

**IN THE SUPREME COURT
STATE OF ARIZONA**

SUE HECK, a qualified elector

Plaintiff-Appellant,

v.

HERB KAI, et al.;

Defendants-Appellees.

Arizona Supreme Court
No. CV-26-0122-AP/EL

Pima County
Superior Court
No.: C20262700

(Expedited Election Matter)

JOINT STIPULATION OF FACTS

James E. Barton II, 023888
Jacqueline Mendez Soto, 022597
Charles W. Lucking, 031964
Joshua A. Barro, 039369
BARTON MENDEZ SOTO PLLC
6625 S. Rural Road, Suite 111
Tempe, Arizona 85283
(480) 550-5165
James@bartonmendezsoto.com
Jacqueline@bartonmendezsoto.com
Charles@bartonmendezsoto.com
Josh@bartonmendezsoto.com
Attorneys for Plaintiff-Appellant

Pursuant to [ARCAP 11\(e\)](#), the Parties file the following Agreed-Upon Statement. The Parties stipulated to each of these in the trial below. The Maricopa County Defendants and Town of Marana Defendants take no position on these stipulations and remain nominal parties to the litigation.

1. The relevant standard is substantial compliance
2. 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 1000 valid signatures.

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of Pima, state of Arizona, and of Town of Marana hereby nominate Herb Kai who resides at 11100 N Casa Grande Hwy, Marana AZ 85658 in the county of Pima for the office of Marana Town Council to be voted at the 2026 election to be held **July 21, 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.

RECEIVED
MAR 23 2026

3. The following is a sample of the header for the Nonpartisan Nomination Petition the candidate turned in along with his E-Qual signatures.

Nonpartisan Nomination Petition

I, the undersigned, a qualified elector of the county of Pima, state of Arizona, and of Town of Marana hereby nominate **Herb Kai** who resides at **PO Box 550, Rillito AZ 85654** in the county of Pima for the office of **Council Member** to be voted at the **2026 Primary Election** election to be held **July 21, 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.

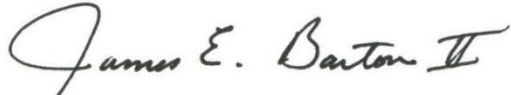
///

///

///

DATED this 21st day of April 2026.

BARTON MENDEZ SOTO PLLC



James E. Barton II
Attorney for Plaintiff-Appellant

TIMOTHY A. LA SOTA PLC

/s/Timothy A. La Sota (w/permission)
Timothy A. La Sota
Attorney for Candidate Defendant