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21 *Attorneys for Plaintiff/Contestant Abraham Hamadeh*

22 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

23 **IN AND FOR THE COUNTY OF MOHAVE**

24 JEANNE KENTCH, an individual; TED BOYD,
25 an individual; ABRAHAM HAMADEH, an
26 individual; and REPUBLICAN NATIONAL
27 COMMITTEE, a federal political party
28 committee

Plaintiffs/Contestants,

v.

KRIS MAYES,

Defendant/Contestee,

and

ADRIAN FONTES, *et al.*,

Defendants.

No. S8015CV202201468

**PLAINTIFFS' RESPONSE IN
OPPOSITION TO CONTESTEE
MAYES JOINDER TO
MOTION TO COMPENSATE
BALLOT INSPECTORS**

(assigned to the Hon. Lee F.
Jantzen)

Plaintiffs/Contestors hereby object to Contestee Mayes' request for \$445 per hour

1 in compensation for her inspector, Rahgan Jensen as articulated in her Joinder in Motion
2 to Compensate Ballot Inspectors.

3 Any award is premature as Plaintiffs/Contestors still have a motion for a new trial
4 pending. *See* A.R.S. § 16-677(C)(“[C]ompensation of the inspectors shall be fixed by the
5 court and taxed as costs against the *losing* party.”)(emphasis added). In addition, \$445 is
6 30 times the state minimum wage and is too high. Because the Legislature permitted ballot
7 inspection, it also may be presumed that the Legislature did not intend to allow opponents
8 in an election contest case to make ballot inspection cost-prohibitive by demanding
9 excessive compensation. In fact, the statutory bond set by the Legislature is “three
10 hundred dollars[,]” less than one hour of work for one inspector under Contestee Mayes’
11 proposed rate. *See* A.R.S. § 16-677(B).

12 If the costs fixed by Contestee Mayes were to be applied to all inspectors who have
13 thus far filed Motions, such compensation equates to \$17,132.50, which does not account
14 for inspectors for Maricopa County or the Secretary of State.¹

15 Critically, the inspection was limited to approximately 2,500 ballots. Extrapolating
16 Contestee Mayes’ excessive request over a broader universe of ballots could make
17 inspection cost-prohibitive, financially foreclosing the statutory rights of Arizona electors.

18 There is nothing about ballot inspection that necessitates specialized legal
19 expertise. In fact, ballot inspectors do similar work as those employed by counties for
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26 ¹ According to the various filings, in addition to Contestee Mayes’ requests, Navajo County averred
27 a total of 24.5 hours were expended by three ballot inspectors and Mohave County averred a total
28 of 7.5 hours were expended by one ballot inspector. *See* Navajo Co. Mot. to Compensate Ballot
Inspectors (filed Jan. 4, 2023); *see also* Mohave Co. Joinder in Navajo Co. Def. Mot. to Compensate
Ballot Inspector (filed Jan. 9, 2023).

1 ballot counting purposes, including adjudication. In fact, Maricopa County pays election
2 workers less than \$20 per hour. *See, e.g.*, Ex. A (Maricopa County emails obtained via
3 public records request evidencing the 2022 rate of election worker compensation for two
4 positions was \$14.00 and \$15.50). Plaintiffs/Contestors submit that \$20 per hour is a fair
5 rate of compensation for all ballot inspectors desiring compensation, including Ms. Jensen.
6

7 Plaintiffs further submit that the costs fixed by this Court and orders related to
8 repayment by the losing party thereof should be stayed until all outstanding issues have
9 been adjudicated.
10

11 RESPECTFULLY SUBMITTED this 30th day of January, 2023.

12 By: /s/ Jennifer J. Wright

13 Jennifer J. Wright (027145)
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Attorney for Plaintiffs/Contestants

1 ORIGINAL efiled and served via electronic means
2 this 30th day of January, 2023, upon:

3 Honorable Lee F. Jantzen
4 Mohave County Superior Court c/o
5 Danielle Lecher
division4@mohavecourts.com

6 D. Andrew Gaona (028414)
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26 /s/ Jennifer J. Wright

EXHIBIT

A

From: Anita Esquivel (MCRO)
Sent: Thursday, October 6, 2022 1:20 AM
To: Eddie Lopez (MCRO)
Subject: FW: Special Election Board Assignment- 9/22
Attachments: Maricopa County Elections Annex Parking 6.12.2022.pdf

Importance: High

From: Anita Esquivel (MCRO)
Sent: Thursday, September 22, 2022 8:01 AM
To: Celia Nabor (MCRO) <[REDACTED]>
Subject: Special Election Board Assignment- 9/22
Importance: High

Good Afternoon,

Maricopa County Elections is very excited to have you assist our Department with the General Election! We have you scheduled to start working Thursday, **September 22nd @ 9:00 AM** as a **Temporary Special Election Boards (\$14.00/hr.)**.

You will report to **MCTEC- located at 510 S. 3rd Ave., Phoenix, AZ 85003**. You will park at the Annex lot, please utilize the attachment for parking instructions and building access. Do not enter the black gated area to park or for drop-off purposes. During your time with Elections you will have access to cleaning supplies, masks, gloves, hand sanitizer, trash bins and Kleenex. You may also wear your own mask if you prefer, but masks are not required at our site.

Position: Special Election Board

Rate of Pay: \$14.00

Start Date: September 22nd @ 9:00 AM

Schedule: 24 hours a week (varies 4 days/6 hours); Two Weekends before Election Day

**** Shift will be assigned within 8:00 AM- 5:00 PM and may expand to 7:00 PM the latest**

Tentative End Date: November 15, 2022

Mileage: Reimbursed 62.5 cents per a mile ****require current vehicle insurance on file****

Assignment Address/Location: 420 S. 3rd Ave, Phoenix, Arizona 85003

Parking: *Free*

Direct Deposit- Please ensure that you bring with you a voided check or a statement from your bank with your name and account information to utilize it for processing pay.

There is a refrigerator available with limited space, please bring either a freezer pack or nonperishable food items. If utilizing the refrigerator please only place what needs to stay cold inside. Microwaves are also available in designated areas.

Please ensure you wear comfortable business casual clothing without any political symbols, messages or party affiliations. For example, tennis shoes, jean pants (without holes) and a casual top along with a light sweater in case it gets cold. Political conversations should not be held, while working at MCTEC our goal is to focus on the tasks at hand and have a successful election. Any discussion will result in removal from the assignment.

If you have any questions please feel free to reach out to me.

Best,

Anita Esquivel

Human Resources - Recruiter Lead

Maricopa County Elections Department - Human Resources

510 South 3rd Avenue, Phoenix, Arizona 85003

Office: [REDACTED]

Cell: [REDACTED]



Public Disclosure Notice: This message and any messages in response to the sender of this message may be subject to a public records request.

From: Anita Esquivel (MCRO)
Sent: Thursday, October 6, 2022 1:28 AM
To: Eddie Lopez (MCRO)
Subject: FW: Temporary UOCAVA Clerk Assignment- Start Date 9/8/2022

Importance: High

From: Anita Esquivel - RISCX
Sent: Wednesday, September 7, 2022 3:40 PM
To: 'bradley piercy' <[REDACTED]>
Subject: Temporary UOCAVA Clerk Assignment- Start Date 9/8/2022
Importance: High

Good Afternoon Brad,

Maricopa County Elections is very excited to have you assist our Department with the General Election! We have you scheduled to start working tomorrow. Thursday, **September 8th @ 9:00 AM** as a **Temporary UOCAVA Clerk (\$15.50/hr.)**.

You will report to and park at the Annex (Red Building)- 420 S. 3rd Ave, Phoenix, Arizona 85003. During your time with Elections you will have access to cleaning supplies, masks (disposable and cloth), gloves, hand sanitizer, trash bins and Kleenex. You may also wear your own mask if you prefer, but masks are not required at our site.

Position: Temporary UOCAVA Clerk

Rate of Pay: \$15.50

Schedule: Monday-Friday 8AM-5PM (expected to work extended hours until 10:00 PM & Two weekends prior to Election Day)

Start Date: Thursday September 8th @ 9:00 AM

Tentative End Date: November 15th

Assignment Address/Location: Annex- 420 S. 3rd Ave, Phoenix, Arizona 85003

Parking: *Free*

Direct Deposit- Please ensure that you bring with you a voided check or a statement from your bank with your name and account information to utilize it for processing pay.

There is a refrigerator available with limited space, please bring either a freezer pack or nonperishable food items. If utilizing the refrigerator please only place what needs to stay cold inside. Microwaves are also available in designated areas.

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If you have any questions please feel free to reach out to me.

Best,

Anita Esquivel

Human Resources - Recruiter Lead

Maricopa County Elections Department - Human Resources

510 South 3rd Avenue, Phoenix, Arizona 85003

Office: [REDACTED]

Cell: [REDACTED]



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