



Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

Criminal Division

April 2, 2009

VIA E-MAIL AND REGULAR MAIL

Chairman David Nolan
Pima County Libertarian Party
P.O. Box 11
Tucson, AZ 85702

Dear Chairman Nolan:

Because we are committed to having our examination of the ballots of the Regional Transportation Authority (RTA) balloting to be as transparent as possible, I am authorizing the modification of the original requirements for submission of nominees to be inside the room when the ballot boxes are opened and tabulated. Rather than requiring that you submit three nominees, I am in agreement with examining your nominations one at a time.

However, your present nominee, Mr. Jim March, is not an acceptable nominee. Mr. March was previously arrested for disobeying restrictions on access to areas of a voting facility in California. According to his own admission, he entered a restricted area because he thought the law was being violated by California authorities. He was arrested and removed from the premises. As I have emphasized previously, the examination of the RTA ballots is being done as a part of a criminal investigation. The integrity of that process is critical in that charges could be filed if a crime is identified. I am not willing to involve Mr. March in the counting of the ballots. My decision is based on his demonstrated willingness to violate the laws that govern behavior at a voting facility.

If Mr. March wants to be present at the ballot tabulation next week, he will be permitted to enter the elections facility, assuming the availability of space, but he will not be permitted to enter the tabulation room. He may observe through the glass partition that will separate all members of the public from the tabulation room. He may also view the proceedings, as all the public may, at:

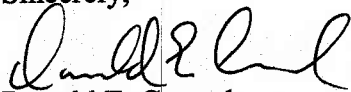
http://recorder.maricopa.gov/elections/Live_Feeds/south_view.aspx

David Nolan
April 2, 2009
Page Two

Eight cameras will stream live video of the examination proceedings to the internet courtesy of the Maricopa County Elections Department.

Please provide me with another nomination immediately. Background checks require a certain amount of time to conduct. For that reason, I need a very quick response from you.

Sincerely,



Donald E. Conrad
Division Chief Counsel
Criminal Division

DEC:lsr

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