

MICHAEL K. JEANES
Clerk of the Superior Court
By Christina Flores, Deputy
Date 06/14/2016 Time 13:15:33

Description	Amount
CASE# CV2016-008524	
ELECTION CONTEST-NEW	319.00
TOTAL AMOUNT	319.00
Receipt# 25305252	

1 Timothy A La Sota, SBN # 020539
2 **TIMOTHY A. LA SOTA, PLC**
3 PHOENIX, ARIZONA 85016
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6 *Attorneys for Plaintiff*

7 **SUPERIOR COURT OF ARIZONA**

8 **MARICOPA COUNTY CV 2016-008524**

9 JAY LAWRENCE, individually,
10
11 Plaintiff,

12 vs.

13 ROBERT LETTIERI, individually, Real Party in
14 Interest; HELEN PURCELL, in her official capacity
15 as Maricopa County Recorder; DENNY BARNEY,
16 in his official capacity as Maricopa County
17 Supervisor, CLINT HICKMAN, in his official
18 capacity as Maricopa County Supervisor, ANDY
19 KUNASEK, in his official capacity as Maricopa
20 County Supervisor, STEVE CHUCRI, in his official
21 capacity as Maricopa County Supervisor, STEVE
22 GALLARDO, in his official capacity as Maricopa
23 County Supervisor; MICHELE REAGAN, in her
24 official capacity as Arizona Secretary of State,

25 Defendants.

JAY LAWRENCE ("Plaintiff"), by and through attorney undersigned, for his

Verified Complaint for Special Action state and allege as follows:

No.

**VERIFIED
COMPLAINT FOR
SPECIAL
ACTION/INJUNCTIVE
RELIEF**

(challenge to nomination
petition pursuant to A.R.S.
§ 16-351)

PARTIES, JURISDICTION, AND VENUE

1
2 1. Plaintiff is a resident and qualified elector of Legislative District 23 in
3 Arizona.

4 2. As an elector of Legislative District 23, Plaintiff has the legal right to
5 maintain this action under A.R.S. § 16-351.
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7 3. Defendant ROBERT LETTIERI is a Republican Party candidate for
8 Legislative District 23 for the state House of Representatives for the primary election of
9 August 30, 2016.
10

11 4. District 23 has one county in it—Maricopa.

12 5. Defendant HELEN PURCELL is the County Recorder of Maricopa County,
13 Arizona, and is being sued in her official capacity. Along with the Maricopa County
14 Board of Supervisors, it is her responsibility to print the ballots for the 2016 primary
15 election for Maricopa County.
16

17 6. Defendants Denny Barney, Steve Chucri, Clint Hickman, Andy Kunasek,
18 and Steve Gallardo make up the MARICOPA COUNTY BOARD OF SUPERVISORS,
19 which is the governing body for the Maricopa County, Arizona, and are being being sued
20 in their official capacity. Along with the County Recorder, it is the Board's responsibility
21 to print the ballots for Maricopa County for the 2016 primary election.
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1 7. Defendant MICHELLE REAGAN is the Arizona Secretary of State and has
2 the responsibility of receiving and filing nomination papers and petitions from legislative
3 candidates. She is being sued in her official capacity.

4 8. This Court has jurisdiction over this action under A.R.S. § 16-351 and
5 A.R.S. § 12-123, the Arizona Constitution, Article VI, § 14, and Rule 3 of the Arizona
6 Rules of Procedure for Special Actions, Rule 4(b).

7 9. Defendants have caused events to occur in Maricopa County, Arizona out
8 of which Plaintiff's claims arise.

9 10. Venue is proper in this Court under A.R.S. § 12-401.

10 **COUNT ONE: DEFENDANT LETTIER HAS INSUFFICIENT SIGNATURES**
11 **TO QUALIFY FOR THE BALLOT SO THE DEFENDANT PUBLIC OFFICIALS**
12 **MUST BE ENJOINED FROM PRINTING HIS NAME ON THE BALLOT**

13 11. A person must be a qualified elector, and registered to vote in the electoral
14 district of the candidate in order to sign the candidate's petition, or else the signature is
15 invalid. A.R.S. §§ 16-121; 16-314(C); 16-321(B). If, because the person is not registered
16 to vote at the address given, or because of incomplete information, or illegible writing, it
17 cannot be determined if the signer is a qualified elector in the candidate's electoral
18 district, that signature is not valid. A.R.S. §§ 16-121; 16-321(B) and (E); 16-351(E).

19 12. A person is only permitted to sign two nomination petitions for legislative
20 district 13 since there are two offices to fill. If the person signs more petition sheets than
21

1 permitted, the first two signatures in time only are valid, and if the person signs on the
2 same day, all signatures are invalid. A.R.S. § 16-314(A) and (C).

3 13. A person must be a qualified elector on the date the person signed the
4 petition for the signature to be valid. A.R.S. § 16-321(B). In order to sign legally, the
5 signer also must be of the same party as Lettieri, a Republican, or registered no party
6 preference, independent, or a member of a party not entitled to continued representation
7 on the ballot. A.R.S. § 16-321.

9 14. A person may only use a post office box if that person does not have a
10 physical address; if a person who has an address uses a post office box on a petition sheet
11 that signatures is presumptively invalid. A.R.S. § 16-321(E); *Jenkins v. Hale*, 218 Ariz.
12 561, 190 P.3d 175 (2008).

14 15. A petition sheet must contain no more than ten spaces for eligible persons
15 to sign. A.R.S. § 16-315.

17 16. Lettieri submitted 71 petitions sheets bearing 758 signatures to the Secretary
18 of State on or about June 1, 2016.

19 17. 606 signatures are required to be submitted for an individual to have his or
20 her name printed on the primary election ballot on August 30, 2016, pursuant to A.R.S.
21 § 16-322(A) and the Secretary of State's Office.

23 <http://www.azsos.gov/elections/running-office/running-legislative-office#partisan>.

1 18. Exhibit 1 identifies the challenged signatures by petition sheet number and
2 line number, and identifies the basis for each challenge, as required by A.R.S. § 16-351.

3 19. Of the 758 signatures submitted by Lettieri, 242 are invalid based on the
4 reasons identified in Exhibit 1.

5 20. After removing the invalid signatures, Lettieri has only 516 valid signatures.

6 21. Lettieri has insufficient valid signatures to be eligible to have his name
7 printed on the primary election ballot. A.R.S. § 16-322(A)(3).
8

9 WHEREFORE, Plaintiff prays for a judgment against Defendants as follows:
10

11 A. For a declaration from this Court that there are insufficient signatures for
12 Lettieri to have his name printed on the 2016 primary election ballot.

13 B. For an order enjoining the Maricopa County Board of Supervisors and
14 Maricopa County Recorder Helen Purcell, and Arizona Secretary of State Michelle
15 Reagan from printing Lettieri's name on the primary election ballot.
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17 C. For an award of taxable costs under A.R.S. § 12-341.

18 D. For any other such relief as this Court deems fair and just.

19 E. For Findings of Fact and Conclusions of law.
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1 RESPECTFULLY SUBMITTED June 14, 2016.

2
3 TIMOTHY A. LA SOTA, PLC

4 By: 

5 Timothy A. La Sota, SBN 020539
6 2198 East Camelback Road, Suite 305
7 Phoenix, Arizona 85016
8 Telephone: (602) 515-2649
9 Email: tim@timlasota.com
10 *Attorney for Plaintiffs*

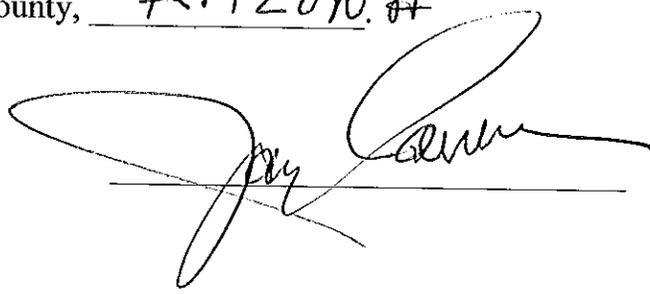
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Rule 80(i) Declaration

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I declare under penalty of perjury of the laws of the State of Arizona that the foregoing Verified Complaint For Special Action is true and correct to the best of my knowledge and belief and that this Declaration is executed by me on the 14 day of June, 2016, in

MORICOPA County, ARIZONA



A handwritten signature in black ink, appearing to read "Jay Green", is written over a horizontal line. The signature is stylized and cursive.

EXHIBIT 1

EXHIBIT 1

Lawrence v. Lettieri

Petition #00001, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 5, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 6, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 7, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 8, OD, The signer is not registered to vote in legislative district 23;
Petition #00001, Line 9, OD, The signer is not registered to vote in legislative district 23;

Petition #00002, Line 5, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00003, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00003, Line 10, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00004, Line 1, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00004, Line 2, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00004, Line 3, NR, The signer is not registered to vote;
Petition #00004, Line 4, NR, The signer is not registered to vote;
Petition #00004, Line 6, NR, The signer is not registered to vote;

Petition #00005, Line 1, NR, The signer is not registered to vote;
Petition #00005, Line 3, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00005, Line 4, NR, The signer is not registered to vote;
Petition #00005, Line 6 NR, The signer is not registered to vote;
Petition #00005, Line 7, NR, The signer is not registered to vote;
Petition #00005, Line 10, NR, The signer is not registered to vote;

Petition #00006, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00006, Line 2, NR, The signer is not registered to vote;
Petition #00006, Line 6, NR, The signer is not registered to vote;
Petition #00006, Line 7, NR, The signer is not registered to vote;
Petition #00006, Line 8, NR, The signer is not registered to vote;
Petition #00006, Line 10, NR, The signer is not registered to vote;

Petition #00007, Line 1, NR, The signer is not registered to vote;
Petition #00007, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00007, Line 3, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00007, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00007, Line 6, NR, The signer is not registered to vote;
Petition #00007, Line 8, NR, The signer is not registered to vote;
Petition #00007, Line 10, NR, The signer is not registered to vote;

Petition #00008, Line 6, NR, The signer is not registered to vote;
Petition #00008, Line 7, NR, The signer is not registered to vote;
Petition #00008, Line 8, NR, The signer is not registered to vote;
Petition #00008, Line 9, NR, The signer is not registered to vote;

Petition #00009, Line 1, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00009, Line 3, NR, The signer is not registered to vote;
Petition #00009, Line 7, NR, The signer is not registered to vote;
Petition #00009, Line 8, OD, The signer is not registered to vote in legislative district 23;

Petition #00010, Line 1, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00010, Line 2, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00010, Line 6, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00010, Line 7, OD, The signer is not registered to vote in legislative district 23;
Petition #00010, Line 8, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00010, Line 10, OD, The signer is not registered to vote in legislative district 23;

Petition #00011, Line 1, NR, The signer is not registered to vote;
Petition #00011, Line 2, NR, The signer is not registered to vote;
Petition #00011, Line 3, NR, The signer is not registered to vote;
Petition #00011, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00011, Line 5, OD, The signer is not registered to vote in legislative district 23;
Petition #00011, Line 6, NR, The signer is not registered to vote;
Petition #00011, Line 7, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00011, Line 8, NR, The signer is not registered to vote;
Petition #00011, Line 9, OD, The signer is not registered to vote in legislative district 23;
Petition #00011, Line 10, NR, The signer is not registered to vote;

Petition #00012, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00012, Line 4, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00012, Line 5, NR, The signer is not registered to vote;

Petition #00013, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00013, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00013, Line 9, NR, The signer is not registered to vote;

Petition #00014, Line 1, OD, The signer is not registered to vote in legislative district 23;

Petition #00016, Line 1, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00016, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00016, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00016, Line 4, NR, The signer is not registered to vote;
Petition #00016, Line 5, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00016, Line 6, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00016, Line 7, NR, The signer is not registered to vote;

Petition #00016, Line 8, NR, The signer is not registered to vote;

Petition #00017, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00017, Line 3, NR, The signer is not registered to vote;

Petition #00018, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 5, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 6, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 7, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 8, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 9, OD, The signer is not registered to vote in legislative district 23;
Petition #00018, Line 10, OD, The signer is not registered to vote in legislative district 23;

Petition #00020, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00020, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00020, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00020, Line 5, OD, The signer is not registered to vote in legislative district 23;
Petition #00020, Line 6, OD, The signer is not registered to vote in legislative district 23;
Petition #00020, Line 7, NR, The signer is not registered to vote;
Petition #00020, Line 8, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00020, Line 9, NR, The signer is not registered to vote;
Petition #00020, Line 10, OD, The signer is not registered to vote in legislative district 23;
Petition #00020, Line 11, Too many on page;
Petition #00020, Line 12, Too many on page;
Petition #00020, Line 13, Too many on page; Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00021, Line 5, NR, The signer is not registered to vote;
Petition #00021, Line 6, NR, The signer is not registered to vote;

Petition #00022, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00022, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00022, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00022, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00022, Line 7, NR, The signer is not registered to vote;
Petition #00022, Line 8, NR, The signer is not registered to vote;
Petition #00022, Line 9, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00022, Line 10, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00023, Line 2, ILL, Illegible
Petition #00023, Line 3, NR, The signer is not registered to vote;
Petition #00023, Line 6, NR, The signer is not registered to vote;
Petition #00023, Line 7, NR, The signer is not registered to vote;
Petition #00023, Line 9, ILL, Illegible

Petition #00024, Line 1, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00024, Line 2, NR, The signer is not registered to vote;
Petition #00024, Line 3, NR, The signer is not registered to vote;
Petition #00024, Line 4, NR, The signer is not registered to vote;

Petition #00024, Line 5, NR, The signer is not registered to vote;
Petition #00024, Line 6, OD, The signer is not registered to vote in legislative district 23;
Petition #00024, Line 7, NR, The signer is not registered to vote;
Petition #00024, Line 9, OD, The signer is not registered to vote in legislative district 23;
Petition #00024, Line 10, OD, The signer is not registered to vote in legislative district 23;

Petition #00025, Line 1, NR, The signer is not registered to vote;
Petition #00025, Line 9, NR, The signer is not registered to vote;
Petition #00025, Line 10, NR, The signer is not registered to vote;

Petition #00026, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00026, Line 2, OD, The signer is not registered to vote in legislative district 23;

Petition #00027, Line 2, NR, The signer is not registered to vote;
Petition #00027, Line 4, NR, The signer is not registered to vote; ILL, Illegible,
Petition #00027, Line 6, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00027, Line 7, NR, The signer is not registered to vote;
Petition #00027, Line 8, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00028, Line 1, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00028, Line 3, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00028, Line 4, NR, The signer is not registered to vote;
Petition #00028, Line 6, NR, The signer is not registered to vote;
Petition #00028, Line 7, NR, The signer is not registered to vote;
Petition #00028, Line 8, OD, The signer is not registered to vote in legislative district 23;

Petition #00029, Line 5, NR, The signer is not registered to vote;

Petition #00030, Line 1, NR, The signer is not registered to vote;
Petition #00030, Line 2, NR, The signer is not registered to vote;
Petition #00030, Line 3, NR, The signer is not registered to vote;
Petition #00030, Line 9, OD, The signer is not registered to vote in legislative district 23;

Petition #00032, Line 3, NR, The signer is not registered to vote;
Petition #00032, Line 7, NR, The signer is not registered to vote;

Petition #00033, Line 1, NR, The signer is not registered to vote;
Petition #00033, Line 2, NR, The signer is not registered to vote;
Petition #00033, Line 3, NR, The signer is not registered to vote;
Petition #00033, Line 4, III, Illegible

Petition #00034, Line 4, III, Illegible
Petition #00034, Line 9, DUP, Duplicate with petition sheet 30, line 2

Petition #00035, Line 1, DUP, Duplicate with petition sheet 30, line 3
Petition #00035, Line 5, NR, The signer is not registered to vote;
Petition #00035, Line 6, NR, The signer is not registered to vote;

Petition #00036, Line 6, DUP, Duplicate with petitions sheet 34, line 7
Petition #00036, Line 10, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00037, Line 3, OD, The signer is not registered to vote in legislative district 23;
Petition #00037, Line 4, OD, The signer is not registered to vote in legislative district 23;
Petition #00037, Line 9, OD, The signer is not registered to vote in legislative district 23;

Petition #00038, Line 1, OD, The signer is not registered to vote in legislative district 23;
Petition #00038, Line 2, NR, The signer is not registered to vote;
Petition #00038, Line 3, NR, The signer is not registered to vote;
Petition #00038, Line 4, NR, The signer is not registered to vote;
Petition #00038, Line 5, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00038, Line 7, Because of the signer's party affiliation, the signer is not able to legally sign the petition;
Petition #00038, Line 9, DUP, Duplicate with petition sheet 36, line 3

Petition #00039, Line 4, NR, The signer is not registered to vote; Ill, Illegible;
Petition #00039, Line 7, NR, The signer is not registered to vote;
Petition #00039, Line 9, Ill, Illegible;

Petition #00040, Line 5, NR, The signer is not registered to vote;
Petition #00040, Line 6, NR, The signer is not registered to vote;
Petition #00040, Line 7, Ill, Illegible;

Petition #00042, Line 1, DUP, Duplicate with petition sheet 34, line 8
Petition #00042, Line 2, NR, The signer is not registered to vote;
Petition #00042, Line 6, Ill, Illegible;

Petition #00043, Line 2, DUP, Duplicate with petition sheet 42, line 2; NR, The signer is not registered to vote;
Petition #00043, Line 3, DUP, Duplicate with petition sheet 41, line 6;
Petition #00043, Line 9, DUP, Duplicate with petition sheet 41, line 7;

Petition #00044, Line 2, NR, The signer is not registered to vote;
Petition #00044, Line 4, NR, The signer is not registered to vote;
Petition #00044, Line 5, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00046, Line 6, NR, The signer is not registered to vote;

Petition #00047, Line 2, OD, The signer is not registered to vote in legislative district 23;
Petition #00047, Line 3, NR, The signer is not registered to vote;

Petition #00048, Line 5, NR, The signer is not registered to vote;

Petition #00049, Line 5, OD, The signer is not registered to vote in legislative district 23;

Petition #00050, Line 2, NR, The signer is not registered to vote;
Petition #00050, Line 3, NR, The signer is not registered to vote;
Petition #00050, Line 4, NR, The signer is not registered to vote;
Petition #00050, Line 5, NR, The signer is not registered to vote;
Petition #00050, Line 6, NR, The signer is not registered to vote;
Petition #00050, Line 7, NR, The signer is not registered to vote;
Petition #00050, Line 9, BA, Bad Address;
Petition #00050, Line 10, NR, The signer is not registered to vote;

Petition #00051, Line 2, OD, The signer is not registered to vote in legislative district 23; Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00065, Line 9, NR, The signer is not registered to vote;

Petition #00067, Line 3, DUP, Signer also signed Petition #00065, Line 9;

Petition #00068, Line 1, NR, The signer is not registered to vote;

Petition #00068, Line 6, Because of the signer's party affiliation, the signer is not able to legally sign the petition;

Petition #00070, Line 7, OD, The signer is not registered to vote in legislative district 23;

Petition #00071, Line 6, The signer is not registered to vote.

Petition #00071, Line 7, OD, The signer is not registered to vote in legislative district 23;