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13 **SUPREME COURT OF ARIZONA**

14 ELI DALTON-WEBB,
15 Plaintiff/Appellant,
16 vs.
17 STEPHANIE MONEY, et al.,
18 Defendants/Appellees.

19 Case No. CV-24-0201-AP/EL

20 **APPELLEE STEPHANIE
21 MONEY'S RESPONSE TO
22 APPELLANT'S OPENING
23 BRIEF**

24 On behalf of Cochise Community College Board Candidate Stephanie
25 Money, the Ledbetter Law Firm responds to Appellant Eli Dalton-Webb's brief,
26 noting that Appellant is mistaken about the law. Ms. Money met the criteria for
A.R.S. Section 15-1442 and should remain a candidate.

Stephanie Money is the only Candidate for the open seat on the Cochise
College Board. No other candidate will be prejudiced by her candidacy.

In following the requirements of A.R.S. Sections 15-1442 and 16-314, Ms.
Money consulted with the County Recorder, reviewed the information available on

1 the Recorder' website, and, having met all the statutory criteria, the County
2 anticipates placing her on the ballot.

3
4 However, Appellant Dalton-Webb complains her valid, nominating
5 signatures must be stricken, because Ms. Money did not file certain
6 documents. Specifically, she did not file a statement of interest or financial
7 disclosure statement; neither of which was required by the Arizona Legislature,
8 Section 15-1442 or by the County in a non-partisan election.

9
10 Appellant Dalton-Webb does not take exception with the number or the
11 validity of the signatures gathered. Rather, he believes that the signatures should
12 be stricken, because Ms. Money did not file documents, which the statute and
13 County do not require.

14
15 **I. A.R.S. § 15-1442 Does Not Incorporate All Sections of Title 16.**

16
17 College Board nominations are governed by A.R.S. § 15-1442, which only
18 requires candidates to satisfy the requirements of A.R.S. §16-314 in a nonpartisan
19 contest for a district board to gather signatures and file a nominating petition.

20
21 A.R.S. § 15-1442(A). The petition must conform with A.R.S. § 16-314 and be
22 filed with the appropriate county official.

23
24 Pursuant to A.R.S. § 16-314, Ms. Money needed to file a petition and a
25 nomination form. There is no dispute but that she did, and she did so with the
26 appropriate county official, the Recorder.

1 Section 15-1441 references only Section 16-314. Yet, 16-314 does not
2 discuss a statement of interest or financial disclosure statement. Section 16-314
3 sets forth the elements of the nominating petition:
4

5 Any person desiring to become a candidate at any election and to have
6 the person's name printed on the official ballot shall file, not less than
7 one hundred twenty nor more than one hundred fifty days before the
8 primary election and with the same officer as provided by section 16-
9 311, a nomination petition in addition to the nomination paper
10 required.

11 A.R.S. § 16-314(A).

12 There is no dispute but that Ms. Money complied with Sections 15-1442 and
13 16-314. She filed the petition in the proper form and gathered signatures in excess
14 of the amount needed.

15 Appellant argues that Ms. Money's statutory compliance is not enough. He
16 suggests that the County Recorder is wrong. He suggests that the County
17 Attorneys' Office is wrong, making the broad arguments that Ms. Money cannot
18 be considered a candidate, because the documentation, which the County believes
19 unnecessary, is critical to Ms. Money's campaign, and, in its absence, all of Ms.
20 Money's signatures must be stricken.
21

22 **II. There is No Statutory Mechanism for Striking Valid Signatures, When**
23 **a Candidate Has Complied with the Law.**

24 During the proceedings before the Cochise County Superior Court, the
25 Appellant offered no evidence that Ms. Money did not comply with the specific
26 directions of the County Attorneys' Office or the County Recorder. Similarly,

1 Appellant does not contend that Ms. Money failed to comply with Sections 15-
2 1442 or 16-314. Rather, Appellant seeks to rely on A.R.S § 16-311(H) to
3 invalidate the signatures.
4

5 Only one candidate of the many who have historically run for and served on
6 the Community College Board submitted a statement of interest. Appellant's
7 arguments would have invalidated the candidacy of decades of Board Members.
8

9 A.R.S. § 15-1442 provides the basis for the person seeking being elected to
10 the Community College Board. It provides only that “Candidates for the district
11 board must file Nominating Petitions, conforming to Section 16-314 with the
12 appropriate County Officer.”
13

14 A.R.S. §15-1442(B) provides “Members of the district board shall be elected
15 at the time and place, and in the manner, of general elections as provided in Title
16 16.” Section 15-1442 only references Title 16-314. It does not go on to reference
17 other Sections of Title 16, except for the reference to the date for the general
18 election. Accordingly, Section 15-1442 addresses those Title 16 Sections which
19 are necessary for college board elections.
20
21

22 Appellant argues Section 16-311 is applicable to college board
23 candidates. Here, he makes an error in statutory interpretation. As the Trial Court
24 correctly noted, the Arizona Legislature could have expanded the candidacy
25 requirements of Section 15-1442. It did not. Because Section 15-1442 only
26

1 references 16-314 and the general election date, the filing of the nomination
2 petition, as Ms. Money did, is the only requirement for a Community College
3 District Board Candidacy.
4

5 Ms. Money was not properly served. There is no evidence that she was
6 appropriately served by service of process with a Process Server. The Certificate of
7 Service of Stephanie Money, filed on July 19, 2024, states “By Service On:
8 Marisol Renteria, Cochise County Elections Director.” Therefore, Ms. Money was
9 not personally served. (*See* July 19, 2024 Service: Certificate – Served to
10 Stephanie Money, Index of Record No. 12). In her Answer filed in the Cochise
11 County Superior Court, Ms. Money preserved this affirmative defense. (*See* Index
12 of Record Nos. 18 and 19, filed on September 6, 2024).
13
14

15 Just as the Appellant has not complied with the Arizona Rule of Civil
16 Procedure 10 in presenting his arguments to this Court, he has not complied with
17 the requirements of Arizona Rule of Civil Procedure 4 or the service mandates of
18 Title 16.
19

20 With the absence of confirmed, proper service on Ms. Money, it is
21 respectfully submitted that she is not properly before this Court. In absence of
22 proof of proper service, personal jurisdiction is lacking. *Koven v. Saberdyne*
23 *Systems, Inc.*, 128 Ariz. 318, 625 P.2d 907 (App. 1980). Accordingly, Appellant
24
25
26

1 having only provided the documentation that service was through registered mail,
2 it is insufficient to create personal jurisdiction over Ms. Money.

3
4 Appellant was aware of the service requirements. He specifically requested
5 that this Court waive the requirements of the use of a process server. He sought to
6 have the Cochise Superior Court remove “any of the procedural requirements that
7 would burden [his] Petition and cause a delay.” The Court refused to do so stating,
8 “due process must be afforded the Defendants.” (See Supreme Court Minute Entry
9 Order, filed on July 24, 2024).
10

11 The irony of the Appellant’s arguments is that he wishes to impose statutory
12 interpretation duties upon Ms. Money that are vague, at best. However, he seeks to
13 waive affording her basic due process.
14

15 **III. No Other Candidate is Prejudiced, Even if Appellant’s Arguments Are**
16 **Correct.**

17 Even assuming that the Appellant were correct, the fact that Ms. Money is
18 the only candidate has significant legal effect. In *Bee v. Day*, this Court held that
19 the standard for measuring whether an error in the nominating petition process
20 should in validate a card is determined by whether the person “could confuse or
21 mislead the electors signing the Petition.” *Bee v. Day*, 218 Ariz. 505, 512, 189 P.3d
22
23
24
25
26

1 1078 (2008)(quoting *Moreno v. Jones*, 213 Ariz. 94, 102, 139 P.3d 612, 620
2 (2006)).¹

3
4 Here, just as in *Bee*, this Court should be “confident that the Nomination
5 Petition forms did not cause any elector to be confused about the candidate, office,
6 or election for which they were signing. [Stephanie Money’s] Petition forms
7 substantially complied with the statutory requirements.” *Bee*, 218 Ariz. at 513,
8 189 P.3d at 1086. Again, Ms. Money is the only candidate appearing on the fall
9 ballot with regard to the Cochise College Board. No one could be reasonably
10 misled or prejudiced, even if this Court were to decide that college board
11 candidates must go beyond Section 15-1442’s plain meaning and require
12 compliance with other provisions of Title 16.

13
14
15 **IV. Conclusion.**

16
17 Many Qualified Electors in Cochise County nominated Stephanie Money for
18 the Cochise College Board. No one else seeks the position, and, respectfully, this
19 Court should not overturn the will of those Electors, when Ms. Money complied
20 with Section 15-1442.

21
22 Ms. Money’s interpretation of A.R.S. § 15-1442 is reasonable and has been
23 the interpretation followed in non-partisan races by Cochise County for decades.
24

25
26

¹ The Superior Court supplied the Appellant with copies of the *Bee* and *Marino* decisions. The Court took a lengthy break during the hearing, allowing the Appellant to review these key decisions.

1 Ms. Money is on the ballot, having followed the County's website. Ms.
2 Money has confirmed with the County that she followed its requirements, and her
3 name should appear on the ballot. It would be fundamentally unfair to deprive the
4 signors of her petitions and the voters of Cochise County from electing Stephanie
5 Money. The imposition of additional requirements should be prospective, if at all.

6
7 RESPECTFULLY SUBMITTED this 7th day of October, 2024.

8
9 THE LEDBETTER LAW FIRM, PLC

10 */s/ Don C. Stevens*

11 James E. Ledbetter

12 Don C. Stevens

13 Attorneys for Defendant/Appellee

14 Stephanie Money

15 **ORIGINAL of the foregoing efiled this**
16 **7th day of October, 2024:**

17 Clerk of the Court

18 Arizona Supreme Court

19 SACrtDocs@courts.az.gov

20 **COPY of the foregoing e-served this**
21 **7th day of October, 2024, to:**

22 Eli Dalton-Webb

23 Dw4az@proton.me

24 Marisol Renteria

25 mrenteria@cochise.az.gov

26 Paul Correa, Civil Deputy County Attorney

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/s/ Bethany Arnold