

ARIZONA SUPERIOR COURT, SANTA CRUZ COUNTY

FILED

<p>STEVEN MCEWEN, chairman of the Santa Cruz County Republican Committee;</p> <p align="right">Plaintiff,</p> <p>VS.</p> <p>SUZANNE SAINZ, in her official capacity as SANTA CRUZ COUNTY RECORDER and ALMA SCHULTZ, in her official capacity as DIRECTOR of the SANTA CRUZ COUNTY ELECTIONS DEPARTMENT,</p> <p align="right">Defendants.</p>	<p>Case No. CV-22-163</p> <p align="center">MINUTE ENTRY ORDER</p> <p>Date: August 1, 2022</p>	<p align="center">22 AUG -8 AM 10: 53</p> <p align="center">JUAN PABLO GUZMAN CLERK OF THE SUPERIOR COURT SANTA CRUZ COUNTY</p>
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EVENT: ORDER TO SHOW CAUSE
 START TIME: 2:00 p.m. END TIME: 3:11 p.m.
 COURTROOM: #5
 JAVS: [X]
 COURT INTERPRETER: N/A
 COURT REPORTER: N/A
 DEPUTY CLERK: Lisette Quijada
 PRESENT: Steven McEwen, Plaintiff

HON. VANESSA CARTWRIGHT

Veronica Lucero Esq., Attorney for Plaintiff
 Jackie Parker Esq., Attorney for Plaintiff
 Christina Estes-Werther Esq., Attorney for Defendants
 Justin Pierce Esq., Attorney for Defendants
 Sambo Bo Dul Esq., Attorney for Amicus Curiae Arizona Secretary of State
 Katie Hobbs- appearing through ZOOM

The Court having set this matter for an Order to Show Cause in the above captioned matter; the Court called the case and the following proceedings were had:

Preliminary Matters are addressed and resolved on the record.

Veronica Lucero, Esq., avows to the Court as to the allegations filed in the Verified Complaint for a Special Action and Application to Show Cause Why Relief Should not be Granted.

Christina Estes-Werther Esq. argues the matter on the record.

Sambo Bo Dul Esq., states her position on the record.

Veronica Lucero, Esq. makes rebuttal arguments.

Veronica Lucero, Esq. advises the Court that there is a written declaration, that said declaration is in regard to the plaintiff's testimony; that if the Court decides that the space of the room is an issue, then she would like to present it as an offer of proof so that it can be on the record for appeal purposes.

The Court advises Ms. Lucero that she can collect said testimony now or present it as proof.

Justin Pierce, Esq. and Veronica Lucero, Esq. state on the record their position regarding the above-mentioned declaration. The Court states on the record that the Court's position is that if the Court were to determine that he has the right to be present in the room or to be involved in signature verification, the accommodations to allow him to do so would need to be made regardless of the size of the room, location, or whatever would require.

Veronica Lucero, Esq. states that if that as long as the ruling is based purely on the legal arguments and this factual issue isn't going to be a part of the decision, then we don't need to submit evidence.

The Court **FINDS** that it has jurisdiction and that Venue is proper. The plaintiff does have standing in this matter. The Court has reviewed the pleadings, the cited statutes, the cited case law, and the relevant portions of the 2019 Elections Procedure Manual, and listened carefully to the arguments presented in Court today, the Court does not find the legal authority to grant what is being requested by the Plaintiff in this case.

It is the Court's determination, that from listening to the arguments, and from the pleadings and statutes that essentially what is being asked from the Court is the connect the dot analysis, to pick and choose, and to piecemeal various sections of the different statutes, to go outside the plain meaning and plain reading of those statutes, to reach a conclusion that is not expressly provided for in the laws. It would essentially be the creation of a new law or a new procedure. This Court is not going to do that.

While pursuant to ARS 16-552(C), the County Chairperson for each political party may designate a party representative to act as an early ballot challenger, the laws under ARS 16-591 and 16-121.01 are very clear about the bases on which an early ballot challenge can be made and they do not include voter signature review or verification.

In contrary to the Plaintiff's arguments, the Court will not infer ARS 16-121.01(B)(1) or (B)(4), that the registrant is not the person whose name appears on the register or the making of the mark to mean that in order for the party representative to effectively challenge an early mail-in ballot on this basis, the party representative has the right to view the signatures on the affidavit to compare those to known signatures, or that it is the only way that a challenge can be made.

The Court **FINDS** that if it is what the legislature had intended, that is what would have been, or should have been stated. However, even if the Court was willing to make this leap on its own, this conclusion is further unsupported by the other statutes and the Elections Procedure Manual.

To include the very serious issue of voter signature confidentiality; ARS 16-168(F) prohibits disclosure of voter signatures except in limited circumstances, none of which apply to this case.

Again, if the legislature had intended for Party representatives to be able to personally view and compare the signatures on the early ballot affidavit with a known signature, there are many different places in the

statutes that they could have stated as such.

It could have been included in the signature verification mention of Section F, to include signature verification not just for petitions or candidate filings, but also early ballot verification. The Court does not believe that it should be a catch all provision for election purposes; it does not apply.

It could have been stated in ARS 16-550 (A). It clearly states on the receipt of the envelope containing the early ballot and the ballot affidavit, the county recorder or other officer in charge or elections shall compare the signatures. If they had intended for an early ballot challenge to be made, it could've been stated that the party representative is included. And, of course, it could have been expressly listed as a grounds for a challenge in ARS 16-121.01 (B), but it does not.

The Election Procedure Manual also does not support the Plaintiff's arguments in this case. The Court does not believe the communication between the County and the Plaintiff in this matter created a right that doesn't otherwise exist in the law.

Signature verification is a function and responsibility of the County Recorder's office and not the bases for an early ballot challenge.

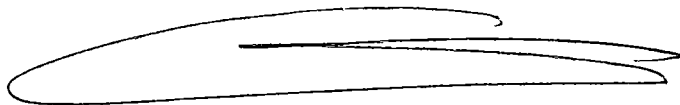
Therefore , the requested relief is **DENIED**, to include the request for attorney's fees and costs.

Any other motions are moot.

This is a final and appealable order as of today's date.

The Court orders that a Minute Entry Order be prepared for the Court's signature.

There being no further issues pending before the Court at this time, the hearing is adjourned.



**JUDGE OF THE SUPERIOR COURT
HONORABLE VANESSA CARTWRIGHT**

Copies to:

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