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**IN THE SUPREME COURT  
OF THE STATE OF ARIZONA**

ROBERT BACKIE, an individual and a  
qualified elector of Congressional District  
1,

Plaintiff/Appellant,

v.

KIM GEORGE, an individual; ADRIAN  
FONTES, in his official capacity as  
Arizona Secretary of State; MARICOPA  
COUNTY BOARD OF  
SUPERVISORS; JACK SELLERS, in  
his official capacity as Maricopa County  
Supervisor; THOMAS GALVIN, in his  
official capacity as Maricopa County  
Supervisor; BILL GATES, in his official  
capacity as Maricopa County  
Supervisor; CLINT HICKMAN, in his  
official capacity as Maricopa County  
Supervisor; STEVE GALLARDO, in his  
official capacity as Maricopa County  
Supervisor; STEPHEN RICHER, in his  
official capacity as Maricopa County  
Recorder;

Defendants/Appellees.

No. CV-24-0089

Maricopa County Superior Court  
No. CV2024-008687

**JOINT STIPULATION OF  
FACTS**

Plaintiff/Appellant Robert Backie (“Backie”) and Defendant/Appellee Kim George (“George”) hereby submit this Joint Stipulation of Facts pursuant to the Court’s April 30, 2024, Order.

1. Plaintiff Robert Backie is a registered voter and qualified elector who resides in Congressional District 1 (“CD1”) in Maricopa County, Arizona.

2. Defendant George, the real party in interest, is an Arizona resident and a candidate for the Republican nomination for the office of U.S. Representative for CD1.

3. On or about April 1, 2024, George filed nomination petition sheets with the Arizona Secretary of State purporting to contain 2,807 signatures for the Republican Party nomination for the office of U.S. Representative for CD1.

4. On April 15, 2024, Backie filed his Verified Complaint for Special Action and Declaratory and Injunctive Relief (the “Complaint”), challenging 1,423 signatures as invalid due to numerous purported deficiencies.

5. The minimum number of valid signatures required for the Republican Party nomination for the office of U.S. Representative for CD1 is 1,742 pursuant to A.R.S. § 16-322(A)(2).

6. On April 19, 2024, the Maricopa County Recorder’s Office released its Recorder’s Petition Verification Report (the “County Recorder Report”) reviewing 398 signatures challenged in the Complaint. The parties stipulated to the

admissibility and accuracy of the Report.

7. The County Recorder Report found that 249 petition signers were not qualified signers at the time of signing George's nomination petitions and therefore their signatures were disqualified. The Report attached a list of the signers found not to be qualified signers, along with the grounds for their invalidity.

8. The Arizona Secretary of State ("Secretary") is statutorily responsible for drafting and publishing the Election Procedures Manual ("EPM") containing rules for Arizona election procedures. The 2023 EPM is available at: [https://apps.azsos.gov/election/files/epm/2023/EPM\\_20231231\\_Final\\_Edits\\_to\\_Ca\\_1\\_1\\_11\\_2024.pdf](https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Ca_1_1_11_2024.pdf).

9. The Secretary published the most recent iteration of the EPM in December 2023.

10. Chapter 6 of the EPM discusses Regulation of Petition Circulators.

11. Page 116 of the EPM states: "Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated. More information regarding the regulation and registration of circulators, including the Secretary of State's recommended best practices for circulating petition sheets, is available on the Secretary of State's website at [www.azsos.gov/elections](http://www.azsos.gov/elections)."

12. Page 116 of the EPM states that a petition circulator must register with the Secretary of State's Office if the circulator:

- is paid to circulate any recall or statewide initiative or referendum petitions (whether or not the circulator is a resident of this state); or
- is not a resident of this state (whether or not the circulator is paid) and will circulate: (i) a statewide initiative or referendum petition, (ii) a recall petition in any Arizona jurisdiction, or (iii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town).

13. Page 117 of the EPM states: “[c]irculators who are not residents of Arizona must register with the Secretary of State prior to circulating . . . a candidate petition in any Arizona jurisdiction (statewide, county, city, or town),” and that “[f]ailure to do so invalidates the signatures collected by the circulator prior to registration. A.R.S. § 19-118(A); A.R.S. § 19-205.01(A); A.R.S. § 16-321(D).”

14. Page 117 of the EPM states: “A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a non-resident circulator.”

15. Page 118 of the EPM states: “Circulator registration must be conducted as prescribed by the Secretary of State through the electronic Circulator Portal (<https://apps.azsos.gov/apps/election/circulatorportal/>).”

16. Page 118 of the EPM states: “A circulator registration is not complete until the Secretary of State confirms the registration in writing. A.R.S. § 19-118(A); A.R.S. § 19-205.01(A); A.R.S. § 16-452(A).”

17. Page 118 of the EPM states: “Once a circulator is properly registered, the circulator must select in the Circulator Portal the petition(s) they will circulate (by serial number and/or candidate name).”

18. Page 118 of the EPM states: “To allow for [initiative and referendum] circulators to comply with the requirements of A.R.S. § 19-118(B), a circulator shall file a separate affidavit for each petition they wish to circulate. To that end, the circulator shall upload a new affidavit and indicate a new committee address for each petition.”

19. Page 118 of the EPM requires that circulators “satisfy the following requirements when registering with the Secretary of State through the Circulator Portal:

- Provide his/her name, residential address or description of residence location, telephone number, and email address;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;
- Indicate the committee’s address in Arizona (for statewide initiative or referendum petitions) or a designated address in Arizona (for candidate petitions) at which the circulator will accept service of process related to disputes concerning circulation of that circulator’s petitions;
- Indicate the circulating organization at which the circulator is employed (if applicable).”

20. Page 119 of the EPM states: “Within five business days after submission of a circulator registration application, the Secretary of State will assign

a random circulator ID number to each such circulator. A.R.S. § 19-118(C); A.R.S. § 19-205.01(C). [For initiative and referendum circulators,] [a]n ID number shall not be assigned until after the affidavit is uploaded and the registration is complete. The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that individual (regardless of the election cycle or which petition is being circulated).”

21. Page 119 of the EPM states: “A circulator may update or cancel their circulator registration for any or all [initiative or referendum] measures directly through the Secretary of State’s Circulator Portal.”

22. The Arizona Secretary of State publishes an Arizona Petition Circulator Training Guide (the “Circulator Guide”) which, among other things, provides guidance regarding the Circulator Registration Process. The Circulator Guide is available at: [https://azsos.gov/sites/default/files/2023-10/2022\\_petition\\_circulator\\_training\\_guide\\_final.pdf](https://azsos.gov/sites/default/files/2023-10/2022_petition_circulator_training_guide_final.pdf).

23. Page 6 of the Circulator Guide instructs that all circulators “must register through the Secretary of State’s online Circulator Portal.”

24. The steps for “Creating an Account” in the Circulator Portal are outlined in pages 6–9 of the Circulator Guide:

1. If you are a first-time circulator, click “Sign Up” to begin the process.

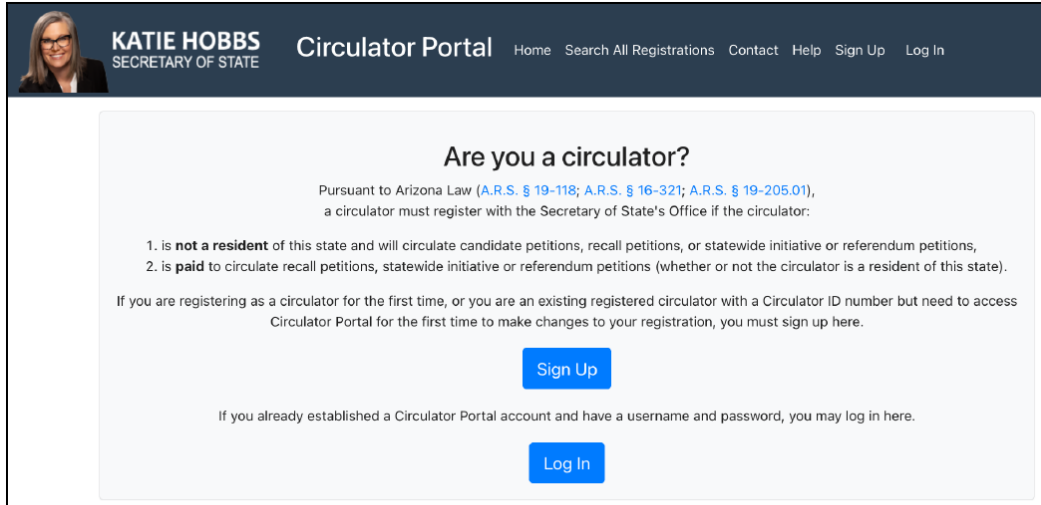


FIGURE 1: CIRCULATOR PORTAL HOMEPAGE

2. This page confirms that you have not previously received a Circulator ID number. If you have previously registered, click “No, I was not issued a Circulator ID number.”

FIGURE 2: CIRCULATOR PORTAL SIGN UP PAGE 1

3. Provide the circulator’s full legal name. For the address section, the circulator must select if their permanent address is outside of Arizona. If “yes” is selected, the circulator will need to include the permanent residential address outside of Arizona and the temporary residential address in Arizona. If “no” is selected, only the permanent residential address will be requested.

The address provided in Arizona is where the circulator will accept service of process related to disputes concerning circulation of that circulator’s petitions (for circulators of statewide initiative and referendum petitions, this address must be the address of the committee in Arizona for which the circulator is gathering signatures).

Continue to input the contact information and create a password. Once the information is properly entered, click “Sign Up.”

**Sign Up**

If you are registering as a circulator for the first time, or you are an existing registered circulator with a Circulator ID number but need to access Circulator Portal for the first time to make changes to your registration, you must sign up here.

Pursuant to Arizona Law (A.R.S. § 19-118; A.R.S. § 16-32; A.R.S. § 19-205.01), a circulator must register with the Secretary of State's Office if the circulator:

1. is **not a resident** of this state and will circulate candidate petitions, recall petitions, or statewide initiative or referendum petitions,
2. is **paid** to circulate recall petitions, statewide initiative or referendum petitions (whether or not the circulator is a resident of this state).
3. The definition of a "paid circulator" is outlined in [A.R.S. § 19-118\(F\)](#). Please read the important criminal prohibition outlined in [A.R.S. § 19-118.01](#).

Please complete the form below to create an account.

**Circulator Name**

<b>First Name</b> Required	<b>Last Name</b> Required	<b>Suffix</b> Optional
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Do you consider somewhere outside of Arizona to be your permanent residential address?  
Select...

**Permanent Residential Address**

**Street Address**  
Required

<b>City</b> Required	<b>State</b> Required	<b>Zip Code</b> Required
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**Contact information**

**Phone Number**  
Required

<b>Email</b> Required	<b>Confirm email</b> Required
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**Password**

<b>Password</b> Required	<b>Confirm password</b> Required
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Your password must be at least 6 characters long and contain one digit.

[Sign Up](#) [Cancel](#)

FIGURE 3: PORTAL SIGN UP PAGE 2

4. Upon successfully creating an account in Circulator Portal, the Secretary of State’s Office will assign a random circulator ID number to each circulator via email. An automated email from no-reply@azsos.gov will contain the circulator ID number and links to Circulator Portal. The email may go to your junk or spam folder.

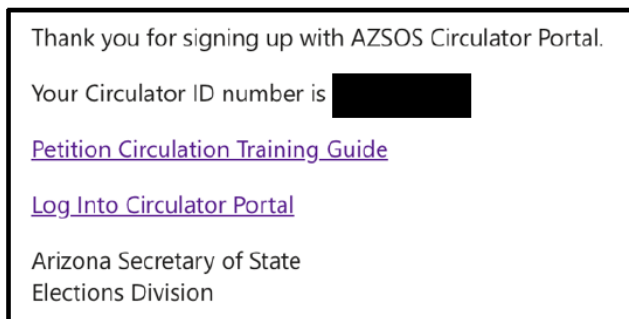


FIGURE 4: CIRCULATOR REGISTRATION CONFIRMATION EMAIL

This circulator ID number is permanently assigned to the circulator, so it must be used for all petitions being circulated by that circulator, regardless of the election cycle.

If you are registering to circulate a statewide initiative/referendum petition or a recall petition of any jurisdiction level you must complete an Affidavit of Eligibility first. If you are registering to circulate a candidate petition you may proceed directly to the Petition Registration.

25. Page 8 of the Circulator Guide provides that upon successfully creating an account, an automated email is sent to the circulator, which is referred to in the accompanying image as the “Circulator Registration Confirmation Email”.

26. Page 10 of the Circulator Guide states: “You must register for each individual petition you wish to circulat[e] under the ‘Add a Petition’ section. Until you complete this step you are not registered to circulate that petition. Any signatures collected before the date on the petition registration may be subject to rejection.”

27. If the circulator has not “Add[ed] a Petition” to their Circulator Portal, the Portal includes the following statement: “You haven’t registered any petitions

yet.”

28. The Circulator Guide’s Petition Registration instructions are as follows:

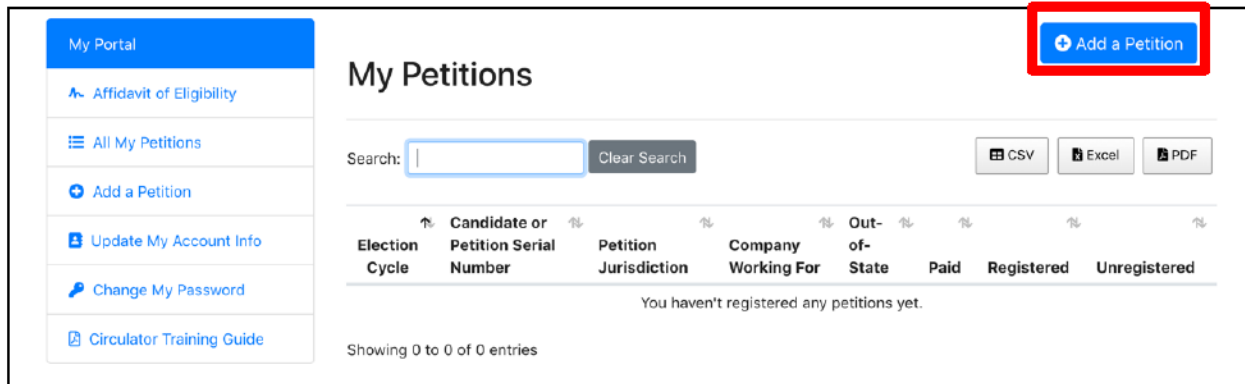


FIGURE 6: MY PETITIONS TAB

You will be asked to complete the following information for each individual petition:

- Select if you are paid and/or an out-of-state circulator from the check boxes.
- Select the jurisdiction for the petition you will be circulating from the drop down: Federal, Statewide/Legislative, County, or City/Town.
- Include a service of process address. For initiative, referendum, and recall this should be the address of the committee, organization, or individual from whom you are circulating petitions.
- If you are a paid circulator, include the name of the organization for which you are hired.
- Select the type of petition: Candidate Name or Petition Serial Number (Initiative, Referendum, or Recall)
  - o If you select “Candidate Name” you will be prompted to enter the candidate’s name. Please ensure you correctly type the name the candidate has listed on their Statement of Interest and/or Nomination Petitions.

- o If you select “Petition Serial Number” for in the Statewide/Legislative jurisdiction you will be offered a drop down of petition serial numbers for the current election cycle.

- o If you select “Petition Serial Number” for a jurisdiction other than Statewide/Legislative, you will be prompted to type in the serial number as prescribed to the ballot measure you wish to circulate.

- Finally, carefully read and acknowledge all of the final statements by checking the adjacent box and select submit.

Once you submit the “Add a Petition” form you will be able to view a PDF of your responses in the “All My Petitions” section. You will also have the option to unregister for petitions for which you have previously registered.

Circulator Guide at 10–11.

29. The circulator’s responses to the information requested in the Circulator Portal are populated in a document titled the “Circulator Registration Form.”

30. After the circulator creates the Circulator Registration Form in the Circulator Portal, the Secretary sends an automated confirmation email confirming that a specific candidate’s petition was added to the Circulator Portal and containing a PDF link to the Circulator Registration Form.

31. A completed Circulator Registration Form includes the date the Secretary received the form in the top right corner.

32. Page A2 of the Circulator Guide contains a Circulator Registration

Form, which contains the following check boxes:

- “I am not a resident of the State of Arizona and, therefore, understand that I must complete and file this form with the Office of the Secretary of State prior to petition circulation at any jurisdictional level in Arizona.
- I am a paid circulator of a petition for a recall or statewide ballot measure and, therefore, understand that I must complete and file this form with the Office of the Secretary of State prior to petition circulation.”

33. The Circulator Registration Form states: “**EACH CIRCULATOR MAY REGISTER FOR ONLY ONE CANDIDATE OR PETITION SERIAL NUMBER PER FORM. REGISTRATION FOR ADDITIONAL CANDIDATES OR PETITIONS MUST BE SUBMITTED ON A SEPARATE FORM.**” Circulator Guide, A2.

34. The Circulator Registration Form requires the circulator to provide their first and last name, permanent residential address, temporary residential address, service of process address, email address, name of circulating organization, candidate name or petition serial number, and jurisdiction for the petition. *Id.*

35. The Circulator Registration Form requires circulators to certify that they “understand that [their] circulator registration is not complete until [they] have submitted this form and have received a confirmation of receipt from the Secretary of State’s Office.” *Id.*

36. The Secretary publishes a public list of all registered non-resident circulators called “Circulator Registrations” on his website, *available at:*

<https://apps.azsos.gov/apps/election/circulatorportal/Home/Search>.

37. A non-resident circulator does not appear on the public list of registered circulators on the “Circulator Registrations” page unless and until the circulator files the Circulator Registration Form with the Secretary.

38. The Secretary publishes a web page on his website called “Requirements for Paid & Non-Resident Circulators,” *available at*: <https://azsos.gov/elections/ballot-measures/requirements-paid-non-resident-circulators>.

39. On this web page, under “Registering with the Secretary of State,” the text indicates that “[p]rior to circulating any petition in the state of Arizona, you must register with the Secretary of State if: 1) You are not a resident of the state and will circulate any candidate petition or a statewide initiative or referendum petition; or 2) You are paid to circulate petitions for a statewide initiative or referendum petition (whether or not you are a resident of the state). Anyone circulating a candidate petition or an initiative or referendum petition must meet the qualifications to register to vote in Arizona. Signatures collected prior to registration are subject to review and challenge under Arizona law.” *Id.*

40. The web page provides “Registration Instructions” that circulators must follow:

- 1) Read the Petition Circulation Training Guide. (PDF)

- 2) Create your Circulator Portal account and obtain a unique Circulator ID number. This number will be permanently assigned to you for all petitions you circulate in all election cycles going forward.
- 3) Please note that circulators are required to complete and upload an affidavit to register. Circulators are not required to provide a hard copy of their registration affidavit to the Secretary of State's Office but should maintain the original for their records in the event of a legal challenge.
- 4) Register to circulate known ballot measures or candidate nomination petitions by adding them to your Circulator Portal account.
- 5) When you have successfully registered for a petition, you will receive a confirmation email containing a link to view your registration.
- 6) If you are circulating petitions for a statewide ballot measure, your unique Circulator ID should be included on each petition sheet you circulate.

*Id.*

41. John Lopez, Isabella Ramirez, Elijah Weltman, Christopher Humphries, and Caleb Okwaraji are non-residents of Arizona who circulated petitions on behalf of Kim George for the 2024 primary election cycle.

42. John Lopez ("Lopez") created his Circulator Portal account with the Secretary on March 3, 2024, and received the auto-generated Circulator Registration Confirmation Email from the Secretary that same day, confirming his account creation and assigning him Circulator ID AZ96442. *See, supra*, ¶¶ 24–25.

43. The first signature collected by Lopez on behalf of George was March 6, 2024.

44. Lopez specifically registered to circulate petitions for George on March 29, 2024. All challenged signatures relating to Lopez pre-dated this registration.

45. Isabella Ramirez (“Ramirez”) created her Circulator Portal account with the Secretary on February 9, 2024, and received the auto-generated Circulator Registration Confirmation Email from the Secretary that same day, confirming his account creation and assigning her Circulator ID AZ67993. *See, supra*, ¶¶ 24–25.

46. The first signature collected by Ramirez on behalf of George was on March 4, 2024.

47. Ramirez specifically registered to circulate petitions for George on March 29, 2024. All challenged signatures relating to Ramirez pre-dated this registration.

48. Elijah Weltman (“Weltman”) created his Circulator Portal account with the Secretary on February 9, 2024, and received the auto-generated Circulator Registration Confirmation Email from the Secretary that same day, confirming his account creation and assigning him Circulator ID AZ70208. *See, supra*, ¶¶ 24–25.

49. The first signature collected by Weltman on behalf of George was March 4, 2024.

50. Weltman specifically registered to circulate petitions for George on March 17, 2024. All challenged signatures relating to Weltman pre-dated this registration.

51. Caleb Okwaraji (“Okwaraji”) created his Circulator Portal account with the Secretary on August 31, 2020.

52. Okwaraji collected two signatures on behalf of George dated March 8, 2024, on Sheet 152.

53. Okwaraji specifically registered to circulate petitions for George on March 17, 2024. All challenged signatures relating to Okwaraji pre-dated this registration.

54. Christopher Humphries (“Humphries”) created his Circulator Portal account with the Secretary on March 7, 2024, and received the auto-generated Circulator Registration Confirmation Email from the Secretary that same day, confirming his registration and assigning him Circulator ID AZ96442. *See, supra*, ¶¶ 24–25.

55. Humphries last modified his Circulator Portal account on March 17, 2024.

56. The first signature collected by Humphries on behalf of George was March 29, 2024, and he collected 61 signatures for George.

57. Humphries never specifically updated his Circulator Portal to include George’s campaign or otherwise submitted a Circulator Registration Form to circulate petitions on behalf of George.

58. All 1,057 signatures (the “Challenged Signatures”) alleged in

Plaintiff's Verified Complaint that were collected by circulators Lopez, Ramirez, Weltman, Humphries, and Okwaraji (the "Challenged Circulators") on behalf of George were collected after the circulators generally created their Circulator Portal accounts, but before the circulators specifically registered with the Secretary to collect signatures on behalf of George.

59. In their Circulator Registration Forms, circulators Lopez, Ramirez, and Weltman listed commercial buildings for their service of process addresses.

60. When applying for a Circulator Portal account, prospective circulators are asked to provide a residential address. When subsequently creating a Circulator Registration Form, circulators are authorized to provide a commercial address, including an address for their employing organization.

61. On or before this litigation commenced, all of the Challenged Circulators were listed on the Secretary of State's public list of all registered non-resident circulators. *See, supra*, ¶ 36. However, Humphries was only listed on the Secretary of State's website because he registered as a non-resident circulator for a candidate other than Kim George.

62. All of the Challenged Circulators are still listed on the Secretary of State's public list of all registered non-resident circulators. *See, supra*, ¶ 36. However, Humphries is only listed on the Secretary of State's website because he registered as a non-resident circulator for a candidate other than Kim George.

63. In light of the County Recorder Report, if the Court finds that circulators John Lopez, Isabella Ramirez, Elijah Weltman, Christopher Humphries, and Caleb Okwaraji did not properly and timely register as out-of-state circulators, George does not have sufficient valid nomination petition signatures to be placed on the Republican primary election ballot in CD1.

DATED this 2nd day of May, 2024.

SNELL & WILMER L.L.P.

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