

DAVID W ROZEMA
110 E. CHERRY AVENUE
FLAGSTAFF, ARIZONA 86001-4627
(928) 679-8200

DAVID W. ROZEMA
COCONINO COUNTY ATTORNEY
Michelle D'Andrea
Deputy County Attorney
Bar # 019117
mdandrea@coconino.az.gov
110 E. Cherry Avenue
Flagstaff, Arizona 86001-4627
PHONE: (928) 679-8200
FAX: (928) 679-8201
Attorney for Defendant Candace Owens

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Diane Wickberg,

Plaintiff/Counter-
Defendant,

vs.

Candace D Owens in her
individual and official
capacities, and Coconino
County,
Defendants/Counter
Claimants.

No. 3:10-CV-08177-JAT

**ANSWER AND
COUNTER-CLAIM
FOR
DECLARATORY
JUDGMENT**

Defendant Candace D. Owens in her individual and official capacities
responds to the Complaint as follows:

A. Responses to allegations in the Complaint.

All allegations not specifically admitted are denied.

1. Admit.

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1 2. Admit, but affirmatively allege that injunctive relief is not
2 warranted in this matter.

3 3. Admit.

4 4. Admit sentence one. Defendant lacks knowledge or information
5 sufficient to form a belief about the truth of the allegations in sentence two of
6 paragraph 4, and therefore denies the same.
7

8 5. Admit.

9 6. Admit, and affirmatively allege that the duties arise as a
10 consequence of the Memorandum of Agreement between the Coconino
11 County Board of Supervisors and the Coconino County Recorder for
12 Elections Services.
13

14 7. Admit.

15 8. Admit.

16 9. Admit and affirmatively allege that A.R.S. §16-531(A) allows for
17 appointment of fewer persons as election board members if there is not a
18 sufficient number of persons available to provide the number of
19 appointments required.
20
21

22 10. Deny that the responsibility for appointing and training poll
23 workers is the Recorder's obligation by custom and practice. Admit that the
24
25
26

1 Recorder trains poll workers. Affirmative allege that the Coconino County
2 Board of Supervisors appoints the inspector, marshal, judges and clerks.

3 11. Deny.

4 12. Admit.

5
6 13. Admit that Plaintiff wore a Tea Party t-shirt to the polling place.
7 Defendant lacks knowledge or information sufficient to form a belief about
8 the truth of the remaining allegations in paragraph 13, and therefore denies
9 the same.
10

11 14. Defendant lacks knowledge or information sufficient to form a
12 belief about the truth of the allegations in paragraph 14, and therefore denies
13 the same. Defendant affirmatively alleges that tea party groups, including
14 the Arizona Tea Party, endorse or opposes candidates and endorse or oppose
15 ballot measures, including candidates and ballot measures considered during
16 the May 18, 2010 special election and the August 24, 2010 primary, and
17 publicize through written media, broadcasts and the internet their
18 endorsements and opposition to candidates and ballot measures. Defendant
19 further affirmatively alleges that the Flagstaff Tea Party changed their
20 website prior to the August, 2010 election, and that the earlier website had
21 links to other Tea Party groups, including the Arizona Tea Party.
22
23
24

25 15. Admit.
26

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1 16. Deny.

2 17. Deny.

3 18. Deny that a poll worker harassed Plaintiff. Defendant lacks
4 knowledge or information sufficient to form a belief about the truth of the
5 remaining allegations in paragraph 18, and therefore denies the same.
6

7 19. Admit sentence number 1 of paragraph 19. Admit that the
8 Recorder offered the alternative to the Plaintiff that she could cast an early
9 ballot. Deny that the Recorder told the Plaintiff she would be denied the
10 right to vote.
11

12 20. Admit.

13 21. Admit sentence one of paragraph 21. Sentence two, although
14 accurately quoting a portion of the first sentence of A.R.S. §16-452, omits a
15 critical portion of that sentence. The entire sentence states as follows:
16

17
18 “After consultation with each county board of supervisors or
19 other officer in charge of elections, the secretary of state shall
20 prescribe rules to achieve and maintain the maximum degree of
21 correctness, impartiality, uniformity and efficiency on the
22 procedures for early voting and voting, and of producing,
23 distributing, collecting, counting, tabulating and storing ballots.”
24

25 A.R.S. § 16-452.

26 22. Deny and affirmatively allege that the letter of June 2, 2010
speaks for itself and contains the best evidence of the contents of the letter.

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1 23. Deny and affirmatively allege that the letter of June 17, 2010
2 speaks for itself and contains the best evidence of the Recorder's response to
3 the Plaintiff's letter of June 2, 2010.

4 24. Deny and affirmatively allege that the letter of July 1, 2010 speaks
5 for itself and contains the best evidence of Ms. Bjelland's response to
6 Plaintiff's letter of June 2, 2010.

7 25. Deny and affirmatively allege that the letter from the Goldwater
8 Institute dated July 6, 2010 is the best evidence of the Goldwater Institute's
9 response to the Recorder's letter of June 17, 2010.

10 26. Deny and affirmatively allege that the letter of August 2, 2010 is
11 the best evidence of the Recorder and Ms. Bjelland's response to the
12 correspondence from the Goldwater Institute.

13 27. Admit that the Recorder met with two members of the Tea Party.
14 Deny that the Recorder stated that the July 1st letter from the Secretary of
15 State was rescinded. Affirmatively allege that the Recorder told the Tea
16 Party members that a revised letter was sent to the Goldwater Institute from
17 the Secretary of State and the Recorder's Office. Deny the remainder of the
18 allegations.

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1 28. Admit sentences one and two. Defendant lacks knowledge or
2 information sufficient to form a belief about the truth of the remaining
3 allegations in paragraph 28, and therefore denies the same.

4 29. Deny, except admit that no candidate was officially designated on
5 the ballot as a “tea party” candidate and affirmatively allege that the Arizona
6 Tea Party endorsed J.D. Hayworth on the August 24, 2010 ballot and
7 opposed the ballot measure on May 18, 2010 regarding the sales-tax
8 increase.
9

10 30. Admit sentences one and two of paragraph 30. Deny sentence
11 three of paragraph 30.
12

13 31. Admit.
14

15 32. Defendant lacks knowledge or information sufficient to form a
16 belief about the truth of the remaining allegations in paragraph 32, and
17 therefore denies the same.
18

19 33. Defendant lacks knowledge or information sufficient to form a
20 belief about the truth of the remaining allegations in paragraph 33, and
21 therefore denies the same.
22

23 34. Deny.

24 35. Defendant incorporates the above Answers to the allegations as
25 though fully set forth herein.
26

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1 36. The First Amendment states, in part, that: "Congress shall make
2 no law . . . abridging the freedom of speech . . . or the right of the people
3 peaceably to assemble . . ."

4 37. Deny.
5

6 38. Deny, except that Defendant admits that she directed poll workers
7 to enforce electioneering laws.
8

9 39. Deny.

10 40. Defendant incorporates the above Answers to the allegations as
11 though fully set forth herein.
12

13 41. Admit Defendant was aware of and participated in various
14 communications between the County Recorder's Office, Plaintiff, the
15 Goldwater Institute, and the Secretary of State's Office. Deny that the poll
16 employees improperly enforced the 75 foot law which prohibits display of
17 political or electioneering materials within 75 foot of the polling place.
18

19 42. Deny.

20 43. Deny Defendant's actions chilled Plaintiff's speech and
21 association. Admit Arizona law classifies knowingly electioneering as a
22 class 2 misdemeanor. Deny that Defendant was threatened with criminal
23 sanctions.
24

25 44. Deny.
26

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1 45. Defendant incorporates the above Answers to the allegations as
2 though fully set forth herein.

3 46. Admit.

4 47. Admit.

5 48. Deny.

6 49. Deny.

7 50. Deny.

8 51. Defendant incorporates the above Answers to the allegations as
9 though fully set forth herein.

10 52. Admit that the 14th Amendment states, in part, that "No State shall
11 make or enforce any law which shall ... deny to any person within its
12 jurisdiction the equal protection of the laws."

13 53. Deny.

14 54. Deny.

15 55. Deny.

16 56. Defendant incorporates the above Answers to the allegations as
17 though fully set forth herein.

18 57. Deny.

19 58. Deny.

20 59. Deny.

1 60. Defendant lacks knowledge or information sufficient to form a
2 belief about the truth of the allegations in Paragraph 60, and therefore denies
3 the same.

4 61. Deny.

5 62. Deny.

6 63. Deny.

7 64. Deny.

8 65. Deny.

9 66. Deny.

10 67. Admit.

11 68. Deny.

12 69. Deny.

13
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18 B. AFFIRMATIVE DEFENSES:

19 1. The Complaint fails to state a claim upon which relief can be
20 granted.

21 2. Plaintiff has failed to serve Coconino County with a summons and
22 complaint in this matter.

23 3. The Defendants have a qualified immunity under 42 USC Section
24 1983 because the Recorder objectively believed that her conduct was lawful.
25
26

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1 4. The Recorder has an immunity from personal liability because she
2 followed the written opinion of the Coconino County Attorney's Office
3 under A.R.S. §38-446.

4 5. Plaintiff's action is barred by the doctrine of laches.

5 6. Defendant reserves the right to allege other affirmative defenses as
6 they may arise during discovery.

7 WHEREFORE, Defendant asks that this Court deny Plaintiff all of the
8 relief that she seeks, dismiss her Complaint with prejudice and award
9 Defendants costs and attorneys' fees.

10 C. COUNTERCLAIM SEEKING DECLARATORY JUDGMENT
11

12 Defendant/Counter-claimants Candace D. Owens and Coconino
13 County for their counterclaim against the Plaintiff in this action alleges as
14 follows:
15

16 1. This Court has jurisdiction under 28 U.S.C. §1367.

17 2. This Court is authorized to grant declaratory relief under 28 U.S.C.
18 §§2201 and 2202 and Federal Rule of Civil Procedure 57.

19 3. Venue is proper under 28 U.S.C. §1391(b)(1-2).

20 4. Counter-claimant Candace D. Owens is Coconino County
21 Recorder, an Officer of Coconino County, Arizona [the "Recorder"].
22
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24
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1 Counter-claimant Coconino County is a political subdivision of the State of
2 Arizona.

3 5. Counter-defendant Diane Wickberg is a resident of Flagstaff,
4 Arizona, in the County of Coconino.

5
6 6. An actual live controversy exists between Counter-claimants and
7 Counter-defendant, in which the parties have genuine and opposing interests,
8 interests that are direct and substantial, and of which a judicial determination
9 will be final and conclusive.
10

11 7. Arizona Revised Statutes Section 16-515 states that

12 “Except as prescribed in this section and Section 16-580, a
13 person shall not be allowed to remain inside the seventy-five
14 foot limit while the polls are open, except for the purpose of
15 voting, and except the election officials, one representative at
16 any one time of each political party represented on the ballot
17 who has been appointed by the county chairman of that political
18 party and the challengers allowed by law, **and no political or
electioneering materials may be displayed within the
seventy-five foot limit.** Voters having cast their ballots shall
19 promptly move outside the seventy-five foot limit.”

20 [Emphasis Added.]

21 8. County boards of supervisors are generally responsible for
22 designating polling places and conducting elections in compliance with state
23 and federal regulations governing national, state, and local elections. A.R.S.
24 Title 16, Ch. 1-4.
25
26

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1 9. The Recorder has a Memorandum of Agreement with the Coconino
2 County Board of Supervisors that provides that the Recorder is responsible
3 for the operation and administration of elections under delegation of
4 authority from the Coconino County Board of Supervisors, except that the
5 Board of Supervisors and the Recorder acknowledge that neither entity may
6 abdicate its statutory responsibilities to the other. The Memorandum of
7 Agreement is attached as Ex. A.
8

9
10 10. The Coconino County Board of Supervisors appoints the
11 inspector, marshal, judges and clerks, who work at the polls on election days.
12

13 11. The Secretary of State's Election Procedures Manual contains the
14 officially promulgated rules for elections. A.R.S. §16-452.

15 12. The Elections Procedures Manual dated May, 2010, page 140-141
16 indicates that the marshal enforces electioneering provisions in the polling
17 place.
18

19 13. A.R.S. §16-531(A) allows for appointment of fewer persons as
20 poll workers if there is not a sufficient number of persons available to
21 provide the number of appointments required.
22

23 14. In Coconino County, the Recorder trains poll workers.
24
25
26

1 15. Poll workers are trained to enforce the 75 foot rule, A.R.S. §11-
2 515, at the polling place. They are further trained to call the Recorder's
3 Office if they have any problems.

4 16. On May 18, 2010, Counter-defendant Diane Wickberg went to her
5 polling place at Bethel Baptist Church on Lake Mary Road in Flagstaff,
6 Arizona, wearing a t-shirt indicating support for the Flagstaff Tea Party, and
7 therefore, for reasons set forth in paragraphs 20, 38, 40 and 41, the Arizona
8 Tea Party and the National Tea Party as well.

9 17. A poll worker told Ms. Wickberg that she must change her shirt,
10 turn it inside out, or cover it before voting.

11 18. Ms. Wickberg voted.

12 19. The Recorder received a letter from the Goldwater Institute on
13 behalf of Ms. Wickberg indicating that they disagreed with the poll worker's
14 decision to ask Ms. Wickberg to cover her Tea Party shirt in the polling
15 place.

16 20. The Recorder considered the letter, consulted with the County
17 Attorney's Office and with the Secretary of State and with other Elections
18 Officials in Arizona. The Recorder's Office also did some research and used
19 that research and general public knowledge of the Tea Party's political
20 positions from publications and media broadcasts to determine whether the
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1 Tea Party endorses candidates and supports ballot measures. The Recorder
2 determined that the Tea Party had endorsed candidates and supported or
3 opposed ballot measures and had expressed positions on one or more
4 propositions on the May 18, 2010 ballot.
5

6 21. The Recorder responded to the letter from the Goldwater Institute
7 indicating that she would enforce statutory prohibitions on electioneering,
8 displaying political materials and influencing others in a polling place.
9

10 22. The Goldwater Institute responded indicating that on May 18,
11 2010 Diane Wickberg's Tea Party shirt caused her "a bit of trouble" when
12 she attempted to vote in the special election. The letter asked for assurance
13 that Ms. Wickberg and other persons wearing Tea Party shirts would not
14 experience difficulties as a result of wearing the attire.
15

16 23. After the May 18th election, out of concern for ensuring
17 compliance with Arizona statute and ensuring equal treatment for all voters,
18 the Recorder altered her training materials for poll workers to indicate that
19 the poll workers should contact her office if they were uncertain about the
20 application of the 75 foot rule to certain political materials that voters may
21 wear or carry. There was no instruction or suggestion in any of the training
22 materials that poll workers prohibit some political speech and allow other
23
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1 political speech. The instruction to poll workers to call the Recorder's Office
2 was content neutral.

3 24. On August 24, 2010, Ms. Wickberg again wore her Tea Party shirt
4 to the polling place.

5 25. Ms. Wickberg was preceded in the polling place by a
6 photographer for the local newspaper. The photographer indicated to poll
7 workers that he had permission to be in the polling place from Ms. Owens,
8 though no such permission had been granted.
9

10 26. Ms. Wickberg entered the polling place wearing her Tea Party
11 shirt with a sweater over her arm.
12

13 27. Ms. Wickberg was accompanied by her lawyer, Gustavo
14 Schneider, of the Goldwater Institute.
15

16 28. A poll worker told Ms. Wickberg that she must change her shirt,
17 turn it inside out, or cover it before voting.
18

19 29. The photographer began shooting pictures.

20 30. Ms. Wickberg covered her shirt with the sweater she brought with
21 her to the polling place and proceeded to vote.
22

23 31. A poll worker called the Recorder to discuss the photographer, the
24 attorney, and the apparel worn by Ms. Wickberg.
25
26

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1 32. The Recorder spoke with the poll worker and Mr. Schneider about
2 the presence of the photographer and the attorney in the polling place, and
3 Ms. Wickberg's attire. The Recorder also determined from her telephone
4 conversation with the poll worker that there were no other voters in the
5 polling place at the time Ms. Wickberg voted on August 24, 2010.
6

7 33. Ms. Wickberg, wearing her sweater, voted in the August 24, 2010
8 election.
9

10 34. The Recorder supports the Federal Constitution and state laws, as
11 she swore to do when she took her oath of office.
12

13 35. The Recorder has no objection to anyone participating in political
14 speech or electioneering outside the 75 foot range of the polling place, and,
15 in fact, believes such speech and electioneering is important to our
16 democratic system.
17

18 36. The Recorder and the poll place workers are charged with
19 following and enforcing state statutes as well as the United States and
20 Arizona Constitutions.
21

22 37. The Recorder is entitled to rely upon the constitutionality of the
23 state statute indicating the displays of political materials are prohibited
24 within 75 feet of the polling place.
25
26

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1 38. The Tea Party is a nationwide organization or network created for
2 the purpose of pursuing political agendas such as smaller government and
3 reduced taxes. The Tea Party is political in nature and does not exist for
4 purposes other than influencing politics. The Tea Party's positions both
5 nationally and in Arizona were well publicized in print media, broadcast
6 media and the internet before the May and August 2010 elections.
7

8 39. At least seventeen Tea Party groups in Arizona endorsed
9 candidate J.D. Hayworth in the August 24, 2010 election, as they are were
10 well within their rights to do.
11

12 40. The Tea Party's media releases generally opposed tax increases
13 such as the state-wide tax increase proposed on the May 18, 2010 ballot, and
14 at least one Tea Party group in Arizona officially opposed the ballot measure.
15

16 41. At least 154 people in Arizona have registered to vote using the
17 EZ voter on-line system indicating that their party affiliation is some form of
18 the Tea Party.
19

20 42. The t-shirt Plaintiff wore to the polling place did not indicate that
21 the Flagstaff Tea Party is an organization that is different from the National
22 Tea Party or the Arizona Tea Party. For instance, the t-shirt did not say
23 "Flagstaff Tea Party- different from the rest." Instead, the t-shirt draws on
24 the same name as other Tea Party networks or organizations.
25
26

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1 43. The national Tea Party and the Arizona Tea Party's views are not
2 readily distinguishable by the average voter or poll worker from the Flagstaff
3 Tea Party's views, just as the Flagstaff Democratic or Flagstaff Republican
4 Parties' views would not be distinguishable by the average voter or poll
5 worker from the national Democratic or Republican Parties' views.
6

7 44. It would be unreasonable to require poll workers to understand the
8 complexities of relationships between national, state and local organizations
9 for purposes of determining whether or not wearing a Flagstaff Tea Party t-
10 shirt is different from wearing an Arizona Tea Party t-shirt or just a Tea Party
11 t-shirt for purposes of applying the 75 foot rule.
12

13 45. While political groups are commendable and an important part of
14 our system, the display of political and electioneering materials are not
15 permitted within 75 feet of the polling place because the State has a
16 legitimate interest in preventing interference with the efficient handling of
17 the voters by the election board and preventing delay, influence or
18 intimidation of voters entering the polling place.
19
20
21

22 WHEREFORE, the Counterclaimant asks this Court to issue a
23 declaratory judgment that:

24 A. The Recorder acted in conformance with the law of the State of
25 Arizona, and the Constitutions of Arizona and the United States in
26

1 prohibiting the display of political and electioneering materials, and
2 prohibiting Plaintiff from wearing her Tea Party t-shirt, within 75 feet of the
3 polling place because the shirt constituted the display of political and
4 electioneering materials given the actions taken by the Tea Party political
5 network or organization to support and oppose candidates and propositions
6 on the May 18, 2010 and August 24, 2010 ballots, the nature of the
7 organization, and the fact that voters have registered in Arizona indicating
8 that their party affiliation is the Tea Party.
9
10

11 B. Award Counterclaimant her litigation expenses and costs and grant
12 other relief as the Court may deem just and proper.
13

14 RESPECTFULLY SUBMITTED this 13th day of October, 2010.

15 DAVID W. ROZEMA
16 Coconino County Attorney

17 /s/ Michelle D'Andrea
18 Michelle D'Andrea
19 Deputy County Attorney
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FLAGSTAFF, ARIZONA 86001-4627
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Clint Bolick (CBolick@GoldwaterInstitute.org)
Diane S. Cohen (DCohen@GoldwaterInstitute.org)
Scharf-Norton Center for Constitutional Litigation
at the Goldwater Institute
500 E. Coronado Rd.
Phoenix, AZ 85004
Attorneys for Plaintiffs

/s/ Michelle D'Andrea
Michelle D'Andrea, Deputy County Attorney

I further certify that I caused a copy of the attached document to be mailed on the 13th day of October, 2010 to:

Honorable James A. Teilborg
United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 523
401 W. Washington St., SPC 51
Phoenix, AZ 85003-2154

/s/ Michelle D'Andrea
Michelle D'Andrea, Deputy County Attorney

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Diane Wickberg v. Candace D. Owens and Coconino County, CV 10-01877-JAT

Exhibits to Answer and Counter-Claim for Declaratory Judgment

Exhibit A: Memorandum of Agreement between the Coconino County Board of Supervisors and the Coconino County Recorder for Election Services

RENEWAL OF
MEMORANDUM OF AGREEMENT
between the
COCONINO COUNTY BOARD OF SUPERVISORS
and the
COCONINO COUNTY RECORDER
for
ELECTION SERVICES

THIS AGREEMENT is made on the date of signing given below and is effective upon recording with the Coconino County Recorder.

WHEREAS, the COUNTY BOARD OF SUPERVISORS and the COUNTY RECORDER entered into a Memorandum of Agreement on June 16, 1997, recorded at Book 2002, pages 147-150. Subsequently there have been two, four year renewals; dated January 4 2001 and January 28, 2005.

WHEREAS, both parties desire to renew the agreement scheduled to terminate on December 31, 2008;

WHEREAS, the COCONINO COUNTY BOARD OF SUPERVISORS (hereinafter referred to as "the Board") or other officer in charge of an election is charged by A.R.S. Title 16, Ch. 1-4 with the responsibility of designating polling places and conducting elections within Coconino County in compliance with state and federal requirements governing national, state, and local elections;

WHEREAS, the COCONINO COUNTY RECORDER (hereinafter referred to as "the Recorder") or other officer in charge of an election is charged by A.R.S. Title 16, Ch. 1-4 with the responsibility of voter registration, absentee ballots, and mail-in ballots; and

WHEREAS, the Board and the Recorder agree that combining all election-related functions under one department promotes economy, efficiency, and public confidence;

WHEREAS, the Board and Recorder acknowledge that neither entity may abdicate its statutory responsibilities to the other;

NOW THEREFORE, it is agreed by and between the Board and the Recorder as follows:

- 1. Term.** The term of this Agreement shall commence on January 1, 2009 and shall terminate on December 31, 2012, unless terminated earlier pursuant to paragraph 9.
- 2. Compensation.** In consideration of the additional duties assumed by the Recorder which is not part of the Recorder's statutory duties, the Board agrees to pay the Recorder the sum of \$6,000 per year in installments consistent with the County pay periods for County employees and subject to applicable withholding.

3. **Delegation of administrative responsibilities.** The responsibility for the operation and administration of elections is hereby delegated to the Recorder who will manage the personnel and budget for all election-related functions. For purposes of filing nomination papers, the Recorder is hereby designated to be the election officer who shall receive nomination papers and petitions of candidates for public office pursuant to A.R.S. Title 16, Ch. 3. The Clerk of the Board shall be responsible for issuing Certificates of Nomination and Certificates of Elections and for distributing the official canvass of county and special district elections. The Recorder shall be responsible for all other election functions, except the official canvass.

4. **Contracting authority.** The Board of Supervisors hereby delegates to the Recorder authority to contract to provide election services to other political subdivisions. All service contracts for services acquired by the County or County Recorder shall be approved by the Board of Supervisors. Procurement of services, goods, and equipment shall comply with the Coconino County Purchasing/Procurement Policy.

5. **Board reporting.** The Recorder, or her designee, will advise the Board from time-to-time on election matters within the Board's statutory responsibility.

6. **Supervisory authority of Recorder.** County employees designated by the Recorder to conduct elections on behalf of the Board shall report to and act under the supervision of the Recorder, and in so doing, shall keep the Recorder advised of all election-related matters that are within the statutory responsibility of the Board. It is understood and agreed that, unless otherwise specified by contract, regular and temporary employees hired by the Recorder to fulfill the obligations under this agreement are county employees subject to the Coconino County Personnel Policy.

7. **Non-delegation of authority.** Nothing in this agreement is intended to grant policy-making or budgetary approval authority to the County Recorder for elections matters within the statutory responsibility of the Board or the Clerk to the Board.

8. **Funding.** It is anticipated that funding for election-related functions will continue at least at the current level, but in any event, the Board of Supervisors agrees to appropriate to the extent funds are available, funding sufficient for necessary expenses of conducting elections without impairing the ability of the Recorder to carry out the statutory responsibilities of the office of the County Recorder.

9. **Modification.** This agreement may be modified by mutual agreement in writing, as necessary, or terminated as provided below.

10. **Termination.** This agreement may be terminated by either party without cause upon six (6) months written notice to the other; except in a general election year, and in that case, notice of termination shall be given no sooner than nine (9) months in advance of the general election.

DATED this 2nd day of February, 2009

COCONINO COUNTY RECORDER

Candace Owens
Candace Owens

COCONINO COUNTY

Matthew G. Ryan
Matthew G. Ryan
Chairman, Board of Supervisors

ATTEST:

Wendy Gifford
Clerk of the Board

Approved as to form:

Debra L. Hoyer
Deputy County Attorney