



MEMORANDUM

Date: July 24, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Referencing Pima County Committee Membership in Arguments For or Against Proposition 463**

On July 19, 2018, per the advice of Deputy County Attorney Dan Jurkowitz, who represents the County on election related issues, I directed staff to alert members of the County's Bond Advisory Committee and Transportation Advisory Committee about A.R.S. 11-410, which prohibits the use of county resources to influence elections and includes a civil fine of up to \$5,000 for those who do so. Mr. Jurkowitz advised against County committee members including their committee affiliation in arguments submitted for or against the bond proposition. Our intent in providing this guidance was to reduce the risk to a committee member of being accused of violating this statute. However, Supervisor Miller, on her personal Facebook page, made statements to the effect that me and my staff were threatening private citizens and violating their First Amendment rights.

Yesterday, my staff received a call from Nick Dranias, an attorney with the Arizona Attorney General's Office about these allegations. Mr. Jurkowitz spoke with Mr. Dranias. Mr. Jurkowitz notified me this morning that Mr. Dranias thinks, depending on a list of circumstances, that committee members may be able to reference their committee membership, although he agreed that they could not represent that they are advocating on behalf of Pima County or their committee. Mr. Dranias stressed that this was his personal opinion and not that of the Attorney General. Mr. Jurkowitz will be presenting to the Transportation Advisory Committee at a meeting today. He intends to tell them about the conversation with Mr. Dranias, that the issue is still not clear, that committee members are free to reference their committee affiliation at their own risk, but they may want to avoid the risk entirely by simply not referencing it. Ultimately, it is up to each committee member. Our only intent was to minimize risk to committee members. I continue to urge committee members to take the most cautious approach.

CHH/dr

c: Chair and Members, Pima County Bond Advisory Committee
Chair and Members, Pima County Transportation Advisory Committee
Dan Jurkowitz, Supervising Attorney, County Attorney's Office