



Maricopa County Attorney

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NEWS RELEASE

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County Attorney Improperly Sent Complaint Regarding Phoenix City Election Law Violation

PHOENIX, AZ (July 1, 2013) – The Maricopa County Attorney and the Phoenix City Clerk each received a copy of a letter and related information regarding allegations of election law violation by a candidate for Phoenix City Council.

Under Arizona Civil Statute 16-924 the Attorney representing the plaintiff improperly submitted the information to the County Attorney. The statute clearly states, “the city or town clerk shall notify the city or town attorney for a violation regarding a city or town office” for a determination of reasonable cause to believe there is a violation of the statute.

The material sent to the Maricopa County Attorney will be forwarded to the Phoenix City Clerk for any reasonable cause statement. By law if the Phoenix City Clerk finds cause the case will be submitted to the Phoenix City Attorney’s Office.

Here is the statute as it applies to election law violations.

16-924. Civil penalties; attorney general; county, city or town attorney

A. Unless another penalty is specifically prescribed in this title, if the filing officer for campaign finance reports designated pursuant to section 16-916, subsection A has reasonable cause to believe that a person is violating any provision of this title, except for violations of chapter 6, article 2, the secretary of state shall notify the attorney general for a violation regarding a statewide office or the legislature, the county officer in charge of elections shall notify the county attorney for that county for a violation regarding a county office or the city or town clerk shall notify the city or town attorney for a violation regarding a city or town office. The attorney general, county attorney or city or town attorney, as appropriate, may serve on the person an order requiring compliance with that provision. The order shall state with reasonable particularity the nature of the violation and shall require compliance within twenty days from the date of issuance of the order. The alleged violator has twenty days from the date of issuance of the order to request a hearing pursuant to title 41, chapter 6.

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