

REFERENCE TITLE: **appointment of presidential electors**

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SCR 1002**

Introduced by  
Senator Townsend

**A CONCURRENT RESOLUTION**

**APPOINTING PRESIDENTIAL ELECTORS FOR THE 2020 ELECTION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1           Whereas, it is the constitutional and legal obligation of the  
2 Legislature of the State of Arizona to ensure that the state's  
3 presidential electors truly represent the will of the voters of Arizona;  
4 and

5           Whereas, pursuant to the direction of Congress as set forth in  
6 United States Code title 3, section 1 as authorized by article II, section  
7 1, clause 4 of the Constitution of the United States, and state law  
8 adopted pursuant thereto, Arizona conducted an election for presidential  
9 electors on the Tuesday next after the first Monday in November 2020—that  
10 is, on November 3, 2020; and

11           Whereas, that election was marred by irregularities so significant  
12 as to render it highly doubtful whether the certified results accurately  
13 represent the will of the voters; and

14           Whereas, Congress has further directed in United States Code title  
15 3, section 2 that when a state "has held an election for the purpose of  
16 choosing electors, and has failed to make a choice on the day prescribed  
17 by law, the electors may be appointed on a subsequent day in such manner  
18 as the legislature of such State may direct"; and

19           Whereas, that provision implicitly recognizes that article II,  
20 section 1, clause 2 of the United States Constitution grants to each state  
21 legislature, with stated limitations, the sole authority to prescribe the  
22 manner of appointing electors for that state; and

23           Whereas, the United States Supreme Court and other courts have  
24 explained that when a state legislature directs the manner of appointing  
25 electors, it does so pursuant to a grant of authority from the United  
26 States Constitution rather than by reason of any state constitutional or  
27 other legal provision, that this authority may be exercised by the  
28 legislature alone without other aspects of the normal lawmaking process,  
29 and that the state legislature's authority over the appointment of  
30 presidential electors is plenary and may be resumed at any time; and

31           Whereas, because United States Code title 3, section 7 mandates that  
32 all presidential electors vote for President and Vice President of the  
33 United States on December 14, 2020, it is impossible to pursue this  
34 Legislature's preferred course of action, which would be for Arizona's  
35 voters to participate in a new, fair and free presidential election before  
36 that date; and

37           Whereas, in view of the facts heretofore recited, the Legislature is  
38 required to exercise its best judgment as to which slate of electors the  
39 voters prefer.

40 Therefore

41 Be it resolved by the House of Representatives of the State of Arizona,  
42 the Senate concurring:

43           That the following individuals be and are hereby appointed  
44 presidential electors for the State of Arizona for the presidential

1 election of 2020, any other certification or provision of law  
2 notwithstanding:

- 3       1. Tyler Bowyer.
- 4       2. Nancy Cottle.
- 5       3. Jake Hoffman.
- 6       4. Anthony Kern.
- 7       5. Jim Lamon.
- 8       6. Robert Montgomery.
- 9       7. Sam Moorhead.
- 10      8. Loraine Pellegrino.
- 11      9. Greg Safsten.
- 12      10. Kelli Ward.
- 13      11. Mike Ward.