

1 Eli Dalton-Webb
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5 *Plaintiff/Appellant*
6

7 **IN THE ARIZONA SUPREME COURT**
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<p>9 Eli Dalton-Webb, a qualified elector, 10 11 Plaintiff/Appellant 12 13 v. 14 15 STEPHANIE MONEY, as a candidate for 16 Cochise College District Board Member; 17 MARISOL RENTERIA, as Director of 18 the Cochise County Elections 19 Department; DAVID STEVENS, the 20 Cochise County Recorder; and THE 21 COCHISE COUNTY BOARD OF 22 SUPERVISORS and its members, in their 23 official capacities, 24 25 Defendants/Appellees 26 27</p>	<p>Arizona Supreme Court No. CV-24-0201-AP/EL Cochise County Superior Court No. CV202400439 Election Nomination Challenge Reply Brief</p>
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28 **REPLY BRIEF**

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30 **SERVICE OF PROCESS**

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34 1. Plaintiff fulfilled requirement to serve the Defendant. Pursuant to
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36 A.R.S. § 16-351(D), Stephanie Money appointed Marisol Renteria as her agent
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38 to receive service of process. Also see *Malnar v. Joice*.
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41 2. Defendant showed up to trial and met all deadlines for filing
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43 documents, and was not prejudiced by alleged non-service of process.
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1 3. Mandamus Petitioner in CV-24-0161 assumed he needed to serve
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3 respondents for CV-24-0161 and requested service requirements be waived for
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5 CV-24-0161, not for the CV202400439 action. Petitioner needed the Superior
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7 Court judge to hold a hearing within a lawful timeframe and had less than two
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9 business days for the Supreme Court to issue a writ of mandamus. Petitioner,
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11 assuming CV-24-0161 would require service of process, assumed he would
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13 need to hire a process server to receive a stamped summons from Supreme
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15 Court, drive from Supreme Court in Phoenix to judge's chambers in Bisbee,
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17 and drive back to Phoenix with a certificate of service within less than 2 days.
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19 Supreme Court offers its rules (Supreme Court website, under "Rules") in a
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21 medium (Westlaw) which does not permit the viewing of multiple rules at once,
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23 and makes it difficult to find specific rules, with each rule numbered, and the
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25 index page of each set of rules show no underlying rule and no numbering
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27 scheme that makes rules quickly to find, prejudicing Petitioner from quickly
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29 reading the Supreme Court's rules from the officially offered medium.
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36 4. In CV202400439, Plaintiff never requested superior court to waive
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38 any service of process, and superior court never ruled and judge never
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40 discussed such service of process controversy at trial.
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43 5. Appellant brings attention to numerous times Appellee incorrectly said
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45 "County Recorder" instead of saying "Elections Director", confusing the roles
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1 and persons. Appellant seriously doubts David Stevens is the person Appellee
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3 is intending to refer to. Marisol Renteria is the appropriate filing officer, not
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5 David Stevens. This issue was never brought up in superior court filings or at
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7 trial and is improper now.
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10 6. Defendant never raised process service issue in her filings or at trial,
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12 such process service argument is improperly before this court. Appellee did not
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14 illustrate where in Defendant's 24 July 2024 answer filing she preserved her
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16 service process appeal argument.
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19 **ONLY ONE CANDIDATE**
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22 7. There is more than one candidate for the Cochise College precinct 5
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24 seat. This is a grossly negligently prepared argument and irrelevant. In Morgan
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26 v. McIntyre (CV202400222) in the same Cochise County this year, there was
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28 one county attorney candidate in the race, and the court removed him from the
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30 ballot. Both statute and court precedence give no weight to the lack of
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32 candidate competition when enforcing laws related to ballot qualification.
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36 **OTHER ARGUMENTS**
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38 8. Appellee brings up A.R.S. § 16-314(A). Appellant reasserts to this
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40 Supreme Court that this subsection only applies to primary elections, which
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42 college members are not primary election items, but are general election items.
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1 9. Appellee claims Plaintiff did not comply with Civil Procedure Rule 10
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3 which is improper, as it was not argued in any filings or at trial, and is not
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5 preserved for appeal.
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8 **REITERATING PREVIOUS POINTS**
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10 10. Appellant reiterates all arguments from Opening Brief.
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12 11. Appellee argues she complied with A.R.S. § 15-1442(A). Appellant
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14 reiterates that A.R.S. § 15-1442(B) encompasses all of Title 16.
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16 12. Appellee argues “There is no dispute” that Appellee complied with
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18 A.R.S. § 15-1442. This is not true. Plaintiff/Appellant has consistently asserted
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20 that Appellee violated A.R.S. § 15-1442(B), in the initial complaint, at trial, and
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22 in the opening brief.
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25 13. Appellant reiterates that “time, place, and manner” are in the federal
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27 constitution, and the state legislature has interpreted that the legislature has
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29 authority to require a statement of interest on federal congress candidates
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31 because in the legislature’s apparent opinion, “time, place, and manner”
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33 includes a statement of interest. A.R.S. § 15-1442(B) gives answers to the
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35 “time, place and manner” of the college member election from Title 16.
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40 14. Appellee argues that “Section 15-1442 only references Title 16-314”.
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42 Appellant reiterates arguments from Opening Brief, that A.R.S. § 16-314 leaves
43
44 many questions unanswered, that are answered in other areas of Title 16,
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1 including filing deadline in A.R.S. § 16-311(B) and signature threshold amount
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3 in A.R.S. § 16-322(A)(5). The legislature could not have possibly expected that
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5 only A.R.S. § 16-314 is applicable from Title 16, as the candidates could turn in
6
7 zero signatures, turn in papers whenever they wanted, or be non-citizens, to
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9 name a few major issues.
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12 15. Appellant brings to attention the fact that Appellee had 3,543 more
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14 words available to argue more points in Responsive Brief, and did not really
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16 address the financial disclosure statement issue.
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19 16. Appellant reiterates points from Opening Brief, that
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21 Appellee/Defendant was required to file a financial disclosure statement, and
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23 did not. A.R.S. § 16-311(I) stipulates that the elections director “shall not
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25 accept the nomination paper” without the financial disclosure statement.
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27 Appellant reasserts the legal fiction that Appellee/Defendant did not turn in a
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29 nomination paper whatsoever.
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33 17. Appellee/Defendant reiterated her points from the lower court that
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35 she complied with the county website and complied with the advice of the
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37 *ELECTIONS DIRECTOR*. Appellee asserts “Appellant offered no evidence that
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39 Ms. Money did not comply with...County Attorneys’ Office or the County
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41 Recorder.”. County Attorney, County Recorder, and Elections Director do not
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43 offer candidates with legal advice. Notwithstanding, such advice cannot usurp
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1 the Legislature. Appellant reasserts from the superior court filings, the trial, and
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3 the opening brief, that such website and advice is not binding, and if it were,
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5 that would give the elections director or the county website administrator the
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7 power to usurp the Legislature of actual legitimate laws that were passed. It is
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9 the candidate's responsibility to comply with the law.
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12 18. Appellee argues that *Bee v. Day* gives the standard that the only way
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14 a candidate can be sued off the ballot is if it "could confuse or mislead the
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16 electors signing the Petition." Appellant reiterates that this case was decided in
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18 2008 and the state legislature passed the statement of interest requirement in
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20 2019. Unless the statement of interest requirement is deemed unconstitutional,
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22 this Supreme Court cannot possibly hold old standards without respect to new
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24 law. That would violate Article 3 of the Arizona Constitution. The statement of
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26 interest is a new requirement, relative to 2008, which has nothing to do with
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28 confusing voters while petitioning on the street. Voters are not presented with
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30 the statement of interest paper when signing on the street, since that is filed
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32 with the county elections department. The candidate in *Bee v. Day* won
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34 because the legislature gave candidates an "out" by writing into the law
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36 "substantial[] [compliance]" in A.R.S. § 16-311(C) with respect to the petition
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38 sheet presented to voters. The statement of interest law has no "substantial
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compliance” requirement and the consequence of not complying is made clear
in A.R.S. § 16-311(H).

SERVICE OF PROCESS

A copy of this has been sent to the following via e-mail:

SACrtDocs@courts.az.gov
(as ordered by Hon. Justice Robert Brutinel)

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SIGNATURE

I, Eli Dalton-Webb, have read the foregoing Reply Brief and am familiar with the facts and circumstances as alleged therein, and hereby state, under penalty of perjury, that the allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Dated this 14th day of October, 2024.



Eli Dalton-Webb