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Barricading democracy in Maricopa County
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Arizona Capitol Times

Your Inside Source for Arizona Government, Politics and Business

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CAMPAIGN FINANCE LAWS MAKE FUNDING OF ELECTION CHALLENGES ... MURKY

BY KIERA RILEY *kriley@stateaffairs.com*

Erich Speckin testifies during Kari Lake's election challenge trial Thursday, May 18, 2023, in Maricopa County Superior Court, in Mesa. State laws governing campaign finance shroud financial contributors to election challenges, while funding for challenges to congressional races are more transparent. (Mark Henle/The Arizona Republic via AP, Pool)

Funds fueling state candidate election challenges remain shrouded by Arizona's campaign finance code, while congressional candidates' funding is made fairly transparent by the Federal Election Commission.

A gap in reporting requirements between state and federal campaign finance laws has not drawn much ire from either side of the aisle beyond some raised eyebrows on who is financing litigation that electrified last cycle and is sustaining a pulse well into 2024.

As another round of election litigation looms ahead, a slight split still exists on whether disclosure is necessary.

Election attorneys said a nexus between legal funding and obligation under state campaign finance law was nonexistent given its jurisdiction over money meant to influence the election, while a campaign finance legal group previously advised the state to seek further disclosure, given the potential for quid pro quo.

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FROM BOYCOTTING BUSH TO ENDORSING TRUMP

A HISTORY OF LOG CABIN REPUBLICANS IN ARIZONA

BY REAGAN PRIEST
rpriest@stateaffairs.com

1996 was a banner year for gay Republicans in Arizona.

Republican U.S. Rep. Jim Kolbe of Arizona publicly came out as gay. Mayor Neil Giuliano of Tempe, then a Republican, followed suit a month later. Steve May was running to become the first openly gay Republican in the Arizona Legislature. And Log Cabin Republicans of Central Arizona began meeting, marking the start of the group's presence in the state.

"We really thought '96 was a real critical year, an inflection point in the Republican Party accepting gays," May said.

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Former Arizona Rep. Jim Kolbe sits for a photo in the living room of his house in Tucson on Jan. 15, 2007. Kolbe, a Republican congressman who represented a heavily Democratic region of Arizona for more than two decades and was a proponent of gay rights, died Saturday, Dec. 3, 2022, at 80. Kolbe came out as gay in 1996, the same year that Arizona's Log Cabin Republicans launched and other gay Republicans also came out. (AP Photo/John Miller, File)

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CAPITOL QUOTES



"If need be, I have the sheriff's office on speed dial if I ever need to call."

- Maricopa County Elections Director Scott Jarrett, on measures the county is taking to protect election workers and ballot drop boxes.



"They can't all walk around with a bodyguard and have 24/7 security officers outside of their house to protect them from harassment."

- Secretary of State Adrian Fontes, on why it's too dangerous to release the names of voters who may not have provided proof of citizenship.



"Had they felt the need to accelerate it and to bring it to our attention they could have done it. And they didn't."

- Arizona Chief Justice Ann Scott Timmer, on why an Abe Hamadeh spokesperson's accusation that the court slow-played 2022 election cases is unfounded.



"I want people to know that we're out here and to give other people who may be thinking the same thing, who don't want to go public, to let them know that they're not alone."

- Doug Coleman, a former city councilman, mayor and state lawmaker, on why he placed a Harris Republicans sign in his yard despite the risks.

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CAPITOL TIMES Q&A

Unbridled and seeking to return Republicans TO THEIR ROOTS

MATT SALMON



"When you're in office, you're always worried about the next election. It's liberating to not concern yourself with that."

BY JAKOB THORINGTON *jthorinton@stateaffairs.com*

Eight years after his congressional career ended, former U.S. Rep. Matt Salmon has become one of the state's most vocal critics of the Republican party. Salmon, with the help of other conservatives like Maricopa County Recorder Stephen Richer, former state Sen. Paul Boyer and Maricopa County Supervisors Clint Hickman and Bill Gates, is spearheading the newly formed organization, Conservative Agenda for Arizona, to help conservatives like himself find a home in Arizona's political scene.

The questions and answers have been edited lightly for style and clarity.

Tell me about your organization?

There've been a lot of Republicans that I've spoken with that feel like the current Republican party just doesn't represent them any more. With so many conspiracy theories that have been thrown out there and the election denialism, a lot of conservatives want to get back to our roots so to speak. The idea that we're focused on a smaller government, less taxes, low regulation, safe neighborhoods, strong education. Those are the kinds of things that motivated conservatives for years and years. A strong military, free trade, pro business. Ronald Reagan was running for president when I registered and he embodied all of those things. Today, the Republican Party seems more committed to the personality of one individual rather than ideas and conservative policies.

What are some of the steps the group has taken to accomplish this?

We've organized the group. We've created a webpage. We've filed as an organization. We had a kick off event with former Gov. Jan Brewer speaking. Next, we just want to really do a couple things. We want to recruit like-minded people to come and participate with the group, but we also want to get back to actually drafting policy and putting that policy out there.

Any specific policy in mind?

Lower taxes, lower regulations, smaller government. One of the things just off the top of my head that I am very committed to at the federal level is a balanced budget amendment to the U.S. Constitution so that the people in Congress have to balance the budget every year instead of deficit spending as far as the eye can see. Term limits is another thing I'm really committed to. I was part of the team in Congress that actually balanced the budget four years in a row. That's only been done once in the last 100 years. Runaway spending creates monetary policy at the Federal Reserve of printing more money and the end result is hyperinflation, which we've seen. It's directly related to the spending that's going on in D.C.

How do you reach a voter who is still unconvinced about our elections?

We're trying, and I think repetition is a good thing. Providing people with the facts. The fact that there have been literally dozens of lawsuits filed across the country and they've all been unsuccessful regarding a stolen election or a failed election. I mean the Republican party has long considered itself to be the party of rule of law and rule of law means that you abide by what happens in the court system. Evidence is an important thing. One of my heroes was John Adams, one of the framers of the Declaration of Independence and the Constitution. Adams once said "facts are stubborn things." I think that we need to make facts stubborn things and just keep repeating them until people understand what the facts are.

What was different about your two runs in Congress?

It was far more polarizing.There were no Blue Dog Democrats anymore. There were very few Centrists. I'm very conservative, but I think you have to have a balance. Social media didn't

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FROM BOYCOTTING BUSH TO ENDORSING TRUMP

A HISTORY OF LOG CABIN REPUBLICANS IN ARIZONA



Gay Tempe legislator and Army reservist Steve May listens to an advisor at his State Capital office Friday, Sept. 24, 1999, in Phoenix. May became the flashpoint for a firestorm that summer when Army officials started investigating whether he violated the "don't-ask-don't-tell" policy by acknowledging he is gay while serving in the Legislature. The Arizona chapter of Log Cabin Republicans helped May to get elected in 1998. (AP Photo/Mike Fiala)

Nearly 30 years later, a new generation is reviving the club and shifting its leanings rightward to align with the GOP's modern evolution. While former members are excited to see the group grow and evolve, some, like May, say they think Arizona's gay Republicans have lost perspective.

The Log Cabin Republicans national organization got its start in California in the 1970s. The group's name references President Abraham Lincoln, an icon of the Republican Party who was born in a log cabin. The group currently has chapters in 36 states, and is the first and largest group representing LGBTQ+ conservatives in the U.S., according to the Log Cabin website.

LGBTQ+ voters have long been seen as an important voting bloc for Democrats, but not all of them lean to the left. According to an April report from the Pew Research Center, 17% of gay/bisexual men and 12% of gay/bisexual women surveyed say they lean Republican.

Current and former members of Log Cabin in Arizona agree that more needs to be done in the state to move the GOP forward on LGBTQ+ issues. Since its inception, the group focused on moving the needle within the state Republican Party to make it more accepting of the LGBTQ+ community and its causes, to varying degrees of success.

Chapter One: 'An Exciting Time'

Log Cabin Republicans of Central Arizona, or LCRCAZ as it was known at the time, made a splash in the LGBTQ+ community and state politics in 1996. The group endorsed May during his run for the state Legislature in 1996 and began to host meetings with local GOP politicians.

May remembers the first meeting occurring at someone's house in 1996, before graduating to meetings at local bars and the Spaghetti Factory in downtown Phoenix. The group met once a month or every other month, and many members volunteered their help for May's campaign.

Despite the group's increasing influence, May lost his legislative race, something Phoenix's gay news outlet, Echo Magazine, attributed to his straddling of two worlds.

"The problem is, May is not 'gay enough' to please gay and lesbian community leaders, and he is 'too gay' to suit his own party leadership," read a column in an October 1996 issue of Echo.

May's loss in 1996 did not deter LCRCAZ members, who helped him mount another campaign in 1998 – one that received endorsements from local gay organizations and was ultimately successful. Log Cabin's influence in LGBTQ+ politics in Arizona only grew from there.

May was able to advocate for the gay community from a Republican perspective, which gave him an advantage over Democrats who had been trying to advance gay rights issues in a GOP-controlled state Legislature. Using his majority membership, May successfully pushed a bill that repealed the state's sodomy laws, legalizing sexual acts and cohabitation outside of marriage for both homosexual and heterosexual couples.

"We were able to carry a message that the partisan gay Democrats couldn't carry to people who were in power," May said.

At the same time, LCRCAZ hosted events for 50 to 75 attendees with prominent Arizona Republicans at the time, like Gov. Jane Dee Hull, Superintendent of Public Instruction Lisa Graham Keegan and Maricopa County Sheriff Joe Arpaio.

But it wasn't all acceptance after May was elected. He had to publicly defend his identity when a fellow Republican representative made homophobic comments during a committee hearing. Even though May was openly gay, the public admission at the hearing almost led to his discharge from the U.S. Army (Reserves) under "Don't Ask, Don't Tell," the policy that prevented service members from speaking about their sexuality.

After winning re-election in 2000, May lost the GOP primary in his third run for the House in 2002 when redistricting placed him in a race against two fellow Republican incumbents.

LCRCAZ also began to take hits when the 2004 re-election campaign for President George W. Bush started. The national arm of Log Cabin Republicans had endorsed Bush in 2000 after he agreed to take action on the HIV/AIDS crisis and allowed openly-gay Kolbe to speak at the Republican National Convention that year.

However, Bush made a ban on same-sex marriage a cornerstone of his re-election campaign with his support of the Federal Marriage Amendment. It was a move that Log Cabin Republicans like May saw as a betrayal.

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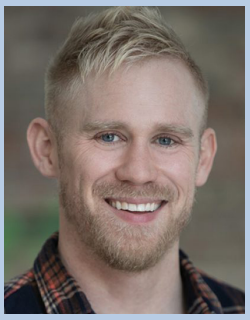
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FROM BOYCOTTING BUSH TO ENDORSING TRUMP

A HISTORY OF LOG CABIN REPUBLICANS IN ARIZONA

Chapter Two:
Behind Closed Doors

A few years after May took a step back from Log Cabin, he received a call from a young, gay Republican interested in reviving the group. His name was Matt R. Salmon.



Matt Salmon Jr.

The son of former U.S. Rep. Matt J. Salmon, R-Ariz., Matt Salmon Jr. had recently come out as gay and was looking for a way to combine his conservative upbringing with his newfound identity. Salmon asked around and was told about Log Cabin Republicans. He reignited the group and became its president in 2009.

This new, late-2000s version of Log Cabin Republicans in Arizona was smaller and based mainly on word-of-mouth. Salmon inherited a list of names and phone numbers that he used to invite people to events with local politicians. He estimated that the group saw around 20 people at most events.

Despite Bush's stance on same-sex marriage during his 2004 campaign and final term in office, Salmon said the group did not face any outright backlash from Republican politicians in Arizona. But that didn't mean they were outright supportive either.

"Many of them would come and say 'I support your cause, I am LGBTQ+ accepting and I believe in what you are doing. However, if I were to be very vocal in public about it, I probably wouldn't get elected,'" Salmon said.

In mid-2010, Salmon started medical school and realized he couldn't keep up with his studies and run Log Cabin Republicans. Salmon said he was starting to feel disillusioned with the idea of being a gay Republican after not receiving any real support from elected officials in the local party.

He turned the group over to the national board, tasking it with finding new leadership to keep the Arizona chapter going.

Chapter Three:
The Lost Years

The 2010s were a tumultuous decade for Log Cabin Republicans in Arizona. The group changed leadership multiple times and never seemed to regain the traction built in the '90s. Though the period brought monumental victories for LGBTQ+ rights – like the U.S. Supreme Court decision that legalized gay marriage – gay Republicans in Arizona could not seem to capitalize on those wins.

In 2012, the Log Cabin Republican national organization turned to Matt Shuman, an Arizonan who had recently moved to Washington, D.C., and tasked him with keeping the group alive until a new leader could be found. Shuman ended up running the group passively as new leaders came and went.

"Being from Arizona, I just didn't want the Arizona chapter to completely die," Shuman said.

He kept the group's social media pages active and fielded requests from people looking to join, but the chapter didn't hold events or have any formal activities during that period. A few people with an interest in leading the club came along, but none stuck.

Erin Ogletree briefly served as chair of the Arizona Log Cabin Republicans in 2013 while also running the campaign for Equal Marriage Arizona, an initiative that would have amended the state's Constitution to allow same-sex marriages.

The Arizona initiative fizzled before it could make it to the ballot, as did Ogletree's tenure as chair of Log Cabin Republicans in Arizona. She said the group had fewer than 10 members at the time and was largely focused on the Equal Marriage Arizona campaign.

"It wasn't functioning as an organization, and we were trying to put it back together," Ogletree said. "I met with some people about that, and then I think the decision we jointly made is that we were not going to try to reconstitute the group."

Ogletree left Arizona for Colorado shortly after that, and later left the Republican Party entirely.

After the failed revival in 2013, the group came back into Shuman's hands for a few more years. Eventually, in 2016, he relinquished control to a new set of leaders who planned to reignite a chapter in Phoenix. A Tucson chapter of Log Cabin Republicans was also formed and operated separately from the Phoenix chapter.

Chapter Four:
'Fourth and Final Iteration'

By 2019, Log Cabin Republicans found a foothold in Tucson, but the Phoenix chapter was inactive. Marrell Livesay, the leader of the Tucson group, decided to put out feelers to see if there would be interest in reinvigorating the Phoenix chapter.

Cale Ottens had recently moved to Phoenix from Los Angeles, where he had first learned about Log Cabin Republicans. He was eager to create that space in Phoenix and reached out to Livesay for more information.

"There were, like, five of us sitting around a dining room table in Paradise Valley trying to figure out where to start," Ottens said.

After months of conversations, Log Cabin Republicans of Phoenix officially launched in mid-2020. Kelli Ward, then the chairwoman of the Arizona Republican Party, spoke at the group's first event.

The group now has a state board and three chapters – with the third launching in northern Arizona in October. The current state chairman of the group, Braden Lopez-Biggs, said there are 150 to 160 dues-paying members. He said he expects that number to grow now that the group has expanded into northern Arizona and has plans to launch in Mohave County next year.

The members are more active than ever, with the Phoenix and Tucson chapters hosting multiple events each month featuring Arizona's most prominent politicians. The Phoenix chapter even boasts state Rep. Matt Gress, R-Phoenix, as one of its members. If estimates are to be believed, the Arizona chapter is the second largest in the country, behind the Los Angeles group.

But like their predecessors, today's Log Cabin Republicans see most of their backlash coming from the local LGBTQ+ community. One of the biggest struggles the group faces is finding venues to host their monthly events. According to Ottens, they've cycled through a few locations in "the gayborhood," or Phoenix's Melrose District, where many LGBTQ+ businesses are housed.

"The word Republican is in our name … and that turns off a lot of business owners, even some conservative ones who have businesses in the Melrose District or the gayborhood, because they don't want to be canceled," Ottens said. "They don't want to be boycotted or face backlash for allowing a Republican organization to congregate at their establishment."

The Phoenix chapter once found a semi-permanent home for mixers at Sazerac, a bar in downtown that isn't explicitly billed as a gay bar, but is known as one among the local community. Sazerac's owner is a member of Log Cabin and was happy to host the group, Ottens said.

But days before the 2022 midterm elections, the group found itself in the middle of a mini-controversy. A Log Cabin member working for Kari Lake's gubernatorial campaign brought some of her signs to an event at Sazerac, where another bargoer took videos and photos. They were posted online, prompting backlash from the local LGBTQ+ community that led to accusations that Sazerac was hosting a rally for Lake.

After over a year of meeting at the bar, Log Cabin was asked to find a new location for its monthly events. The bar was facing threats of boycotts and couldn't risk the impact to business, according to Ottens.

"That was really disappointing," Ottens said.

Many members of Arizona's LGBTQ+ community take issue with Log Cabin's support of candidates like Lake and former President Donald Trump. Not only do members endorse the two, many have worked for their campaigns.

Lopez-Biggs, the current state chairman, said he understands why the LGBTQ+ community is wary of Trump and today's Republican Party, given the party's history with the community. But he and other members of Log Cabin feel that the Republican Party is more gay-friendly than it ever has been.

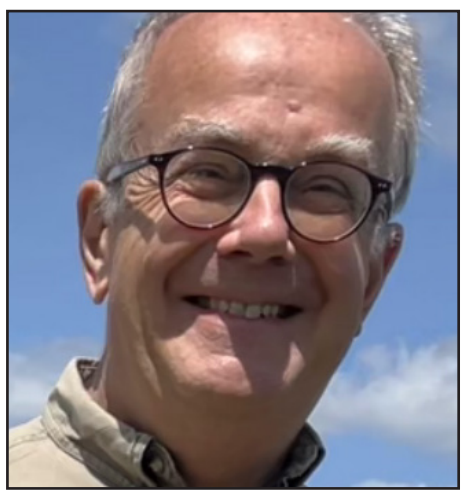
"For anybody to say that the Republican Party is anti-LGBTQ, I don't think that that's the reality," Lopez-Biggs said.

He and Ottens point to Trump's nomination of Richard Grenell, the first openly gay person to hold

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GUEST COMMENTARIES

First they came for the auto parts store...



By Jim Taylor

I am president of RockAuto, an online auto parts store in Madison, Wisconsin. My family and I started the business in 1999, offering "all the parts your car will ever need" to everyone from novice "DIYers" to professional mechanics worldwide.

Since 2019, when a new law taxing out-of-state businesses based on "economic nexus" took effect, RockAuto has paid Arizona sales taxes even though we never have had an Arizona store.

Unsatisfied, the Arizona Department of Revenue (ADoR) recently convinced the Court of Appeals we were physically present in Arizona before 2019 without knowing it and owed tax under the old law. Somehow, every Arizona factory and wholesaler selling parts to us became our branch office when we asked them to ship directly to our customers. Address labels became stores, refrigerator magnets became salespeople and, magically, RockAuto was in Arizona.

No previous court case (including ours in the Arizona Tax Court) found a retailer "physically present" without employees or assets or someone making in-state contact with customers. ADoR's own publications say "drop-shipping" from Arizona suppliers does not create tax liability. But ADoR persists in demanding six years of taxes (which we didn't collect from customers) plus interest and penalties – far more money than we earned in 20 years selling auto parts to Arizonans!

We've petitioned the Arizona Supreme Court to review the case. The Arizona Tech Council and State Representative Michael Carbone have written letters pointing out tax laws come from the Legislature, not ADoR's imagination. Since Governor Katie Hobbs did not create this situation (it began before she took office), thousands of our Arizona customers have appealed to her to move the state in a more positive direction by restraining ADoR. Some of them said:

"I live in a rural area of Arizona and quite often RockAuto is the only source of automobile parts available within a reasonable time frame."

"As an accountant by trade who has experience in sales tax law, this is blatantly incorrect."

"I drive a 1998 auto and I need parts quite often due to the mileage and year. Competition helps keep the parts business competitive and prices lower. Don't reduce the numbers of parts businesses in Arizona for all of us retired people."

"The state's tax case is absurd and unfair. It could easily affect other online retailers we depend on."

Empowered by the appeals court, ADoR has not responded.

To protect the livelihoods of our families from future attack, we've stopped buying from Arizona suppliers. We may be forced to stop selling to customers in Arizona. Dismantling relationships which took decades to build is heartrending. But we can't work for free or live in fear of the next random, retroactive ruling.

Other online retailers that bought from Arizona suppliers in past decades or today (even if they don't meet the "economic nexus" threshold) could be next on ADoR's hit list. Do you or your business depend on any of them?

Jim Taylor is president of RockAuto.

Vastly different outcomes for real estate industry depending on who wins White House



By John Carlson

The countdown to the 2024 US election has begun, and exercising your right to vote is both a privilege and responsibility. What matters most is understanding who and what you are voting for – and the impact the new president will have on the country's future, its economic strength and sustainability.

The Harris/Walz and Trump/Vance campaigns offer contrasting solutions to the housing crisis and the broader economic landscape – issues that touch all Americans. While one focuses on tax cuts and deregulation to boost growth, the other emphasizes increased taxation and regulation to address systemic issues.

Taxation

Trump and Harris come from two completely different approaches when it comes to taxation. The Trump ticket emphasizes tax cuts as a means to stimulate economic growth and investment. Building on the "Tax Cuts and Jobs Act" of 2017, which reduced corporate taxes during his administration, the proposal seeks to lower the corporate tax rate from 21% to 15% and permanently extend capital expenditure depreciation rules.

On the other hand, the Harris ticket supports increased taxation, including a tax on unrealized gains, which some argue could negatively impact housing investments and homeownership. Their plan to address the housing crisis includes building three million new housing units, offering tax incentives and down payment assistance for first-time homebuyers, as well as establishing a $40 billion fund to promote affordable housing.

Although this plan seems idealistic, achieving these goals would require increased taxation. The Harris/Walz administration would implement taxing unrealized gains which is not only going to hurt homebuyers and owners but would also destroy housing investments.

Regulation

The Harris regulatory agenda includes the "Stop Predatory Investing Act" to limit large-scale property acquisitions by institutional investors.

While Trump's regulatory agenda is less detailed, his stance on deregulation is clear, especially in the housing sector. He advocates for reducing regulations for homebuilders and generally supports allowing the private sector to operate with minimal government oversight. His broader philosophy leans towards deregulation in various sectors, including energy and housing, favoring private-sector control.

As a point of comparison, under today's Biden-Harris administration, there has been an increase in housing regulations. A notable example is the $1.7 trillion in new federal regulatory costs incurred over the past three years, which has contributed to challenging marketplace dynamics. The current state of the market puts added emphasis on the need to alleviate industry pressures in order to better serve future residents through policy reform and construction. This would provide those in search of a home with the opportunity to secure their ideal lifestyle on their terms.

Regardless of how you label your political affiliation, the next leader of our nation must prioritize growth within the housing and real estate markets. As the country grapples with $35 trillion in debt, there needs to be a balance between fiscal responsibility and support for homeowners, renters, and property operators.

Given the stakes of this election, voters should thoroughly evaluate each candidate's policies, setting aside biases to focus on the issues that will shape our country's future. Ultimately, the best choice for you will reflect your priorities for both your community and our nation.

John Carlson is president of Mark-Taylor Companies.

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UNBRIDLED AND SEEKING TO RETURN REPUBLICANS TO THEIR ROOTS

exist when I was in Congress the first time and it existed in a big way my second time. I think a lot of the problems were because of 24-hour-news cycles and social media. It contributed a lot to the problem – people providing misinformation through social media but also just people being so unkind. Many times, not even backing up their accusations with facts or even their real name. That really contributed in a big way toward the degradation of working together. For one thing too, I never saw a president that disrespected the Congress as much as Obama. He really tried to do everything through executive order and he kind of operated more like a king than a president. Obama wasn't the first to really exceed constitutional authority through executive orders but he sure put it on steroids.

Favorite moment from office?

The very first year that we balanced the budget because it hadn't been done in over 40 years. The fact that we did it four years in a row – I was very happy when I left because we had a balanced budget and had a surplus of $140 billion. I felt like I had done my job because the thing I was most concerned about when I ran for Congress was the deficit spending and the federal debt growing as it was.

What was the worst part of the job?

About 80% of the time, I was away from my family. Another worst part of the job is the pressure from the leadership in your own party to capitulate on your beliefs and do what they tell you to do. Both parties do it. It's very frustrating for me. You don't get placed on committees unless you basically agree to give them your voting card. I don't think that's what the American people expect. I remember one time a speaker referred to himself as the "boss" and I said you're not the boss. The people are the boss, they're the ones that elected us. I don't report to you and you can't hire me and you can't fire me. You are the person that runs this place but you're not my boss. Both parties don't seem to have a real meritocracy. If you're willing to raise money for your party, then they put you on the A-level Committees. If not, then they put you on other committees. So many people are joining the independent ranks because people are fed up with both parties being so self-serving.

Tell me more about these A level committees.

The A level Committees are Energy and Commerce, Ways and Means, and Appropriations in the House side. Banking and Insurance is probably an A-minus committee but if you want to serve on one of those committees you have to basically pledge your life away and raise hundreds of thousands a year for the national Republican Congressional committee. They ought to be putting people on there that know something about those subjects. That's what voters expect and that's what they deserve.

What's life been like for you post-Congress?

I've been able to spend a lot more time with my children, my grandchildren, my wife, and that's been incredibly important. I've been able to be a lot more outspoken. When you're in office, you're always worried about the next election. It's liberating to not concern yourself with that. Many of my former colleagues are so afraid to speak truth to power because they're afraid that under the current regime, they'll be primaried and it'll be a tough election. They're more concerned about that than speaking truth and that's tragic. Now, I don't have to pull any punches. I can say what I believe without concern of an election. We need a lot more truth speaking because our nation is in a bad way right now. It's the greatest nation on Earth but I've never seen it so polarized, where people hate one another for their beliefs. Political beliefs, religious beliefs, whatever. They literally hate them and sometimes on both sides of the aisle, they wish them violence. That's really tragic and sad. We shouldn't be here.

Why are term limits important to you?

You don't worry about losing. I made a term limit pledge when I was first elected. It was really liberating. Under the traditional set up, it was shackling because people considered me a lame duck from day one. I took on the speaker of the House Newt Gingrich. I went on to Larry King Live and Good Morning America, and I said I've got five votes with me to deny Gingrich the speakership and two days later, he resigned. Would most people in my position, if you were worried about serving for the rest of your life, do something like that? No.

Are you nervous about the upcoming election?

Yeah. Either way, and I can't tell you how many people have brought it up to me that they're nervous too. They're nervous that there's going to be violence either way the election goes.

I'm surprised to see a founding member of the House Freedom Caucus take on the position that you have.

The House Freedom Caucus started out with very good intentions.. It was a group of fiscal hawks that was about balancing the budget. That was our number one job. It was about adhering to Constitutional principles and holding the body accountable. it morphed into a cheering section for Trump when I left. They became a bunch of sycophants and people that were rubber stamps for whatever Trump wanted. Trump actually added more into the federal deficit than any other president in one term in the history of the country, including Joe Biden. I wouldn't have stood for that. In a way, it was kind of a blessing I left when he was elected because I actually took our mandate seriously. He's not a conservative. Never has been.

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FROM BOYCOTTING BUSH TO ENDORSING TRUMP

A HISTORY OF LOG CABIN REPUBLICANS IN ARIZONA

a cabinet-level position, as well as former First Lady Melania Trump's public support and fundraising for Log Cabin Republicans.

"A lot of the opposition that Republicans used to have to certain things like same-sex marriage is no longer there today," Ottens said. "So I would say the Republican Party today is much more inclusive than it has been historically."

But while current members of Log Cabin in Arizona work for and endorse the Trump campaign, former members are working with Republicans for Kamala Harris – or are not registered Republicans at all.

May, who saw the initial launch of Log Cabin in the state, is a member of the Arizona Republicans for Harris advisory committee. Salmon, who restarted the club in the late 2000s, is no longer a Republican. Both find the current group's support of Trump unfathomable.

"We have made such advances in the last 30 years on the issue of legal equality that maybe it's a luxury that people can support an authoritarian, wannabe dictator and still be gay, and they can feel like they're comfortable enough that we won't lose the rights that we have," May said. "But I don't think that's how it works."

May feels there's still room in the Republican Party for LGBTQ+ people, but only if groups like Log Cabin work to hold the party accountable – something he says he isn't sure is happening today.

"When I was involved, we were very careful never to become apologists of the Republican Party," May said. "We challenged the Republican Party."

Salmon said he knows it's possible to be gay and Republican, but was unable to reconcile the two, hence his split from the party. He now works as a psychiatrist for LGBTQ+ youth in Washington, D.C. For him, the Republican Party's rhetoric surrounding transgender people is especially off-putting, and Trump's ever-changing policy stances are a slippery slope.

"It doesn't matter if Trump is supportive or not because if these people, enough of them together, want to enact anti-LGBTQ+ policy and roll us back to the 1940s, Trump is going to just go with them," Salmon said.

Despite the criticism, current members of Log Cabin in Arizona say they're determined to move the needle on LGBTQ+ politics within the Republican Party. At this year's Republican National Convention, party officials removed language from the official platform that described marriage as between one man and one woman. Lopez-Biggs said Log Cabin Arizona hopes to do the same with the state party's platform.

But the biggest goal for the group is to make this revival of the Log Cabin Republicans of Arizona the "fourth and final iteration," as Ottens likes to call it.

"They say the third time's the charm, but I really think the fourth time for this one is going to be the sticking point," Lopez-Biggs said.

CONTINUED FROM FRONT PAGE

CAMPAIGN FINANCE LAWS MAKE FUNDING OF ELECTION CHALLENGES MURKY

Under state law, legal expenses fall outside the definition of a campaign contribution and expenditures, effectively allowing unlimited contributions from any domestic source to cover the cost of litigation and granting candidates and committees an out from reporting legal fees.

The first iteration of the legal fee exemption was originally penned in a 2011 opinion by then-Attorney General Tom Horne.

Former Sen. Steve Pierce, R- Prescott, asked Horne to weigh in on whether donations made for the sole purpose of covering a candidate's legal expenses in relation to defending a candidate petition challenge would be considered a contribution in state statute.

Horne noted state law defined contributions as "anything of value made for the purpose of influencing an election," and found legal defense of a signature challenge to fall outside the bounds, noting state courts have previously interpreted "influencing an election" as applying "to donations made to support express advocacy on behalf of a candidate."

He further noted, per state law, Clean Elections candidates could not use public funds for legal expenses but could accept private funding through legal defense funds, creating further legal foundation for a legal contribution cut out.

"Because publicly financed candidates face severe restrictions on the acceptance of private campaign contributions, the allowance of private funding for a legal defense fund implies that such funds are not contributions," Horne wrote in a footnote.

In the Legislature's 2016 retooling of campaign finance laws, legal expenses were then explicitly exempted from the definition of contributions and expenditures, essentially sparing candidates and committees from reporting any contributions received or expense spared on litigation.

In receiving contributions, candidates do not have to set up a formal legal defense fund to take in private contributions, but some do.

Gubernatorial candidate Kari Lake set up a Save Arizona Fund, a legal defense fund fashioned as a nonprofit, to feed her challenge to her 2022 gubernatorial loss.

Attorney General candidate Abe Hamadeh does not have an established legal fund, but Kris Mayes sought contributions for legal fees accrued in defending against Hamadeh's election contest.

In the process of litigation, courts have ordered both Lake and Hamadeh to pay attorneys fees. The Arizona Supreme Court sanctioned Lake's attorneys $2,000, while Hamadeh was ordered to pay a $55,000 sanction to cover attorneys fees for Mayes and Secretary of State Adrian Fontes.

Both Lake and Hamadeh's respective election litigations are still running up a tab, with both cases now in front of the Arizona Supreme Court. Meanwhile, Lake and Hamadeh are running for seats in the U.S. Senate and House of Representatives, respectively.

In contrast to the state's rules on reporting campaign finance, federal candidates are required to report the flow of legal funds, as are the national party committees often sponsoring litigation.

Per the Federal Election Commission, candidates can use funds raised for legal fees so long as the litigation is "related to campaign or officeholder activity, where such expenses would not have occurred had the individual not been a candidate or officeholder."

The FEC cites such examples as expenses incurred over the course of securing ballot access, defending against a lawsuit directly tied to campaign activity or candidate status or paying an opponent's attorneys fees, granting some insight into candidate expense on legal services.

Since announcing her candidacy for the Senate, Lake has paid $89,605 for legal consulting to Elections LLC, a law firm headed by Stefan Passantino, former deputy White House counsel to then-Presiddent Donald Trump.

Her campaign also contributed $190,000 to the National Republican Senate Committee's legal account, via Sheehy Victory Committee.

Since July 2023, Lake's Democopponent Ruben Gallego has spent about $72,980, with $46,396 to Arizona-based firm Herrera Arellano and $26,584 going to DC-based Elias Law Group.

Beyond independent fundraising, candidates can mount legal defense funds too or rely on national party committees, which typically stockpile cash to fund any legal efforts post election.

"Generally, they're sitting on a bucket of cash that they can use for important litigation after the fact," Republican attorney Cory Langhofer said.

A candidate may opt to go through the RNC or DNC as committee's accounts see higher contribution limits than a candidate committee. For instance, where an individual could donate $3,300 per election to a candidate committee, they could donate $123,900 per party committee account per year.

Since January, the RNC has paid out $433,859 to Statecraft, $40,039 to Snell and Wilmer and $15,910.97 to attorney Kurt Altman in legal and compliance fees.

In the same time frame, the DNC shelled out $406,478 to Herrera Arellano for legal services and $27,064 to Coppersmith Brockelman. Legal fees can also flow through political action committees. Nonprofits can foot the bill, though with 501(c)3's eligible to weigh in on more of a general election integrity issue and 501(c)4's able to wade into candidate and political litigation.



Shelby Busch is sworn in during the Kari Lake election challenge trial, Wednesday, May 17, 2023, in Maricopa County Superior Court, Mesa. State laws governing campaign finance shroud financial contributors to election challenges, while funding for challenges to congressional races are more transparent. (Mark Henle/The Arizona Republic via AP, Pool)

With post-general election and end-of-the-year campaign finance deadlines, reports could eventually shine some light on legal funding, in case a Senate or congressional candidate files an election contest.

Any look into state litigation funding, however, will only come given voluntary disclosure.

The disparity between state and federal disclosure begs the question of whether Arizona's legal expense exemptions span too wide.

In a 2021 report weighing in on Arizona's campaign finance laws, Campaign Legal Center found the exemption of legal expenses from reporting requirements "undercut electoral transparency."

"(I)f an Arizona candidate amasses millions of dollars in legal or accounting expenses for any purpose, a donor may pay those costs without the candidate's campaign ever having to disclose the donor's payment on public reports," the report read. "In short, these exemptions create a backdoor for secret quid pro quo exchanges in Arizona politics and deny the public important information about money raised and spent by candidates and committees."

Campaign Legal Center recommended "to prevent abuse and ensure more transparency about who is spending money to benefit candidates and committees … narrowing the exemption only to cover legal or accounting costs paid by the regular employer of the individual rendering the services, and only if the services are related to compliance with state election law."

But some attorneys see it differently, noting legal activity generally falls outside of the scope of campaign finance.

Campaign finance/election attorney James Barton said, "If you think about it, campaign finance law is really designed to regulate and to track and to provide transparency around efforts to influence the electorate."

He continued, "Legal work, generally speaking, is not that."

In discussing the potential of "quid pro quo," as cited by Campaign Legal Center, Barton said, "I think it would be disingenuous to suggest there's never a way that paying someone's legal bills could result in quid pro quo. Of course it could," Barton said. "I just think before we start talking about 'let's regulate that too' we need to think about what's the cost of that regulation?"

Langhofer acknowledged the possibility, too, but said he thought it was not likely.

"If you want to influence candidates, there's a lot easier ways than paying a six figure legal bill."

ELECTIONS

LATINO EVANGELICAL VOTERS TORN BETWEEN THEIR FAITH AND HARSH RHETORIC AROUND IMMIGRATION



Pastor Arturo Laguna sings during services at Casa de Adoracion, Sunday, Oct. 27, 2024 in Phoenix. (AP Photo/Chris Coduto)

BY DEEPA BHARATH
Associated Press

Latinos are the fastest-growing group of American evangelicals.

According to a 2022 Pew Research Center survey, 15% of Latinos identify as evangelical Protestants. They are an influential voting bloc, particularly in swing states.

Both major parties are vying for their votes this election year when margins in the presidential election are expected to be thin.

However, Latino Christian faith leaders say their communities don't feel like they belong in either party. They say community members are torn between their conservative views on social issues such as abortion and their desire to see immigration reform and criminal justice reform.

The Rev. Arturo Laguna leads a largely immigrant church of about 100 followers in Phoenix. His job as a pastor, he says, gets complicated come election season.

Laguna's church, Casa de Adoracion, is in Arizona — one of seven closely-watched swing states that could possibly decide who the next president is. It is also a microcosm of the larger Latino evangelical Christian community in the U.S.

The soft-spoken Laguna says, for the members of his congregation, voting is "not an intellectual issue."

"It's a matter of faith and spirituality," he said. "We're in a complicated moment because, on the one hand, we are against abortion, and on the other, we are concerned about the sharp rhetoric around immigration and lack of reform. It's a difficult choice."

This is not a new dilemma for Latino evangelicals, who are growing in numbers even as mainline white Protestant denominations have steadily declined. Latino evangelicals are an influential voting bloc. Both parties have tried to appeal to them over the past two election cycles — neither with remarkable success — according to faith and community leaders.

A 2022 Pew Research Center survey showed 15% of Latinos in the U.S identify as evangelical Protestants. Among all American evangelicals, they are the fastest-growing group. About half of Latino evangelicals identified as Republicans or as independents who lean right, while 44% identified as Democrats or as independents leaning left.

While U.S. Latinos generally favor Democratic candidates, a majority of Latino evangelicals backed Donald Trump in 2020. According to AP Votecast, about six in 10 Latino evangelical voters supported Trump in 2020, while four in 10 supported Biden.

A Pew survey released last month showed that about two-thirds of Latino Protestants planned to back Trump this year, while about two-thirds of Hispanic Catholics and religiously unaffiliated Hispanics said they were supporting Vice President Kamala Harris.

Agustin Quiles, president and founder of Mission Talk, a Florida-based Latino Christian social justice organization, says conflicting priorities leave some Latino evangelicals feeling politically homeless. Some are torn between their conservative views on social issues such as abortion and their desire to see immigration and criminal justice reform, he said.

To understand Latino evangelicals, it is important to understand their origins, said Elizabeth Conde-Frazier, a scholar of the Association of Hispanic Theological Association. The word "evangelico" pertains to Protestants or those who are not Catholic, which includes a wide swath of churches, cultures and traditions, she said.

"Latino churches, in order to gain a sense of power and acceptance, began to align with (white conservative) evangelical churches in the U.S., moving away from their 'evangelico' roots," Conde-Frazier said. Now, she added, some Latino evangelicals find themselves increasingly at odds with their white counterparts because they are pro-immigration.

Quiles says in white evangelical churches where Latinos, including undocumented immigrants, are growing in numbers, there is palpable dissonance between what is said in the pulpit and how those in the pews perceive it.

"Just because a pastor pushes an anti-immigrant agenda, that does not mean members are receiving it," he said. "They selectively take what they want from the teaching."

The Rev. Juan Garcia, who leads a 100-strong Hispanic ministry at the First Baptist Church in Newport News, Virginia, said the word "evangelico" represents the Gospel to him. He says the "evangelical" label feels tainted because of its affiliation with one political party.

"Jesus is not Democrat or Republican," he said.

The Rev. Jacqueline Tavarez, pastor of the Pentecostal Church of God in Raleigh, North Carolina, says her diverse congregation cares more about the values a political party represents rather than the face or the voice of the party.

"Our community doesn't care about the politics," she said. "They care about laws that affect our communities in terms of jobs, opportunities, education. And they view abortion and transgender laws as an attack on family values."

The Rev. Lori Tapia, the Arizona-based national pastor and president of the Obra Hispana, Disciples of Christ, said politics is not typically integrated into the life of the Latino evangelical church. Unlike white evangelical congregations, political engagement happens more organically, she said.

"Here, the compassion piece is always stronger and there is a desire to see leaders who will prioritize compassionate politics," Tapia said. "There is also frustration at how slow progress is on critical issues. Anyone can pitch a story or a political campaign. But where is it being manifested in the lives of people who are struggling?"

Bishop Angel Marcial, who leads the Church of God that oversees more than 15,000 churches, says some of the main issues for his congregants are health care, education, public safety and housing.

"As pastors, we don't tell people whom to vote for, but we do tell them about the platforms that best align with the values of the church and needs of our communities," he said.

Nevada is also a key swing state. Pastor Willie Pagan, who leads the 700-strong Iglesia de Dios in North Las Vegas that falls under the Church of God, said the economy is a top issue for his congregants.

"Yes, people are worried about immigration, but those who are here already, they want the economy to be stable," he said. "They see homelessness and crime growing in Las Vegas. Our church was in a rough neighborhood that has gotten rougher recently."

Pagan says some in his congregation believe they were better off financially and safer during the Trump administration, and wish to vote Republican to uphold their conservative religious values. But there are also those who fear they or their loved ones could get deported, he said.

"The struggle is real."

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"Jesus is not Democrat or Republican."
The Rev. Juan Garcia

ELECTIONS

MARICOPA COUNTY PREPARES FOR SAFE ELECTION WITH FENCES, TIGHTER SECURITY

BY JEN FIFIELD *Votebeat*

Concrete barriers sit along the sidewalks outside Maricopa County's election center in downtown Phoenix. A chain-link fence with privacy covers encloses the parking lot. Surrounding the building itself is another black steel security fence, this one permanent. And inside the building, there are locked doors behind locked doors.

Outside on Oct. 29, the gate on the security fence buzzed, followed by latches opening, then slamming shut again, as workers walked in and out.

With seven days to go, this is what it looked like at the site where ballots will be counted for the Nov. 5 presidential election, in the most populous swing county in the nation.

Down the street, in a conference room in a different county government building, dozens of reporters — some of whom had flown from across the country — gathered to ask Maricopa County Sheriff Russ Skinner his plan for making sure voters and workers are safe.

Memories of election night 2020 were on their mind. That night, as workers counted ballots inside the center, protesters swarmed the building, chanting "let us in" to a few sheriff's deputies and security guards at the doors. Some carried Trump flags. Others carried guns. There were no fences to hold them back, at least on that first night.

If a crowd gathers this year, Skinner said, there will be designated spaces for them to protest outside the fences, so that they're out of the way of the trucks and workers entering and exiting the building. Skinner said it's important to allow people to assert their First Amendment rights, but the people guarding the building will not tolerate anything that violates the law.

"If they start violating the law, i.e. going into a public thoroughfare, starting anything of violent nature, then law enforcement presence will be taking action," Skinner said.

Other reporters wanted to know if there would be snipers on the roof, and drones, as they read about in The Wall Street Journal. Skinner said that at this point, he doesn't see the need to station snipers, but he is evaluating his security plan daily. He said drones are a cheap and effective way of monitoring crowds and events, but he will also have all the staffing he needs on hand. The election, he said, is a "blackout period" for staff vacations.

"All my resources and equipment are dialed up and ready to go," he said.

In 2020, sheriff's deputies had to escort temporary workers to their cars, which were parked down the street in a dark dirt parking lot. This year, workers will park in a secure lot, and along with law-enforcement escorts, shuttles will be available to make sure they get to their cars safely.

In response to a few instances of USPS mailboxes or ballot drop boxes being set on fire across the country – including a mailbox in Phoenix last week with some ballots inside – Maricopa Elections Director Scott Jarrett addressed how the county is protecting its ballot drop boxes.

Jarrett said there are fire suppression canisters in each drop box. Most of the boxes are indoors where government officials can see them, but the two that are not are on a 24-hour live video stream and broadcast to the public.

"If need be, I have the sheriff's office on speed dial if I ever need to call," Jarrett said.

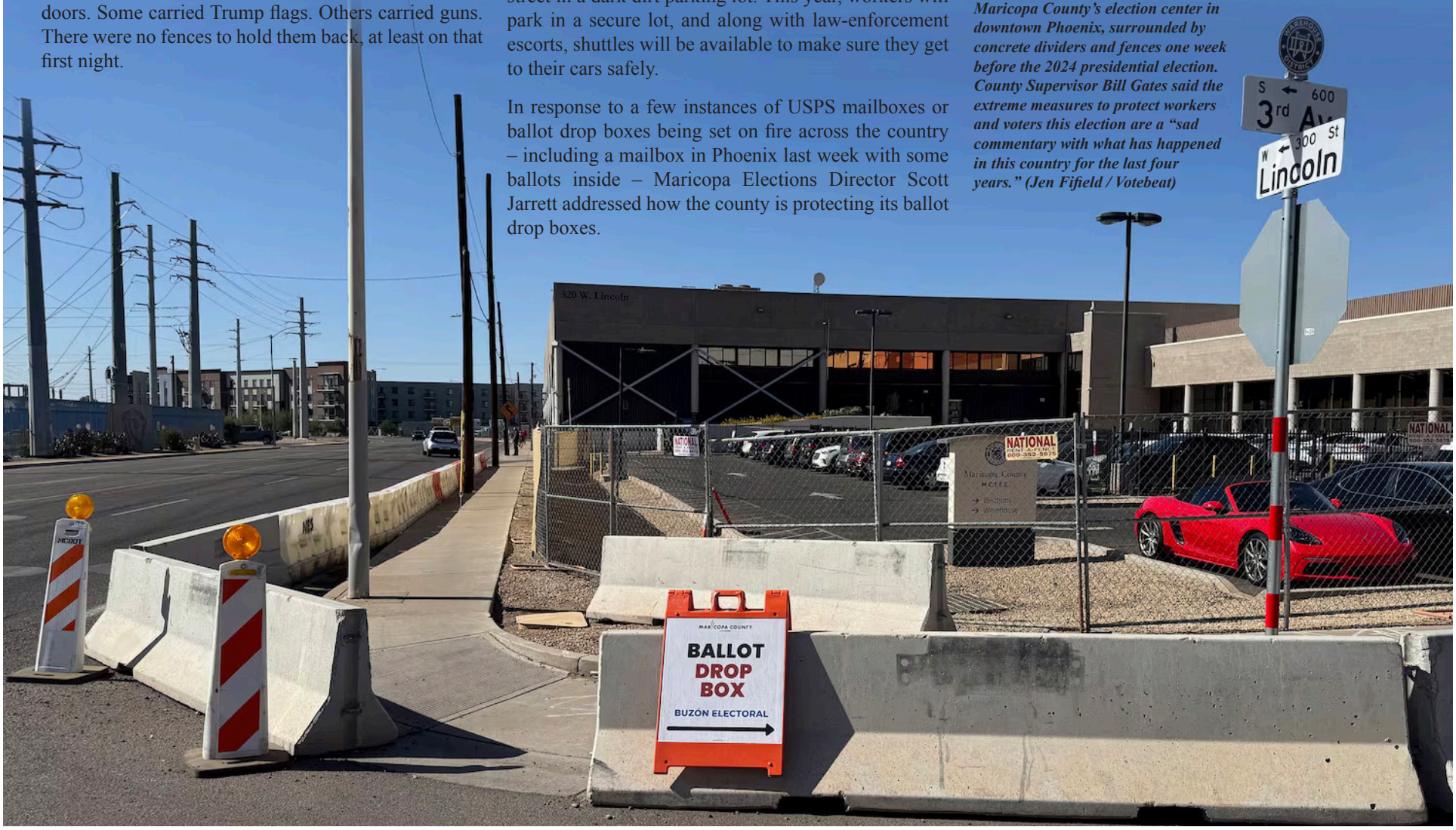
Maricopa County Supervisor Bill Gates, a Republican, said the fact that the county had to have a news conference just focused on security is "sad commentary with what has happened in this country for the last four years."

But Gates said that county, state, and federal officials and law enforcement are going into this election prepared.

"Anyone who thinks that they are going to rattle the foundations of the democracy in this county, they have been unsuccessful to this point," he said. "They are going to continue to be unsuccessful."

Jen Fifield is a reporter for Votebeat based in Arizona. Contact Jen at jfifield@votebeat.org.

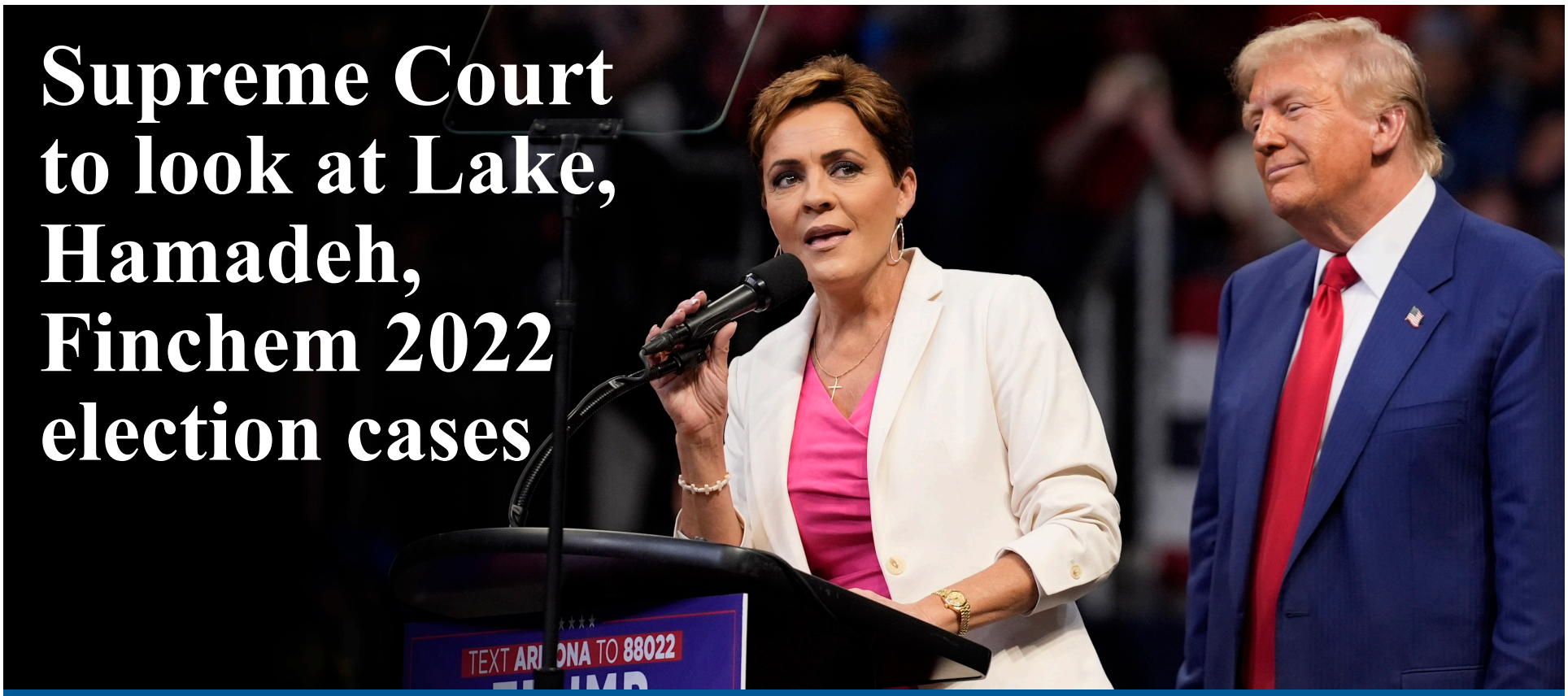
Votebeat is a nonprofit news organization covering local election integrity and voting access.



Maricopa County's election center in downtown Phoenix, surrounded by concrete dividers and fences one week before the 2024 presidential election. County Supervisor Bill Gates said the extreme measures to protect workers and voters this election are a "sad commentary with what has happened in this country for the last four years." (Jen Fifield / Votebeat)

ELECTIONS

Supreme Court to look at Lake, Hamadeh, Finchem 2022 election cases



Republican presidential nominee former President Donald Trump listens as Arizona Senate candidate Kari Lake speaks at a campaign rally at the Findlay Toyota Arena Sunday, Oct. 13, 2024, in Prescott Valley, Ariz. The Arizona Supreme Court on Nov. 6 will consider challenges to 2022 election losses for Lake, who lost the race for governor, Abe Hamadeh, who was not elected attorney general, and Mark Finchem, who was outpolled in his effort to be the secretary of state. (AP Photo/Evan Vucci)

BY HOWARD FISCHER *Capitol Media Services*

Three Republicans who lost their 2022 election bids will finally have their cases looked at by the Arizona Supreme Court – the day after the 2024 election.

That's the day the justices will have a closed-door conference to take one last look at 31 pending requests by those who lost at lower court levels.

And on that list are bids by Kari Lake, who lost the race for governor, Abe Hamadeh, who was not elected attorney general, and Mark Finchem, who was outpolled in his effort to be the secretary of state.

But Chief Justice Ann Scott Timmer told Capitol Media Services there is nothing at all nefarious about the scheduling. And she said there was no effort by the court to have the issues in the 2022 races decided before Nov. 5 – the day that all three are now running for different offices.

In fact, Timmer said if the challengers are unhappy with what they believe is any delay, they have only themselves to blame.

She said there is a procedure for lawyers who need a more immediate decision than the normal course of appeals.

"I assume they've got very good attorneys, attorneys that know what they're doing," Timmer said.

"They know our process," she continued. "Had they felt the need to accelerate it and to bring it to our attention they could have done it. And they didn't."

None of the failed 2022 candidates returned calls seeking comment.

But Hamadeh – or at least, a spokeswoman for him – previously has charged the justice have "slow walked" this case.

"At no point has the court given any indication that they have the urgency to see the closest race in Arizona history to get litigated," said Erica Knight. That refers to the final tally, which shows him losing the race for attorney general to Democrat Kris Mayes by 280 votes.

And Knight said Hamadeh has been working to move on now that he is the Republican nominee for Congress in the 8th Congressional District.

"Abe is committed to saving his country and doesn't have the time to wait on certain justices to find their courage," she said.

Hamadeh's current case awaiting Supreme Court review – he has another at the Court of Appeals – is built around the contention that Mohave County Superior Court Judge Lee Jantzen improperly denied him more time to find evidence of what he claimed were issues with the 2022 race.

When he did find some of what he was seeking, Jantzen denied his bid for a new trial. And the Court of Appeals, in refusing to overturn Jantzen's decision, said Hamadeh failed to show how any of that might have changed the outcome of the race he lost by 280 votes.

The claims by Lake, now mounting a bid for U.S. Senate, are similar but not identical.

She wants the justices to give her the chance to present what she claims is "new evidence" about the extent of the failure of tabulators used on Election Day two years ago.

Those claims cover everything from an alleged failure to conduct legally required "logic and accuracy" testing on tabulating machines to allegations Maricopa County had advance notice that those tabulators at vote centers would reject ballots on Election Day.

That, in turn, goes to her arguments that would-be voters, frustrated by long lines, left without casting ballots. And Lake contends that a majority of those discouraged voters were Republicans, would have voted for her – and would have made up her 17,117-vote loss to Democrat Katie Hobbs.

The issue that Finchem has before the Supreme Court is different.

Finchem, now a candidate for Arizona Senate from the Prescott area, long ago gave up trying to overturn his loss in the race for secretary of state to Adrian Fontes.

Finchem lost by more than 120,000 votes. And a trial judge said even if his claims about machine malfunctions are true – the same one alleged by Lake – it doesn't matter because there was no way he could make up the difference.

What that leaves for the Supreme Court to decide, however, is whether Finchem and his attorneys have to pay the $47,000 in legal fees run up by Fontes in defending the lawsuit.

Appellate Judge Samuel Thumma said the record shows there was no grounds for filing the lawsuit in the first place.

He said it also ran afoul of provisions that bar cases from being filed unless there is a "good faith belief" there is a legal basis. That, the appellate judge said, did not occur here.

Timmer, in her interview Oct. 28 with Capitol Media Services, said none of the legal issues – or the fact the cases involve people who are again candidates – played a role in scheduling.

She acknowledged that the cases have been awaiting action for a while. The last filings in the Hamadeh cases go back to June 18; for Finchem and Lake the docket was last active in August.

But Timmer said some of the other of the 31 cases on the Nov. 6 conference go back even farther. And she said there was nothing special done in the three election cases.

"However, anyone that is certainly, I want to say, conspiracy minded or just disbelieving that people act according to a process and without any ill intent, people are going to see what they see," she said. Timmer said, however, the fact all three election cases wound up on the Nov. 6 conference is "coincidental."

It occurred, she said, because the staff attorneys, who she said are in short supply and overworked, simply put the calendar together that way.

Still, the chief justice said she might have interceded to advance the high-interest cases.

"Had I seen it, I probably would have done just that," Timmer said.

"But it wasn't brought to my attention," she said. "And I can take the blame for that."

ELECTIONS



Arizona Republican candidate for the 8th Congressional District Abe Hamadeh speaks during a campaign event Tuesday, Oct. 22, 2024, in Peoria. The Court of Appeals is not going to oust Kris Mayes as attorney general and replace her with Abe Hamadeh. (AP Photo/Ross D. Franklin)

Court blocks attempts to reverse AG election, proposition results

BY HOWARD FISCHER *Capitol Media Services*

The Court of Appeals is not going to oust Kris Mayes as attorney general and replace her with Abe Hamadeh.

They're also not going to declare that a voter-passed measure on the 2022 ballot giving resident tuition to "dreamers" really didn't pass. Nor will they rule that a proposal on the same ballot to require additional identification to vote, one rejected by voters, actually was enacted.

It's all because the three-judge panel on Oct. 29 rejected claims by Hamadeh and two of his supporters that Maricopa County improperly included some early ballots in its final tally.

Attorney Ryan Heath argued that once those early ballots are excluded from the count, the 280-vote lead racked up by Mayes in the 2022 race more than disappears. And he asked the appellate court to then apply a little-used legal principle known as "quo warranto" to declare that Mayes is holding office illegally – and Hamadeh is the rightful office holder.

But that's not all.

The multiple lawsuits consolidated into a single appeal went a step further, arguing that once those allegedly improper ballots were removed from the total, it left the final tally on Proposition 308 without the votes needed for approval.

That's the law that says anyone who otherwise meets residency requirements and has graduated from an Arizona high school is entitled to in-state tuition at state universities and community colleges. Voter approval of that overruled a legal opinion that those who entered the country illegally – specifically including individuals in the Deferred Action for Childhood Arrivals program – had to pay full out-of-state tuition.

And Heath made the same argument, but with a different outcome, on Proposition 309.

That would have required dates of birth on voter identification numbers on mail-in ballots. And it would have eliminated the option of people providing two documents, like utility bills and bank statements, rather than producing a photo ID.

He argued that removing those allegedly invalid ballots from the count meant that voters did, in fact, approve Proposition 309, despite the official tally showing it was rejected by 18,488 votes.

But Judge David Weinzweig, writing for the unanimous three-judge appellate panel, said the lawsuits seeking to reverse the results of the race for attorney general and the two ballot measures suffer from a fatal flaw: They were filed too late.

Still, there was a small win in the new ruling for Hamadeh. The judges said he and his allies will not have to pay $200,000 in legal fees to Mayes and others who had to defend against the various claims seeking to overturn the election results.

At the center of the dispute is a section of the state Election Code dealing with early ballots. It requires the county recorder to "compare the signatures thereon with the signature of the elector on the elector's registration record."

There are procedures for election officials to contact a voter in cases of "inconsistent" signatures to allow the ballot to be counted. But Heath argued that none of that permits a county, on its own, to simply decide that other signatures it has on file also can be used for comparison.

The Court of Appeals, in its ruling, never decided whether Heath's legal theory is correct.

Instead, they pointed out that Maricopa County had announced six months before the 2022 general election that it would decide the validity of early ballots by comparing the signatures on the envelopes with a "historical reference signature that was previously verified and determined to be a valid signature for the voter." And that, the county said, also could include early voting affidavits from previous elections.

More to the point, it meant that the county announced it would be validating ballot signatures using more than what was on the voter's original registration.

What that means, Weinzweig wrote, is any question that Hamadeh had about the legality of what the county was doing should have been filed when the county announced the procedure, not afterward.

"Voters knew or should have known about this verification procedure before the election because Maricopa County disclosed all necessary information before the first ballot was cast," the appellate judge wrote. "Indeed, Maricopa County used the procedure to count early ballots before election day."

The appellate judges were no more impressed by Hamadeh's "quo warranto" claim.

This is an extraordinary legal proceeding to remove a sitting public official and replace that person with someone else. Hamadeh said it applies here based on his claim that Mayes 280-vote victory included illegal votes.

But Weinzweig said that's not the way the law works.

He said such claims are only allowed if the challenger can show he or she is actually the one entitled to that office. Instead, the judge said, Hamadeh was relying solely on his claimed weakness of Mayes' own title to the office, something that Weinzweig said does not fit within what the rarely used law allows.

The appellate judges, however, were more amenable to providing some financial relief.

Maricopa County Superior Court Judge Susan Pineda had previously ordered Hamadeh, his allies and Heath to jointly pay $200,000 in legal fees to Mayes, Maricopa County and the Secretary of State's Office after she called the lawsuit "groundless and unjustified." And the judge took a particular slap at Heath for taking the cases at all.

She said once he agreed to represent Hamadeh and the others who sued on his behalf, he had an obligation to conduct a "reasonable investigation" to determine whether these were viable claims. That included looking at prior lawsuits on the same issues making the same claims, she said.

"He either did not do so or he chose to ignore the history of litigation that followed the 2022 general election, including the prior unsuccessful cases filed by his client," Pineda wrote in the ruling.

She also wrote that the people Heath sued on Hamadeh's behalf are entitled to recover their legal fees.

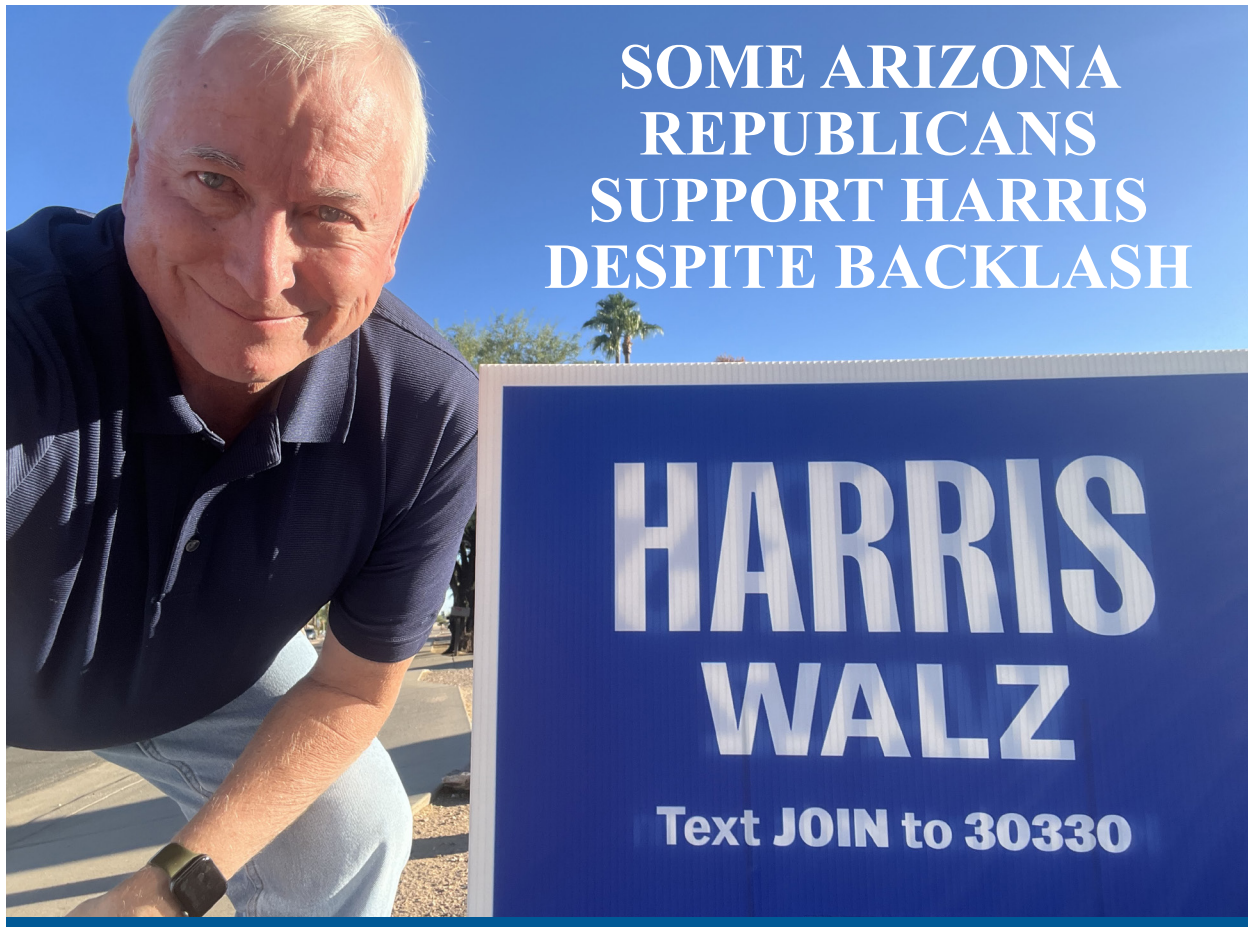
But the appellate court, in voiding that financial sanction, gave Hamadeh the benefit of the doubt. The judges said his claims of quo warranto and an invalid signature verification process were "fairly debatable."

And Weinzweig used the same phrase to describe whether Hamadeh's claim that the county was not using the proper method to verify signatures was actually just a rehash of two prior lawsuits he had lost, absolving him of the sanctions imposed by Pineda.

Hamadeh still has a separate case before the Arizona Supreme Court over his loss to Mayes. He contends that Mohave County Superior Court Judge Lee Jantzen did not give him enough time after the 2022 election to search for evidence of improprieties in the race, a claim already rebuffed by the Court of Appeals.

ELECTIONS

SOME ARIZONA REPUBLICANS SUPPORT HARRIS DESPITE BACKLASH



Republican Doug Coleman takes a selfie with his sign supporting the Democratic nominees for president and vice president after a previous sign in his heavily GOP neighborhood disappeared. (Image courtesy of Capitol Media Services)

BY BOB CHRISTIE
Capitol Media Services

Doug Coleman agonized about whether to put a "Republicans for Harris" sign in the front yard of his home in Apache Junction, concerned about backlash, threats or other action by backers of former President Donald Trump in the heavily GOP area.

In the end though, the former city councilman, mayor and state lawmaker said he believed it was vital to make the statement and that it could persuade other Republicans that it was OK not to back Trump in the upcoming election.

"I just think it's too important to not say anything," Coleman said. "There was an election four years ago that I think a lot of people who voted for Biden were quiet on."

Coleman said the claims by Trump backers that the election was stolen from them had no evidence, just "allegations after the fact."

"And I just thought, no, I want people to know that we're out here," the longtime Republican continued. "And to give other people who may be thinking the same thing, who don't want to go public, to let them know that they're not alone."

In the final week of the 2024 presidential election campaign, Democratic Vice President Kamala Harris' campaign is hoping efforts like the Republicans for Harris group in Arizona and a companion outreach effort to members of the Church of Jesus Christ of Latter-day Saints will help peel off enough GOP and Republican-leaning independent voters to eek out a victory in the swing state.

President Joe Biden beat Trump in Arizona by just over 10,000 votes four years ago. And with polling showing Trump and Harris in a neck and neck race, every vote matters.

Multiple polls show Trump making up or even passing Harris in Arizona since late summer, according to FiveThirtyEight, which tracks state and national polling across the country. HighGround, a Phoenix consulting and lobbying firm that does polling in Arizona, showed Trump with a lead of less than 1% as of mid-October, a gain that while well within the margin of error showed him making up for Harris' late-summer advantage.

HighGround researcher Paul Bentz said Republican voters are more enthusiastic than Democrats and are returning early ballots at a faster clip. He said that that leaves Harris relying on younger Democratic voters and independents to hold off the former president.

"The attacks on Harris have taken their toll, making this race an absolute tossup," Bentz said in a statement accompanying his form's latest poll results.

The Harris campaign is also beefing up outreach to Hispanic and Black voters, groups that have traditionally backed Democrats but that Trump sees as potential supporters, to ensure they go to the polls and vote for her.

She and her running mate, Minnesota Gov. Tim Walz, visited Arizona multiple times in recent weeks.

Trump and running mate J.D. Vance, who represents Ohio in the U.S. Senate, held numerous events in Arizona in the past two months, as they have in other battleground states that will determine who is sworn in to replace Biden in January.

The focus on Arizona by both campaigns shows just how competitive the once-heavily Republican state has become in the past decade.

Biden himself sought to boost Harris' chances to solidify support among Native American voters, holding an official event on the Gila River Indian Reservation late last week where he formally apologized for the U.S. practice of taking Indian youth from their families and putting them in boarding schools to "assimilate" them. Hundreds of children died at the schools in the more than 100 years they existed before the last one closed in 1969.

The president beat Trump in 2020 on the strength of his outreach to swing voters and women who were turned off by Trump.

Harris is working to replicate that success.

But she has a harder road ahead, with many families struggling because of high inflation despite other signs the economy is performing well. She also has to deal with national debate about the number of immigrants who have crossed into this country during Biden's term,

Republicans in the Legislature seized on the hot-button issue in Arizona by putting a measure on the ballot that, if passed, will allow state and local police to arrest those who enter the country illegally, hoping that could help the top of the ticket.

Countering those political issues are reproductive rights, which were dramatically changed when the Supreme Court struck down the constitutional right for women to obtain a pre-viability abortion in 2022, the last year of Trump's term. Harris and other Democrats are campaigning on restoring the rights eliminated when the high court struck down Roe v. Wade.

And Arizona and other states have abortion-rights initiatives on the ballot, measures that are polling strongly and could bring out voters sympathetic to Harris.

All of which leads back to whether disaffected Republicans can hand Harris the state's 11 electoral votes.

Republicans are not generally countering the groups that Harris supporters have organized like the Republicans for Harris, co-chaired by Mesa Mayor John Giles. And the "Latter-day Saints for Harris-Walz Advisory Committee" has also drawn prominent Republicans, including former state Rep. Joel John and ex-state Sen. Bob Worsley.

Asked about the lack of any efforts to respond in kind by organizing Democrats to back Trump, Arizona Republican Party Chair Gina Swobota said it just wasn't worth any attention.

"The Mayor (Giles) among others, has been supporting Democrats for several election cycles now," she said.

Still, the number of Republicans backing Harris is growing, with former Arizona U.S. Sen. Jeff Flake coming out in support of her in late September, joining Harris backers like former Wyoming congresswoman Liz Cheney, her father, former Vice President Dick Cheney, and many others.

At a telephone town hall event organized by the Harris campaign last week, Flake pushed for fellow conservatives to break with Trump and back Harris, arguing that Trump's push to overturn the 2020 election results went against the conservative Republican mantra of support for the rule of law.

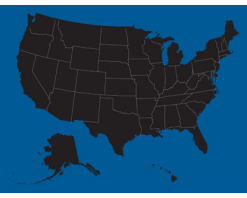
For Coleman, a father of six who also has signed onto the LDS advisory committee, supporting Harris is more about not wanting Trump to win another term. And he's not concerned about Democratic policies that cut against the grain for him as a Republican.

"You and I both know that policies change, and policies are temporary," Coleman said.

"But when you go after our governmental institutions and democracy, that is not something that can be done and changed easily," he said.

FROM OTHER STATES

NEWS OF INTEREST FROM ACROSS THE NATION



Alabama

JURY UNABLE TO REACH VERDICT IN KILLING OF SHERIFF

TUSKEGEE — A judge has declared a mistrial in the case of a 23-year-old man accused of killing an Alabama sheriff.

Jurors told the judge that they remained deadlocked. A new trial date will be set. William Chase Johnson is charged with capital murder for the Nov. 23, 2019, shooting death of Lowndes County Sheriff John Williams. It was not disputed that Johnson shot and killed Williams at a gas station in downtown Hayneville. But defense lawyers maintain that Johnson acted in self defense and did not know that Williams, who was not in uniform, was the sheriff.

California

VOTER CAMPAIGNS TARGET LATINAS WORRIED ABOUT CLIMATE CHANGE

LOS ANGELES — As the November election approaches, large get-out-the-vote efforts are targeting Latinos, and particularly Latina moms, with a climate focus.

They are hoping to harness the political power of millions of eligible Latino voters to protect children from climate change, a top-of-mind issue for Latinos who support Vice President Kamala Harris, according to the Pew Research Center. Campaigns such as Vote Like a Madre warn that wildfires, hurricanes and floods are getting worse, and that voting for climate change will help ensure their children breathe fresh air and live more stable lives. They are targeting states with large numbers of Latinos, including Arizona, Florida, Colorado, Nevada, California and New Mexico.

Georgia

BALLOT DROP BOX FIRES HIGHLIGHT CONCERNS ABOUT ELECTION CONSPIRACY

ATLANTA — The suspected arson fires of ballot drop boxes in Oregon and Washington this week is a reminder of how the popular collection devices have been the subject of false conspiracy theories since the 2020 election.

That has prompted distrust among certain groups of voters and efforts to halt or restrict their use by Republican state lawmakers. They are popular in states that mail ballots to all voters. In all, 27 states and the District of Columbia allow ballot drop boxes, while six others don't have a specific law but allow local communities to use them. Six states have banned them entirely since 2020.

Illinois

TRUMP REPEATEDLY COMPARES HIMSELF TO ABRAHAM LINCOLN

SPRINGFIELD — Abraham Lincoln, the nation's 16th president, is not on the ballot this fall. But Donald Trump, the 45th president who's running to be the 47th, keeps mentioning his name.

Trump has routinely put himself on par with Lincoln. At least once he's said he's done more for Black Americans than anyone since Lincoln. Lately, he's questioned why Lincoln didn't settle sectional differences before the Civil War started. Presidential historian Justin Vaughn says it's natural for someone like Trump, who is conscious of his legacy, to associate himself with Lincoln, often considered the nation's greatest president. Harold Holzer, a Lincoln biographer, says politicians often try to associate with Lincoln but rarely compare themselves to the Great Emancipator.

Kansas

CONSERVATIVES COULD WIN CONTROL OF STATE SCHOOL BOARDS

TOPEKA — Conservatives could win majorities on the Kansas and Nebraska school boards this year, which would make it easier for them to shape what's taught in classrooms.

Conservative Republicans and groups in both GOP-leaning states have sought to limit what public K-12 schools can teach about racism, diversity, sexuality and gender. They're also questioning lessons for building traits or skills such as persistence and managing emotions. Some parents, state lawmakers and groups see social and emotional learning as social engineering that promotes liberal values.

Louisiana

GOVERNOR CALLS SPECIAL SESSION TO ADDRESS TAXES, COURTS

BATON ROUGE — Louisiana legislators will meet for a special session beginning Nov. 6 to consider Republican Gov. Jeff Landry's ambitious attempt to overhaul the state's tax structure.

That's according to a formal proclamation Landry issued. He has been talking up his ideas for tax changes for months. His proposals have included reducing the income tax and charging sales taxes for more items and services. A permanent teacher and school worker pay raise and a possible reworking of the state court system also are in the 23-item session call. The call lays out subjects lawmakers can consider during the session.

Colorado

CONGRESSIONAL CANDIDATES WALK THE LINE ON BORDER SECURITY

DENVER — The U.S. House race in Colorado's 8th Congressional District is one of the closest in the nation and a testing ground for Republicans' and Democrats' strategies to reach Latino voters.

The district is 40% Latino and both candidates, Republican Gabe Evans and Democratic incumbent Rep. Yadira Caraveo, are descendants of Mexican immigrants. With the politics of border security a driving narrative of this year's presidential election, Evans and Caraveo are competing, each in their own way, to sound tough on immigration without alienating vast portions of the district's electorate.



Gabe Evans, Republican candidate for the U.S. House District 8 in Colorado, talks to Annette Hayes during a campaign stop Saturday, Sept. 28, 2024, in Evans, Colo. (AP Photo/David Zalubowski)

Missouri

SPORTS BETTING MEASURE HIGHLIGHTS TAX RATE DEBATE

JEFFERSON CITY — Missouri voters are considering whether to make the state the 40th jurisdiction to legalize sports betting.

The November ballot measure highlights an emerging national debate about how best to tax the growing industry. Missouri's proposed 10% tax rate is below the national average of 19% collected last year. Like about half the states, the Missouri measure also allows sportsbooks to deduct free bets they give customers from their taxable revenue. But some states want to make more off sports betting by raising tax rates or scaling back tax breaks.

FROM OTHER STATES

NEWS OF INTEREST FROM ACROSS THE NATION

Montana

PANEL RECOMMENDS SUSPENDING AG FROM PRACTICING LAW FOR 90 DAYS

HELENA — A Montana judicial panel is recommending that the state's Republican attorney general be suspended from practicing law for 90 days for openly defying court orders and repeatedly attacking the integrity of justices.

Both sides have up to 30 days to object to the recommendations and another 30 days for responses to any objections. The Montana Supreme Court will make the final determination on any punishment for Austin Knudsen. Three justices moved to recuse themselves from making that ruling. A spokeswoman for Knudsen argued that any punishment should have been handled privately.

Nebraska

STATE FINDS ELECTION WORKERS BY DRAFTING THEM

OMAHA — Americans are encouraged to do their duty and vote on Election Day.

But in Nebraska, some residents must go a step further: They are required to help run the elections. Nebraska is the only state in the nation that employs compulsory election duty. It threatens to fine citizens who ignore a summons to lend a hand with voting. So far, only two of the state's most populous counties use the draft. Omaha resident Dawn O'Brien was tapped 20 years ago to serve through the draft. Now, she routinely volunteers to perform the service, saying she's learned what a massive effort "it takes to pull off free, fair elections."

Nevada

COURT DECIDES MAIL BALLOTS WITH SMUDGED POSTMARKS CAN BE COUNTED

LAS VEGAS — Mail-in ballots with smudged or missing postmarks can be counted for up to three days after polls close on Election Day in Nevada.

That's according to a state Supreme Court ruling rejecting a bid by state and national Republicans to block them from being counted. Among the GOP arguments was that mail ballots unfairly benefit Democratic voters. Nevada's top election official told county officials in May that ballots without a visible postmark should be counted until 5 p.m. the Friday after Election Day. A Republican national spokesperson says the court decision undermines the integrity of Nevada's elections.

New Mexico

JUDGE UPHOLDS DISMISSAL OF ALEC BALDWIN MANSLAUGHTER CHARGE

SANTA FE — A New Mexico judge has upheld her own decision to dismiss an involuntary manslaughter charge against Alec Baldwin in the fatal shooting of a cinematographer on the set of a Western movie.

Judge Mary Marlowe Sommer rejected a request by prosecutors to reconsider her dismissal of the involuntary manslaughter case halfway through trial because police and prosecutors withheld evidence from the defense that might have been exculpatory. Prosecutors plan to appeal. Baldwin, the lead actor and co-producer on "Rust," was pointing a gun at cinematographer Halyna Hutchins during a rehearsal when it went off, killing her and wounding director Joel Souza.

North Dakota

VOTERS MAY END MOST PROPERTY TAXES, PROGRAMS COULD FACE CUTS

BISMARCK — Voters this fall could end the property tax by approving a ballot measure that opponents say would drastically slash a variety of state services.

Supporters see the initiative as long-sought relief the state can afford. The measure would eliminate property taxes based on assessed value. The Republican-controlled Legislature would be required to replace the lost revenue for local governments. A top legislative panel estimated the cost to the state to be $3.15 billion every two years. That is a huge number for a state that passed a $6.1 billion two-year general fund budget in 2023.

Oregon

FIRES SET IN DROP BOXES DESTROY HUNDREDS OF BALLOTS

PORTLAND — Incendiary devices have been set off at two ballot drop boxes — one in Portland, Oregon, and another in nearby Vancouver, Washington — in what one official called a "direct attack on democracy."

The fire at the drop box in Portland was extinguished quickly thanks to a suppression system inside the box as well as a nearby security guard, and just three ballots were damaged there. But another fire at a transit center drop box in Vancouver destroyed hundreds of ballots. Vancouver is the biggest city in Washington's 3rd Congressional District, the site of what is expected to be one of the closest U.S. House races in the country.

Pennsylvania

GOP SEEKS VOTES AMONG AMISH WHO RARELY CAST THEM

LANCASTER — The Amish are numerous in the all-important swing state of Pennsylvania, and yet only a small minority of them vote in elections.

They're being targeted this year in the latest effort to register more of them to vote. Republicans are seeking their votes through billboards, ads, door-to-door canvassing and community meetings. Republican campaigners see the Amish as receptive to GOP talking points — smaller government, less regulation, religious freedom. Researchers say most of the Amish don't register to vote, reflective of the Christian movement's historic separatism from mainstream society, just as they've maintained their dialect and horse-and-buggy transportation.

South Dakota

MINIMUM WAGE INCREASES 30 CENTS ON JAN. 1

PIERRE — Minimum wage workers in South Dakota will soon see bigger paychecks.

The South Dakota Department of Labor and Regulation says the minimum wage for nontipped employees will rise by 30 cents on Jan. 1, to $11.50 per hour. The minimum wage for tipped employees will also rise, to $5.75 per hour. In South Dakota, the minimum wage for tipped workers is half the minimum for nontipped employees, but wages and tips combined must come to at least the minimum wage of nontipped workers.

Texas



Texas Sen. Ted Cruz

DEMS INVEST $5M AD CAMPAIGN TO DEFEAT TED CRUZ

Democrats backing Rep. Colin Allred's bid to defeat Texas Sen. Ted Cruz are investing $5 million in an ad campaign focused on abortion.

The announcement by Senate Majority PAC comes as Democrats face a challenging set of races nationwide to maintain control of Congress' upper chamber. Several Democratic incumbents are running in states favored to go for Donald Trump next month. Texas has not elected a Democrat statewide since 1994. That streak has held even as several races over the years have drawn national attention.

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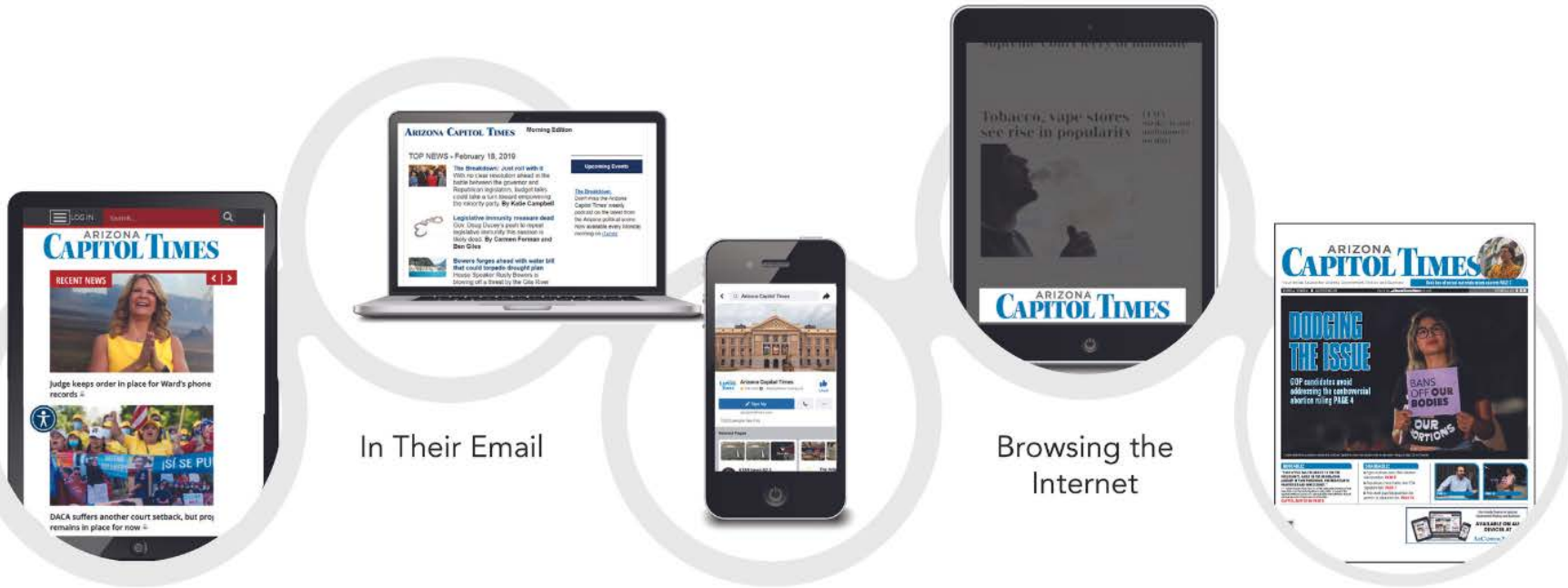
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