

# AGENDA MATERIAL

Corrie Cotugno

DATE 12-6-22 ITEM NO. RA 12

**From:** Allyson Miller <[REDACTED]>  
**Sent:** Monday, December 5, 2022 8:41 AM  
**To:** District1; District3; district.2@pima.gov; district.4@pima.gov; District5; COB\_mail  
**Subject:** Questions and statements to be included in the official record regarding Agenda Item 12  
**Attachments:** Cazares Kelly.docx

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Supervisors,  
Agenda Item 12:  
I request these documents be placed in the record and would appreciate response and consideration of recommendations for December 6, 2022 Board of Supervisor meeting.  
Respectfully,

Ally Miller  
Pima County Resident  
District 1

DEC 05 22 08:44 PC CLK OF BD

I have received multiple calls including news articles as well as reports from individuals who are active on social media, that the Pima County recorder, Ms. Cazares-Kelly, was using her official Pima county twitter account with a link to the Pima County recorder office website to electioneer for Congressman Raul Grijalva and other democrat candidates during an election cycle in which Ms. Cazares-Kelly has official oversight in her capacity as Pima County recorder.

In an Article from American Thinker written By former Pima County resident, Olivia Murray on October 25, 2022, there is documentation proving our county recorder was, in fact, electioneering from her official Pima County account.

Following are several **exhibits** including the referenced news article and ask that this be entered in to the official Pima County record of this meeting and reported to the Attorney General for incorporation in the official election record . The American Thinker article includes a post on twitter (**Exhibit A page 2 of 4**) by Ms. Cazares-Kelly imploring her followers to work every Saturday for congressional candidate Raul Grijalva . And I quote from Ms. Cazares-Kelly's post which I will provide for the record: **"So... what are you doing this weekend to help pro-voter candidates win their races "** quoting (Ms. Cazeras-Kelly) along with a flyer on where and when to meet to campaign for Congressman Grijalva.

This type of unprofessional behavior from an elected official entrusted with a significant role in the conduct of Pima County elections is not only partisan, divisive and damaging to voter's faith in our elections, **it is also against the law!**

**Under ARS Title 11, Chapter 3, Article 1, Section 11-410(A.) (see exhibit B statute):**

*A county shall not spend or use its resources, including the use or expenditure of monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, **web pages**, personnel, equipment, materials, buildings or any other thing of value, for the purpose of influencing the outcomes of elections.*

*F. For each violation of this section, the court may impose a civil penalty **not to exceed five thousand dollars plus any amount of misused funds** subtracted from the county budget against a person who knowingly violates or aids another person in violating this section.*

Ms. Cazares-Kelly had used this twitter account for her campaign and then linked to the Pima County website and has subsequently deleted the link to the Pima County website, when she realized she was under scrutiny, but at the time of this tweet, Ms. Cazares Kelly was openly using county resources (via link to Recorder website) to advocate and electioneer on behalf of Congressman Raul Grijalva. Her twitter account at that time, was in fact linked to the Pima County website. I am providing that documentation for the record today. (see exhibit A pages 1-4)

In addition, per AZ statutes , this illegal conduct is in fact a class 6 felony as outlined in Arizona Revised Statutes Title 16, Chapter 7, Article 1 section 16-1010 (**Exhibit C**) and I quote from that statute:

*A person charged with performance of any duty under any law relating to elections who knowingly refuses to perform such duty, or who, in his official capacity, knowingly acts in violation of any provision of such law, is guilty of a class 6 felony.*

Finally, this illegal behavior on the part of Ms. Cazares- Kelly, exposes Pima County (the taxpayers) to potential lawsuits per ARS Title 16, Article 4, Chapter 13, section 16-672 (A) 1. (**see exhibit D**) which allows any elector of the state to contest an election and I quote this statute: *For misconduct on the part of election boards or any members thereof in any of the counties of the state, or on the part of any officer making or participating in a canvass for a state election.*

### **Conclusion:**

This illegal behavior which is in direct violation of the AZ revised statutes, by the county recorder, Ms. Cazares-Kelly, illustrates the reasons for the ongoing distrust in our elections process . After the distrust over the 2020 election, the conduct of our elections is under great scrutiny and Ms. Cazares-Kelly s actions continue to fuel that distrust.

These actions must be addressed by the Pima County board of supervisors via your election review with corrective action for all elected officials electioneering with county resources. Simply adding and deleting links on these accounts doesn't remove this illegal activity.

Let us not forget that the Pima county Recorder is directly involved in the early vote process, which encompasses approximately **70 to 80 percent of the vote in** our elections !

The Board of Supervisors has direct authority per the statutes over the elections process and I respectfully ask the Pima County Board of supervisors to address these issues in your election review today:

1. Please provide training and or counseling to the Pima County recorder and all elected officials regarding the use of county resources for electioneering.
2. Please maintain an elections procedures manual from the elections office & county recorder office available for the public to review. This is critical for understanding and transparency of the elections process in Pima County.
3. The Board of Supervisors have authority over the elections process and I would recommend the hiring of elections officers from the 2 parties be hired to restore faith in our elections. Several states across the country already maintain elections directors from the 2 major parties in the name of transparency.

# Exhibits

## Exhibit A Page 1 of 4

Links to be submitted for the record (go to this link and print all pages of article to submit as well as submit these live links to clerk of board.

- Link to American Thinker Article Dated Oct 25, 2022 written by Olivia Murray:  
[https://www.americanthinker.com/blog/2022/10/civil\\_servants\\_in\\_arizona\\_use\\_their\\_official\\_capacity\\_to\\_openly\\_campaign\\_for\\_democrats.html](https://www.americanthinker.com/blog/2022/10/civil_servants_in_arizona_use_their_official_capacity_to_openly_campaign_for_democrats.html)
- Link to archive of Ms. Cazares-Kelly's twitter account from the Wayback machine which captures changes and archives page each time there is a change to web pages & social media accounts back to date of creation of account.

<https://web.archive.org/web/20220803220624/https://twitter.com/GabriellaCKelly>

## Proof Ms. Cazares-Kelly using twitter account as official County recorder twitter account

**\*\*\*Post showing Ms. Cazares-Kelly twitter account with link to Pima County recorder office for her bio page on an October 25, 2021 post. The second post is from 2019 . Ms Cazares-Kelly has comeingled a campaign account with her official Pima County recorder page and has since removed the link to the Pima County recorder office after she was caught posting official business on this page. Double click post below.**

The screenshot shows the Twitter profile of Gabriella Cázares-Kelly (@GabriellaCKelly). Her bio reads: "She/Her. Pima County Recorder, elected official, xennial, voting, culture, 21st Century Native things & dismantling white supremacy. Tohono O'odham." It also lists her location as Pima, AZ, her website as recorder.pima.gov/BioPages/Gabri..., and that she joined in November 2019. She has 2,707 following and 22.8K followers. The "Tweets" tab is selected, showing a pinned tweet from October 25, 2021, and a tweet from CasaOnTheRez from September 26, 2019.

**Gabriella Cázares-Kelly**  
@GabriellaCKelly

She/Her. Pima County Recorder, elected official, xennial, voting, culture, 21st Century Native things & dismantling white supremacy. Tohono O'odham.

Pima, AZ [recorder.pima.gov/BioPages/Gabri...](https://recorder.pima.gov/BioPages/Gabri...) Joined November 2019

2,707 Following 22.8K Followers

Tweets Tweets & replies Media Likes

**Pinned Tweet**

**Gabriella Cázares-Kelly** @GabriellaCKelly · Oct 25, 2021  
The best day ever with me and my crew. There's a lot of heartbreaking Anti-Native news rn, but remember to celebrate Indigenous joy too. You can read the story behind the #IndigenousWomanComingThrough video and order stickers here: [gabriellaforrecorder.org/stickers/](https://gabriellaforrecorder.org/stickers/)

**CasaOnTheRez** @CasaOnTheRez · Sep 26, 2019  
"Excuse me, I'm Indigenous, coming through."  
Racing with @seukteomaa in front of the U.S. Capitol. Reminding people they're on Indigenous lands: #IndigenousAF #itsagooddaytobeindigenous #invisibletohono #IT2019flyin  
[Show this thread](#)



**Gabriella Cázares-Kelly**  
@GabriellaCKelly · [Follow](#)



So... what are you doing this weekend to help pro voter candidates win their races?

**NEIGHBORHOOD  
CANVASSING**

**JOIN US TO KNOCK ON DOORS  
FOR REPRESENTATIVE GRIJALVA**

**EVERY Saturday- 9AM & 1PM, Sunday- 1 PM**  
**1021 E. Palmdale St, #110**  
**For more information call- 520-629-0050**

**iGRIJALVA!**

8:25 PM · Oct 21, 2022 from Tucson, AZ



32 Reply Share

[Read 22 replies](#)

**Exhibit A Page 3 of 4**

**Snipit of the pages from Cazares-kelly twitter archive files**

1. Ms. Cazares-Kelley had joined in 2019, utilize this page for her campaign and it appears she has revised her twitter election account to be her Official Pima County Recorder Page. Note the date joined. She has since deleted the link to her official page.

**Gabriella Cázares-Kelly**

@GabriellaCKelly

She/Her. Pima County Recorder, elected official, xennial, voting, culture, 21st Century Native things & dismantling white supremacy. Tohono O'odham.

📍 Pima, AZ 🌐 [recorder.pima.gov/BioPages/Gabri...](https://recorder.pima.gov/BioPages/Gabri...) 📅 Joined November 2019

2,707 Following 22.8K Followers

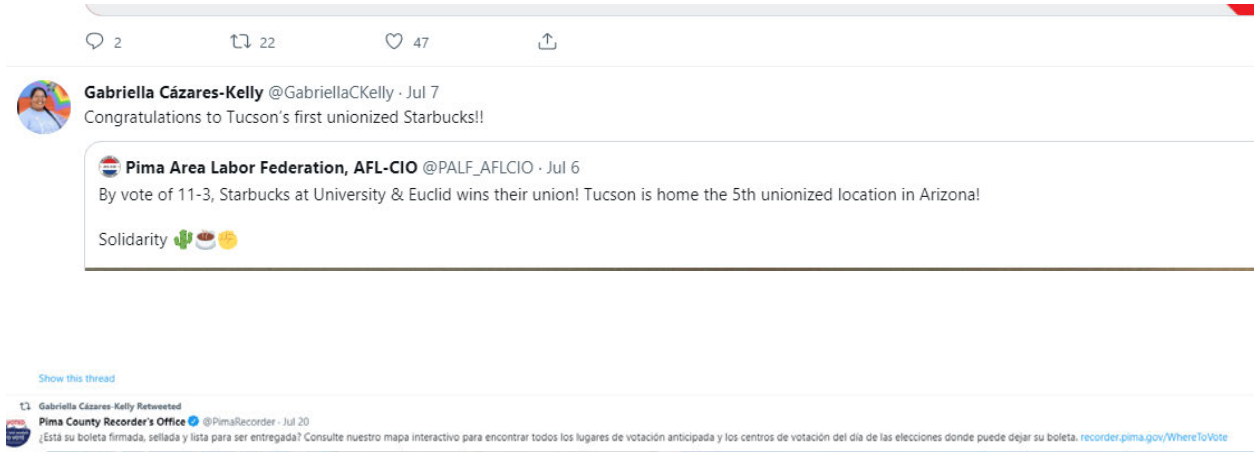
2. Ms. Cazares-Kelly posted this on the official county TWITTER page in July 5, 2022. She is working with Mi Familia las votas. (photo on right) Teaching them to register voters and states “providing training until AZ has automatic voter registration, same day voter registration and that the community organizations are filling the gap until this happens. She is wearing her official Pima County badge. See her post at the top of this picture. Why is Ms. Cazares-Kelly supporting this group who work to elect democrat candidates only. We see nothing in regards to training republican leaning nonprofits.





**Exhibit A Page 4 of 4**

- 3. Ms. Cazares-Kelly is utilizing county resources to assist unionizing private businesses. (left photo) This is not the role of a county recorder to have this posted on her official county business page. Ms. Cazares-Kelly posts she is in solidarity with the unions.



**Above,** Cazares-Kelly tweeting with links to county website from this account. July 20, 2022.

Did you know you can request ballot by mail? July 8, 2022 This was done via Twitter for iphone. Was she using county phone to tweet? She is tweeting to her campaign followers as this account was created and used for her campaign in 2019.





## Exhibit B page 1 of 2

- **ARS Title 11 (Counties)**
  - **Chapter 3 (County Officers)**
    - **Article 1 (General provisions)**

### 11-410. Use of county resources or employees to influence elections; prohibition; civil penalty; definitions

A. A county shall not spend or use its resources, including the use or expenditure of monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings or any other thing of value, for the purpose of influencing the outcomes of elections. Notwithstanding this section, a county may distribute informational pamphlets on a proposed bond election as provided in section 35-454 if those informational pamphlets present factual information in a neutral manner. Nothing in this section precludes a county from reporting on official actions of the county board of supervisors.

B. The prohibition on the use of public resources to influence the outcome of bond, budget override and other tax-related elections includes the use of county-focused promotional expenditures that occur after an election is called and through election day. This prohibition does not include routine county communications.

C. This section does not prohibit the use of county resources, including facilities and equipment, for government-sponsored forums or debates if the government sponsor remains impartial and the events are purely informational and provide an equal opportunity to all viewpoints. The rental and use of a public facility by a private person or entity that may lawfully attempt to influence the outcome of an election is permitted if it does not occur at the same time and place as a government-sponsored forum or debate.

D. Employees of a county shall not use the authority of their positions to influence the vote or political activities of any subordinate employee.

E. The attorney general or the county attorney of the county in which an alleged violation of this section occurred may initiate a suit in the superior court in the county in which the alleged violation occurred for the purpose of complying with this section.

F. For each violation of this section, the court may impose a civil penalty not to exceed five thousand dollars plus any amount of misused funds subtracted from the county budget against a person who knowingly violates or aids another person in violating this section. The person determined to be out of compliance with this section is responsible for the payment of all penalties and misused funds. County funds or insurance payments shall not be used to pay these penalties or misused funds. All misused funds collected pursuant to this section shall be returned to the county whose funds were misused.

G. Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.

H. For the purposes of this section:

## Exhibit B page 2 of 2

1. "Government-sponsored forum or debate" means any event, or part of an event or meeting, in which the government is an official sponsor, which is open to the public or to invited members of the public, and whose purpose is to inform the public about an issue or proposition that is before the voters.

2. "Influencing the outcomes of elections" means supporting or opposing a candidate for nomination or election to public office or the recall of a public officer or supporting or opposing a ballot measure, question or proposition, including any bond, budget or override election and supporting or opposing the circulation of a petition for the recall of a public officer or a petition for a ballot measure, question or proposition in any manner that is not impartial or neutral.

3. "Misused funds" means county monies or resources used unlawfully as proscribed by this section.

4. "Routine county communications" means messages or advertisements that are germane to the functions of the county and that maintain the frequency, scope and distribution consistent with past practices or are necessary for public safety.

**Exhibit C page 1 of 1**

16-1010. Refusal by election officer to perform duty; violation of election law; classification

A person charged with performance of any duty under any law relating to elections who knowingly refuses to perform such duty, or who, in his official capacity, knowingly acts in violation of any provision of such law, is guilty of a class 6 felony unless a different punishment for such act or omission is prescribed by law.

## Exhibit D Page 1 of 1

### ARS Title 16 Elections and Electors

- Chapter 4 ( Conduct of elections)
  - Article 13 (Contest of elections)

- **16-672. Contest of state election; grounds; venue**

**A. Any elector of the state may contest the election** of any person declared elected to a state office, or declared nominated to a state office at a primary election, or the declared result of an initiated or referred measure, or a proposal to amend the Constitution of Arizona, or other question or proposal submitted to vote of the people, **upon any of the following grounds:**

1. For misconduct on the part of election boards or any members thereof in any of the counties of the state, **or on the part of any officer making or participating in a canvass for a state election.**

2. That the person whose right to the office is contested was not at the time of the election eligible to the office.

3. That the person whose right is contested, or any person acting for him, has given to an elector, inspector, judge or clerk of election, a bribe or reward, or has offered such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise.

4. On account of illegal votes.

5. That by reason of erroneous count of votes the person declared elected or the initiative or referred measure, or proposal to amend the constitution, or other question or proposal submitted, which has been declared carried, did not in fact receive the highest number of votes for the office or a sufficient number of votes to carry the measure, amendment, question or proposal.

B. The contest may be brought in the superior court of the county in which the person contesting resides or in the superior court of Maricopa county.

C. In a contest of the election of a person declared elected to a state office or of an initiated or referred measure, constitutional amendment, or other question or proposal, which has been declared carried, the attorney general may intervene, and upon demand, the place of trial of the contest shall be changed to Maricopa county, if commenced in another county.