SUPREME COURT OF ARIZONA

ELI DALTON-WEBB, Plaintiff/Appellant, v. STEPHANIE MONEY, et al., Defendants/Appellees.	Arizona Supreme Court No. CV-24-0201-AP/EL Cochise County Superior Court No. CV202400439 **FILED 10/18/2024**

DECISION ORDER

A panel consisting of Vice Chief Justice Lopez and Justices Bolick, Montgomery, and King has considered this matter.

Plaintiff Dalton-Webb, pro se, filed his A.R.S. § 16-351 nomination challenge seeking to disqualify his opponent, Stephanie Money, a candidate for Cochise College District Board, Precinct 5, in Cochise County ("Candidate"). Plaintiff alleges, and Candidate concedes, that she did not submit a statement of interest or a financial disclosure statement in conjunction with her nominating petitions. The trial court scheduled an evidentiary hearing, and, on August 7, 2024, entered its order denying Plaintiff's request for relief and dismissing the challenge.

First, the trial court observed that A.R.S. § 15-1442 provides the procedure for candidates who wish to run for the district board of a community college. Specifically, A.R.S. § 15-1442(A) states that "[c]andidates for the district board must file nominating petitions,

conforming to § 16-314, with the appropriate county officer." And § 15-1442(B) states that "[m]embers of the district board shall be elected at the time and place, and in the manner, of general elections as provided in title 16."

Section 16-314 refers to the filing and form of nomination petitions. The gravamen of Plaintiff's complaint was that A.R.S. § 16-311 is part of title 16, which requires, among other things, that a candidate for office must file a statement of interest for the office sought, *see* § 16-311(H), and the filing officer is prohibited from accepting nomination petitions unless the candidate has provided a financial disclosure statement, *see* § 16-311(I)(1).

The court found that A.R.S. § 15-1442 simply states that someone who wants to run for a seat on the community college district board must file nominating petitions with the requisite number of valid signatures, and once that is done, the election is handled the same way as an election for any other elected official.

We review the interpretation of election statutes de novo and if there is only one reasonable meaning when considered in context, we apply that meaning without further analysis. *Leibsohn v. Hobbs*, 254 Ariz. 1, 4 ¶ 10 (2022); *Lohr v. Bolick*, 249 Ariz. 428, 431 ¶ 8 (2020) ("This Court evaluates nomination documents from challenges under a substantial compliance analysis unless there is 'a *clear* statement

that the legislature intended a particular form requirement to be indispensable.'")(emphasis added)(internal citations omitted).

Plaintiff concedes that the language in A.R.S. § 15-1442(B) is "vague," but contends that in requiring that "[m]embers of the district board shall be elected at the time and place, and in the manner, of general elections as provided in title 16," the better reading would be to incorporate all of title 16 including requirements in A.R.S. § 16-311(B) and (D) for a nomination petition, (H) for a statement of interest, and (I)(1) for a financial disclosure statement. Plaintiff also points out that the purpose of filing the statement of interest is so other candidates and the public may "be informed when candidates are out gathering signatures, so that when candidates turn in their signatures to then be placed on the ballot, it is no surprise to the public that candidates were spending resources gathering signatures, prior to nomination papers being turned in." Likewise, Plaintiff contends that the financial disclosure statement allows voters to "see if the officeholder's actions are of self-benefit or have any conflicts-of-interest."

Plaintiff's reading of the statutes overlooks the fact that there is no specific requirement in A.R.S. § 15-1442 or A.R.S. § 16-314 for filing anything more than the "nominating petitions." And here, Candidate did file the nomination paper along with the nomination

petitions that included her representations that she meets the qualifications for the office.

Although there may be sound reasons to include the requirements under § 16-311 to all candidates seeking election to public office, there is no specific requirement for a statement of interest or a financial disclosure statement for a college district governing board candidate in § 15-1442(A), and the Court cannot conclude that there was "a clear statement that the legislature intended" such a requirement "to be indispensable." *Lohr*, 249 Ariz. at 431 ¶ 8 (quoting *Bee v. Day*, 218 Ariz. 505, 506 ¶ 10 (2008)); *see also Roberts v. State*, 253 Ariz. 259, 266 ¶ 20 (2022) ("It is a foundational rule of statutory construction 'that courts will not read into a statute something which is not within the manifest intention of the legislature as gathered from the statute itself' . . . ."). Therefore,

IT IS ORDERED affirming the trial court decision and dismissing Plaintiff's challenge.[1]

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[1] Although Plaintiff filed a timely Notice of Appeal in the superior court proceeding, Plaintiff failed to file a Rule 10 statement designating this matter as an "Expedited Election Appeal" or a Rule 10(g) request for a scheduling conference in this Court, delaying the resolution of this matter. *See* ARCAP 10. Because of the disposition of this case, the Court need not determine whether the challenge is moot.

IT IS FURTHER ORDERED the Clerk shall issue the mandate forthwith.

DATED this 18th day of October, 2024.

/s/
JOHN R. LOPEZ IV
Vice Chief Justice

TO:
Eli Dalton-Webb
Marisol Renteria
Stephanie Money
David Thorn
Amy Hunley
James E Ledbetter
Don C Stevens II