

ARIZONA SUPREME COURT

CRAIG BECKMAN, a qualified elector,) No. CV-26-0124-AP/EL
Plaintiff/Appellant,)
v.) Maricopa County Superior Court
) Case No.: CV2026-014149
HUGH LYTLE, No Labels)
Party/Arizona Independent Party)
candidate for Arizona Governor, et al.,)
Defendants/Appellees.)

OPENING BRIEF

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Introduction

Hugh Lytle, a No Labels Party/Arizona Independent Party (“No Labels Party”) candidate for Arizona Governor, repeatedly violated Arizona’s nomination requirements. He signed a nomination paper under penalty of perjury falsely declaring that he lives in a UPS store. His nomination petitions made the same false representation to thousands of Arizona voters. Mr. Lytle’s only defense is that he substantially complied with the statutes requiring candidates to provide their actual residence address on those documents. That defense fails for four reasons.

First, Mr. Lytle cannot “substantially comply” with a statutory framework that he blatantly and deliberately disregarded. After *Lohr v. Bolick*, 249 Ariz. 428 (2020), the Legislature amended A.R.S. §§ 16-311(A) and 16-314(C) to specify when a candidate may provide a private mailbox address in place of the candidate’s actual residence address. It created a narrow exception for candidates with protected addresses. But Mr. Lytle’s residential address has never been protected. Allowing him to list a UPS store instead of his actual residence address would undermine legislative intent and turn this statutory scheme into a dead letter.

Second, substantial compliance protects candidates who make honest mistakes and have a good-faith basis for believing they've complied with Arizona law. That doesn't apply here. Mr. Lytle purposefully listed an address on his nomination paper and petitions that he uses for his business and campaign, knowing it was not his home.

Third, Mr. Lytle's misrepresentations could have confused and misled voters. A voter examining Mr. Lytle's sworn declaration would have had no reason to doubt it, and nothing on the face of the nomination paper or petitions disclosed that Mr. Lytle actually lived in a different legislative district and different zip code, twelve miles away.

Fourth, this case is materially different from every previous case finding substantial compliance with these statutory requirements because the UPS store that Mr. Lytle disclosed wasn't in the same legislative district or zip code as his actual residence.

This Court has warned that §§ 16-311(A) and 16-314(C) "direct candidates to use their actual residence addresses and a candidate who intentionally does otherwise flirts with disqualification." *Lohr*, 249 Ariz. at 434 ¶ 24. Mr. Lytle crossed the line. He knowingly and unjustifiably provided a false residential address on his nomination paper and

petitions. This Court should thus reverse the superior court’s decision and enjoin Defendants from including Mr. Lytle’s name on the ballot.

Statement of the Facts & Statement of the Case

Mr. Lytle seeks to appear on the 2026 primary ballot as the No Labels Party’s candidate for Arizona Governor. [APP12, 33 ¶ 1]¹ In March 2026, he filed a nomination paper with the Secretary of State that lists “6929 N Hayden Rd Suite C4-616, Scottsdale, AZ 85250” (“Hayden Road Address”) as his “[r]esidential [a]ddress.” [APP14, 33 ¶ 2]

Residential Address: 6929 N Hayden Rd Suite C4-616 Scottsdale AZ 85250	
Post Office Address: None supplied.	
Name in the exact manner you wish it to appear on the ballot:	
Lytle _____	Hugh _____
LAST NAME	FIRST NAME

[APP14] Mr. Lytle signed his nomination paper under penalty of perjury, declaring that “the information in [it] is true and correct.” [*Id.*] All Mr. Lytle’s nomination petitions also list the Hayden Road Address as Mr. Lytle’s residential address. [APP34 ¶ 15] And Mr. Lytle’s official campaign website lists it as his campaign address. [APP33 ¶ 5]

¹ Trial Exhibits 1–4 were admitted into evidence at the April 13 hearing. This brief cites the identical exhibits attached to the complaint.

But the Hayden Road Address is not a residence. It is a private mailbox in a UPS store. [APP33 ¶ 3] El Toro Ventures, a private investment firm that Mr. Lytle co-founded and manages, also lists the Hayden Road Address on its website as its business address. [APP33 ¶ 6] The Hayden Road Address is in Legislative District 4. [APP33 ¶ 7]

When Mr. Lytle signed his nomination paper and voters signed his nomination petitions, Mr. Lytle had a residential address. [APP33–34 ¶¶ 8, 16] His residential address has never been protected under A.R.S. § 16-153. [APP34 ¶ 19] And despite his false representations, Mr. Lytle never resided at the Hayden Road Address. [APP33–34 ¶¶ 9, 17]

Mr. Lytle’s true residential address was 20044 N. 101st Way, Scottsdale, Arizona 85255 (“101st Way Address”), a Scottsdale estate in Legislative District 3. [APP33–34 ¶¶ 10, 11, 18] And Mr. Lytle confirmed this fact himself: just three days before filing his nomination paper falsely declaring that the Hayden Road Address is his residential address, he signed his own E-Qual petition identifying the 101st Way Address as his “[a]ctual residence address.” [APP16, 34 ¶ 22]

108	/S/ HUGH HARRIS LYTLE	LYTLE, HUGH HARRIS	20044 N 101ST WAY, SCOTTSDALE, AZ, 85255	3/20/2026	22569669
Maricopa				Petition ID: 9248	

In April 2026, Plaintiff brought a two-count complaint against Mr. Lytle. Count I alleges that Mr. Lytle submitted a false and invalid nomination paper, and Count II alleges that Mr. Lytle submitted false and invalid nomination petitions. [APP5–9] Plaintiff seeks to enjoin Defendants from placing Mr. Lytle’s name on the ballot. [APP9] The parties cross-moved for summary judgment on both these claims and stipulated to a joint statement of facts. [APP17–27, 32–34, 41–51]

After hearing oral argument, the superior court granted summary judgment for Mr. Lytle. [APP66–71] Though the court held that Mr. Lytle didn’t strictly comply with A.R.S. §§ 16-311(A) and 16-314(C), it decided that he substantially complied. [APP68–70] It reasoned that because Mr. Lytle is running for statewide office and there was “no evidence in the summary-judgment record” showing that any elector was misled, there wasn’t a significant risk of voter confusion. [*Id.*] Plaintiff timely appealed.

Issues Presented

1. Does a candidate who files a nomination paper with a false residence address substantially comply with A.R.S. § 16-311(A) when there is no good-faith basis for the misrepresentation and the address is outside the legislative district and zip code of the candidate’s residence?

2. Does a candidate who files nomination petitions with a false residence address substantially comply with A.R.S. § 16-314(C) when there is no good-faith basis for the misrepresentation and the address is outside the legislative district and zip code of the candidate's residence?

Argument

I. Mr. Lytle repeatedly violated Arizona law.

A. Count I: Mr. Lytle submitted a false and invalid nomination paper.

Mr. Lytle violated A.R.S. § 16-311(A) by declaring under penalty of perjury that his actual residence address is a private mailbox in a UPS store. He did not submit a compliant nomination paper and is thus ineligible to appear on the ballot. *See* A.R.S. § 16-311(I) (“A person who does not file a timely nomination paper that complies with [§ 16-311] is not eligible to have the person’s name printed on the official ballot[.]”).

“Absent ambiguity, [this Court] interpret[s] statutes according to their plain language.” *In re Drummond*, 257 Ariz. 15, 18 ¶ 5 (2024).

“When a statute’s plain language is unambiguous in context, it is dispositive.” *Id.* Section 16-311(A) is clear:

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 sign and cause to be filed

a nomination paper giving the person's actual residence address or, if the person does not have an actual residence address, a description of place of residence and post office address, or, if the person's actual residence address is protected [under] § 16-153, a post office box or private mailbox address in the candidate's district or precinct, as applicable for a district or precinct office . . .

A.R.S. § 16-311(A). The statute establishes a general rule: a person who desires to become a candidate must provide the person's "actual residence address." *Id.* There are only two exceptions. First, "if the person does not have an actual residence address," then the person must provide "a description of [the person's] place of residence and post office address." *Id.* And second, "if the person's actual residence address is protected [under] § 16-153," then the person must provide "a post office box or private mailbox address in the candidate's district or precinct[.]" *Id.*

Section 16-311(A)'s general rule applies here. When Mr. Lytle signed his nomination paper, he had an actual residence address. [APP33 ¶ 8] And Mr. Lytle's residential address has never been protected under § 16-153. [APP34 ¶ 19] Mr. Lytle thus had to provide his "actual residence address." A.R.S. § 16-311(A) (emphasis added). Because the statute specifies the type of address to provide (*i.e.*, a person's "actual residence address"), providing some other type of address does not comply. An

“actual residence address” is not a mailing address, a private mailbox in a UPS store, or a business address. Had the Legislature intended to authorize something other than an “actual residence address,” “it would have expressly [said] so,” as it has elsewhere. *Est. of Braden ex rel. Gabaldon v. State*, 228 Ariz. 323, 327 ¶ 15 (2011). See, for example:

- A.R.S. § 16-152(A)(4) (a registering voter must list a “complete mailing address, if different from the residence address”); and
- A.R.S. § 16-168(C)(5) (a precinct list must include an elector’s “[m]ailing address, if different from residence address”).

Section 16-311(A) contains no similar language. A candidate who has an actual residence address that is not protected under § 16-153 must provide the candidate’s “actual residence address.” A.R.S. § 16-311(A).

Mr. Lytle violated A.R.S. § 16-311(A)’s simple command by falsely declaring under penalty of perjury that his “[r]esidential [a]ddress” was the Hayden Road Address (a private mailbox in a UPS store, the business address for El Toro Ventures, and Mr. Lytle’s campaign address). [APP33–34 ¶¶ 2, 3, 6, 8, 9, 10, 19] In reality, Mr. Lytle’s “[r]esidential [a]ddress” was the 101st Way Address. [*Id.* ¶¶ 10, 18, 21] By “listing a

private mailbox located at a UPS store, and not [his] physical residence,”
Mr. Lytle violated A.R.S. § 16-311(A). *Lohr*, 249 Ariz. at 431 ¶ 10.

B. Count II: Mr. Lytle submitted false and invalid nomination petitions.

Mr. Lytle violated A.R.S. § 16-314(C) by misrepresenting to potential signers of his nomination petitions that he “resides” in a private mailbox in a UPS store.

Under A.R.S. § 16-314(C), a candidate must submit nomination petitions in “substantially” this form:

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 _____ as representing the principles of such party, 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 petition 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.

A.R.S. § 16-314(C) (emphasis added). The general rule is thus that candidates must identify where they “reside[]” in their nomination petitions. *Id.* Like A.R.S. § 16-311(A), there are only two exceptions. First, a candidate with no actual residence address “may use a description of place of residence and post office address.” *Id.* And second, “if the candidate’s actual residence address is protected [under] § 16-153,” then “a post office box or private mailbox address in the candidate’s political division or district from which the nomination is sought is sufficient.” *Id.*

Mr. Lytle flouted this unambiguous statutory requirement. Section 16-314(C)’s general rule applies to Mr. Lytle for all the same reasons that A.R.S. § 16-311(A)’s general rule applies. [APP34 ¶¶ 16, 19] Mr. Lytle thus had to disclose his “actual residence address.” A.R.S. § 16-314(C) (emphasis added). Yet on all his nomination petitions, he omitted his residential address and purposefully included an address where he has never resided (a private mailbox in a UPS store). [APP33–34 ¶¶ 9, 10, 17, 18, 21] When, as here, a candidate states in his “nomination petition sheets that [he] ‘resides’ at an address other than [his] actual residence address,” he has violated A.R.S. § 16-314(C). *Lohr*, 249 Ariz. at 432 ¶ 14.

II. Mr. Lytle did not substantially comply with Arizona law.

Though Mr. Lytle intentionally violated both A.R.S. §§ 16-311(A) and 16-314(C), he argued—and the superior court held—that he still substantially complied with those statutes. That’s wrong.

Courts “do not remove candidates from the ballot for mere technical departures” from statutory requirements. *Dedolph v. McDermott*, 230 Ariz. 130, 131 ¶ 3 (2012) (citation modified). Courts thus “assess whether nominating papers [and nominating petitions] substantially comply” with the requirements. *Id.* “This analysis considers the nomination paper [and the nomination petitions] as a whole,” *id.* ¶ 17, and “focuse[s] on whether the omission of information could confuse or mislead electors,” *Kennedy v. Lodge*, 230 Ariz. 134, 135 ¶ 7 (2012) (citation modified).

Mr. Lytle does not come close to meeting this standard. As explained below, his decision to deliberately provide a false residential address on his nomination paper (under penalty of perjury) and on his nomination petitions is not a “mere technical departure[]” from those statutory requirements. *Dedolph*, 230 Ariz. at 131 ¶ 3 (citation modified).

A. Mr. Lytle ignored the statutes and legislative intent.

First, it would undercut legislative intent to allow Mr. Lytle to blatantly disregard the Legislature’s statutory framework yet still somehow be found to have “substantially complied” with it. Below, Mr. Lytle mainly relied on this Court’s decision in *Lohr*, but that decision—and the Legislature’s response to it—only hurt his position.

In *Lohr*, a candidate listed “a private mailbox in a UPS Store” on her nomination paper and petitions. 249 Ariz. at 430 ¶ 2. The UPS store was in “the same city, county, zip code, and [legislative] district as her physical residence.” *Id.* ¶ 3. She listed this private mailbox as her “actual residence address” because she had a protected address under A.R.S. § 16-153. *Id.* ¶ 4. At the time, §§ 16-311(A) and 16-314(C) provided no guidance to a candidate in her position about which address she could use while still “restrict[ing] public access to [her] residence address.” *Id.*

This Court held that the candidate had substantially complied with §§ 16-311(A) and 16-314(C). *See id.* ¶¶ 9-19. This Court reasoned that her “use of a private mailbox at a UPS store was unlikely to have misled or confused voters about her eligibility to run as a resident of Legislative District 20 because [her] residence is in the same state, county,

legislative district, municipality, and zip code as the UPS store.” *Id.* ¶ 12. Nor did the candidate take any action to “mislead electors.” *Id.* ¶ 13. “Rather, [she] relied, erroneously, on the court order restricting public access to her address in specified public records.” *Id.* & n.2.

The Legislature responded to this Court’s decision. In 2021, it amended §§ 16-311(A) and 16-314(C) to codify the *Lohr* exception by permitting candidates with protected addresses to provide “a post office box or private mailbox address in the candidate’s political division or district from which the nomination is sought.” A.R.S. § 16-314(C); *see also* A.R.S. § 16-311(A) (similar). This amendment authorizes one—and only one—non-residence alternative for candidates who think that they need privacy protections: seeking protected voter status under § 16-153. *See, e.g., City of Surprise v. Ariz. Corp. Comm’n*, 246 Ariz. 206, 211 ¶ 13 (2019) (“the expression of one item implies the exclusion of others”).

Here, unlike the candidate in *Lohr*, Mr. Lytle’s residential address has never been protected under § 16-153. [APP34 ¶ 19] Nothing in this statutory framework grants candidates like Mr. Lytle discretion to intentionally withhold their actual residence addresses as they see fit.

B. Mr. Lytle lacked a good-faith basis for his intentional failure to comply with Arizona law.

Second, Mr. Lytle lacked a good-faith basis for his purposeful misrepresentations. The substantial-compliance doctrine is a safety valve for honest mistakes, not a shield for candidates like Mr. Lytle who intentionally violate Arizona's nomination requirements.

In *Lohr*, for example, the candidate had a protected address under A.R.S. § 16-153. 249 Ariz. at 430 ¶ 4. At the time, §§ 16-311(A) and 16-314(C) said nothing about how a candidate in her position should proceed. *Id.* at 432 ¶ 13 & n.2. She made a good-faith judgment call that turned out to be wrong. This Court held that she substantially complied with the statutes because her “actions were not taken to mislead electors.” *Id.* ¶ 13. “Rather, [she] relied, erroneously, on the court order restricting public access to her address in specified public records.” *Id.*

Brantner-Smith v. Holt, No. CV-24-0177 AP/EL, 2024 WL 3994932 (Ariz. Aug. 27, 2024), tells a similar story. There, a school board candidate lived at an address on Ina Road when he filed his statement of interest. *Id.* at *1. He then moved to an address on Albatross Place. *Id.* Though he had moved, he mistakenly continued listing his Ina Road address as his “actual residence address” on his nomination petitions. *Id.*

This Court held that he substantially complied with the statutes because he had lived on Ina Road and “the record d[id] not demonstrate that [he] used the Ina Road address [on his petitions] to mislead voters.” *Id.*

Mr. Lytle is nothing like the candidates in *Lohr* and *Brantner-Smith*. He had no court order restricting public access to his residential address, no good-faith misreading of the statutory requirements, and no previous residence on his nomination paper or petitions. He willfully violated the law by listing the Hayden Road Address on his nomination paper and petitions (an address he used for his business and campaign but never used as his residence), knowing full well that he lived at the 101st Way Address. In fact, three days before filing his nomination paper under penalty of perjury, he signed his own E-Qual petition correctly identifying his residential address. [APP34 ¶ 22] That’s not good faith.

Mr. Lytle argued below that he “consistently” used the Hayden Road Address and this consistency supported his substantial-compliance argument. [APP48] Hardly. In *Lohr* and *Brantner-Smith*, consistency mattered because it showed that the candidates made a good-faith effort to comply with the law. But here, consistency proves the opposite: Mr. Lytle intentionally and repeatedly violated the law for no good reason.

In Mr. Lytle’s world, the more thoroughly a candidate conceals his true residential address from the public, the stronger his substantial-compliance defense. That cannot be the law because it would create perverse incentives and produce absurd results. Arizona law requires candidates to publicly disclose their actual residential addresses—a substantial personal burden that the Legislature imposes as a condition of seeking public office. A ruling in Mr. Lytle’s favor would tell future candidates that the easier path is to consistently ignore the statutory requirements and invoke substantial compliance when challenged.

C. Mr. Lytle’s misrepresentations about his actual residence address may have confused or misled voters.

Third, Mr. Lytle’s misrepresentations about his actual residence address may have confused or misled voters. A candidate’s dishonesty about residency is inherently misleading. Any voter looking for Mr. Lytle would have found only the Hayden Road Address—on his nomination paper, his nomination petitions, his official campaign website, and his business records. [APP33–34 ¶¶ 2, 5, 6, 15] Nowhere except his E-Equal petition did Mr. Lytle publicly disclose his actual residence address.

Knowing Mr. Lytle’s residential address could have made a difference to voters. After all, the Legislature requires candidates to

disclose this information for a reason—and Mr. Lytle chose to hide it at every opportunity. Residency matters to voters: the Arizona Constitution requires that candidates be residents of the jurisdiction that they seek to represent, *see* Ariz. Const. art. VII, § 15, and courts recognize that residency reveals whether a candidate is exposed to “the problems and desires of the electorate,” *Triano v. Massion*, 109 Ariz. 506, 509 (1973).

The superior court ruled for Mr. Lytle in part because “no evidence in the summary-judgment record” showed “the type of voter confusion that would warrant invalidating the nomination paper.” [APP69] But that reasoning inverts the voter confusion rule. The question isn’t whether a plaintiff produces extrinsic proof of voter confusion. It is whether the information omitted or misstated “could confuse or mislead electors signing the petition.” *Moreno v. Jones*, 213 Ariz. 94, 102 ¶ 42 (2006) (emphasis added). “Allowing candidates to compensate for petition defects with extrinsic evidence that such defects did not result in voter confusion would eviscerate the statutory requirement that all essential information be made available to the elector on the petition form.” *Kennedy*, 230 Ariz. at 137 ¶ 15. The question was thus whether Mr. Lytle’s false residential address could mislead voters—and it could.

D. This case is materially different from previous cases where candidates submitted false residential addresses on their nomination paper or petitions.

No Arizona court has ever held that a candidate substantially complied with these nomination requirements when the candidate listed an address on the candidate's nomination paper or petitions that was in a different political subdivision than the candidate's actual residence. Every relevant case relies on geographic alignment between the address provided and the candidate's actual residence.

- In *Lohr*, the candidate's residence was in "the same state, county, legislative district, municipality, and zip code as the UPS store" that she listed. 249 Ariz. at 432 ¶ 12.
- In *Baker*, the candidate provided "accurate information [about] the city, county, state, and zip code matching those of his actual physical residence." No. CV-16-0140-AP/EL.²
- In *Querard*, there was "no contention that Aquila, Arizona [was] located outside the boundaries of Legislative District 13." No. CV-16-0141-AP/EL.

² *Baker* and *Querard* are available in the appendix. [See APP60–61 (*Baker*); APP63–65 (*Querard*)]

- In *Brantner-Smith*, both addresses were “within the geographic boundaries of the Marana Unified School District.” 2024 WL 3994932, at *1.

Unlike all these cases, Mr. Lytle didn’t provide otherwise accurate information about where he lived. His UPS store address is in Legislative District 4, zip code 85250. His actual residence was in Legislative District 3, zip code 85255, twelve miles away. [APP33 ¶¶ 7, 11, 13]

Below, Mr. Lytle argued that because he seeks statewide office, any Arizona address should suffice. [APP47] But Mr. Lytle’s theory would effectively eliminate the “actual residence address” requirements for every statewide candidate in Arizona. This Court should decline Mr. Lytle’s invitation to “rewrit[e] the law under the guise of interpreting it.” *Ariz. Free Enter. Club v. Hobbs*, 253 Ariz. 478, 489 ¶ 38 (2022).

III. A contrary reading would gut the statutory requirements.

This Court should also reject Mr. Lytle’s approach because it would render these nomination requirements meaningless.

According to Mr. Lytle, a candidate for statewide office could list any commercial address in Arizona—a law firm, a hotel, a FedEx store, or anywhere else. That’s not what the statutes say. A.R.S. §§ 16-311(A)

and 16-314(C) require a candidate to provide an “actual residence address.” If the Legislature had wanted to require only that candidates confirm that they reside somewhere in Arizona, it could have said so. It could have required a checkbox: “I certify that I am an Arizona resident.” It did not. It requires a candidate to provide the candidate’s actual residential address. That’s a deliberate policy choice: Arizona voters and election officials should be able to confirm not just that a candidate lives in Arizona, but that the candidate lives where the candidate says.

Conclusion

Mr. Lytle may have wanted to conceal his residential address from public view, but Arizona law required him to tell voters where he actually lived. He did not. This Court should thus reverse the superior court’s decision and enjoin Defendants from placing Mr. Lytle’s name on the ballot and allowing him to run as a write-in candidate for Governor.

RESPECTFULLY SUBMITTED this 22nd day of April, 2026.

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