

HEATHER WAITE GROVER (10991)
Assistant Attorneys General
SEAN D. REYES (7969)
Utah Attorney General
5272 S College Dr., Suite 200
Murray, Utah 84123
Telephone: (801) 281-1200
E-mail: heathergrover@agutah.gov

Attorneys for Plaintiff

3RD DISTRICT COURT SALT LAKE COUNTY, STATE OF UTAH	
STATE OF UTAH, Plaintiff, v. TIMOTHY FRANCIS MOONEY DOB: 11/19/1961 39374 N. Spur Cross Rd. Cave Creek, AZ 85331 Defendant.	INFORMATION (Summons) Case No. 231913299 Judge: RICHARD MCKELVIE

The undersigned, Special Agent Z. Nold of the Utah Attorney General's Office, states on information and belief that **TIMOTHY FRANCIS MOONEY**, either directly or as a party to the offenses, committed the following crimes:

COUNT 1: VIOLATION OF CERTIFICATE OF NOMINATION PROCEDURES, a class A misdemeanor, in violation of Utah Code section 20A-9-405(8) as follows: On or about June 14, 2023, in Salt Lake County, Utah, the defendant paid compensation to a person to circulate a nomination petition based directly on the number of signatures submitted to a filing officer.

COUNT 2: VIOLATION OF CERTIFICATE OF NOMINATION PROCEDURES, a class A misdemeanor, in violation of Utah Code section 20A-9-405(8) as follows: On or about June 14, 2023, in Salt Lake County, Utah, the defendant paid compensation to a person to circulate a nomination petition based directly on the number of signatures submitted to a filing officer.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES: S.A. Z. Nold, B.M., B.B., T.M., G.S., and D.M.

DECLARATION OF PROBABLE CAUSE:

1. I, the undersigned, am a Special Agent for the Utah Attorney General's Office in the Special Investigations Unit. I successfully completed the Peace Officer Standards and Training (P.O.S.T.) in 2014. I have worked for the Ogden City Police Department and the Salt Lake City Police Department. While with the Ogden City Police Department, I fulfilled an assignment as a task force officer in the attorney general's Internet Crimes Against Children Division. I have investigated sex crimes involving children and adults, internet crimes against children, human trafficking, enticement of minors, and child exploitation. I received advanced training on using social media to conduct police investigations from the Federal Bureau of Investigations, the Salt Lake City Police Department, and the West Jordan Police Department. I am forensic interview certified. I participated in advance training from the United States Secret Service's National Computer Forensic Institute in cyber and computer investigations, including the collection of cyber and computer evidence.

2. In early June 2023, Defendant was retained to help gather signatures for a nomination petition for a candidate who wished to qualify for the special primary election to replace United States Representative Chris Stewart. For the candidate to qualify for the ballot, the candidate needs to gather at least 7,000 signatures from registered republicans in Utah's Second Congressional District. This congressional district includes a portion of Davis, Salt Lake, and Juab counties. It also includes Tooele, Juab, Millard, Beaver, Piute, Wayne, Iron, Garfield, Kane, and Washington counties.

3. The Utah Election Code sets the requirements for circulating nomination petitions for primary elections. One of the requirements forbids any person from paying anyone to circulate a nomination petition based on the gross number of signatures submitted to a filing officer. Payment can be based on the number of signatures verified as valid by the Utah Lieutenant Governor's Office or the office's designee. Payment can also be made on another basis, such as at an hourly rate.

4. Sometime between June 12 and June 14, Defendant entered into an oral contract with D.M. and G.S., in which the Defendant agreed to pay D.M. and G.S. to gather signatures for the nomination petition. Defendant agreed to pay D.M. \$16 per gross signature gathered if the validity rate of those signatures remained at 80% or greater. Defendant agreed to pay G.S. \$14 to \$16 per signature gathered with no validity rate requirement to gather 5,000 signatures.

5. On June 29, 2023, Defendant memorialized his oral agreement with D.M. in a written contract. According to the written contract, D.M. was to gather 4,500 signatures for the nomination petition. This written agreement stated that Defendant's company "will pay [D.M. and/or D.M.'s company] \$16.00 per gross signature gathered, so long as validity remains at 80% or greater. Where validity is below 80%, the pay per signature shall be proportional to the

percentage valid to reach the 80% and \$16 per signature measurement.” The written agreement stated that Defendant could “agree to specific expenses, or other inducement to further production by [D.M. and/or D.M.’s company].”

6. Defendant paid D.M. \$5,000 on June 14, 2023, as a deposit towards “fees earned.” D.M. was responsible for approximately 4,900 total signatures submitted to the filing officer by the July 5, 2023, deadline. On July 12, 2023, Defendant paid D.M. an additional \$53,452 for a total payment of \$58,452 for the gross signatures obtained by D.M.

7. Mr. Mooney also renegotiated his oral agreement with G.S. Defendant and G.S. later agreed that G.S. would gather additional signatures for additional money and that G.S. would be paid \$16 per signature instead of \$14 per signature. Ultimately, G.S. was responsible for 7,776 signatures that were submitted to the filing officer by the July 5, 2023, deadline. Defendant paid G.S. per gross signature in three installments.

8. Defendant paid D.M. and G.S. for the gross signatures obtained before receiving information from the Utah Lieutenant Governor’s Office that verified which signatures were valid.

Pursuant to Utah Code Ann. § 78B-18a-106 (2018),
I declare under criminal penalty under the law of
Utah that the foregoing is true and correct.

Executed: December 19th, 2023

/s/
S.A. Zachary Nold
Declarant

*Electronically signed with permission from Zachary
Nold, on December 19th, 2023, at 1:19 pm.*

Authorized for presentment and filing:

SEAN D. REYES,
Utah Attorney General

/s/ Heather Waite Grover
HEATHER WAITE GROVER
Assistant Attorney General
DATED: December 20th, 2023