages long. I'm sure you've scoured every page. And so give our listeners a quick overview of who's been indicted and what they're charged with.

**Stacey Barchenger** [00:02:18] Yeah, absolutely. So 18 people are charged in this indictment. 11 will be well known to Arizonans. These are the people who were Trump electors in 2020 who signed documents falsely claiming they were duly elected to give the state's electoral college votes to Trump. They were not. This has been well established at this point in other states in the congressional investigation. Joe Biden won Arizona very narrowly, but he did win and our Electoral College votes went for him. This is part of a broader plot, led by many very close allies of Trump, to subvert the will of voters in Arizona and six other states. This is how prosecutors are viewing these cases. And the indictment announced by Attorney General Kris Mayes, is noteworthy for its scope. These seven other individuals are those Trump allies, and they are names that our listeners will know. It includes Rudy Giuliani, Mark Meadows. These are people who, immediately after the November 2020 election, sort of laid the groundwork for this plot in Arizona and everything that came after it. You know, the 2020 ballot review, which was almost this like consolation prize for the Republicans who weren't willing to go along exactly with what the former president was claiming.

**Mary Jo Pitzl** [00:03:53] And what is AG Mayes charging these people with?

**Stacey Barchenger** [00:03:57] There are nine counts. And I guess I should say we will learn more details about this. As of now, the seven names of the Trump allies are redacted from the indictment. We're able to identify those people because of descriptions that are in the indictment. We don't know exactly which of the charges those individuals are facing, but the electors are each facing nine counts. They allege conspiracy, basically, that these people worked together in this scheme, forgery and then a couple of fraud charges each. They're all felonies. Could carry prison time, although everyone is innocent until proven guilty. We've got to go through the criminal justice process. This is going to be in the news for quite some time.

**Mary Jo Pitzl** [00:04:42] You mentioned that already. Some of these people whose names were blacked out, but we know who they are. But why are they not disclosed in this document?

**Stacey Barchenger** [00:04:51] This is a matter of under state law. You cannot be identified in an indictment until you have been served. So basically, these Trump allies just haven't gotten the legal notice that they are charged in this indictment. And so that is the nature of that blackout information on the indictment for now.

**Mary Jo Pitzl** [00:05:09] A little bit of distance between Arizona and DC, I take it.

**Stacey Barchenger** [00:05:13] Yeah. And I mean, it also might be a matter of, accessibility.

**Mary Jo Pitzl** [00:05:18] There's also five unindicted coconspirators. What do we know about them?

**Stacey Barchenger** [00:05:23] Yeah. So again, these are people who were involved, but they are not facing charges. One of them includes former President Trump, and their names are redacted from the indictment. But it clearly says a former president who led this campaign in 2020. So no doubt about who that is. Others we've been able to identify as a couple of local lawmakers who really led the effort in Arizona to bring in folks like Rudy Giuliani to kind of give rise to all this, like election doubt. That includes, we believe, Mark Finchem and, former Senator Kelly Townsend.

**Mary Jo Pitzl** [00:05:59] I know it's a little early, but what have we heard from the people who have been indicted?

**Stacey Barchenger** [00:06:04] Well, a lot of them are so far not going on the record with us about the charges. Although State Senator Jake Hoffman has been on the record, he says he is innocent. He looks forward to being vindicated. And he and a couple of other, you know, sort of prominent Republicans are making this claim that Kris Mayes is weaponizing her office, that she said things on the campaign trail that. Lead them to believe she is biased in this prosecution, and that she is just merely trying to exercise some sort of political agenda. They note that our primary is just a couple of months away at this point, you know, saying she is intentionally working on this time frame that could harm their campaigns. I'm not so sure this harms their campaigns, at least among the Republican grassroots.

**Mary Jo Pitzl** [00:07:03] As you noted earlier, this indictment is part of a wave of these kind of charges that we've seen against fake electors in other states. But in those

indictments, like in Georgia, Michigan, among other places, they've been out for quite a while. Why is Arizona seemingly so late to the game?

**Stacey Barchenger** [00:07:20] There has been immense political pressure on the attorney general here to do something. People email me all the time asking where this case has been, and I think what Kris Mayes would say is that she was elected in 2022, and she replaced a former prosecutor, Republican Mark Brnovich, who took a hands off approach to this. Some would say very much. He straddled this line of trying to fuel election conspiracies. She pledged not to do that, but. So she got into office in January of 2023. What she says is a late start. And she did address this in the video that she published with the indictment.

**Kris Mayes** [00:08:05] Let me start by thanking everyone for your patience as we conducted a thorough and professional investigation over the past 13 months into the fake elector scheme in our state. I understand for some of you, today didn't come fast enough, and I know I'll be criticized by others for conducting this investigation at all. But as I have stated before and will say here again today, I will not allow American democracy to be undermined. It's too important.

**Stacey Barchenger** [00:08:33] You know, one of the things that I've been thinking a lot about in the 12 or 18 hours since this all happened, is how Kris Mays has handled this announcement. And let me give you a little bit of background on that. Kris Mayes is a former reporter for The Arizona Republic. She, by her own admission, likes talking to reporters. There are many examples in which her office has brought lawsuits that she holds press conferences for. She takes questions. She is, quite frankly, accessible to reporters like us. But that is not the circumstance in this case. It's my understanding that she is not taking any questions directly from reporters. There is no press conference planned, and I think that reflects not only the pressure that she is under, but also how seriously this office is taking this and also that they know one of the things that is going to be said among Republicans and people that have been indicted is that they are weaponizing this office. I just think it's worth noting that she seems to be very cognizant of that and is taking these very purposeful steps in how she handles this case.

**Mary Jo Pitzl** [00:09:49] So how does the scope of this indictment compare to what we've seen charged in other states? I mean, clearly there's some common threads, you know, most notably being it's an effort to get Trump, or it was an effort to get Trump declared as the winner in 2020 even though he lost.

**Stacey Barchenger** [00:10:05] Yeah. So Arizona is now the fourth state to bring, a case similar to this in what is commonly called like a fake electors plot. I won't talk about the federal case. I think everybody has heard something about that at this point that charges the former president. But the states are really fascinating. So in terms of scope, Georgia's is the most broad. President Trump is charged in that case, as are many of the same allies that are now facing charges in Arizona. Mark Meadows Jenna Ellis has Trump's former lawyer. She has pleaded guilty in the Georgia case. So in terms of scope, Arizona's is broad. The cases in Nevada and Michigan really focus on the electors themselves. And, you know, some Republican officials that tried to swing swing the vote in 2020.

**Mary Jo Pitzl** [00:10:56] So what kind of impact could this have on the elections later this year? And could these cases go to trial before the November 5th election?

**Stacey Barchenger** [00:11:05] I think it's pretty unrealistic that we'll see any court resolution by November 5th. And maybe this year, you know, Senator Hoffman's lawyer, Harmeet Dhillon, close ally of President Trump, she was just on Ktar radio and she said, there's no way this comes to a resolution before the elections.

**Harmeet Dhillon** [00:11:24] The timeline is it is impossible to bring anything to any kind of a hearing. Material hearing on these charges. Before the primary. What's going to happen? As required by due process in the United States and Arizona Constitution, is that the defendant will have an opportunity to test these, charges and and get them some of some or all of these charges tossed out on the basis that they don't meet the law.

**Stacey Barchenger** [00:11:52] It remains to be seen how this impacts elections. We're still processing this huge news. We've seen that some folks are trying to get ahead of it. You know, Senator Hoffman, Senator Kern, they have all already gone on the record weeks, if not months ago, as saying this is a weaponization. They're both expected to be on the ballot this year. And I suspect that this is a pitch to their GOP loyalists. You know, the most faithful people that show up in primaries, that they are being targeted by these Democrats, and they're hoping to appeal to those voters in that way. What that means in November, to be determined. We saw two years ago that a lot of candidates that embraced Trump and these claims, and I guess I shouldn't say a lot, but all of them lost. So a little bit of reading the tea leaves here. What I am certain of is that we will be hearing a lot about this from both sides through November.

**Mary Jo Pitzl** [00:12:50] Is it possible that they'll be even more people indicted? And, you know, we're what, 18 hours into this and what's next?

**Stacey Barchenger** [00:12:59] I mean, what isn't next?

**Mary Jo Pitzl** [00:13:02] Not sleep!

**Stacey Barchenger** [00:13:03] Yes. Well, so we know that the seven indicted individuals, you know, who are mostly in DC, the Trump allies, they will get served notice of this indictment. Their names will become officially part of the public record here. Next, the 18 defendants will have to make a court appearance here in Arizona. We don't know when that is quite yet, but it will be in coming days or weeks. Just to preliminarily answer to the charges. It's possible under Arizona law to challenge a grand jury finding. The lawyers for the defendants have not said if that is something they will pursue. But it's certainly something. One of the many things that I'm keeping an eye out for.

**Mary Jo Pitzl** [00:13:47] Well, Stacey, we can't thank you enough for squeezing in time to talk to us on a really big breaking news day.

**Stacey Barchenger** [00:13:54] Well, I mean, let's not forget that our morning started with the House of Representatives repealing a 160 year old abortion ban, Mary Jo!

**Mary Jo Pitzl** [00:14:04] Well, well aware of that. And it is, maybe not so rare anymore, but Arizona made national news twice in the same day with that abortion vote in the Arizona House. And then with these indictments coming down. So strap in, folks. We're just four months into 2024 and a lot more to come. We, in fact, watch for another bonus episode from the gaggle after the abortion issue gets over to the Senate. We'll see what they do with that. That's probably coming in a week or so. So, Stacey, if people want to

follow your reporting on this topic and everything else, where can they find you on social media?

**Stacey Barchenger** [00:14:40] They can find me @sbarchenger, that's s b a r c h e n g e r.

**Mary Jo Pitzl** [00:14:49] That wraps up this bonus episode. Gaggle listeners, thank you for tuning in. And if you have questions about this or any other Arizona political topic, send us a note. You can reach us at (602) 444-0804, or at the gaggle at Arizona Republic. Com. That's all. One word, all spelled out. This episode was edited and produced by Kaely Monahan with production assistance from Amanda Luberto. Episode oversight is by Kara Edgeron and our news direction is from Kathy Tulumello. All of our music comes from Universal Production Music. The audio of Attorney General Kris Mayes comes from her ex account. Additional audio of Harmeet Dhillon, Trump and Jake Hoffman's lawyer comes from KTAR News. Never miss an episode of The Gaggle by subscribing to us wherever you listen. And if you learned something new today, be sure to share this episode with your friends. You can also leave us a review and please rate us five stars. Follow the gaggle on social media at A-Z podcast. And I'm @MaryJPitzl J. That's p i t z l. The Gaggle is an Arizona Republic and azcentral production. Thanks for listening. We'll see you next week with our regularly scheduled episode.