



KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA



April 12, 2012

Honorable Ramon Valadez, Chairman
Pima County Board of Supervisors
130 West Congress Street, 11th Floor
Tucson, Arizona 85701

Dear Chairman Valadez:

Pursuant to Arizona Revised Statutes § 41-1202(B) I am hereby notifying you that effective April 11, 2012, Representative Daniel Patterson, Legislative District 29, has resigned his office. His resignation is contained in the attached letter to Arizona House Speaker Andy Tobin, which was delivered to our office yesterday.

This vacancy is unusual in that Mr. Patterson reregistered on April 2, 2012, changing his party preference from Democrat to no party, commonly referred to as "Independent." The official Journal of the House reflects that the Speaker received the resignation and read it across the desk at 1:36 p.m. It was after the resignation was accepted by the Speaker yesterday that Mr. Patterson again reregistered, this time returning his party preference to Democrat. Our records show the transaction occurred at 2:01 p.m.

The law is clear that in determining the method of filling the vacancy, the political party of the person who vacated the office is the deciding factor in determining whether party officials select the nominees or whether the Board of Supervisors selects a citizen panel to do so. In this case, "immediately before" the vacancy, Mr. Patterson remained a voter of no

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party preference. Therefore, ARS § 41-1202(B) is the operative subsection under which the replacement must be selected, meaning the Board must appoint a citizen committee to suggest three nominees of no party preference from which the Board will appoint one.

My office is bound to follow the statutes precisely. However, I would welcome a judicial resolution to this matter should one arise.

If you have any questions, please contact the State Election Director, Amy Chan, at (602) 542-8683 or by e-mail at achan@azsos.gov.

Sincerely,

A handwritten signature in black ink that reads "Ken Bennett". The signature is written in a cursive style with a large, stylized "K" and "B".

Ken Bennett
Arizona Secretary of State

cc: Honorable Jan Brewer, Governor
Honorable Andy Tobin, Speaker
Honorable Linda Lopez, Senator, LD 29
Honorable Matt Heinz, Representative, LD 29
Robin Brigode, Pima County Clerk of the Board
Luis Heredia, Executive Director, Arizona Democratic Party

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DISTRICT 29

April 11, 2012

Rep. Andy Tobin, Speaker, Arizona House of Representatives

Hon. Speaker Tobin & House Members - With this letter, I reluctantly resign ^{now} under strong protest.

I have been forced to resign due to the fact that the House has become a very hostile work environment for me. Due to this I am no longer able to serve my constituents in the way they deserve.

I do not agree with the Hobbs complaint, Manning report or the draconian expulsion recommendation of the Ethics Committee.

The unfair Ethics Committee violated House Rules, my constitutional rights to due process, and would not even allow me a real hearing to defend myself and question accusers.

The rights of Arizona voters and constituents in Tucson LD29 have been badly disrespected by the Ethics Committee.

The will and decision of voters has been violated again by the House.

It has been an honor and a privilege to have earned the trust of my voters and serve four years in the House.

Rep. Daniel Patterson, Tucson-LD29

A handwritten signature in black ink, appearing to read "Dan Patterson", with a long horizontal line extending to the right.