

**IN THE SUPREME COURT
STATE OF ARIZONA**

MAUREEN HOPPE,

Plaintiff-Appellant,

v.

BOBBI BUCHLI, et al.;

Defendants-Appellees.

Arizona Supreme Court
No. CV-26-0114-AP/EL

Maricopa County
Superior Court
No.: CV2026-013760

(Expedited Election Matter)

OPENING BRIEF

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Arizona law mandates, “Nomination petitions shall be captioned “partisan nomination petition” or “nonpartisan nomination petition”, followed by the language of the petition in substantially the following form,” followed by details of information that candidates must include on petitions and to which signers assent in supporting the candidate’s nomination. [A.R.S. § 16-314\(C\)](#). This case turns on the extent to which candidates may resort to the term “substantially” to excuse inaccurate information entered on petition forms. For a critical number of petition sheets, the Appellee Candidate provided the wrong jurisdiction for the signer’s qualified elector status and failed to specify to which election the petition was directed. Such errors do not substantially comply with the mandatory statutory requirements and for that reason, signatures on such sheets are disqualified.

FACTUAL BACKGROUND

On many petition sheets, the Appellee Candidate provided “LD 14 Town of Gilbert” rather than “Town of Gilbert” for the jurisdiction for which the signers were qualified electors. [Stipulated Statement of Fact (“SOF”) ¶ 5.] The following is an image of a typical sheet header.

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of , state of Arizona, and of

hereby nominate who resides at

in the county of for the office of to be voted at the election to be held , and I hereby declare that I am qualified to vote for this office and that I have not signed and will not sign any nomination petitions for more persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

[*Id.*] If all signatures contained on sheets that indicate “LD 14 Town of Gilbert” as the signer’s jurisdiction are disqualified, the candidate has fewer than 1,000 valid signatures. [*Id.*] The Town of Gilbert and Legislative District 14 (“LD 14”) are not co-extensive; portions of LD 14 are inside of Gilbert and portions are outside of Gilbert; portions of Gilbert are inside LD 14 and portions are outside of LD 14. [SOF ¶¶ 2, 3.]

On many petitions, the election to which the petitions were directed was identified as the “2026 election” rather than the “primary election.” [SOF ¶ 4.] An example image is provided here:

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of , state of Arizona, and of

hereby nominate **BOBBI BUCHLI** who resides at

in the county of for the office of to be voted at the election to be held , and I hereby declare that I am qualified to vote for this office and that I have not signed and will not sign any nomination petitions for more persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

[*Id.*] If all signatures contained on sheets that provide “2026” in the block ahead of the word “election,” as exemplified in the following image, are disqualified, the candidate has fewer than 1,000 valid signatures. [*Id.*] In 2026, Arizona voters, including qualified electors of the Town of Gilbert, will have a Primary Election and a General Election, that is there will be more than one 2026 election. Arizona Secretary of State, “Election Calendar & Upcoming Events,” *available at* <https://azsos.gov/elections/calendar-dates> (last visited 4/17/26).

ARGUMENT

A. Substantial Compliance Requires Compliance

In [Lohr v. Bolick](#), 249 Ariz. 428, 434 ¶24 (2020), this Court warned candidates:

Our conclusion that Bolick substantially complied with §§ 16-311(A) and -314(C) under these facts does not mean she or any other candidate should use anything other than their actual residence address on future nomination papers and petitions. Sections 16-311(A) and -314(C) direct candidates to use their actual residence addresses and a candidate who intentionally does otherwise flirts with disqualification.

This Court held that, despite providing a UPS Store’s address for the Candidate’s address, the information nonetheless substantially complied because “Bolick’s physical residence is in the same legislative district and zip code as the UPS Store.” [Id.](#) at 433 ¶ 19. The information provided was unlikely to cause voter confusion about the *information required by the law*. This Court did not hold that it was simply unnecessary to have the candidate’s residential address because voters could assume that the candidate running for office would meet residential requirements, or because challengers have a separate avenue to challenge a candidate’s residency. The holding clarifies that voters would not be confused or misled by the information provided, with regard to the information that the law requires, but warned candidates to not flirt with disqualification by providing inaccurate information on future petitions.

Relatedly, in *Baldwin v. Martinez*, CV-18-0159-AP/EL (Ariz. Jul. 02, 2018), Candidate Ray D. Martinez failed to substantially comply with the requirement to list the office he was seeking. This Court explained, “Because electors could have been confused about the office for which they were nominating Martinez (i.e., the Democratic nomination for state versus U.S. senator), we affirm the trial court’s decision invalidating the ninety-eight signatures.” *Id.* at 2. Again, it does not matter that voters could have read LD 30 on the top of the petitions and figured out he was running for state senate. The point is, that he was required to provide what office he was seeking, and given the circumstances of that year, using only “senator” failed to substantially comply with the requirement to provide that information.

B. “LD 14 Town of Gilbert” Is the Wrong Jurisdiction.

The information provided at the top of the petition form is the information to which the voters are swearing in signing the petition sheets. In this case, voters were required to swear to be a qualified voter in the Town of Gilbert, not in “LD 14 Town of Gilbert.” Signers would then understand that the requirement to sign the petition was dependent on their being a qualified elector of LD 14 and/or Town of Gilbert. Indeed, that is what the petition says. As to the information required, there is a likelihood of confusion.

The trial court noted that a mechanism was available to challenge the district in which the individual signers were registered. True. But that does not rehabilitate

signatures gathered on petitions that indicated the wrong jurisdiction. The law does not permit candidates to provide misleading or confusing information on the petition sheets and just hope that signers are qualified. This removes one of the statutory safeguards to ensure that the signers are qualified—listing the jurisdiction for which they must be a qualified elector accurately. In 2012, this Court explained this explicitly in [Kennedy v. Lodge, 230 Ariz. 548, 550 ¶ 9 \(2012\)](#):

Lodge also reasons that signatures may still be valid for purposes of [§ 16-312\(F\)\(3\)](#) even though the petition forms containing the signatures were defective. This Court has previously observed, however, that signatures on defective petitions are themselves invalid. This principle applies even though the grounds for invalidation here differ from those in *Brousseau* and *Moreno*.”

(citing [Moreno v. Jones, 213 Ariz. 94, 101 n. 4 ¶ 39 \(2006\)](#); [Brousseau v. Fitzgerald, 138 Ariz. 453, 456 \(1984\)](#)).

The Candidate Appellee flirted with disqualification by failing to provide “here name political division or district from which the nomination is sought,” [A.R.S. § 16-314\(C\)](#), on numerous petition sheets. They effectively ignored the warning from *Lohr* in using the obviously wrong jurisdiction, “LD14 Town of Gilbert,” and created a substantial risk of confusion *with regard to the information mandated*. The trial court also erred in determining that this confusion was remedied by the fact that signers later in the header assent to “[I] hereby declare that I am qualified to vote for this office,” because the incorrect information could easily

confuse a voter as to what made one qualified to vote for the office. [*Id.*] Surely, the signer might understand that, to be qualified to vote for this office, one need only be a qualified elector in LD 14 *or* Town of Gilbert. These petition sheets do not substantially comply, and the signatures contained thereon must be disqualified, leaving the candidate with fewer than the needed 1,000 valid signatures. [SOF ¶ 5.]

C. “2026” Does Not Specify the Election.

As an initial matter, the trial court adopted the argument that it is somehow unclear about what information goes in the box ahead of the word “election,” writing: “There are no directions on what must go in that particular box. As counsel for Defendant noted at oral argument, putting ‘primary election’ in that space might have been more confusing, as it is inconsistent with the concept of a non-partisan election.” [Trial Court Decision at 3.] Not so.

Starting with the statute itself:

Partisan Nomination Petition

I, the undersigned, a qualified elector of the county of _____, state of Arizona, and of (here name political division or district from which the nomination is sought) and a member of the _____ party or a person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot, hereby nominate _____ who resides at _____ in the county of _____ for the party nomination for the office of _____ **to be voted at the primary election to be held** _____

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of _____, state of Arizona, and of (here name political division or district from which the nomination is sought) hereby nominate _____ who resides at _____ in the county of _____ for the office of _____ **to be voted at the _____ election to be held _____,**

[A.R.S. § 16-314\(C\)](#)(emphasis added).

The information provided by the Partisan Nomination Petitions makes crystal clear what is required for the block identifying the election. Either “primary,” as provided in that section, or an equivalent identifier, e.g., “general,” if applicable. Note, this also emphasizes the importance of getting this right, because nonpartisan nomination petitions can be targeted to either primary or general elections, which is the reason for the blank in the form. Indeed, the Candidate herself recognized this was the correction on several petition sheets, one example is included in the Statement of Facts. [SOF ¶ 5.]

Maricopa County also provides guidance on this section of the petition. The following is from the Candidate Handbook | MCED, at 15, available on line at <https://elections.maricopa.gov/candidates/running-for-office.html> (follow the hyperlink for “View the Handbook.”)

Non-Partisan Nomination Petition headers must include:

- **County of the residence for the candidate**
- **District of the office sought**
 - If not a districted office, “Countywide” or “Maricopa County” are commonly used
- **Name of the candidate**
- **Residential address of the candidate**
- **Office sought**
- **Name of the election** (i.e. Primary or General)
- **Date of the election**
 - For non-partisan candidate, this would be the date of the General Election

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of Maricopa, state of Arizona, and of East County Fire & Medical District hereby nominate Bailey Test Candidate who resides at 510 S. 3rd Ave. Phoenix, AZ 85003 in the county of Maricopa for the office of Fire Board Member - East County Fire & Medical District to be voted at the General election to be held November 3, 2026 and I hereby declare that I am qualified to vote for this office and that I have not signed and will not sign any nomination petitions for more persons than the number of candidates necessary to fill such office at the next ensuing election. I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.

Put optional photo here

	Signature	Printed name	Actual residence address, description of place of residence or Arizona post office box address, city or town	Date of signing
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Revised 05/09/2021, Secretary of State Petitioner/circulator remains solely responsible for ensuring this form complies with Arizona law.

Example Form 3: Non-Partisan Nomination Petition with completed header.

The guide confirms what is obvious: the blank identifying the “election” can be completed with word “primary” or “general.”

Entering the year in the blank provided gives the qualified elector reviewing the petition sheet with zero information about which election is being targeted. Indeed, the date is contained in the follow blocks. The statute, informal guidance, and common sense make clear that the year is not the information to be entered into this block required to identify the specific election.

[Moreno v. Jones, 213 Ariz. 94, 101-02 ¶¶ 40, 42 \(2006\)](#), is instructive, as it allowed the omission of the election date because “[t]here is only one primary election for state legislative office.” There is *not* only one 2026 election. The use of the phrase “2026 election” entirely omits the mandatory information, and one cannot

determine for which election this petition relates. The same is true of the decision orders issued by this Court since then, which have tolerated errors or omissions in the date of the correctly identified election, but not failure to provide the identity of the election itself.

This is aggravated by two factors present this year for this race. First, the date provides confusion, not clarity. This is because the Legislature changed the date of the primary election during the collection process. [AZ LEGIS 1 \(2026\), 2026 Ariz. Legis. Serv. Ch. 1 \(H.B. 2022\)](#). While that is not the fault of the Appellee Candidate, and the existence of different dates on the petition sheets is not deficient, it reduced the ability of the date to clarify. Qualified electors would have seen two separate dates on petitions—one of which is not actually the date of the primary.

Next, the Appellee Candidate is running for a nonpartisan office. Elections for nonpartisan offices often go directly to the General Election. This is provided by state statute as follows:

Any person desiring to become a candidate at a primary election for a political party and to have the person's name printed on the official ballot shall be a qualified elector of the party and, not less than one hundred twenty nor more than one hundred fifty days before the primary election

....

Any person desiring to become a candidate at any nonpartisan election and to have the person's name printed on the official ballot shall be at the time of filing a qualified elector of the county, city, town or district and, not less than one hundred twenty nor more than one hundred fifty days before the election.”

[A.R.S. § 16-311](#)(A), (B). And while subsection (C) of the same statute permits municipalities like Town of Gilbert to sync their elections with Subsection (A), the potential confusion for a voter who might understand nonpartisan candidates to submit petitions for the General Election remains.

Entering only the year of the election fails to substantially comply with the requirement to identify whether the election is the primary or general election. The signatures contained on such petition sheets are invalid, and thus, for this reason as well, the Appellee Candidate has not turned in sufficient valid signatures. [SOF ¶ 4.]

Both deficiencies challenged in this case create substantial risk that the signer will be misled or confused about the information required by law to be presented to them when deciding whether to sign the petition. The Appellee Candidate has failed to substantially comply with the law.

CONCLUSION

For the foregoing reasons, this Court should REVERSE the trial court's order, DECLARE that the candidate lacks sufficient valid signatures to be placed on the 2026 Primary Election ballot, and ENJOIN the government Defendants/Appellees from doing so.

DATED this 17th day of April 2026.

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