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ARIZONA SUPREME COURT

MIREYA ARROYO, a qualified
elector,

Plaintiff/Appellant,

v.

DEBORAH ANN BEGAY, a
candidate for office,

Real Party in Interest/Appellee,

and

STEPHEN RICHER, in his official
capacity as Maricopa County
Recorder; MARICOPA COUNTY
BOARD OF SUPERVISORS, in
their official capacity,

Defendants/Appellees.

No. CV-24-0083-AP/EL

Maricopa County
Superior Court
No. CV2024-008726

**THE PARTIES' JOINT
STIPULATED FACTS AND
ISSUE FOR REVIEW**

Appellant Mireya Arroyo and Real Party in Interest/Appellee Deborah Ann Begay jointly submit this list of stipulated facts. The parties have also provided a stipulated issue for review before the Court. The parties may persuasively rephrase the issue for review in their briefs, but a neutral formulation of the issue is provided below. A copy of the Superior Court's order is attached as Exhibit A. At the evidentiary hearing, the parties stipulated to admitting all of Judge Begay's nomination petition sheets. An exemplar of one of Judge Begay's nomination petition sheets at issue is attached as Exhibit B.

STIPULATED FACTS

1. Appellee Deborah Ann Begay is the sitting Justice of the Peace for the Moon Valley justice precinct.
2. Judge Begay seeks reelection in 2024 and seeks the Democratic Party's nomination for the position.
3. Judge Begay filed her Statement of Interest with Maricopa County on February 28, 2023, indicating that she was running for Justice of the Peace for the Moon Valley justice precinct in the 2024 primary election.
4. The primary election will be held on July 30, 2024.

5. There is only one primary election for the Moon Valley justice precinct in 2024.
6. To be placed on the primary ballot, Judge Begay needed to collect and submit 336 signatures on her nomination petition.
7. Judge Begay timely submitted her nomination petition to the Maricopa County Elections Department (“MCED”).
8. On April 1, 2024, Judge Begay received a Candidate Filing Receipt from MCED indicating that 371 signatures had been submitted.
9. On April 2, 2024, Judge Begay received a Supplemental Filing Receipt from MCED indicating she had filed additional signatures.
10. The Supplemental Filing Receipt indicated Judge Begay submitted a total of 416 signatures (the “Included Signatures”).
11. Judge Begay also timely filed 22 additional nomination petition sheets containing 151 additional signatures that MCED did not count and excluded from Judge Begay’s total because they were gathered on nominating petition sheets that did not have the date of the primary election filled-in (the “Excluded Signatures”).
12. Specifically, the line for the primary election date was left entirely blank on these nominating petition sheets.

13. The record is devoid of evidence that Judge Begay challenged MCED's determination to not count the Excluded Signatures.
14. Mireya Arroyo is also a candidate for Justice of the Peace for the Moon Valley justice precinct and seeks the Democratic Party's nomination.
15. Arroyo filed her Statement of Interest with Maricopa County on January 23, 2024, indicating she was running for Justice of the Peace for the Moon Valley justice precinct in the 2024 primary election.
16. Arroyo filed suit on April 15, 2024, to challenge Judge Begay's nomination petition.
17. Arroyo filed specific challenges with respect to 127 of the 416 Included Signatures.
18. The Maricopa County Recorder's Office ("MCRO") reviewed the Included Signatures.
19. The MCRO analysis concluded that 91 of the Included Signatures were invalid.
20. Plaintiff also sought a declaration that the Excluded Signatures should not be counted.

21. In response, Judge Begay sought to have the Excluded Signatures counted along with the valid Included Signatures.
22. Based on the MCRO's review of the individual signatures challenged, the Superior Court reduced the number of valid signatures from 416 to 325.
23. The Superior Court condensed the legal issues before it to, and the parties briefed and argued, one issue: whether the nomination petition sheets that lacked a primary date at the top substantially complied with statutory requirements.
24. If the Superior Court decided in Arroyo's favor, that those sheets lacking a primary date *did not* substantially comply, then the Excluded Signatures would not be added to the total and Judge Begay would remain short of the minimum number of signatures needed.
25. If the Superior Court decided in Judge Begay's favor, that those sheets lacking a primary date *did* substantially comply, then the Excluded Signatures would be added to Judge Begay's total and she would have more than the minimum needed for ballot access.

26. This substantial compliance issue is the only one raised on appeal by the parties and it remains dispositive of the case.

STIPULATED ISSUE BEFORE THE COURT

Whether partisan nomination petition sheets that lack a primary date at the top of the sheet substantially comply with statutory requirements.

RESPECTFULLY SUBMITTED this 28th day of April, 2024.

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