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MICHAEL K. JEANES  
Clerk of the Superior Court  
By Maria De La Cruz, Deputy  
Date 04/08/2016 Time 15:40:17

Description	Amount
CASE# CV2016-002889	
ELECTION CONTEST:NEW	319.00
TOTAL AMOUNT	319.00
Receipt# 25169728	

IN THE SUPERIOR COURT

COUNTY OF MARICOPA, STATE OF ARIZONA

JOHN BRAKEY, an elector,

Plaintiff,

vs.

MICHELE REAGAN, Arizona Secretary of State; APACHE COUNTY BOARD OF SUPERVISORS, a body politic; LENORA FULTON, Apache County Recorder; COCHISE COUNTY BOARD OF SUPERVISORS, a body politic; CHRISTINE RHODES, Cochise County Recorder; COCONINO COUNTY BOARD OF SUPERVISORS, a body politic; PATTY HANSEN, Coconino County Recorder; GILA COUNTY BOARD OF SUPERVISORS, a body politic; SADIE JO BINGHAM, Gila County Recorder; GRAHAM COUNTY BOARD OF SUPERVISORS, a body politic; WENDY JOHN, Graham County Recorder; GREENLEE COUNTY BOARD OF SUPERVISORS, a body politic; BERTA MANUZ, Greenlee County Recorder; LA PAZ COUNTY BOARD OF SUPERVISORS, a body politic; SHELLY BAKER, La Paz County Recorder; MARICOPA COUNTY BOARD OF SUPERVISORS, a body politic; HELEN PURCELL, Maricopa County Recorder; MOHAVE COUNTY BOARD OF SUPERVISORS, a body politic; ROBERT BALLARD, Mohave County Recorder; NAVAJO COUNTY BOARD OF SUPERVISORS, a body politic; LAURA SANCHEZ, Navajo County Recorder; PIMA COUNTY BOARD OF SUPERVISORS, a body politic; F. ANN RODRIGUEZ, Pima County Recorder; PINAL COUNTY BOARD OF SUPERVISORS, a body politic; VIRGINIA ROSS, Pinal County Recorder; SANTA CRUZ COUNTY BOARD OF SUPERVISORS, a body politic; SUZANNE SAINZ, Santa Cruz County Recorder; YAVAPAI COUNTY BOARD OF SUPERVISORS, a body politic; LESLIE HOFFMAN, Yavapai County Recorder; YUMA COUNTY BOARD OF SUPERVISORS, a body politic; ROBYN S. POUQUETTE, Yuma County Recorder,

Defendants.

Case No.

CV 2016-002889

VERIFIED COMPLAINT

CIVIL - ELECTION

1 Plaintiff, JOHN BRAKEY (hereinafter "Plaintiff"), by and through undersigned counsel  
2 for his complaint alleges as follows:

3 **PARTIES**

4 1. Plaintiff is a qualified elector, registered to vote in Pima County, Arizona.

5 2. Defendant MICHELE REAGAN, Arizona Secretary of State ("Secretary of State"), is  
6 here named solely in her official capacity.

7 3. The Secretary of State is charged by law with the duty of maintaining voter rolls,  
8 including Party preference, directing the conduct of elections, and certifying elections  
9 results, including the 2016 Presidential Preference Election.

10 4. Upon information and belief, on or about April 4, 2016, the Secretary of State  
11 certified the Official Canvass for the 2016 Presidential Preference Election.

12 5. Defendants APACHE COUNTY BOARD OF SUPERVISORS, a body politic;  
13 LENORA FULTON, Apache County Recorder; COCHISE COUNTY BOARD OF  
14 SUPERVISORS, a body politic; CHRISTINE RHODES, Cochise County Recorder;  
15 COCONINO COUNTY BOARD OF SUPERVISORS, a body politic; PATTY HANSEN,  
16 Coconino County Recorder; GILA COUNTY BOARD OF SUPERVISORS, a body politic;  
17 SADIE JO BINGHAM, Gila County Recorder; GRAHAM COUNTY BOARD OF  
18 SUPERVISORS, a body politic; WENDY JOHN, Graham County Recorder; GREENLEE  
19 COUNTY BOARD OF SUPERVISORS, a body politic; BERTA MANUZ, Greenlee County  
20 Recorder; LA PAZ COUNTY BOARD OF SUPERVISORS, a body politic; SHELLY BAKER,  
21 La Paz County Recorder; MARICOPA COUNTY BOARD OF SUPERVISORS, a body  
22 politic; HELEN PURCELL, Maricopa County Recorder; MOHAVE COUNTY BOARD OF  
23 SUPERVISORS, a body politic; ROBERT BALLARD, Mohave County Recorder; NAVAJO  
24 COUNTY BOARD OF SUPERVISORS, a body politic; LAURA SANCHEZ, Navajo County  
25 Recorder; PIMA COUNTY BOARD OF SUPERVISORS, a body politic; F. ANN  
26 RODRIGUEZ, Pima County Recorder; PINAL COUNTY BOARD OF SUPERVISORS, a  
27 body politic; VIRGINIA ROSS, Pinal County Recorder; SANTA CRUZ COUNTY BOARD OF  
28 SUPERVISORS, a body politic; SUZANNE SAINZ, Santa Cruz County Recorder; YAVAPAI

1 COUNTY BOARD OF SUPERVISORS, a body politic; LESLIE HOFFMAN, Yavapai County  
2 Recorder; YUMA COUNTY BOARD OF SUPERVISORS, a body politic; ROBYN S.  
3 POUQUETTE, Yuma County Recorder, (collectively, "County Defendants") are each here  
4 named solely in their corporate or official capacity.

5 6. County Defendants are charged by law or by delegation with the duties of  
6 maintaining the voter rolls, including Party preference, publishing the election ballots, and  
7 conducting elections, in their respective counties, and of certifying elections results,  
8 including the 2016 Presidential Preference Election.

9 **JURISDICTION & VENUE**

10 7. Defendants caused events to occur throughout the State of Arizona, out of which this  
11 Complaint arises.

12 8. This Court has jurisdiction of this action under Ariz.Const.Art. 6, § 14, and A.R.S. §§  
13 12-123 (A), 12-1801 through 12-1810, and A.R.S. §§ 16-673 through 16-677.

14 9. Venue is proper in this County under A.R.S. §§ 12-401 (7), (15), (16), and 16-672(B).

15 **GENERAL ALLEGATIONS**

16 10. Upon information and belief, and after due diligence in reviewing the evidence  
17 available, Plaintiff reasonably believes and thereupon alleges, that Defendants, or several  
18 of them, caused or permitted acts amounting to misconduct on the part of election boards  
19 or any members thereof in any of the counties of the state, or on the part of any officer  
20 making or participating in a canvass for a state election, under A.R.S. § 16-672 (A)(1),  
21 and/or permitting illegal votes, under A.R.S. § 16-672 (A)(4), and/or that by reason of an  
22 erroneous count of votes the declared result did not in fact receive the votes certified, under  
23 A.R.S. § 16-672 (A)(5).

24 **COUNT ONE – MISCONDUCT – A.R.S. § 16-672 (A)(1)**

25 11. Upon information and belief, and upon examination of available evidence, Plaintiff  
26 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
27 improperly handled voter registration requests. See Affidavit of Cathline Rivera, Affidavit of  
28 Alisa Wolfe, Affidavit of Tori J. Shea, attached as Exhibits hereto and included herein as if

1 fully set forth.

2 12. Upon information and belief, and upon examination of available evidence, Plaintiff  
3 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
4 failed to properly affiliate voters with their Party preference, or improperly and without  
5 authority changed their Party preference, or improperly permitted unauthorized changes to  
6 voters' Party preference. See Affidavit of Diane Post, Affidavit of James March Simpson,  
7 Affidavit of Kelly Green, Affidavit of Alisa Wolfe, Affidavit of Cathline Rivera, attached as  
8 Exhibits hereto and included herein as if fully set forth.

9 13. Upon information and belief, and upon examination of available evidence, Plaintiff  
10 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
11 denied voters their suffrage by preventing them from voting. See Affidavit of Diane Post,  
12 Affidavit of Alisa Wolfe, attached as Exhibits hereto and included herein as if fully set forth.

13 14. Upon information and belief, and upon examination of available evidence, Plaintiff  
14 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
15 denied voters their suffrage by not providing a ballot. See Affidavit of Diane Post, Affidavit  
16 of Patricia Lindley Shute, attached as Exhibits hereto and included herein as if fully set  
17 forth.

18 15. Upon information and belief, and upon examination of available evidence, Plaintiff  
19 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
20 denied voters their suffrage by providing the wrong ballot. See Affidavit of Diane Post,  
21 attached as Exhibits hereto and included herein as if fully set forth.

22 16. Upon information and belief, and upon examination of available evidence, Plaintiff  
23 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
24 denied voters their suffrage by refusing to or failing to count their provisional ballot. See  
25 Affidavit of Diane Post, Affidavit of Alisa Wolfe, Affidavit of Cathline Rivera, Affidavit of  
26 Geoffrey Woods, attached as Exhibits hereto and included herein as if fully set forth.

27 17. Upon information and belief, and upon examination of available evidence, Plaintiff  
28 reasonably believes and thereupon alleges, that Defendants, or several of them, improperly

1 maintained the electronic election results, which were illegally accessed and altered by  
2 unauthorized parties. See Affidavit of John Brakey, Affidavit of James March Simpson,  
3 attached as Exhibits hereto and included herein as if fully set forth.

4 18. Upon information and belief, and upon examination of available evidence, Plaintiff  
5 reasonably believes and thereupon alleges, that the Maricopa County Defendants, or  
6 several of them, committed misconduct, by unreasonably closing or failing to open sufficient  
7 polling places, unreasonably delaying thousands of voters, causing many to give up after  
8 waiting in line for many hours, creating confusion, and significantly suppressing the votes  
9 cast. See Affidavit of Diane Post, Affidavit of John Brakey, Affidavit of James March  
10 Simpson, Affidavit of Geoffrey Woods, Affidavit of Richard Charnin, attached as Exhibits  
11 hereto and included herein as if fully set forth.

12 19. Upon information and belief, and upon examination of available evidence, Plaintiff  
13 reasonably believes and thereupon alleges, that the Secretary of State improperly  
14 maintained the voter rolls, which was illegally accessed by unauthorized parties. See  
15 Affidavit of James March Simpson, attached as Exhibits hereto and included herein as if  
16 fully set forth.

17 COUNT TWO – ILLEGAL VOTES – A.R.S. § 16-672 (A)(4)

18 20. Upon information and belief, and upon examination of available evidence, Plaintiff  
19 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
20 permitted illegal votes to be cast, counted, or reported. See Affidavit of Diane Post, Affidavit  
21 of John Brakey, attached as Exhibits hereto and included herein as if fully set forth.

22 21. Upon information and belief, and upon examination of available evidence, Plaintiff  
23 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
24 counted votes which were illegally cast, or which were not cast at all but were illegal data  
25 manipulations of actual vote counts. See Affidavit of John Brakey, Affidavit of James March  
26 Simpson, attached as Exhibits hereto and included herein as if fully set forth.

27 COUNT THREE – ERRONEOUS COUNT – A.R.S. § 16-672 (A)(5)

28 22. Upon information and belief, and upon examination of available evidence, Plaintiff

1 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
2 erroneously counted or reported votes. See Affidavit of Diane Post, Affidavit of John  
3 Brakey, attached as Exhibits hereto and included herein as if fully set forth.

4 23. Upon information and belief, and upon examination of available evidence, Plaintiff  
5 reasonably believes and thereupon alleges, that County Defendants, or several of them,  
6 erroneously counted votes not legally cast, or which were not cast at all but were data  
7 manipulations of actual vote counts. See Affidavit of John Brakey, Affidavit of James March  
8 Simpson, attached as Exhibits hereto and included herein as if fully set forth.

9 24. Plaintiff therefore is entitled to judgment ordering the Secretary of State to void her  
10 certification of the Official Canvass for the 2016 Presidential Preference Election, and  
11 permanently enjoining the Secretary of State and the County Defendants from certifying the  
12 2016 Presidential Preference Election until such election is properly conducted and in  
13 compliance with every requirement of Arizona law.

14 **PLAINTIFF'S PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for judgment against Defendants and in favor of  
16 Plaintiff on his Complaint, as follows:

17 A. Declaring Defendants permitted or caused acts amounting to election misconduct,  
18 under A.R.S. § 16-672 (A)(1), or that Defendants permitted illegal votes to be cast or  
19 counted, under A.R.S. § 16-672 (A)(4), or that Defendants certified an erroneous count of  
20 votes, under A.R.S. § 16-672 (A)(5), and ordering the Secretary of State to void her  
21 certification of the Official Canvass for the 2016 Presidential Preference Election;

22 B. Permanently enjoining the Secretary of State and the County Defendants from  
23 certifying the 2016 Presidential Preference Election until such election is properly  
24 conducted and in compliance with every requirement of Arizona law;

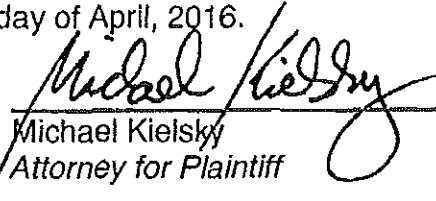
25 C. For Plaintiff's legal costs against Defendants, pursuant to A.R.S. § 12-348(A)(2) or  
26 other statute or rule providing for the recovery of legal costs; and

27 D. Ordering such other relief, including permanent or temporary injunctions, restraining  
28 orders, or other orders against Defendants, or some of them, as this Court deems

1 equitable, just, and proper.

2 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of April, 2016.

3 BY:

4   
5 Michael Kielsky  
6 Attorney for Plaintiff

7  
8 VERIFICATION

9 I, John Brakey, make the following verification pursuant to the requirements of A.R.S.  
10 § 12-1803 and/or A.R.S. § 16-673 (B). I have read the foregoing complaint, know the  
11 contents thereof, and verify that it is true of my own knowledge, except the matters stated  
12 therein on information and belief, and that as to those matters, I believe the complaint to be  
13 true.

14 Pursuant to Rule 80(i), Arizona Rules of Civil Procedure, I declare under penalty of  
15 perjury that the foregoing is true and correct.

16 Executed on April 8, 2016.

17  
18   
19 \_\_\_\_\_  
20 John Brakey

MICHAEL K. JEANES  
CLERK OF THE SUPERIOR COURT  
MARICOPA COUNTY, ARIZONA  
WWW.CLERKOFACOURT.MARICOPA.GOV

Loc: 0040335 OP# 04026

Description	Qty	Amount
----- CASE# CV2016-002889 -----		
COPIES	007	3.50
SUB TOTAL		3.50
-----		
TOTAL AMOUNT DUE		3.50
-----		
CREDIT (CC# 8407 AUTH# 173516)		3.50
TOTAL PAID		3.50
-----		
CHANGE		0.00

Date 04/11/2016 Time 14:31:38  
Receipt# 25171918

Keep This Receipt For Your Records