



Beth Ford
Pima County Treasurer

Patti Davidson
Chief Deputy Treasurer

Pima County Treasurer

June 27, 2008

Democratic Party
Vincent Rabago
P. O. Box 40211
Tucson, AZ 85717

Re: Notice of Intent to Destroy Ballots pursuant to A.R.S. § 16-624 (A)

Dear Mr. Rabago:

As you are aware, the Pima County Treasurer is charged with providing a repository for election ballots and destroying them after the prescribed time period under A.R.S. § 16-624(A). In the case of local elections, the Treasurer shall destroy ballots within six months of their delivery by the Board of Supervisors, unless a recount is ordered or a contest begun. See A.R.S. § 16-624.

I was advised by the County Attorney to retain possession of the ballots from the May 16, 2006 special election for the establishment of the Regional Transportation Authority and associated tax. The ballot also contained a municipal election for the town of Oro Valley. The Democratic Party of Pima County has argued that the RTA ballots are relevant to their lawsuit seeking disclosure of elections databases. Accordingly, I have retained these ballots throughout the course of the litigation and well beyond the time period prescribed by A.R.S. § 16-624.

It is my understanding that Judge Miller has now issued his final order in the litigation and that the Board of Supervisors has decided not to appeal that order. Therefore, it is my intention to destroy the ballots for the above mentioned election pursuant to A.R.S. § 16-624. If you object to my proposed destruction of these ballots, please let me know in writing by no later than 5:00 p.m. July 11, 2008. If you timely object, I will not destroy the ballots, but I will seek guidance from the Superior Court by means of filing a civil action for declaratory relief under A.R.S. § 12-1831 et seq. You may be named as a party to that lawsuit.

Please be assured that in such a lawsuit, I will not take a position whether or not the ballots must be destroyed. Due to the statutory obligations that may apply, I simply do not wish to continue retaining ballots without an order from a court of competent jurisdiction. If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth Ford".

Beth Ford
Pima County Treasurer