

Description	Amount
----- CASE# CV2022-053499 -----	
ELECTION CONTEST:NEW	333.00

TOTAL AMOUNT	333.00
Receipt# 29005090	

1 Bryan James Blehm
2 BLEHM LAW PLLC
3 10869 N. Scottsdale Rd., Suite 103-256
4 Scottsdale, Arizona 85254
5 (602) 753-6213
6 bryan@blehmlaw.com

7 *Attorneys for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **WE THE PEOPLE ARIZONA**
11 **ALLIANCE, an Arizona Non-Profit**
12 **Corporation,**

13 **Plaintiff,**

14 **vs.**

15 **STEPHEN RICHER, in his official**
16 **capacity as the Maricopa County**
17 **Recorder; REY VALENZUELA, in his**
18 **official capacity as the Maricopa County**
19 **Director of Elections for Election**
20 **Services and Early Voting; SCOTT**
21 **JARRETT, in his official capacity as the**
22 **Maricopa County Director of Elections**
23 **for Election Day and Emergency Voting;**
24 **MARICOPA COUNTY ARIZONA;**
25 **MARICOPA COUNTY CLERK AND**
26 **RECORDERS OFFICE; MARICOPA**
27 **COUNTY ELECTIONS DIVISION;**
28 **BILL GATES, CLINT HICKMAN,**
JACK SELLERS, THOMAS GALVIN,
AND STEVE GALLARDO, in their
official capacities as members of the
Maricopa County Board of Supervisors;
and MARICOPA COUNTY;

Defendants.

NO. CV2022-053499

VERIFIED COMPLAINT FOR
STATUTORY SPECIAL ACTION TO
SECURE ACCESS TO PUBLIC
RECORDS FROM DEFENDANTS

(Assigned to the Honorable
_____)

1 thousands of Maricopa County voters. For this reason, WE THE PEOPLE lacks an
2 equally plain, speedy, and adequate remedy at law, and special action relief is necessary
3 to ensure that the Defendants discharge the nondiscretionary duties imposed upon them
4 by Arizona law.

5 **JURISDICTION**

6 5. This Court has jurisdiction over this action pursuant to Article 6, § 14 of
7 the Arizona Constitution, A.R.S. §§ 12-2021, 39-121.02, and Arizona Rule of Special
8 Action Procedure 4.

9 6. Venue lies in Maricopa County pursuant to Arizona Rule of Special
10 Action Procedure 4(b) and pursuant to A.R.S. § 12-401(16) because the Defendants hold
11 office in that county.

12 **PARTIES**

13 7. Plaintiff WE THE PEOPLE is an Arizona Non-Profit Corporation
14 dedicated to free, open, and fair elections, promoting legislation that supports free, open
15 and fair elections, and to transparency in the operation of elections. WE THE PEOPLE
16 is an Arizona Non-Profit Corporation with its principal place of business in Glendale,
17 Arizona.

18 8. By Arizona statute and case law, WE THE PEOPLE may request to
19 examine or be furnished copies of any public record, and public officers and public
20 bodies are required to furnish copies of such records in a prompt manner. A.R.S. §§ 39-
21 121.01(D)(1) and (E).

22 9. Defendant Stephen Richer is the Recorder of Maricopa County and is
23 named in this action in his official capacity only. As the officer in charge of elections in
24 Maricopa County, Defendant Richer is responsible for overseeing the retention, training,
25 and disciplining temporary and permanent employees retained to perform vital election
26 related functions, including verifying ballot envelope signatures. Defendant Stephen
27 Richer is an “officer” within the meaning of A.R.S. § 39-121.01(A)(1). Upon
28 information and belief, the County Recorder has custody, and is responsible for the

1 preservation, maintenance, and care, of some or all the public records requested by WE
2 THE PEOPLE.

3 10. Defendant Rey Valenzuela is the Director of Elections for Election
4 Services and Early Voting in Maricopa County and is named in this action in his official
5 capacity only. Director Valenzuela is an “officer” within the meaning of A.R.S. § 39-
6 121.01(A)(1). Upon information and belief, Director Valenzuela has custody, and is
7 responsible for the preservation, maintenance, and care, of some or all the public records
8 requested by WE THE PEOPLE.

9 11. Defendant Scott Jarrett is the Director of Elections for Election Day and
10 Emergency Voting in Maricopa County and is named in this action in his official
11 capacity only. Director Jarrett is an “officer” within the meaning of A.R.S. § 39-
12 121.01(A)(1). Upon information and belief, Director Jarrett has custody, and is
13 responsible for the preservation, maintenance, and care, of some or all the public records
14 requested by WE THE PEOPLE.

15 12. Maricopa County is a political subdivision of the State of Arizona.
16 Maricopa County is charged by law with various duties under the Public Records Act
17 and charged by law with conducting elections within its jurisdictional boundaries,
18 including through its Board of Supervisors, hiring and training permanent and temporary
19 employees to perform vital election related functions, including verifying ballot
20 envelope signatures. *See* A.R.S. §§ 11-251(3) and (30), 16-531, and 16-532; Elections
21 Procedure Manual at pp. 68–69. The Maricopa County Board of Supervisors is a “public
22 body” within the meaning of A.R.S. § 39-121.01(A)(2). Upon information and belief,
23 the Maricopa County Board of Supervisors has custody, and is responsible for the
24 preservation, maintenance and care, of some or all the public records requested by WE
25 THE PEOPLE and its members are likewise sued here in their official capacities. By
26 law, Defendants “shall maintain all records . . . reasonably necessary or appropriate to
27 maintain an accurate knowledge of their official activities and of any of their activities
28

1 which are supported by monies from the state or any political subdivision of the state.”
2 A.R.S. 39-121.01(B).

3 **FACTS**

4 13. On November 2, 2020, Arizona held a general election, which included
5 members for federal offices of the President and members of Congress. Approximately
6 2 million voters cast ballots in Maricopa County, Arizona in that election.

7 14. Joe Biden was declared victor over Donald Trump by approximately
8 10,457 votes hours after Maricopa County’s vote tally reporting had stopped.

9 15. On December 15, 2020, the Arizona Senate Judiciary Committee
10 subpoenaed Maricopa County to gain access to election tabulation equipment and all
11 records related to the 2020 election, including documents related to signature
12 verification.

13 16. To this day, the Maricopa County has failed to comply with all requests
14 contained within the subpoena, including providing the documents sought by this Public
15 Records Request.

16 17. On January 12, 2021, Senate President Karen Fann and Judiciary
17 Committee Chairman Peterson served additional subpoenas seeking access to the ballots,
18 tabulation equipment and all other records relating to the 2020 election, including
19 documents related to signature verification.

20 18. To this day, the Maricopa County has failed to comply with all requests
21 made in those subpoenas.

22 19. Following the conclusion of the Senate Audit, which was not given access
23 to relevant signature verification, chain of custody, and other documents related to the
24 2020 election, former members of the Audit and private entities like WE THE PEOPLE
25 served Public Records Requests pursuant to Arizona law seeking documents Maricopa
26 County refused to produce to the Senate.

27 20. After interviewing sources close to the 2022 primary election in Maricopa
28 County, WE THE PEOPLE learned the following about signature verification during the

1 2020 general election and 2022 primary election:

2 A. Celia, a permanent employee of Maricopa County's Election's
3 Department, responsible for training temporary and permanent signature verification
4 employees, informed temporary employees during signature verification training that
5 several employees were terminated or otherwise reprimanded for failing to verify ballot
6 envelope signatures during the 2020 general election; and

7 B. Signature verification employees were required to rely on 2020
8 ballot envelope signatures to verify 2022 primary election ballot envelope signatures.

9 21. As a result of the information learned from temporary election workers,
10 WE THE PEOPLE served Maricopa County on September 1, 2022, the Freedom of
11 Information Act Request attached hereto as Exhibit A seeking the following information
12 and documents:

13 A. The name(s) of any and all agencies and/or organizations used to
14 hire temporary signature verification workers from January 2020 through the present.

15 B. Identification of each employee, permanent or temporary, who
16 came in contact with any ballot or ballot envelope for the purpose of verification.

17 C. Identification of each employee, permanent or temporary, and the
18 number of ballots said employee accepted or rejected.

19 D. Identification of each employee, permanent or temporary, who
20 verified all ballot envelope signatures by electronic means.

21 E. All disciplinary forms for signature verification employees,
22 permanent or temporary, who failed to follow protocols established by the Secretary of
23 State and Maricopa County Recorder during the signer process.

24 F. Identification of each employee, permanent or temporary, who may
25 have been disciplined.

26 G. All contracts with temporary and/or contract employment
27 organizations from January, 2020 through the present.

28

1 H. All communications with temporary and/or contract employment
2 organizations from January, 2020 through the present.

3 22. In October, 2022, WE THE PEOPLE retained counsel to pursue the
4 records and information sought on an expedited basis because of the impending 2022
5 general election.

6 23. On October 4, 2022, counsel for WE THE PEOPLE served upon Maricopa
7 County the Letter of Representation attached hereto as Exhibit B.

8 24. On October 4, 2022, counsel for Maricopa County, Joseph LaRue,
9 responded to counsel for WE THE PEOPLE citing the ongoing 2022 election as one
10 reason for not being able to respond to WE THE PEOPLE's request in a timely manner.
11 See Email from Joseph LaRue attached hereto as Exhibit C. In his correspondence, Mr.
12 LaRue confirmed that WE THE PEOPLE's Freedom of Information Act Request was
13 received by Maricopa County and labeled PRR #1041. *See id.*

14 25. On October 7, 2022, counsel for WE THE PEOPLE responded to Mr.
15 LaRue requesting a date upon which his client, Maricopa County, intended to comply
16 with WE THE PEOPLES request. *See* correspondence from counsel attached hereto as
17 Exhibit D.

18 COUNT I

19 Special Action Relief to Compel Immediate Production of Public Records

20 (A.R.S. § 39-121, *et seq.*)

21 26. Plaintiff incorporates by reference the foregoing allegations as if fully set
22 forth herein.

23 27. Defendants, individual and collectively, are required by law to preserve
24 and maintain all records "reasonably necessary or appropriate to maintain an accurate
25 knowledge of their official activities and of any of their activities that are supported by
26 public monies from this state or any political subdivision of this state." A.R.S. § 39-
27 12.01(B).

1 28. Defendants are required by law to produce or make available such public
2 records to “any person” upon request. *See* A.R.S. § 39-121.

3 29. A public records request need not be presented in any particular format or
4 utilize any specific verbiage. *See* A.R.S. § 39-121.01(D)(1).

5 30. The Public Records Request requires “the prompt and actual production of
6 the documents” sought by a public records request. *Phoenix New Times, L.L.C. v.*
7 *Arpaio*, 217 Ariz. 533, 538, ¶ 12 (App. 2008).

8 31. An officer or public body acts “promptly” when the officer or body is
9 “quick to act” or “produc[es] the requested records ‘without delay.’” *Am. Civil Liberties*
10 *Union v. Ariz. Dept. of Child Safety*, 240 Ariz. 142, 152, ¶ 32 (App. 2016).

11 32. The officer or public body from whom public records are requested has the
12 burden of proving that the response was “prompt given the circumstances surrounding
13 each request.” *Phoenix New Times*, 217 Ariz. At 538-39, ¶ 15.

14 33. Undue delay in the fulfillment of a public records request constitutes a
15 denial of access to the requested records. *See Phoenix New Times*, 217 Ariz. At 547, ¶
16 51.

17 34. A person who has been denied access to requested public records “may
18 appeal the denial through a special action in the superior court.” A.R.S. § 39-121.02(A).

19 35. A court in a special action proceeding may compel a public officer “to
20 perform a duty required by law as to which has no discretion.” Ariz. R. Proc. Special
21 Actions (“RPSA”) 3(a); *see also* A.R.S. § 12-2021.

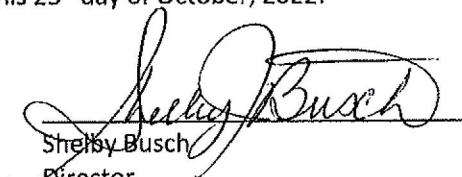
22 36. All of the documents and information sought by WE THE PEOPLE’s
23 Public Records Request are “public records” subject to mandatory and prompt disclosure
24 under the Public Records Act because they have “substantial nexus” to the Defendants’
25 official duties and activities in connection with the conduct and administration of
26 elections in Maricopa County. *See Griffis v. Pinal County*, 215 Ariz. 1, 4, ¶ 10 (2007).

27 37. Upon information and belief, there are public records in the Defendants’
28 custody that are responsive to WE THE PEOPLE’s Public Records Request.

VERIFICATION

I, Shelby Busch, depose and say I have read the foregoing VERIFIED COMPLAINT FOR STATUTORY SPECIAL ACTION TO SECURE ACCESS TO PUBLIC RECORDS FROM DEFENDANTS and know the contents thereof by personal knowledge. I know the allegations of the VERIFIED COMPLAINT FOR STATUTORY SPECIAL ACTION TO SECURE ACCESS TO PUBLIC RECORDS FROM DEFENDANTS to be true, except the matters therein on information and belief, which I believe to be true.

Signed under penalty of perjury on this 25th day of October, 2022.


Shelby Busch
Director
We the People Arizona Alliance

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

T. SCOTT LEGAL SUPPORT SERVICES

4455 E. PARADISE VILLAGE PARKWAY S., #1108, PHOENIX AZ 85032

(W) 480.227.7297
(F) 602.466.2228

TScottLegal2007@aol.com
www.tscottlegal.com

October 31, 2022

Attn: Shelby Busch

RE: Filing Complaint For Statutory Special Action To Secure Access To Public
Records From Defendants; Stephen Richer, et al
Case#: TBD

Shelby,

On October 25, 2022 I met with your colleague, Danielle, and she handed the documents to me for filing at the Downtown Superior Court. I went to the Clerk of the Court and was told that because the attorney, Bryan James Blehm, had his name at the top of the document, and it was a Civil case, the documents had to be filed online using the Court's online process. I verified that the attorney was actually listed and agreed the only way to file a new Civil case was by the attorney using the online process.

I have owned this business for over 13 years and know this is the only method, at this time, that Civil documents can initially be filed.

If you have any questions, please feel free to call me.

Thank you,

Gary

Gary D. Steiner
President/ T. Scott Legal Support Services
4455 E. Paradise Village Parkway S., #1108
Phoenix, AZ 85032
(Cell) 480.227.7297
Tscottlegal2007@aol.com
License # MC7767

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B



Bryan Blehm <bryan@blehmlegal.com>

Fwd: Processing Completed for Filing # 2544999

1 message

Shelby Busch <shelby.b@unitedlibertycoalition.com>
To: Bryan Blehm <bryan@blehmlegal.com>

Wed, Nov 2, 2022 at 9:01 AM

----- Forwarded message -----

From: **Bryan Blehm** <bryan@blehmlegal.com>
Date: Thu, Oct 27, 2022 at 7:27 PM
Subject: Fwd: Processing Completed for Filing # 2544999
To: Shelby Busch <shelby.b@unitedlibertycoalition.com>

Whoever files this should print and take a copy of this rejection email and the receipt showing the filing fees were paid.

----- Forwarded message -----

From: <noreply@courts.az.gov>
Date: Thu, Oct 27, 2022, 8:32 AM
Subject: Processing Completed for Filing # 2544999
To:

Dear Bryan J Blehm:

This email verifies the processing of your Submission # 2544999 with the Superior Court in Maricopa County .

Status: Deficient
Filing Date/Time: 10/26/2022 08:42:00 AM
Case #:
Case Title: Bryan J blehm vs Maricopa County
Matter #:
Total Filing Fee: \$0.00
Total Application Fee: \$6.50
eService Fee: \$0.00
3% Payment Processing Fee: \$0.20
Total Fee: \$6.70
Paid By: Electronic payment at payment site
Total Paid: \$6.70
Receipt #: 8383796326183301
EFSP Filing ID: 1760263
EFM Submission ID: 2544999

Documents

#	Document Type	Status	Filing Date	Not Docketed Reason	Your Attachment
1	Civil Cover Sheet System Generated	Not Docketed			Civil Cover Sheet System Generated.pdf
2	Summons Maricopa County System Generated	Not Docketed			Summons Maricopa

				County System Generated.pdf
3	VERIFIED COMPLAINT FOR STATUTORY SPECIAL ACTION TO SECURE ACCESS TO PUBLIC RECORDS FROM DEFENDANTS	Not Docketed	Your filing is being rejected because it cannot be efile. You must file "Special Action" matters via paper form at the file counter.	Special Action.pdf

Fees

#	Description	Amount
1	New Case Unclassified/Other Civil - Other - Filing Fee	\$0.00
2	Application Fee	\$6.50
3	Payment Fee	\$0.20

In the event the Clerk has made a change to the submission that caused a change in fees, the amount of overpayment will be returned to you at the bank account or credit card that was used for this submission. Please allow three business days for the refund to show in your account. Per Arizona Supreme Court Administrative Order 2016-20 3d, application fees are non-refundable. For questions, please contact the AOC Support Center at pasupport@courts.az.gov or call 602-452-3519 or 800-720-7743.

This is a non-monitored email. PLEASE DO NOT REPLY TO THIS EMAIL. If you have any questions about this filing please contact AOC support at pasupport@courts.az.gov or call 602-452-3519 or 800-720-7743.

Thank you,
Arizona eCourt Services

--
Shelby Busch
Chairman
We the People AZ Alliance
Telephone: (602) 574-2376
4225 W Glendale, E116
Phoenix, AZ 85051