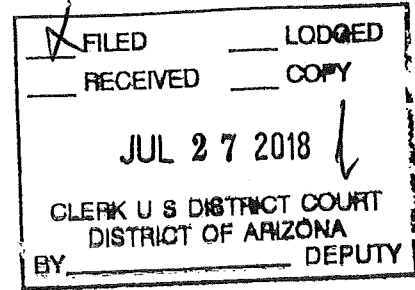


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**IN UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

CRAIG R. BRITTAIN, an individual  
and US Senate candidate in Arizona in  
the 2018 Federal Elections;

No. **CV-18-02366-PHX-GMS**

**COMPLAINT FOR:**

BRITTAIN FOR US SENATE,  
a Principal Campaign Committee,

Plaintiff(s),

VS.

DOUG DUCEY, Governor of the State  
of Arizona, in his official/public  
capacity only;

MICHELE REAGAN, Secretary of  
State for Arizona, in her official/public  
capacity only.

Defendant(s).

- (1) Violation of the First  
Amendment of the US  
Constitution
- (2) Violation of the Fourteenth  
Amendment of the US  
Constitution
- (3) Violation of the Seventeenth  
Amendment of the US  
Constitution

**REQUEST FOR JURY TRIAL**

**REQUEST FOR PRELIMINARY  
INJUNCTION**

**COMPLAINT, REQUEST FOR JURY TRIAL**

Plaintiff(s) hereby file this complaint for violation of the First, Fourteenth, and  
Seventeenth Amendments against Doug Ducey and Michele Reagan, request a  
Jury Trial, and would show as follows:

1           1. The “One Person, One Vote” principle has been upheld by SCOTUS,  
2 with the principal case being Reynolds v. Sims, 377 U.S. 533 (1964), in which  
3 Chief Justice Earl Warren stated clearly: “Legislators are elected by voters, not  
4 farms, cities, or economic interests.”

5           2. The First Amendment protects the right to vote as a method of speech.  
6 The Fourteenth Amendment protects the equality of that right. The  
7 Seventeenth Amendment declares that the primary right and responsibility of  
8 each US Senator is that they “shall have one vote”.

9           3. The existing ballot access requirements in Arizona (A.R.S. § 16-322)  
10 require candidates to gather signatures in order to be listed upon the ballot,  
11 which is a violation of the First and Fourteenth Amendments. Indeed, a ballot  
12 access signature is a second vote, as it requires voting/party registration to be  
13 accepted and entered under law, yet is also unprotected and non-secret – which  
14 also creates vulnerabilities and liabilities for potential voter fraud.

15           4. Businesses which gather ballot signatures charge between \$2 and \$5  
16 per signature. The total number of signatures required as a Republican US  
17 Senate Candidate in 2018 was 12,450. The total number required as a  
18 Democratic US Senate candidate was 11,605. Candidates that gather the  
19 requisite amount of signatures were, and are, in turn subjected to largely  
20 frivolous lawsuits – a form of illegal intimidation.

21           5. US Senator John McCain has not voted, in his official/public capacity,  
22 since Dec. 7, 2017. The Seventeenth Amendment clearly states that the  
23 primary responsibility of a US Senator is that they “shall have one vote” with  
24 regards to the legislative process in the United States. Governor Doug Ducey  
25 has not yet recognized that McCain's seat, by inability and/or refusal to fulfill  
26 his responsibility, is vacant, and declared a Special Election according to the  
27 guidelines.

1           6. Plaintiff has unconstitutionally been denied ballot access in the  
2 current US Senate election (for the Class 1 seat held by US Senator Jeff  
3 Flake), and he and all potential candidates have been denied of the ability to  
4 compete for the Class 3 seat of McCain in a Special Election.

5           7. This ongoing process recursively denies voters of the ability to choose  
6 candidates of their own will, rather than being made to follow the will of  
7 currently elected officials, and to the right of a "One Person, One Vote"  
8 process in elections. It must be struck down.

9  
10                                   **JURISDICTION AND VENUE**  
11

12           8. Federal Court has jurisdiction pursuant to 28 U.S.C. § 1331 (Federal  
13 Question). This directly and specifically pertains to the Constitutional handling  
14 of Federal Elections in Arizona.

15           9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2).  
16 All of the events that form the basis for this complaint occurred in this District.

17  
18                                   **PARTIES**  
19

20           10. Plaintiff Craig R. Brittain is and was at all times during the course of  
21 the events detailed in the complaint, a resident of Scottsdale, Arizona in  
22 Maricopa County.

23           11. Plaintiff Brittain for US Senate is Craig R. Brittain's registered  
24 campaign committee.

25           12. Defendant Doug Ducey is the current Governor of Arizona. He is  
26 named as a Defendant strictly in his official/public capacity.

27           13. Defendant Michele Reagan is the current Secretary of State in  
28 Arizona. She is named as a Defendant strictly in her official/public capacity.

**FIRST CAUSE OF ACTION**

Violation of the First Amendment of the US Constitution

(Declaratory and Injunctive Relief)

13. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph as though set forth fully herein.

14. Defendants' mishandling of the election process is a fundamental breach of the First Amendment protected right of voting.

15. By requiring a second "vote" in the form of ballot petition signatures for ballot access, Defendants have violated the First Amendment and denied the Plaintiff of the constitutional right to appear on the US Senate ballots for both the Republican Primary election and the General Election. A.R.S. § 16-322 is unconstitutional.

**SECOND CAUSE OF ACTION**

Violation of the Fourteenth Amendment of the US Constitution

(Declaratory and Injunctive Relief)

16. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph as though set forth fully herein.

17. Defendants' ballot access process defies the Fourteenth Amendment which guarantees Equal Access to voting under law.

18. By requiring a second "vote" in the form of ballot petition signatures, Plaintiff (and other candidates, including third party candidates and independents) are effectively denied equal ballot representation in violation of the Fourteenth Amendment. A.R.S. § 16-322 is unconstitutional.

**THIRD CAUSE OF ACTION**

Violation of the Seventeenth Amendment of the US Constitution

(Declaratory and Injunctive Relief)

19. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph as though set forth fully herein.

20. By refusing to accurately declare that Arizona's Class 3 US Senate Seat has been vacated by ex-Senator John McCain, Defendants have violated the Seventeenth Amendment of the US Constitution, which states plainly that the requirement for a US Senator is that they "shall have one vote". As John McCain has not met that requirement in over 7 months, the reasonable/average person can accurately determine that John McCain vacated his US Senate seat on December 7, 2017.

21. Governor Doug Ducey has not declared a Special Election, which is his obligation under the US Constitution. Nor has he called for an appointment to fill the vacancy left by ex-Senator McCain, in order to fulfill his obligation.

22. By refusing to fulfill this responsibility, Plaintiff has been denied of the ability to campaign for the vacant Class 3 Seat, and Arizona's voters have been denied of their Constitutional right to representation in the US Senate.

#### **PRAYER FOR PRELIMINARY INJUNCTION**

23. Due to the immediate need for non-monetary Constitutional relief in this specific situation, Plaintiff requests and prays that the Court order the following relief:

1a. As an injunction, Defendants must be enjoined from preventing ballot access by/to any registered candidate who meets the Constitutional requirements for office.

2a. As an injunction, Plaintiff shall be granted immediate access to appear on both the Republican Primary (August 28, 2018) and General Election (November 6, 2018) ballots as a Republican.

3a. As a declaration, John McCain's US Senate seat shall be declared vacated/vacant as of December 7, 2017, and

4a. As an injunction, A Special Election for the vacant US Senate seat shall be ordered by the Court to take place immediately (under the Court's discretion for actual time/place), without ballot access limitations.

**PRAYER FOR PERMANENT RELIEF**

24. With regards to permanent relief, Plaintiff requests and prays that the Court order the following:

1b. For all costs stemming from any expenses related to this suit, including the hiring of attorneys (if applicable), research conducted, time spent, materials used, as well as any Court fees, costs, etc., and any additional relief the Court deems just and proper.

2b. For a permanent injunction enjoining Defendants and/or any future occupants of their respective offices from requiring "ballot access petitions" and/or any process that interferes with "One Person, One Vote".

3b. For a declaration that any holder of Federal Office that cannot perform their primary duty (to vote) can have their seat recognized as vacant, for the purpose of calling a Special Election.

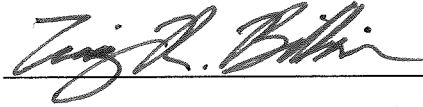
4b. For an injunction requiring Defendants and/or any future occupants of their respective offices to call Special Elections when a holder of Federal Office cannot perform their primary duty (to vote).

5b. For a declaration that ballot access petition/nomination requirements including A.R.S. § 16-322 violate the US Constitution, and

6b. For an injunction guaranteeing ballot access in both Primary and General Elections to any Federal candidate who meets the requirements set forth in the US Constitution.

1 Plaintiff(s) respectfully submit, individually, both the Complaint and the  
2 request for a Preliminary Injunction to this Court, with the hopes that the  
3 Prayers for Relief will be granted.

4  
5 DATED: July 27, 2018



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