

ARIZONA SUPREME COURT

MAUREEN HOPPE,

Plaintiff-Appellant,

vs.

BOBBI BUCHLI, *et al.*,

Defendants-Appellees.

No. CV-26-0114-AP/EL

Maricopa County
Superior Court Case No.
CV2026-013760

ANSWERING BRIEF OF DEFENDANT-APPELLEE BUCHLI

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INTRODUCTION

This appeal is poorly conceived and based on two alleged infirmities in Defendant-Appellee’s Bobbi Buchli’s nomination petition sheets. The first attempt involves Buchli’s use of the phrase “LD 14 Town of Gilbert” at the top of the caption of her petition sheets. Seizing on this, the Plaintiff attempts to transform what is a harmless error with no practical effect on anyone or anything into a disqualifier for the office of Gilbert Town Council.

The second effort is an attempt to manufacture a legal requirement that a candidate use the specific word “primary”—and only that word—in the box further below where one is required to describe the election that one is seeking to be nominated for.

The second argument suffers two flaws. The first is there is no requirement to use the specific word “primary” in the caption of the petition sheet. The second is that even if the Legislature did specify that a candidate put the word “primary” in the blank box before the word election, what Buchli did in describing the election in her petition sheets as “the 2026 election to be held July 21, 2026” would substantially comply because that does describe the “primary” or first election, and everyone knows that.

LEGAL ARGUMENT

I. THE PETITION SHEETS CLEARLY IDENTIFY THE OFFICE SOUGHT AND AFFIRM THE LEGAL ABILITY OF THE SIGNER TO SIGN BECAUSE THE SIGNER IS AN ELECTOR OF THE TOWN OF GILBERT

The statutory requirement relevant to the first issue raised by Plaintiff is that the signer aver that he or she is “a qualified elector of the...political division or district from which the nomination is sought...” on the top line of the caption. A.R.S. § 16-314(C). But because of the nature of the statutorily prescribed petition sheet itself, the signer makes this same averment further below, twice. As the trial court found:

As to the petitions challenged because the form contains “LD 14,” “LD 14 Town of Gilbert,” or handwriting adding “Town of Gilbert,” the exhibits do not establish that electors were likely to be confused or misled as to the candidacy or office for which they were signing. On the challenged sheets, the petitions identify Bobbi Buchli by name and identify the office as “Gilbert Town Council.” The petitions also contain the signer’s declaration that the signer is qualified to vote for “this office”...**the petition as a whole repeatedly identifies the municipal office at issue...**

(Trial court ruling, p. 3)(emphasis added).

This Court’s decision in *Adams v. Bolin* is on point, except that because of the way the statutory requirements are today for the caption, the facts are even better for Buchli. 77 Ariz. 316, 318 (1954).

Adams was decided when the statutory caption at that time read as follows:

I, the undersigned, a qualified elector of the [1] _____ precinct of the county of [2] _____, state of Arizona, and a member of [3] _____ party, hereby nominate [4] _____, who resides at [5] _____, in the county of [6] _____, for the party nomination for the office of [7]

_____, to be voted for at the primary election to be held [8] _____, as representing the principles of said party, and I declare that I have not signed, and will not sign, any nomination paper for more persons than the number of candidates necessary to fill said office at the next ensuing election.' Names of signers; name of city or post office; street number; date of signing.'

(Note: We have added the bracketed numerals appearing in the blank spaces for subsequent reference.)

Id.

This Court noted that “[t]he nomination papers circulated by petitioner for signatures of electors and then presented to respondent *are in the exact form of the statute*, supra, save that in blank space (1), supra, there was inserted the words ‘hereinafter designated’ instead of the name or number of a particular precinct.” *Id.*

This Court rejected the challenge, finding:

Since each signer of the petition must state his address, this effectively indicates his precinct...The purpose of requiring the signer to give his city or post office, street address, and date of signing, is to provide a means of identifying him as a person entitled to sign such petition and prevent forgeries of names, as well as to indicate the precinct in which he lives. The essence of the nominating procedure is that qualified persons sign the petitions; the exact form of the sheet on which they sign is relatively unimportant.

Id. at 321.

Petition sheets of the current era actually have three places where the signer indicates the ability to sign the petition. The first is the top line and what Plaintiff bases this suit on:

I, the undersigned, a qualified elector of the county of Maricopa, state of Arizona, and of LD 14 Town of Gilbert

The second is further down the caption and where, as the trial court noted, the petition sheets identify the office as “Gilbert Town Council” and also contain the signer’s declaration that the signer is qualified to vote for “this office.”

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

And that third indication occurs in the ten numbered spots below where the signer prints the signer’s name and address, and signs, just as was the case in *Adams*.

This Court in *Moreno v. Jones* also summed up the law on substantial compliance: “In determining whether a nomination petition form substantially complies with the statutory requirements, this court has focused on whether the omission of information could confuse or mislead electors signing the petition.” 213 Ariz. 94, 102 (2006).

Here, the “result” could hardly have been less affected by the irregularity. The signer clearly indicates, two times, his or her lawful status to sign the petition based on where the qualified elector resides, in this case within the Town of Gilbert. Our facts are even better than the facts in *Adams*, which controls¹. Buchli’s petition sheets substantially comply with the requirement that the signer indicate his or her lawful ability to sign for a candidate for that specific office based on where the signer resides.

¹ The cases cited by Plaintiff do not deal with the factual patter that we have here, where the Defendant clearly identified the office sought, and through that identification electoral district that the signer is registered to vote in. *Lohr v. Bolick*, 249 Ariz. 328 (2020), *Kennedy v. Lodge*, 230 Ariz. 548 (2012), *Baldwin v. Martinez*, CV-18-0159-AP/EL (Ariz. 2018).

II. THERE IS NO STATUTORY REQUIREMENT THAT BUCHLI PUT THE SPECIFIC WORD “PRIMARY” IN THE PETITION SHEET CAPTION

The actual full text of the part of the caption that Plaintiff’s second argument is based on, involving the election for which the nomination pertains, is “the 2026 election to be held July 21, 2026”, as the screenshot above shows. The July 21, 2026 election *is*¹ the primary election. So the petition sheets do indicate that the person is signing for the primary election, they simply does not use a specific word. But there are no magic word requirements on the petition, as the Arizona Supreme Court has found:

Here, petition 20 states that it concerns “the primary election to be held _____, 2006” without specifying the day or month of the election.

...

We do not believe that petition 20, by omitting the particular day and month of the 2006 primary, created a significant danger that electors would be confused or misled. Moreno, citing A.R.S. § 16–204(B), notes that under Arizona election laws, governmental entities could hold primary elections on four different dates in 2006. This statute, however, concerns elections for certain *local* offices. Petition 20 specifies that Jones is seeking nomination to run for the Arizona State Senate. There is only one primary election for state legislative office—the eighth Tuesday prior to the general election for state office, A.R.S. § 16–201 (1996), which is held on the first Tuesday after the first Monday in November, A.R.S. § 16–211 (1996).

In contrast to *Marsh*, electors would “automatically know” for which primary election they were signing because the petition specified the year and there is only one primary that year for state legislative office.

Moreno v. Jones, 213 Ariz. 94, 102 (2006).

Just as in *Moreno*, in Gilbert there is only one primary election for Town Council—the one in July or August of even numbered years. *See* Sec. 26-6, Gilbert Town Code.

In another unreported Supreme Court decision, the candidate listed the date of the primary as actually the wrong date, “November 2016.” *Querard v. Kouns*, CV-16-0141-AP/EL, 6/29/16 (decision order attached). Nonetheless, the Court declined to remove Mr. Kouns from the ballot, stating that “his petition sheets were unlikely to cause confusion or to mislead electors as to their purpose because they otherwise made clear that Kouns was seeking to be nominated as the Republican candidate in the primary election.” *Id.*

Here, the same is true—it is clear for what office and what election Buchli is being nominated for.

One additional point is that A.R.S. § 16-314(C) states the precise statutory language: “to be voted at the _____ election to be held _____...” As this Court noted in *Adams*, “there are no express restrictive instructions as to what is to be put or may not be put, in the blank spaces.” 77 Ariz. at 318. It is not even clear what should be put in the blank to constitute perfect compliance, but here the petition sheets at least substantially comply. *Id.*, *see also* Op. Atty. Gen. No. I07-010, [2007 WL 2816222](#) (opining that because there is only one primary election in September 2008, a petition that specifies the date as September 9, 2008, instead of as

September 2, 2008, would not mislead the electors signing the petition.)

There is actually a good argument to be made that filling out the petition sheet as Plaintiff claims it should be filled out carries more risk of confusion than simply identifying the election by date, as the trial court noted. Municipal elections are still viewed by some as the first election being the “general” election and the second, if necessary and if it occurs at all election, being the “run-off².” That is reflected over and over again, both in the law and in the language that people use:

1. In A.R.S. § 16-544(S):

For the purposes of this section, "election cycle" means the two-year period beginning on January 1 in the year after a statewide general election or, for cities and towns, the two-year period beginning on the first day of the calendar quarter after the calendar quarter in which **the city's or town's second, runoff or general election** is scheduled and ending on the last day of the calendar quarter in which the city's or town's immediately following **second, runoff or general election** is scheduled, however that election is designated by the city or town.

(Emphasis added).

2. In A.R.S. 16-204(E):

...

2. The first Tuesday after the first Monday in November. If the political subdivision holds a **general election or a runoff election, the second election** held shall be held on this date. If the political subdivision holds only a single election and **no preliminary or primary or other**

² Like many municipalities, the second election, whether called the general or the run-off, does not occur if the office is filled by a candidate winning outright at the first election. *See* Secs. 26-6, and 26-7, Gilbert Town Code.

election is ever held for the purpose of reducing the number of candidates....

(Emphasis added).

3. In case law, *City of Tucson v. State*, 235 Ariz. 434, 435–36 (App. 2014):

In 2012, the Arizona Legislature amended § 16–204² to require charter cities to hold **their first (primary or general)** and **second (general or runoff)** candidate elections on the same two days that the state holds its primary and general elections for county, state, and federal offices.

(Emphasis added).

4. In the vernacular. Even *The Arizona Republic* story on the trial court ruling in this case identified the second Gilbert Town Council election as the “run-off election!” “Judge rules Gilbert council member candidate can stay on ballot,” 4/10/26, <https://www.azcentral.com/story/news/local/gilbert/2026/04/10/judge-keeps-gilbert-councilmember-bobbi-buchli-on-ballot/89517720007/>

5. In Municipal Charters, to wit, Section 16(A) and (B), Phoenix City Charter (referring to the first election the “Mayor and Council Election” and stating that “If under the provisions of Section 15 the office of Mayor [or councilmember] remains unfilled after the Mayor and Council Election, a **Runoff Election** shall be held later to fill the office....”) (emphasis added).

All of the above demonstrate the difficulties with mandating the use of the word “primary”, as Plaintiff contends. And that, and the fact that the Legislature has had to use different words and phrases to make it clear that it is referring to the first

and second election in time, is probably why the Legislature never mandated that specific word.

Of course, even if the statute did explicitly require the use of the word “primary” here, it would not matter because the use of the phrase July 21, 2026 election makes clear that it is the primary. That is, “the omission of information” could not conceivably “confuse or mislead electors signing the petition.” *Moreno*, 213 Ariz. at 102.

Lastly, this Court should not indulge the Plaintiff’s entreaty to blame the candidate for the fact that there was a late legislative change moving the date of the primary to July 21, 2026 from August 4, 2026. Governor Hobbs signed that bill into law on February 6, 2026. If there is confusion because of that, it should not be pinned on Buchli.

IV. CONCLUSION

For the foregoing reasons, this Court should affirm.

RESPECTFULLY SUBMITTED this 20th day of April, 2026.

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BY: /s/ Timothy A. La Sota

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