

1 **Michael Kielsky, SBN #021864**

4802 E. Ray Rd., #23-255

2 Phoenix, AZ 85044

TEL (602) 903-5123

3 FAX (602) 532-7777

Attorney for Petitioner

6 **IN THE SUPERIOR COURT OF ARIZONA**

7 **IN AND FOR THE COUNTY OF MARICOPA**

9 MARICOPA COUNTY LIBERTARIAN
10 PARTY,

11 Petitioners,

12 vs.

13 HELEN PURCELL, Maricopa County
Recorder; and KAREN OSBORNE, Maricopa
County Director of Elections; MARICOPA
14 COUNTY BOARD OF SUPERVISORS, a
body politic; FRAN MCCARROLL, Clerk,
15 Maricopa County Board of Supervisors,
FULTON BROCK, DON STAPLEY,
16 ANDREW KUNASEK, MAX W. WILSON,
MARY ROSE WILCOX, Supervisors,
17 Maricopa County,

18 Respondents.

) Case No. CV2008-002704
) assigned to Hon. Larry Grant
)
)
)

**ORDER TO SHOW CAUSE RE: PETITION
FOR WRIT OF MANDAMUS AND WRIT OF
INJUNCTION**

19
20 Upon reading the Motion and good cause appearing:

21 IT IS HEREBY ORDERED, that you, HELEN PURCELL, Maricopa County Recorder;
22 KAREN OSBORNE, Maricopa County Director of Elections; and MARICOPA COUNTY
23 BOARD OF SUPERVISORS, a body politic; FRAN MCCARROLL, Clerk, Maricopa County
24 Board of Supervisors, FULTON BROCK, DON STAPLEY, ANDREW KUNASEK, MAX W.
25 WILSON, MARY ROSE WILCOX, Supervisors, Maricopa County, shall be and appear
26 before this Court on the ____ day of _____, 2008, at the hour of _____

1 o'clock, or as soon as counsel and/or parties may be heard, at the Maricopa County
2 Superior Court building, 201 W. Jefferson, Phoenix, Arizona, then and there to show cause,
3 if any you have, why this Court should not:

4 1. Issue an injunction invalidating the prior hand count process for failing to comply
5 with statutory and regulatory requirements.

6 2. Issue an injunction ordering Maricopa County to accept those individuals so
7 designated by the Maricopa County Libertarian Party as its election board members.

8 3. Issue an injunction ordering Maricopa County to require participation by individuals
9 so designated by the Maricopa County Libertarian Party in the hand count precinct and race
10 selection process.

11 4. Issue an injunction ordering Maricopa County to comply with A.R.S. § 16-602 (C) in
12 all its particulars, including that the selection of precincts shall not begin until all ballots have
13 been delivered to the central counting center and the unofficial vote total have been made
14 public, that the precincts to be hand counted be randomly selected before the races to be
15 counted are selected, and that the hand count shall be conducted at the central counting
16 center.

17 5. Issue and injunction ordering Maricopa County to conduct the hand count again, as
18 soon as practicable, and in compliance with the statutes, regulations, and the Court's
19 orders.

20 6. Award Petitioners' reasonable costs and expenses pursuant to A.R.S. §12-2030.

21 7. Order such other relief, including permanent or temporary injunction, restraining
22 order, or other order against Respondents, and awarding any other relief, as this Court
23 deems appropriate.

24 DATED this ____ day of November, 2008.

25 BY: _____
26 Judge, Maricopa County Superior Court