

To: _____

From: _____

Remonstrance by Affidavit

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Comes now Affiant, _____, one of the People of the 50 states (as seen in Arizona Constitution Article 2 Section 2), Sui Juris, in this Court of Record, to correct and remove all violations and acts of violence against the People's suffrage, as seen in the Arizona Constitution;

Arizona Constitution Article 2 Section 2: Political Power; Purpose of Government

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

Affiant States: It is mandatory you take strict adherence that the common law is essential to all decision making within the United States and Arizona Constitutions. It is necessary for the People to instruct government officials in the fundamental principles that derive from common law. Arizona recognized the importance of common law by adopting it within its revised statutes (see evidence below);

Maxim of Law 18a- Those things which are derogatory to the common law are to be strictly interpreted. *Jenk. Cent. 29; Id. p. 221, case 72.**

Maxim of Law 18c- Things derogatory to the common law are not to be drawn into precedent. Branch, *Prine.**

Maxim of Law 18e- The custom of all the country is the common law of the country. *Jenk. Cent. 119.**

[Arizona Revised Statute 1-201. Adoption of common law; exceptions

The common law only so far as it is consistent with and adapted to the natural and physical conditions of this state and the necessities of the people thereof, and not repugnant to or inconsistent with the Constitution of the United States or the constitution or laws of this state, or established customs of the people of this state, is adopted and shall be the rule of decision in all courts of this state.]

Affiant states: Herein the People remind elected officials they have consented to be governed by government and the people, at the moment they take their oath of office. The People, in authoring the United States and State Constitutions, designated to themselves plenary authority over government and those governed by it. All electoral processes were reserved to the People of the individual states. The People of all the states have, by right, the final say in all election related decisions;

Maxim of Law 11s- One lawfully commanding must be obeyed. *Jenk. Cent. 120.**

United States Constitution Article 4 Section 4:

"The United States shall guarantee to every State in this Union a Republican Form of Government, . . ."

Kentucky Bill of Rights Section 2:

"Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority."

Arizona Constitution Article 2 Section 32: Constitutional Provisions Mandatory

"The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise."

Arizona Constitution Article 2 Section 1: Fundamental Principles; Recurrence to

"A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."

Arizona Constitution Article 2 Section 5: Right of Petition and of Assembly

"The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged."

Arizona Constitution Article 2 Section 6: Freedom of Speech and Press

"Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right."

Affiant states: We, the People, in writing the many constitutions, reserved specific rights to ourselves, separate from the limited authority we gave elected officials, governed by the government, to do the work related to the restrictions provided in the constitutions. Among those rights is the right to free elections, unimpaired by any government agent or private entity. All constitutionally adherent elections are to combine individual secret voting by ballots and public counting by the People. This right is to remain inviolate for all time;

Arizona Constitution Article 2 Section 21: Free and Equal Elections

“All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”

Arizona Constitution Article 7 Section 1: Method of Voting Secrecy

“All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be preserved.”

Affiant states: All elections are to be held in the 15 counties in Arizona that are basic subdivisions of the state, with elected officials to provide local accountability of state mandated functions, under the authority of the People. All elections are (a.) to be held by the People; (b.) to be voted in secret, on paper ballots, by the People; (c.) to include public hand counting of ballots by the People, in order to determine the person or persons receiving the highest number of legal votes, who shall be declared elected. Nowhere is it indicated that any other method of elections is permitted by the People. The election process is to be transparent as to counting and may not constitutionally be adjusted to accommodate any other means of counting. The election process shall be free of any interference of any power civil, military or corporate;

Arizona Constitution Article 7 Section 7: Highest Number of Votes Received as Determination of Person Elected

“In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected.”

Affiant states: The South Carolina Constitution is even more specific in clarifying what is required;

South Carolina Constitution Article 2 Section 1: Elections to Be by Secret Ballot; Protection of Right of Suffrage

“All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret. The right of suffrage, as regulated in this Constitution, shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or improper conduct.”

Affiant states: It is out of necessity and essential for the People to maintain sole control of elections at all times to ensure that the People’s right of suffrage is preserved. The original constitutional authors ensured it was written that all elections were to be held by the People. The People reserve the right to vote in secrecy, but also reserve the right of counting the vote publicly. By hand counting the vote, the People maintain an electoral process free of foreign and domestic interference. Our present governmental system has taken the People’s electoral process and concealed from the People, the right to count our vote. The People’s liberties have been impinged and removed. We tell you, government officials, the People state the secrecy of the vote is essential and the public hand counting of the ballots is essential. Both are a necessity;

Maxim of Law 46b. Legal form is essential form. 10 Coke, 100.*

Maxim of Law 83e- Nothing is more just than that which is necessary. *Dav. Ir. KB.12; Branch, Prine.**

CURRENT VIOLATIONS OF THE CONSTITUTION

Affiant States: When any corporation(s) interfere(s) with the chain of custody of the ballots, and/or with the hand count of the ballots (through machines and programs), and interfere with the registration of those who may constitutionally vote, this becomes a subversion of the People’s right of suffrage. Past and present elections have been conducted unconstitutionally. The People’s right of suffrage has been usurped. Those elected officials overseeing the process have violated multiple sections of the Constitutions by allowing corporate entities (artificial persons created by laws of the state) to interfere with the right of suffrage, thus trespassing against the rights of the People;

Maxim of Law 51r- As usurpation is the exercise of power, which another has a right to; so tyranny is the exercise of power beyond right, which no body can have a right to. Locke, *Treat. 2, 18, 199.**

Maxim of Law 46d. Where the law prescribes a form, the nonobservance of it is fatal to the proceeding, and the whole becomes a nullity. Best; *Ev. Introd. s. 59.**

Maxim of Law 25b- Things bad [or corrupted] in principle at the commencement improves not by lapse of time [does not achieve a good end.] Broom, *Max.* 178; 4 *Coke*, 2.*

Maxim of Law 25f. Corruption is always the forerunner of despotism. *Mequire v. Corwine*, 11 Otto (101 U.S.) 108, 111-12.*

[*Miranda v. Arizona*, 384 U.S. 436, 491- "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."]

Affiant States: Arizona state counties as bodies politic, and corporate entities have entered into unconstitutional contracts with corporations (e.g. ES&S, Dominion, Unisyn, ProV&V, SLI Compliance, ERIC, Runbeck) that call for the performance of services and the implementation of technology that interferes with the Peoples' process of elections. These contracts, by virtue of what these companies are doing, prevent the People from observing the actual vote count, violate voter privacy, and hinder transparency in the entire voting process.

The Peoples' elections have, effectively, been handed over to the corporations to be managed privately, with proprietary protections afforded, so that their accountability to the People has been usurped and is a trespass.

The process of holding elections is to be controlled by, and for, the benefit of the People, with no interference from any entity or power. Therefore, contractual arrangements between any Arizona governmental body and corporations, which interferes with the Peoples' right of suffrage, is a violation of the constitutional rights of the People of Arizona;

Two Treatises of Government, John Locke, Chapter XIX. Of the Dissolution of Government (212) John Locke, whose writings directed the United States Constitution, stated that the existence of a Political Society indicates an agreement,

"every one has with the rest to incorporate, act as one body, and so be one distinct Commonwealth. The usual, and almost only way whereby this Union is dissolved, is the Inroad of Foreign Force making a Conquest upon them."

Affiant States: The "inroad of a Foreign Force" in the form of unlawful statutes, private corporations, private agreements to subvert the Constitutional rights of the People's suffrage, and more, have now led to an obvious conclusion. Those involved in such activities are participating knowingly in actions, as Foreign Forces, attempting to subvert or dissolve the People's government as we know it to be;

LAWS REPUGNANT TO THE CONSTITUTION

Affiant states: The Federal ["Help America Vote Act (HAVA) of 2002], as adopted by the Arizona State Legislature, directly violates, and interferes with, the People's rights to their suffrage as indicated in the United States and State Constitutions. No federal government programs, or corporations intended to "oversee," or interfere with, the People's election processes, may become state law. No law may be enacted by the legislature that allows any such interference. Such laws and rules are a direct violation of the People's guaranteed right of suffrage provided in the Arizona Constitution Article 2 Section 21 and Article 7 Section 1 and Section 7. Any federal or state law, which is repugnant to the State Constitution, may not be codified into law and is an interference with state and local election processes;

Maxim of Law 11a- A delegated power cannot be again delegated. 2 *Inst.* 597; *Black's*, 2d. 347; 2 *Bouv. Inst.* n. 1300. A deputy cannot have (or appoint) a deputy. *Story, Ag.* s. 13; 9 *Coke*, 77; 2 *Bouv. Inst.* n. 1936.*

Maxim of Law 11f- Power can never be delegated which the authority said to delegate never possessed itself. *NJ. Steam Co. v. Merch Bank*, 6 How. (47 U.S.) 344, 407.*

Maxim of Law 7f- What is done without consideration or reflection, upon better consideration we should revoke or undo. *Jenk. Cent.* 116.*

Affiant States: The United States Supreme Court has affirmed that any law repugnant to the Constitution is void.

[*Marbury v. Madison*, 5 U. S. (1 Cranch) 180

"It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank. Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the

Constitution is void, and that courts, as well as other departments, are bound by that instrument. The rule must be discharged"]

Affiant States: Arizona state legislators have failed to maintain the mandatory constitutional provisions which protect the perpetuity of the People's electoral process. The People delegated power to the county Boards of Supervisors in handling the People's method of elections. Therefore, it is necessary for the Boards of Supervisors to protect and maintain the People's right of suffrage;

Maxim of Law 83f- That which necessity compels, it justifies. Hale, *P.C.* 54.*

REMEDY FOR BOARDS OF SUPERVISORS

Arizona Constitution Article 2 Section 33: Reservation of Rights

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

Arizona Constitution Article 2 Section 7: Oaths and Affirmations

The mode of administering an oath, or affirmation, shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

Maxim of Law 84a. There is no stronger link or bond between men than an oath. *Jenk. Cent. Cas.* 126; *Id.* p. 126, case 54. *

Affiant states: Each elected, appointed or employed official, in taking the oath of office, swears to abide by and adhere to the United States and Arizona Constitutions, as well as the will of the People. Violations of the oath of office will result in violations of the People's rights. Those rights do not require enumeration to be violated.

A fundamental right of the People is the right to suffrage; this right may not be infringed. Any infringement on this right is a violation of the oath of office and thus a violation of the Arizona Constitution, both of which are trespasses against the People. The oath of office shall be taken seriously when making all decisions that, will in any form, impact, influence, harm, or remove any rights retained by the People;

Arizona Constitution Article 12 Section 8: Government and Other Powers

A. The county charter shall provide:

1. For an elective governing body and its method of compensation, its powers, duties and responsibilities, its authority to delegate powers, the method of election and removal of members, the terms of office and the manner of filling vacancies in the governing body.

Arizona Constitution Article 7 Section 11: General Elections, Date

There shall be a general election of representatives in congress, and of state, county, and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to statehood and biennially thereafter.

Affiant States: People ensured that elections would be held on a specific day as prescribed in the provisions of the United States and Arizona Constitutions. The day of voting date applies to all government elected positions and any other days prior to, or after, would be a violation of the People's right of suffrage. The people state that mail in ballots are a direct violation of the Constitutional provision for one day voting. Mail in ballots interfere with the chain of custody and the People's ability to observe and secure the process of voting in secret and counting the vote in public. The People are to vote in secrecy on the indicated day of voting and they are to count the ballots publicly on the day indicated in the United States and Arizona Constitutions. Ballots that are mailed out to voters before the day indicated in the constitutional provision interfere with the chain of custody process as prescribed by the constitutional provision for voting and counting on that single day. Mail in ballots restrict the People's ability to observe the chain of custody between the People voting and the People counting.

The Arizona and United States Constitutions, being the supreme law of the land, require the People's elections to be conducted of, by, and for the People. This means elections are to be free of any influence that would impair or violate the People's suffrage. No power, civil, military, or otherwise is permitted to interfere with the People's electoral process.

Accordingly, the People demand corporations immediately cease and desist all election-related activities that interfere with the electoral process. Central to these activities is the contracting of corporations with local, state, and federal governmental bodies, for the provision of technology

products and services which have violated the constitutional requirements of transparency and secrecy in the People's elections.

Therefore, the County Boards of Supervisors, which are empowered and have the responsibility of protecting and securing the People's method of elections, in adherence to the Constitution and the People's electoral process, MUST take immediate action to cease use of all electronic voting machines. There may be no corporation involvement in the ballot's chain of custody or corporation interference in the People's voter roles. The County Boards of Supervisors must allow for the People to observe the proper handling of the voter rolls, and the County Boards of Supervisors MUST return to same day, secret voting, at the local precinct level, with 100% paper-ballots, publicly hand-counted by the People, with all elections conducted on the date that is set forth in the United States and Arizona Constitution. The electoral due process must return to the control of the People; the People insist on maintaining equal protections and the perpetuity of a free government;

Maxim of Law 24f. A contract without consideration, or upon a false consideration, (which fails,) or upon unlawful consideration, cannot have any effect. *Code. 3, 3, 4; Chit. Cont.* (11th Am. Ed.) 25, note; *Noy, Max. 24; 2 Bl. Comm. 445; 1 Story, Contr. s. 525.**

Maxim of Law 24i. Private contracts (or agreements) cannot derogate from public law or right. *Broom, Max. 695; 7 Coke, 23; Wing. Max. max. 201; Co. Litt. 166a; Dig. 50, 17, 45, 1.**

Affiant States: If the Boards of Supervisors fail to provide the proper electoral process as prescribes by the United States and Arizona Constitutions, they will have dissolved their body politic, by their maladministration. The People reserve the power as prescribed in Arizona Constitution Article 4 Section 1, to hold elections independent of the legislature. The People will retake control of the actual electoral due process in order to protect and maintain their right of suffrage. The People will enumerate the rules and requirements for voting by secret ballot and for public counting of the ballots. The People will determine the number of precincts and the process for operating the precincts in order to maintain proper chain of custody. The People will adhere to what was previously written regarding the day on which elections occur. This is necessary to protect the People's right of suffrage and the electoral process;

Arizona Constitution Article 4 Section 1: Legislative Authority; Initiative and Referendum
(1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature

Affiant States: Any government official who has, or appears to have, violated the suffrage rights of the People, will be held as trespassing against the People's republican form of free government. Furthermore, the people have reserved the right to assemble a grand jury and prosecute any government officials, officers, person, or persons who have or continue to have violated the Constitution of the United States and the 50 States therein. These violations may consist of Maladministration, Malfeasance, Sedition, Insurrection, and Treason.

Black's Law Dictionary 5th Edition:

Maladministration- Wrong administration,

Malfeasance- Evil doing; ill conduct,

Sedition- Communication or agreement which has as its objective the stirring up of treason or certain lesser commotions, or the defamation of the government.

Sedition is advocating or with knowledge of its contents knowingly publishing, selling or distributing any document which advocates, or, with knowledge of its purpose, knowingly becoming a member of any organization which advocates the overthrow or reformation of the existing government by violence or unlawful means.

Insurrection- A rebellion, or rising of citizens or subjects in resistance to their government. Insurrection consists of any combined resistance to the lawful authority of the state, with intent to cause denial thereof, when the same is manifested, or intended to be manifested, by acts of violence. It is a federal crime to incite, assist, or engage in a rebellion or insurrection against the United States. [18 U.S.C.A. § 2383.]

Arizona Constitution Article 2 Section 28: Treason

Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Maxim of Law 26c. The crime of treason exceeds all other crimes in its punishment. 3 *Inst.* 210; *Black's*, 2d. 300; *Bouv.* 122.*

Affiant's Remedy for your failure to protect the suffrage rights of the People is as follows: If you, man or woman, who, standing against your Trust Indenture outlined in the State Constitution, knowingly trespassed against the rights of the People you swore to protect, you further agree to pay \$500,000 per encroachment against the above-mentioned rights. You must respond with a sworn affidavit within 5 (five) days, showing the Constitutional provisions which would authorize you to trample the People's rights. Should you fail to respond, you further agree to all the above-mentioned facts and that no court shall re-examine this matter and shall accept the above terms as truth and law. Failure to respond means that, by acquiescence, you agree that all claims are true. Furthermore, you agree that this affidavit may be used as evidence of your maladministration, malfeasance, sedition, insurrection or treason, and that affiant reserves the right to take this affidavit before an arbitrator of Affiant's choice at your expense.

Maxim of Law 94f- Remedy signifies the judicial means for enforcing a right or redressing a wrong. *Walters v. City of Ottawa*, 88 N.E. 651, 654, 240 Ill. 259.*

Maxim of Law 94m- We are never to resort to what is extraordinary as a remedy, until what is ordinary fails. 4 *Inst.* 84.*

Maxim of Law 94n- Where the ordinary remedy fails, we must have recourse to what is extraordinary. *Black's*, 2d. 1002; *Bouv.* 155; 4 *Coke*, 92b, 93.*

Affiant States: All monies that result from the service of this affidavit will fund the People's independent election process in the state of Arizona. Any initially unused funds will directly fund later elections run by the People. The People reserve the right to take control of the purse.

* Charles A. Weisman, Maxims of Law, Burnsville, Minnesota, 1990.

