

# Snell & Wilmer

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## Eric H. Spencer

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### Main Bio

Eric Spencer's practice is concentrated in special litigation and compliance with an emphasis in election law, campaign finance, public policy and government relations. Eric is deeply experienced in election-related litigation and appellate matters before state and federal courts and agencies.

He previously served as State Election Director and in-house counsel for the Arizona Secretary of State's office, bringing his depth of knowledge to the firm's Election Law and Constitutional and Political Litigation practices. In his capacity as State Election Director, Eric served on the Standards Board for the U.S. Election Assistance Commission (EAC) for developing voting equipment guidelines and, by virtue of his security clearance, regularly consulted with federal and state officials on sensitive election and cybersecurity matters. Eric supervised dozens of litigation matters in state and federal courts as in-house counsel, including legislative redistricting litigation before the U.S. Supreme Court. Eric also focused on lobbying and government relations, having drafted and shepherded into law several high-profile bills through the Arizona Legislature. All told, Eric decided over 50 campaign finance complaints, supervised over 500 candidate filings, supervised review of over 1.8 million initiative signatures, and oversaw 8 state and federal elections in his capacity as one of the state's top election officials.

In private practice Eric regularly advises candidates, consultants, lobbyists, political action committees (PACs), ballot measure and independent expenditure committees, political parties, municipalities, corporations, election-related vendors, trade associations and other tax-exempt organizations, and individual donors and political contributors. Eric advises on campaign finance compliance and reporting and handles complaints before the Federal Election Commission (FEC), Arizona Secretary of State's office, Citizens Clean Elections Commission, and various local jurisdictions. He also has extensive experience litigating initiative, referendum, and recall measures in state courts, buttressed by one of the few litigation teams capable of simultaneously challenging multiple statewide ballot measures. Most recently, Eric served as redistricting counsel in Arizona following the 2020 decennial census. In his personal capacity, Eric founded the [Arizona Election Law Blog](#) and provides regular legal updates at [@azelectionlaw](#) on Twitter.

Additionally, Eric is experienced in a wide range of real estate, healthcare, government contracting and construction-related mediations, arbitrations, and litigation in state and federal courts, including the U.S. Court of Federal Claims. He has experience representing property owners, developers, lenders, hospitals and healthcare institutions, design professionals, contractors, material suppliers, and equipment rental companies in

performance and payment disputes under state and federal law.

## Education

- Harvard University, John F. Kennedy School of Government (Masters in Public Administration)
- Duke University School of Law (J.D.)
- University of California, Los Angeles (B.A., Political Science, *magna cum laude*)

## Professional Memberships & Activities

- National Republican Lawyers Association
- National Association of State Election Directors (2015-2018)
- State Bar of Arizona

## Representative Presentations & Publications

### Political and Election Law

#### *Media Appearances*

- ["Could ousted Arizona lawmaker Liz Harris replace herself in House? It's possible,"](#) Quoted, 12 News (April 18, 2023)
- ["Here's how the process will work if Sen. Kyrsten Sinema seeks reelection as an independent,"](#) Quoted, KTAR News (December 9, 2022)
- ["How 'mule watchers' evolved from a Truth Social meme into a ballot drop box patrol,"](#) Quoted, NBC News (October 28, 2022)
- ["How election fraud conspiracies could make deep changes to Arizona voting,"](#) Quoted, PBS (October 20, 2022)
- ["New Arizona Election Laws On Hold After Ruling On What Can, Cannot Go In State Budget,"](#) Interview with KJZZ (September 29, 2021)
- ["Hobbs moves to count out-of-precinct ballots in new procedures manual,"](#) Quoted, Arizona Mirror (September 9, 2021)
- ["Redistricting commission chooses Democratic, Republican attorneys,"](#) Quoted, Arizona Mirror (April 6, 2021)
- ["Is Arizona's Elections Process Fighting Political Interference?"](#) Quoted, ABC 15 News (September 24, 2020)
- ["Want Online Signatures for Ballot Measures? Change the Constitution First, AZ Supreme Court Says,"](#) Quoted, Arizona Republic (September 4, 2020)
- ["Court: Constitutional Change Needed to Allow E-Signing of Initiative Petitions,"](#) Quoted, AZ Mirror (September 4, 2020)
- ["Political Lawyers Analyze Arizona's Legal System in Their New Blogs,"](#) Featured, Arizona Capital Times (December 2, 2019)
- ["Lawsuit Over Payson Recall Could Settle Quirk in Election Law,"](#) Quoted, AZ Mirror (November 4, 2019)

#### *Presentations and Publications*

- "[Emergency Election Procedures Enacted for 2024 Arizona Elections](#)," Co-Author, Snell & Wilmer Legal Alert (March 1, 2024)
- "[Eighth Circuit Ends Private Enforcement of Key Provision of the Voting Rights Act](#)," Co-Author, Snell & Wilmer Legal Alert (February 8, 2024)
- "[The Legal Consequences of Election Official Errors Involving Referendums](#)," Co-Author, Snell & Wilmer Legal Alert (August 17, 2023)
- "[Arizona Supreme Court Clarifies Methods to Challenge Citizen Initiatives](#)," Co-Author, Snell & Wilmer Legal Alert (August 3, 2023)
- "[The 800-Pound Gorilla in the Room: SCOTUS Rejects the Independent State Legislature Theory](#)," Co-Author, Snell & Wilmer Legal Alert (July 14, 2023)
- The Arizona Election Law Blog, Founder and Editor ([www.azelectionlaw.com](http://www.azelectionlaw.com) and [@azelectionlaw](https://twitter.com/azelectionlaw))
- State Bar of Arizona, Presenter, Bar Leadership Institute, Phoenix, Arizona (October 2022)
- Mohave County Bar Association, Presenter, Bullhead City, Arizona (August 2022)
- National Republican Lawyers Association, Presenter, Phoenix (August 2022)
- State Bar of Arizona, Seminar Co-Chair, Arizona Election Law Seminar, Phoenix, Arizona (May 2022)
- "Candidate Challenges," Instructor, Snell & Wilmer Candidate Series (March 2022, March 2020)
- "Challenging Initiatives and Referenda," Presenter/Panelist, Arizona Election Law Seminar, State Bar of Arizona, Phoenix (February 2020)
- "The Elections Procedures Manual," Presenter/Panelist, Arizona Election Law Seminar, State Bar of Arizona, Phoenix (February 2020)
- "Redistricting," Panelist, American Legislative Exchange Council (ALEC), Scottsdale (December 2019)
- "Initiatives and Referenda," Presenter/Panelist, Arizona Election Law Seminar, State Bar of Arizona (May 2019)
- "Money and Politics: Fundamentals of Campaign Finance," Presenter, Arizona State University (April 2019)
- "Taking the Initiative: Direct Democracy in Arizona," Presenter/Panelist, Arizona Election Law Seminar, Arizona State Law School (September 2018)
- "Arizona Candidate Training," Instructor, Arizona Secretary of State's Office (March/April 2018)
- "Initiative/Referenda Law Overview," Presenter/Panelist, Arizona Election Law Seminar, State Bar of Arizona (April 2018)
- "Arizona Voting Rights," Presenter/Panelist, U.S. Commission on Civil Rights (March 2018)
- "Direct Democracy: Boon or Bane?" Presenter/Panelist, Arizona Capitol Times Morning Scoop Seminar (November 2017)
- "Arizona Election Law," Instructor, Arizona Secretary of State's Election Officer Certification Training (June/July/August/September 2017)

- "Campaign Finance," Presenter, Arizona Election Law Seminar, State Bar of Arizona (April 2016)
- "Arizona Election Law," Instructor, Arizona Secretary of State's Election Officer Certification Training (June/July/August/September 2015)

### **Construction Litigation**

- "Indemnity and Insurance in Arizona: Key Concepts for Owners, Contractors and Design Professionals," Co-Author, Under Construction (June 2013)
- "2012: Arizona Construction Law Summary," Co-Author, Under Construction (September 2012)
- 2012 Construction Law Update: Case Law & Legislation Affecting the Construction Industry (Arizona summary), Co-Author, ABA Forum on the Construction Industry
- "Arizona Court of Appeals Clarifies Who Is The "Successful Party" in Litigation for Purposes of Awarding Attorneys' Fees and Holds that a Subsequent Homeowner Cannot Rescind Its Purchase With Respect to the Original Builder," Co-Author, Snell & Wilmer Legal Alert (July 2012)
- "Perfecting a Mechanic's Lien: The Arizona Court of Appeals Holds that Contractors Need Only Substantially Comply with the Mechanic's Lien Statutes," Under Construction (June 2011)
- "Arizona Supreme Court Holds That The Economic Loss Rule May Bar Negligence Claims Against Architects and Design Professionals," Co-Author, Under Construction (February 2010)
- "Arizona Residential Contractors Must Make Good On Recovery Fund Payouts Regardless of State's Delay in Bringing a Subrogation Action," Co-Author, Under Construction (November 2009)
- "Payment Collections in the Construction Industry – Protecting Your Rights In A Down Economy," Co-Author, Under Construction (March 2009)
- "Methods of Payment Collection for Design Professionals," Co-Author, Under Construction (September 2008)
- "Supreme Court Invalidates Voting Rights Act Formula: Arizona and Other Covered Jurisdictions Are No Longer Subject to the Preclearance Requirement," Co-Author, Snell & Wilmer Legal Alert (June 2013)

### **Professional Recognition & Awards**

- The Best Lawyers in America®, Commercial Litigation (2023-2024); Government Relations Practice (2024)
- Arizona Capitol Times, Best Capitol/Political Lawyer of the Year Nominee (2023, 2022, 2021, & 2020)
- Southwest Super Lawyers®, Rising Stars Edition, Construction Litigation: Business (2014)

### **Community Involvement**

#### **Community**

- Veterans Heritage Project, Board Member (2023 - present)

- West Point Military Academy Field Forces Officer (present)
- United States Selective Service System, Local Board Member (2012-present)
- Congresswoman Debbie Lesko's Congressional Military Nomination Board (2023 - present)
- Senator Jeff Flake Military Academy Nomination Committee (2013-2018)
- Big Brothers/Big Sisters of Central Arizona (2012-2018)
- WESTMARC, Board of Directors (2013-2014)
- Harvard Club of Phoenix, Board of Directors and Treasurer (2013-2014)
- Arizona Town Hall, Recorder (2013)

#### **Political Commitment**

- Legal Observer and Chairman/Co-Chairman of Election Day Operations (2008-2014, 2022)
- Legislative District Second Vice Chairman (2008-2010)
- State Political Party Bylaws Committee Chairman (2010)
- Political Party National Convention Alternate Delegate (2008)
- Elected Precinct Committeeman and State Committeeman (2007-2015)

#### **Previous Professional Experience**

- Arizona Secretary of State's Office, State Election Director (2015-2018)
- Snell & Wilmer, Associate Attorney (2007-2014)
- United States Army Infantry Officer (2004-2007)
- U.S. Department of Justice, Office of Policy Development, Legal Intern (2000)
- U.S. Court of Appeals for the Armed Forces, Legal Intern to Hon. Eugene Sullivan (2000)

#### **Bar Admissions**

- Arizona
- District of Columbia

#### **Court Admissions**

- Supreme Court of Arizona
- United States Court of Federal Claims
- United States District Court, District of Arizona
- United States Supreme Court