

Snell & Wilmer



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. He previously served as State Election Director and in-house counsel for the Arizona Secretary of State's office and is deeply experienced in election-related litigation and appellate matters in state and federal courts and before agencies, bringing his depth of knowledge to the firm's Constitutional and Political Litigation practice and Election practice. 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, with his secret security clearance, regularly consulted with federal and state officials on election and cybersecurity. He 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 also heavily focuses on lobbying and government relations, having drafted and shepherded into law several high-profile bills through the Arizona Legislature.

Additionally, Eric is experienced in a wide range of government contracting and construction-related mediations, arbitrations and litigation in state and federal courts, including the U.S. Court of Federal Claims, and has experience representing construction owners and developers, lenders, engineers, architects, sureties, general contractors, subcontractors and material suppliers in performance and payment disputes under the Arizona and Federal Prompt Pay Acts. He also has focused on federal government contracting with respect to procurement, claims for equitable adjustment, terminations and debarment, bid protests and claims under the Tucker Act and Contract Disputes Act.

Education

- Harvard University, John F. Kennedy School of Government (Masters in Public Administration, 2003)
- Duke University School of Law (J.D., 2003)
- University of California, Los Angeles (B.A., Political Science, magna cum laude, 1997)

Professional Memberships & Activities

- National Association of State Election Directors (2015-present)
- State Bar of Arizona (2004-present)
- Harvard Club of Phoenix (2012-2014, 2018-present)

Representative Presentations & Publications

Political and Election Law

- "[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)
- "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)

Government Contracting and 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 2008)

2013)

Professional Recognition & Awards

- Southwest Super Lawyers®, Rising Stars Edition, Construction Litigation: Business (2014)

Community Involvement

Community

- United States Selective Service System, Local Board Member (2012-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)
- Congressman David Schweikert Military Academy Selection Committee (2013)
- Arizona Town Hall, Recorder (2013)
- American Legion, Department of Arizona (2012-2013)

Political Commitment

- Legal Observer and Chairman/Co-Chairman of Election Day Operations (2008-2014)
- 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)

Other Professional Experience

- Arizona Secretary of State's Office, State Election Director (2015-2019)
- Snell & Wilmer, Associate Attorney (2007-2014)
- 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)
- U.S. House Majority Leader Dick Armey, Legislative Intern (1996)
- U.S. Senator John McCain, Legislative Intern (1995)
- Governor Fife Symington, Legislative Intern (1995)

Military Service

- Captain, Arizona Army National Guard (2007-2009)
- Infantry Platoon Leader, United States Army, 4th Infantry Division, 3-67 Armor (2005-2007); Infantry and officer training, Fort Benning, GA (2003-2005)
- Veteran of Operation Iraqi Freedom; Awards and Decorations include the Bronze Star Medal and Combat Infantry Badge

Bar Admissions

- Arizona

Court Admissions

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