

The Honorable Terry Goddard  
Attorney General of the State of Arizona  
1275 West Washington  
Phoenix, Arizona 85007

*RE: 2006 Regional Transit Authority Election*

Dear Attorney General Goddard:

I write on behalf of the Pima County Republican Committee, of which I serve as chairman. There is nothing more important to our committee and my fellow Republicans than knowing that our elections are run fairly and impartially. Pima County Republican Party calls upon you, as our State's chief law enforcement officer, to take charge of this matter and ensure this election has been investigated to the satisfaction of the voters. First and foremost, if your investigation causes you to believe that counting the ballots could produce evidence of illegality in the RTA election, we urge you, in the strongest possible terms, to take custody of the ballots and undertake a recount of the ballots.

As you already know, there is substantial controversy surrounding the 2006 Pima County Regional Transportation Authority Election. It is undisputed that there were errors and irregularities in this election. Indeed, it is the subject of an ongoing criminal investigation in your office. It has also been the subject of several public record requests and three civil lawsuits. Two of these suits are still active. Several individuals and public officials believe that the irregularities were so systemic and pervasive that the outcome was altered. As a result, they have called for the ballots to be recounted to determine if illegal activity changed the outcome of the election.

In addition, you personally discussed the ballots during your February 18 appearance on the John C. Scott radio program in Tucson. When asked about whether the ballots should be preserved, you said you requested Ms. Ford to preserve the ballots and, "if necessary," would urge the court to preserve the ballots while your investigation is pending. If, indeed, you think that the ballots are important evidence in your investigation, we again urge you, in the strongest possible terms, to appear in the suit, to explain to the court why the ballots should be preserved, and to seek an order allowing you to take custody of the ballots while your investigation is pending.

The Pima County Republican Party is one of several parties to a suit that concerns the disposition of the ballots from the May 26, 2006 RTA election in Pima County. The main issue in the suit is what the proper disposition of the ballots

should be. Under ordinary circumstances, the answer is as clear as it is easy. Because there was no timely election contest, A.R.S. §16-624 requires that the ballots be preserved for six months, and then destroyed. For obvious reasons, application of this statutory mandate has caused considerable consternation among those who advocate a recount. While we share these concerns, we also believe that the rule of law is paramount.

The best way to ensure free, fair, and transparent elections is to respect and to follow the law. State law articulates a process for the contest of election results. This process must be administered in a fair and uniform manner throughout the state. As politically expedient as it might be to set aside well-settled law in this situation, there is great risk of setting a precedent by which losing parties in future elections could circumvent the election contest process. We have seen in Florida, Washington, and Minnesota the danger of *ad hoc* election contest procedures. When this happens, the outcome of the election hinges on the skill of the lawyers and the predilections of the judges, rather than the will of the electors.

Let me be clear: nothing is more important than ensuring that the voters have the confidence in the integrity of the election process. Where legitimate questions arise, they must be investigated. If criminal activity has occurred, those responsible should be prosecuted. Accordingly, if you believe that the ballots should be preserved for your investigation, we strongly urge you to take the proper steps to do so. Likewise, if you believe that the ballots should be recounted, we urge you to take the proper steps to do so.

Sincerely,

Pima County Republican Committee

Robert Westerman  
Chairman

cc: *Ford v. Pima Democrats Parties*  
Pima County Board of Supervisors  
Pima County Manager