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*Attorneys for Defendants Charles A. Wooten and
Wooten for Congress*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

SHAUN MCCLUSKY, an individual and
qualified elector; LORI OIEN, an individual and
qualified elector,

Plaintiffs,

v.

CHARLES A. ("CHUCK") WOOTEN, an
individual; WOOTEN FOR CONGRESS, a
principal campaign committee; KEN
BENNETT, in his official capacity as Arizona
Secretary of State; COCHISE COUNTY
BOARD OF SUPERVISORS; PATRICK
CALL, in his official capacity as Cochise
County Supervisor; ANN ENGLISH, in her
official capacity as Cochise County Supervisor;
RICHARD SEARLE, in his official capacity as
Cochise County Supervisor; CHRISTINE
RHODES, in her official capacity as Cochise
County Recorder; PIMA COUNTY BOARD OF
SUPERVISORS; ALLY MILLER, in her
official capacity as Pima County Supervisor;
RAMON VALADEZ, in his official capacity as
Pima County Supervisor; SHARON
BRONSEN, in her official capacity as Pima
County Supervisor; RAY CARROLL, in his
official capacity as Pima County Supervisor;
RICHARD ELIAS, in his official capacity as
Pima County Supervisor; and F. ANN
RODRIGUEZ, in her official capacity as Pima
County Recorder,

Defendants.

Case No. C2014-3206

MOTION TO DISMISS

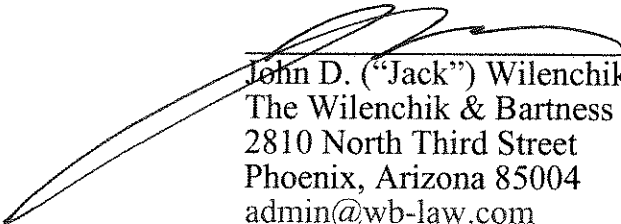
**(Assigned to the Honorable
Judge Gus Aragón)**

(Oral Argument Requested)

1 Defendants Charles A. ("Chuck") Wooten and Wooten for Congress ("Defendants")
2 hereby file their Motion to Dismiss Plaintiffs' Complaint on the grounds that it fails to state a
3 claim for which relief can be granted. Defendants request their reasonable attorneys' fees and
4 costs under A.R.S. §12-349 on the grounds that the Complaint was filed without substantial
5 justification or primarily for harassment. This Motion is supported by the following
6 Memorandum of Points and Authorities.

7 **RESPECTFULLY SUBMITTED** this 16th day of June, 2014

8 **WILENCHIK & BARTNESS, P.C.**

9
10 
11 John D. ("Jack") Wilenchik, Esq.
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16 *Attorneys for Defendants Charles A. Wooten and*
17 *Wooten for Congress*

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **Introduction**

20 This election challenge was filed groundlessly and in bad faith. Plaintiffs seek to remove
21 Defendant Chuck Wooten from the ballot, who is a candidate for the Republican nomination to
22 the United States House of Representatives in Congressional District 2, based on the mere fact
23 that two months ago, certain records of the Pima County Recorder's Office's mistakenly showed
24 that his party registration was "blank" ("Party Not Designated") instead of "Republican."¹ Mr.
25 Wooten promptly contacted the Pima County Recorder's Office ("PCRO") on April 8th, 2014 to
26

27
28 ¹Mr. Wooten has been registered to vote in Arizona since January 31st, 2011 and has voted in several
29 Republican primaries since then. He was previously registered as a Republican in Maryland and has
30 been a member of the Republican National Committee since 2008. (See Exhibit "A," RNC member card
31 Maryland registration document.) In a June 14th, 2014 report, the Pima County Recorder's Office claims
32 that he forgot to check off the "party" checkbox when he originally registered through the AZDMV on
33 January 31st, 2011. (See report, attached as Exhibit "B" hereto.) Whatever the alleged problem was, his
34 registration was definitively corrected to show "Republican" on April 8th, 2014.

1 correct this clerical error, which it did on the same day. Mr. Wooten later filed his nomination
2 papers to run in the Republican primary, a full month and sixteen days later, on May 22nd, 2014.
3 Plaintiffs have essentially tried to turn a minor clerical mistake into a full-fledged elections
4 challenge by arguing, without any legal basis, that the clerical error somehow rendered Mr.
5 Wooten's nomination petitions invalid. Plaintiffs have cited absolutely no legal authority to
6 support that proposition, because none exists, as set forth below. In fact, all legal authority,
7 including the clear text of the statute itself (A.R.S. §16-311(A)), unambiguously states that a
8 candidate only needs to be a member of the party whose nomination he is seeking at the time
9 that he files his nomination papers, and not at some unspecified time beforehand, such as the
10 Plaintiffs wish to read into the law without any basis. Plaintiffs challenge 472 signatures on
11 these grounds alone, and because those signatures are valid as a matter of law, Defendant has
12 filed enough signatures to get on the ballot, even if the remaining allegations in Plaintiff's
13 Complaint are taken as true.² Because the claims made in this case are not warranted by existing
14 law or a good faith argument for the extension, modification, or reversal of existing law,
15 Defendants requests an award of fees and costs as a sanction against Plaintiffs and/or their
16 attorneys under Rule 11(a). Because Plaintiffs are political opponents of Mr. Wooten who are
17 connected to the candidates opposing him and filed the case in bad faith and primarily to harass
18 Defendant's campaign by causing it to expend money on needless litigation, Defendants also
19 request an award of fees and costs under A.R.S. §12-349(A)(1),(2).

20
21 **I. The Plain Text of A.R.S. §16-311(A) Is Clear and Unambiguous and Requires**
22 **Only that a Candidate for Public Office Shall be a Qualified Elector at the**
23 **Time of Filing His Nomination Papers**

24
25 ² Plaintiffs also allege that another 296 signatures are invalid, for various other reasons.
26 (Complaint, ¶¶22-26.) Even if these allegations were taken as true for purposes of a Motion to Dismiss, Defendant still has enough signatures to be placed on the ballot because he filed 625 more signatures than required (and would still have 329 more valid signatures than he needs).

The plain text of A.R.S. §16-311(A) is clear and unambiguous and requires only that a candidate at a primary election “shall be a qualified elector at the time of filing” his nomination papers. The statute does not say that he has to be qualified “at the time that he prepares his nomination papers,” or “at the time that he collects his signatures,” or anything even remotely like it. “In any case involving statutory interpretation we begin with the text of the statute,” “because the best and most reliable index of a statute’s meaning is the plain text of the statute.” *State v. Christian*, 205 Ariz. 64, 66, 66 P.3d 1241, 1243 (2003). “When the plain text of a statute is clear and unambiguous there is no need to resort to other methods of statutory interpretation to determine the legislature’s intent because its intent is readily discernable from the face of the statute.” *Id.* Here, Plaintiff is essentially trying to read into the statute something that it does not say, which is that there is a requirement that a candidate be qualified to run at some unspecified time before he files his nomination papers. In fact, the statute is clear and unambiguous—it begins: “Any person desiring to become a candidate at a primary election for a political party and to have the person's name printed on the official ballot shall be a **qualified elector of such party...**” and it ends, “A candidate for public office shall be a qualified elector **at the time of filing.**” A.R.S. §16-311(A)(emphasis added). Statutes do not get much clearer than this. Plaintiffs wrongfully seized on minor clerical problem to weave a lawsuit out of whole cloth, and they filed this lawsuit without substantial justification.

The most that Plaintiffs have argued and that might be even remotely considered as a legal basis on which to file this lawsuit is merely that A.R.S. 16-314(C) provides for two different petition forms to be used for partisan and independent candidates. (*See* Complaint, ¶21.) However, the forms merely state that the voter who signs the candidate’s petition is a

1 qualified elector of the party at the time that he or she signs the form.³ It does not state that the
2 candidate must be qualified at that time, nor can such a requirement be read into the statute. In
3 fact, A.R.S. §16-314 begins merely by stating that, “Any person desiring to become a candidate
4 at any election and to have the person’s name printed on the official ballot shall file, **within the**
5 **same time** and with the same officer **as provided by § 16-311**, a nomination petition in addition
6 to the nomination paper required” (emphasis added). The language in A.R.S. §16-311(A),
7 quoted *supra*, clearly and unambiguously requires that the candidate be a qualified elector of the
8 party only at the time that he files his nomination papers.

9 Defendant only needs 1,267 signatures to be placed on the ballot, and he filed 1,892
10 signatures, or 625 more than needed. Of these, Plaintiffs claim that 472 should be invalidated
11 due to the above-described “clerical error” and non-existent legal authority. Plaintiffs also claim
12 that another 296 signatures should be disqualified for various other reasons. Even if the
13 allegations in the Complaint were taken as true, for purposes of a Motion to Dismiss, the 472
14 signatures which Plaintiffs seek to invalidate solely because of the “clerical error” are in fact
15 valid, as a matter of law, because there is no dispute that Defendant was a member of the
16 Republican party when he filed his nomination papers on May 22, 2014, and that is all that
17 A.R.S. §16-311(A) requires. Even if another 296 of his signatures were invalid, Defendant
18 would still have 1,596 valid signatures, or 329 more than he needs to be placed on the ballot.
19 Plaintiffs’ election challenge therefore fails as a matter of law, and the Verified Complaint states
20 a claim for which relief cannot be granted. This matter should be dismissed with prejudice, and
21 an award of fees and costs should be made to Defendants.

22
23 ³ The form states, in relevant part: “I, the undersigned, a qualified elector... and a member of the _____ party or
24 a person who is registered as no party preference or independent as the party preference or who is registered with a political
25 party that is not qualified for representation on the ballot, hereby nominate _____ who resides at
26 _____ in the county of _____ for the party nomination for the office of _____ to be
voted at the primary election to be held _____ as representing the principles of such party, and I hereby declare
that I am qualified to vote for this office...” A.R.S. §16-314(C). The petitions at issue used the exact language of the form.
(See Exhibit “G” to Plaintiff’s Complaint.)

1 **II. Plaintiffs' Complaint was Filed without Substantial Justification and**
2 **Warrants an Award of Fees and Costs Pursuant to A.R.S. §§12-349(A)(1),(2)**

3 Defendants request an award of fees and costs under A.R.S. § 12-349(A) on the grounds
4 that Plaintiffs brought this claim without substantial justification or primarily for delay or
5 harassment. A.R.S. § 12-349(A), entitled “unjustified actions,” provides that the court “shall”
6 assess reasonable attorneys’ fees, expenses, and double damages of not to exceed five thousand
7 dollars against any attorney or party who “1. Brings or defends a claim without substantial
8 justification” or “2. Brings or defends a claim solely or primarily for delay or harassment.” For
9 purposes of A.R.S. §12-349, “without substantial justification” “means that the claim or defense
10 is groundless and is not made in good faith.” A.R.S. §12-349(F). To guide the court’s discretion
11 in awarding fees pursuant to §12-349, another statute, A.R.S. §12-350, lists eight factors which
12 the court “may include” “as relevant, in its consideration.” These factors—nearly all of which
13 support an award of fees here—are:

14 “1. The extent of any effort made to determine the validity of a claim before the claim
15 was asserted.”

16 The statute at issue, A.R.S. §16-311(A), is clear and unambiguous. Plaintiffs fail to cite
17 any actual legal authority supporting their position that a candidate for office must be a qualified
18 elector at some unspecified time before he files his nomination papers, especially where the
19 statute clearly and unambiguously states that, “A candidate for public office shall be a qualified
20 elector **at the time of filing.**” Plaintiff obviously made no effort to determine the validity of the
21 claim before filing suit or, worse, ignored clear legal authority to the contrary in violation of ER
22 3.3(a)(2) and Rule 11(a). This indicates that the lawsuit was filed in bad faith.

23 “2. The extent of any effort made after the commencement of an action to reduce the
24 number of claims or defenses being asserted or to dismiss claims or defenses found not to be
25 valid.”
26

1 Given that the instant action is an elections challenge and must be decided within 10 days
2 of filing, per statute, this factor is admittedly of lesser relevance, although it is expected that
3 Plaintiff will not voluntarily dismiss the suit.

4 “3. The availability of facts to assist a party in determining the validity of a claim or
5 defense.”

6 This factor weighs heavily in Defendants’ favor. At least one of Defendant’s opponents
7 in the primary election, Shelly Kais, raised the issue of the “clerical error” back in April, as
8 reflected by the press release attached as Exhibit “C” hereto, and it has been public knowledge
9 since at least then. All of the issues raised here were of public record. Plaintiffs could have
10 contacted the Secretary of State for an opinion regarding this issue, or the Pima County
11 Recorder’s Office for more information, or even Defendant himself. Plaintiffs were fully
12 apprised of all that they needed to know that the instant action was invalid, or were on notice of
13 such public information.

14 “4. The relative financial positions of the parties involved.”

15 Defendant’s campaign committee has just begun to raise funds and has a total of
16 \$1,166.00 in cash on hand. Defendants could barely afford to have an attorney to defend this
17 action. Defendant’s opponents in this election have already collected more than \$2,070,297.00,
18 according to public reports. Defendant has collected the least money of any candidate thus far,
19 with the next lowest total still being ten times more than Defendant’s total. Defendant believes
20 that his opposing candidates have caused the filing of this action, see below, even though they
21 have chosen not to name themselves as Plaintiffs. This lawsuit has already impacted
22 Defendant’s ability to fundraise, with voters questioning whether his name will be placed on the
23 ballot, and with press coverage also questioning whether he will be on the ballot, causing
24 damage to his campaign and to his reputation.

25 “5. Whether the action was prosecuted or defended, in whole or in part, in bad faith.”
26

1 Given the utter lack of a legal basis for this action, and that it was apparently filed by the
2 candidates opposing Defendant via proxies, this action was filed in bad faith. Plaintiff Shaun
3 McClusky contacted Defendant's campaign and identified himself as a supporter of one of
4 Defendant's opposing candidates, Martha McSally. Plaintiff Lori Oien, aka Lori Dzuban-Oien,
5 has also posted comments supportive of Martha McSally online and on social media. (See
6 Exhibit "D" hereto.) Defendant's other opponent in the primary election, Shelley Kais, is a
7 former campaign manager for Ms. McSally and is believed to be working with her to remove
8 Defendant from the ballot. In fact, Ms. Kais's campaign first brought the issue of Defendant's
9 incorrect voter registration to Defendant's attention at a public forum in around March, when a
10 woman named Carolyn Cox, who works with Ms. Kais's campaign, publicly confronted him
11 about it.

12 "6. Whether issues of fact determinative of the validity of a party's claim or defense were
13 reasonably in conflict."

14 Plaintiffs were apprised of all facts needed to make an assessment concerning the validity
15 of this action, or lack thereof, and those facts were not in significant conflict.

16 "7. The extent to which the party prevailed with respect to the amount and number of
17 claims in controversy."

18 There is essentially only one claim in this lawsuit, which is to remove Defendant from the
19 ballot, and if Defendants prevail on that claim, then they have prevailed completely.

20 "8. The amount and conditions of any offer of judgment or settlement as related to the
21 amount and conditions of the ultimate relief granted by the court."

22 There was no offer of judgment in this action, nor was there any reasonable attempt by
23 Plaintiffs to reconcile these issues out of court.

1 **III. Defendant's Fees and Costs Should be Awarded because Plaintiff's**
2 **Complaint was filed without a Rule 11(a) Basis**

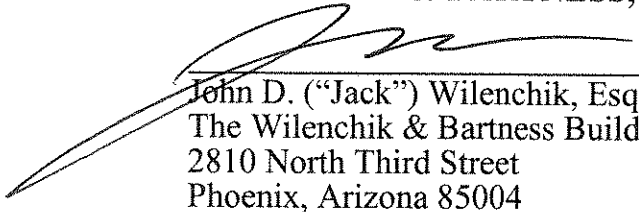
3 The Court should also award Defendant's fees and costs as a sanction under Rule 11(a).
4 An attorney or party violates Rule 11 when "(1) there is no reasonable inquiry into the basis for
5 a pleading or motion; (2) there is no chance of success under existing precedent; and (3) there is
6 no reasonable argument to extend, modify, or reverse the controlling law." *Wolfinger v. Cheche*,
7 206 Ariz. 504, 510, 80 P.3d 783, 789 (Ct. App. 2003). The statute at issue is clear on its face.
8 There is no reasonable argument for extending or modifying the statutory requirement that a
9 candidate be qualified to run when they file to run, instead of at some unspecified time
10 beforehand, especially where the statute is clear on the issue. Plaintiffs conducted no apparent
11 inquiry into the basis for their legal claim that Defendant's signatures are invalid, and there is no
12 chance of success under existing precedent. Defendants therefore request their fees and costs as
13 a sanction under Ariz. R. Civ. P. 11(a).

14 **CONCLUSION**

15 Based on the all the above, Defendants ask the Court to dismiss Plaintiffs' Complaint
16 with prejudice, and for an award of reasonable fees and costs to Defendants pursuant to A.R.S. §
17 12-349(A) and/or Rule 11(a).

18 **RESPECTFULLY SUBMITTED** this 16th day of June, 2014

19 **WILENCHIK & BARTNESS, P.C.**

20 
21 John D. ("Jack") Wilenchik, Esq.
22 The Wilenchik & Bartness Building
23 2810 North Third Street
24 Phoenix, Arizona 85004
25 admin@wb-law.com

26 Attorneys for Defendants Charles A. Wooten and
 Wooten for Congress

ORIGINAL filed this 16th
day of June, 2014, with:

Clerk of the Superior Court
Pima County Superior Court
110 West Congress
Tucson, Arizona 85701

COPY hand-delivered this 16th day of
June, 2014, to the Honorable Judge Gus Aragón

COPIES emailed and mailed this 16th
day of June, 2014, to:

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...

...

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3 Cochise County Attorney's Office
4 P.O. Box Drawer CA
5 Bisbee, AZ 85603
6 *Attorney for Cochise County Defendants*

7
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By 

EXHIBIT A

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —



REPUBLICAN
NATIONAL
COMMITTEE

HR. CHARLES A. WOOTEN

307576370

MEMBER NUMBER

2008

MEMBER SINCE

REINCE PRIEBUS, CHAIRMAN

2014 SUSTAINING MEMBER

My Voter Registration Record

NOTE: This is not an official proof of registration.
This is for informational purposes only.

**Do you need to show
ID when you vote?** No

Voter Name: Charles Alvin Wooten
Residential Address: 9013 Bealls Farm Rd
Frederick, MD 21704
Mailing Address: SAME AS RESIDENTIAL
Party Affiliation: Republican
Registration Date: 12/31/2007

Polling Place Address and Directions

Polling Place: Urbana Regional Library
Address: 9020 Amelung St
Frederick, MD 21704
Directions: [Get Directions](#)
Accessibility Issues: This polling place is accessible for most voters with disabilities.

My Voting Districts

PRECINCT: 07004
CONGRESSIONAL DISTRICT: 06
LEGISLATIVE DISTRICT: 03B
COUNCILMANIC DISTRICT: 002
CIRCUIT COURT DISTRICT: 06
APPELLATE CIRCUIT COURT: 03

Local Board of Elections Information

Local Board of Elections: Frederick
Phone: 301-600-8683

EXHIBIT B

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —



P. O. Box 3145
Tucson, AZ 85702-3145

Located in the Old Courthouse at:
115 North Church Avenue, Tucson, AZ

<http://www.recorder.pima.gov>

F. Ann Rodriguez
Pima County Recorder

Recording history one document at a time.

Christopher J. Roads
Chief Deputy Recorder
Registrar of Voters

Document Recording: (520) 724-4350
Voter Registration: (520) 724-4330
Fax: (520) 623-1785

MEMORANDUM

TO: Dan Jurkowitz
Deputy Pima County Attorney

From: Christopher J. Roads
Chief Deputy Recorder/Registrar of Voters

Re: McClusky v. Wooten,
Pima County Superior Court case C2014-3206

Date: June 14, 2014

I am providing this Memorandum to provide additional explanation of the attached computer reports regarding this candidate challenge.

POLITICAL PARTY AFFILIATION ISSUE

Plaintiff's complaint alleges that Candidate Wooten gathered a number of signatures during a time when he was not registered as a member of the Republican Party.

Mr. Wooten registered to vote on January 21, 2011 at a Motor Vehicle Division office. The Recorder's Office received the electronic voter registration form the following day. That form indicates that his political party preference was "blank." The word "blank" in the party preference line indicates that Mr. Wooten did not list any party preference on his MVD form. Based on the electronic form, Mr. Wooten was entered into the Pima County voter registration roll with a party preference of Party Not Designated or PND. Mr. Wooten was sent a voter identification card shortly after his form was processed. That card would have identified his party preference as PND. Mr. Wooten attempted to vote in the February 28, 2012 Presidential Preference Election. His name was not on the poll roster for that election and he voted by provisional ballot. Since his party affiliation was party not designated and the Presidential Preference Election is a "closed" election allowing only registered party members to vote, Mr. Wooten's ballot was not eligible to vote in that election. His provisional ballot was disqualified. The Recorder's Office allows voters access to their provisional ballot results through our website

and each voter is given a receipt number and instructions at the time they cast a provisional ballot. It is not known if Mr. Wooten checked the results of his provisional ballot. If he had, the website information would have informed him that he was not eligible to vote in the election since he was not registered as a member of the political parties participating in the election (Republican and Green parties).

All voters in Pima County received new voter identifications cards during May 2012. Mr. Wooten's card again designated his party preference as PND. Mr. Wooten voted in the 2012 Special Congressional Primary Election on April 17, 2012 and the 2012 Primary Election held on August 28, 2012. Both of those elections were partisan election but were open to voters who are not affiliated with any political party. In both elections Mr. Wooten was required to select a party ballot in order to vote since Mr. Wooten was not affiliated with any party. A registered party member receives their party ballot automatically without the need to make a request.

On April 8, 2014 Mr. Wooten appeared in the Pima County Recorder's Office to report a problem with his political party preference. He told staff that he should be listed as a Republican Party member on the voter registration roll since he has "always been registered as Republican" and there must be an error in the records. On April 8, 2014 Mr. Wooten completed and submitted a new voter registration form designating his political party affiliation as Republican. That form was immediately entered into the system.

When the Recorder's Office receives a report of a possible error in processing of a voter registration form, we conduct a review of the voter's records. As is standard in our review we examined all forms submitted by Mr. Wooten to rule out entry errors. No errors were found. Since the initial form was sent to our office electronically from the Motor Vehicle Division and the form indicated that it was initiated at an MVD office rather than submitted online, I asked the Secretary of State's Office to review the MVD file for Mr. Wooten to determine if the MVD clerk had made an entry error. That is also our standard practice whenever we receive a report of a possible error from an MVD form. On April 28, 2014, the Secretary of State's Office sent me the scanned image of Mr. Wooten's driver's license application completed on January 21, 2011. The MVD driver's license application contains check boxes to complete in order to register to vote and a box to designate political party preference. The MVD form completed by Mr. Wooten on January 21, 2011 clearly shows that he left the political party preference line blank and the MVD clerk correctly entered the information into the MVD computer system in order to generate the electronic voter registration form.

Mr. Wooten was therefore correctly identified as being a voter with no political party preference in Pima County between January 21, 2011 and April 8, 2014 when he submitted the form designating his party affiliation with the Republican Party.

Paragraph 21 of the complaint alleges that either 472 or 473 (both numbers appear in the paragraph) of the nomination petition signatures were gathered by Mr. Wooten's campaign during the time his political party affiliation was Party Not Designated or PND. The Pima County Recorder's Office takes no position with regard to whether or not those signatures are valid.

SIGNATURE CHALLENGES

During processing of the signature challenge, the Pima County Recorder's Office noted a number of errors in Exhibit F to the complaint. Exhibit F is the itemized listing of page, line numbers and reasons that the particular signature is challenged. First, it should be noted that only petition pages 001 through page 188 are from voters residing in Pima County. The remaining signature pages appear to be from voters in Cochise County and the Pima County Recorder's Office has no way to examine any challenges to signatures from other counties.

Exhibit F indicates that Page 25 is being challenged. However, that exhibit does not identify any line or reason for the challenge. Since the exhibit fails to meet the requirements of A.R.S. § 16-351(A), no signature on that page was reviewed. Exhibit F also identifies page 27, line 4 and page 58, line 2 as being challenged. However, no basis for the challenge is listed as required by the statute. Therefore these two signatures were not reviewed.

The signatures on page 50, line 4; page 105, line 10 and page 147, line 7 are all listed twice on Exhibit F. There are different reasons listed for the challenge to the signature on page 50, line 4. However, the reasons listed for the duplicate challenges to the other two signatures are the same in both lines of Exhibit F.

SUMMARY

The total number of signatures from Pima County voters that were challenged in this case is 263. Our review found that 43 of the signers of Mr. Wooten's Pima County petition pages were not registered to vote. In addition, two (2) signers were not registered to vote on the date that they signed the petition but have since registered to vote in Pima County. Three (3) of the challenged signatures were illegible and could not be identified. Finally, our review determined that 143 of the challenged signatures were from voters who are registered outside the jurisdictional boundaries of Congressional District 2 or are from voters registered with a political party designation with another recognized political party as alleged in Exhibit F. In total, 191 of the 263 signatures reviewed for Pima County voters are not valid under Arizona law. Based on the challenges made in Exhibit F, the remaining 72 challenged signatures are valid.

Mr. Wooten submitted a total of 1,892 signatures and is required to have a minimum of 1,267 valid signatures. Subtracting the 191 invalid Pima County signatures from the original total submitted to the Secretary of State's office leaves 1,701 remaining signatures. That number is subject to further review of the challenged Cochise County signatures and the legal issue concerning his political party affiliation.

Petition Brief Tally Report
Charles Wooten CD 2 Candidate Challenge

Reason	Valid	Total
R -ADDR ON FILE	✓	72
1 -NOT REGISTERED DATE OF SIGNIN		43
3B-SIGNATURE CANNOT BE IDENTIFIEI		3
4B-REGISTERED AFTER SIGN DATE		2
5 -WRONG JURISDICTION/PARTY		143
Total Invalid:	191	
Total:	263	

EXHIBIT C

WILENCHIK & BARTNESS
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HOME » News

PRESS RELEASE: Kais: Records Show Wooten Not a Republican (Chuck Wooten running as a Republican in CD-2)

Tucson, AZ (April 10, 2014) --A review of official records at the Pima County Recorder's office reveal that as of April 7, 2014, Chuck Wooten, who is running as a Republican in the CD2 congressional race is registered as "Party Not Designated" (PND) and not as a Republican.

"I am disappointed that Mr.Wooten has been attending meetings and community events representing himself as a Republican candidate, raising funds and gathering signatures under the guise of being a Republican candidate, and representing himself to voters as a Republican candidate when he is not a registered Republican."

In Arizona, Party Not Designated (PND) refers to an individual who is not registered with one of the state's five recognized parties. Mr. Wooten is registered in the Pima County Recorder's office as a PND while running in a Republican primary.

###

CONTRIBUTE

VOLUNTEER

Tweets

Remember Benghazi!

@Kegan05

Sessions Makes Leadership Pitch: If We Don't Secure Border 'We're Going To Lose Our Country' [breitbart.com/Big-Government...](#) HE IS RIGHT! OBAMA IS..

Retweeted by ShelleyKais4Congress

Expand

11 Jun

Bob Gaskin

@BobG231

Dave Bratt "I won because I ran on Republican principals. Free markets, private property and the rule of law." Ted Cruz must be smiling.

Retweeted by ShelleyKais4Congress

Expand

10 Jun

pete602

@petefrt

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Lori Dzuban-Øien **Winning With Women**

March 14, 2012 ·

Martha McSally running in CD8, she is a conservative, warrior and will be great in Congress

<http://www.facebook.com/McSallyForCongress?ref=ts>

Martha McSally

Pioneer, Leader & Servant. Candidate for Arizona's 2nd Congressional District.

Like · Comment · Share

Clifford Bishop and **Winning With Women** like this.



Winning With Women Great post! Go Martha Go!

March 14, 2012 at 4:49pm · 1



Lori Dzuban-Øien Keep your eye on this one...

March 14, 2012 at 4:50pm · 1

Engli
· Moi
Face

- Martha McSally

#

Filed Under: [Campaigns & Elections](#), [Press Release](#)Tagged With: [CD-8](#), [Martha McSally](#)

Comments

truconcernv says:

March 3, 2012 at 12:46 pm



I'd be interested to learn what specific federal programs McSally would eliminate or modify to help Tuscon educational problems.

REPLY

Conservative American says:

March 3, 2012 at 1:02 pm



The above poster, "truconsserv". is a Marxist posing as a Conservative.

"truconserv says:

March 3, 2012 at 6:00 am"

"Marx wanted the citizens to be armed ..."

"Trains that run on time ..."

"Milk to be fresh ..."

REPLY

lori oien says:

March 3, 2012 at 9:56 pm



Don't over look a great candidate that's a Warrior and a Pioneer Martha McSally. She's got spunk, she's not a politician and knows her way around Capitol Hill, cause she's worked there. Don't underestimate this newcomer.

<http://mcsallyforcongress.com/>

REPLY

truconserv says:

March 3, 2012 at 10:17 pm



I'm trying not to overlook her, and I certainly respect anyone who made it through one the US military academies.

Nonetheless, we've heard of a lot of empty rhetoric from new-comers in the last four years, only to find out they had no plan.

I'm sure she has specifics to back up her general statements. I'd just like to be privy to them.

REPLY



Mrs. Shqjiv

igwchuljkwreirp
I g#re#shqjiv#q#nauhd#ssq#ruth#rvl#r

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