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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 STATE OF ARIZONA, *ex rel.*
12 MARK BRNOVICH, Attorney General,

13 Plaintiff,

14 v.

15 SCOTT TOMLINSON,
16 Defendant.
17

Case No: CV 2018-013600

COMPLAINT

(Non-classified: Action in Quo Warranto)

(Assigned to the Hon. _____)

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1 Plaintiff, the State of Arizona, *ex rel.* Mark Brnovich, Attorney General (“the State”),
2 brings this action in *quo warranto* to obtain relief against Defendant Scott Tomlinson, and for its
3 Complaint alleges as follows:

4 **I. INTRODUCTION**

5 1. This Complaint relates to an action in *quo warranto* whereby Mr. Tomlinson
6 unlawfully holds the position of governing board member for the Window Rock Unified School
7 District.

8 2. Mr. Tomlinson was at all times required to comply with the prerequisites set forth
9 by Arizona law regarding the qualifications of an elected official.

10 3. Mr. Tomlinson, at the time of his election, was not qualified to hold office
11 pursuant to Arizona law.

12 4. Therefore, the State of Arizona now brings this action seeking his removal from
13 office pursuant to A.R.S. § 12-2041 *et seq.*

14 **II. JURISDICTION, VENUE, AND PARTIES**

15 5. This Complaint is filed under A.R.S. § 12-2041 *et seq.*, which expressly authorizes
16 the State to bring this action.

17 6. Jurisdiction is proper under A.R.S. § 12-2041(A).

18 7. Venue in Maricopa County is proper for all claims pursuant to A.R.S. § 12-
19 401(17) and A.R.S. § 12-2041(A).

20 8. Defendant Scott Tomlinson resides in Apache County, Arizona.

21 **III. FACTUAL ALLEGATIONS**

22 9. Under A.R.S. § 15-421, governing board members of school districts in Arizona
23 are subject to certain qualifications at the time of election.

24 10. Mr. Tomlinson filed his Affidavit of Qualification for the Window Rock Unified
25 School District governing board on August 9, 2016.

26 11. Mr. Tomlinson signed and swore on his Affidavit of Qualification that he would

1 be qualified at the time of election to hold office.

2 12. Mr. Tomlinson was elected to the Window Rock Unified School District
3 governing board in 2016.

4 13. Mr. Tomlinson was not, in fact, qualified to hold office at the time of his
5 election.

6 14. Under A.R.S. § 15-421(C), a governing board member of a school district must be
7 “[a] person who is a registered voter of this state”

8 15. Mr. Tomlinson was not registered to vote in the State of Arizona at the time of his
9 election.

10 16. In fact, Mr. Tomlinson was not a registered voter in the State of Arizona until June
11 28, 2018; approximately two years after assuming office.

12 17. Furthermore, Mr. Tomlinson, through counsel, admits that he was not registered to
13 vote in the State of Arizona at the time of his election.

14 18. Mr. Tomlinson, as of the date of this Complaint, has refused to resign and
15 continues to hold office.

16 IV. CLAIMS

17 COUNT I – VIOLATION OF A.R.S. § 15-421 et seq.

18 19. The allegations set forth in the previous paragraphs are realleged and incorporated
19 by reference as though fully set forth herein.

20 20. Under, A.R.S. § 15-421(C), governing board member of a school district must be
21 “[a] person who is a registered voter of this state”

22 21. Because Defendant Mr. Tomlinson was not a registered voter in Arizona at the
23 time of his election as a governing board member of the Window Rock Unified School District,
24 he unlawfully assumed, and now unlawfully holds and exercises, that public office.
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