ARIZONA SUPREME COURT

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

REPLY BRIEF

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Introduction

Rather than disclose his actual residence address as Arizona law requires, Hugh Lytle intentionally hid it from voters for no good reason. Three days before filing his nomination paper, he correctly identified his residential address on his E-Qual petition. He then falsely declared under penalty of perjury that he lived in a UPS store and made the same misrepresentation on hundreds of nomination petitions.

Mr. Lytle is not above the law. In his Answering Brief, he does not argue that he made a mistake. He does not claim that he misread the statutes, relied on a court order protecting his address from disclosure, or confused one address for another. He simply chose to violate the law and now asks this Court to excuse his choice. Contrary to his arguments, he has not "substantially complied" with the nomination requirements.

First, Mr. Lytle argues that enforcing the Legislature's post-*Lohr* amendments amounts to a call for strict compliance. Wrong. The amendments specify exactly when a candidate may use a private mailbox. Allowing Mr. Lytle to use a private mailbox with no justification renders the amendments meaningless. Substantial compliance must prohibit this type of conduct that undermines the Legislature's intent.

Second, Mr. Lytle contends that there is no evidence that he intentionally violated the law. Wrong again. Mr. Lytle had no trouble disclosing his residential address when he signed his E-Qual petition. But he deliberately listed an address where he has never lived on his nomination paper and petitions. Worse still, he does not even try to offer any legitimate reason for listing a false residential address. He thus asks this Court to stretch substantial compliance further than it has ever reached—to excuse choices to violate the law with no good-faith basis.

Third, Mr. Lytle asserts that there is no risk of voter confusion because he's eligible to run for Governor. Hardly. By requiring a candidate to provide a residential address instead of a certification that the candidate resides in Arizona, the Legislature confirmed that it cares about residency for reasons beyond eligibility. A candidate who purposefully misrepresents where he lives misleads voters.

Fourth, Mr. Lytle advances a sweeping proposition: statewide candidates may list any Arizona address on their nomination documents and substantially comply with the law. That rule would erase the actual-residence-address requirement for statewide candidates and reward intentional violations. Nothing justifies this extraordinary request.

Argument

I. Mr. Lytle didn't substantially comply with Arizona law.

Mr. Lytle does not dispute that he violated A.R.S. §§ 16-311(A) and 16-314(C). He admits that his nomination paper and petitions listed a private mailbox in a UPS store instead of his actual residence address, and that no exception applies. The only question is whether he substantially complied with those statutes. He did not.

A. The Legislature's post-*Lohr* amendments foreclose Mr. Lytle's approach to substantial compliance.

There's no dispute that the Legislature amended §§ 16-311(A) and 16-314(C) after *Lohr v. Bolick*, 249 Ariz. 428 (2020), to specify when a candidate may use a private mailbox address. Applying substantial compliance here would eliminate those amendments.

The substantial-compliance standard "tolerates errors if"—but only if—"the purpose of the relevant statutory requirements was nevertheless fulfilled." *In re Pima Cnty. Mental Health No. 20200860221*, 255 Ariz. 519, 524 ¶ 11 (2023). After *Lohr*, the Legislature made its purpose plain: a candidate can't provide a private mailbox address unless a narrow exception applies. The exception permits candidates with protected addresses to use a private mailbox—and even then, only a mailbox 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). Allowing a candidate with no protected address to use any private mailbox he likes expands that narrow exception past its breaking point.

Mr. Lytle's only response (at 14) is that Plaintiff calls for strict compliance. Not so. Substantial compliance is still available as a safety valve for honest mistakes that don't undermine a statute's purpose. Consider some examples. A candidate would likely substantially comply if she mistakenly believed that she had a protected address but didn't realize her request for protected-address status was never formally granted. So too, a candidate would likely substantially comply if he listed a private mailbox because he reasonably believed that a protective order allowed him to withhold his residential address, even if he hadn't yet formally sought protected-voter status. In these examples, the candidate was genuinely trying to comply with Arizona's nomination requirements.

Mr. Lytle made no such effort. He does not have a protected address, he never tried to protect his address, he never believed that he qualified for a protected address, and he offers no good reason why he thought a private mailbox in a UPS store could substitute for his actual

residence address. He has thus not substantially complied with the Legislature's post-*Lohr* amendments to §§ 16-311(A) and 16-314(C).

B. Mr. Lytle lacked a good-faith basis for providing a false residential address on his nomination documents.

Mr. Lytle insists (at 16–18) that there is "no evidence in the record" that he "intended to mislead voters." The record tells a different story. Three days before filing his nomination paper falsely swearing under penalty of perjury that he resided in a UPS store, Mr. Lytle signed his own E-Qual petition correctly identifying his "[a]ctual residence address." [APP34 ¶ 22] He also listed a false residential address on hundreds of nomination petition sheets. He intentionally violated the law.

Mr. Lytle's failure to explain these misrepresentations speaks volumes. Courts do not require a showing of subjective intent to mislead before finding voter confusion. No extrinsic evidence of voter confusion is required or even permitted. "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 v. Lodge*, 230 Ariz. 134, 137 ¶ 15 (2012). The real question is whether Mr. Lytle articulated a good-faith explanation for his failure

to comply with §§ 16-311(A) and 16-314(C). In *Lohr* and *Brantner-Smith*, intent mattered because the candidates had a reasonable explanation for their noncompliance. *See Lohr*, 249 Ariz. at 432 ¶ 13; *Brantner-Smith v. Holt*, No. CV-24-0177 AP/EL, 2024 WL 3994932, at *1 (Ariz. Aug. 27, 2024). The candidate in *Lohr* erroneously but reasonably relied on a court order. 249 Ariz. at 432 ¶ 13 & n.2. The candidate in *Brantner-Smith* mistakenly used a former residence after moving midway through his campaign. 2024 WL 3994932 at *1. But Mr. Lytle offers no excuse. He simply chose to list a false residential address. That's not good faith.

C. Mr. Lytle's misrepresentations could have confused or misled voters.

There's no dispute that any voter looking for Mr. Lytle would have found only the address for Mr. Lytle's private mailbox in a UPS store—on his nomination paper, his nomination petitions, his official campaign website, and his business records. [APP33–34 ¶¶ 2, 5, 6, 15] Nothing on these documents would have revealed the truth to voters: that Mr. Lytle actually lived in a different legislative district and different zip code, 12 miles away. On this record, Mr. Lytle's false residential address very well "could" have confused or misled "electors signing [his nomination] petition[s]." *Moreno v. Jones*, 213 Ariz. 94, 102 ¶ 42 (2006).

This Court's previous decisions confirm that where a candidate actually lives matters. As the Opening Brief explains (at 18–19), this Court has never held that a candidate substantially complied with these statutes 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. *See Lohr*, 2024 WL 3994932, at *1 (same legislative district and zip code); *Baker v. Saban*, No. CV-16-0140-AP/EL (Ariz. June 29, 2016) (same zip code); *Querard v. Kouns*, No. CV-16-0141-AP/EL (Ariz. June 29, 2016) (same legislative district); *Brantner-Smith*, 2024 WL 3994932, at *1 (same school district).

These cases do not save or even help Mr. Lytle. His UPS store address is in Legislative District 4, zip code 85250. But his actual residence was 12 miles away in Legislative District 3, zip code 85255. In response, Mr. Lytle argues that all these cases are distinguishable because he is a candidate for statewide office. That argument fails.

The substantial-compliance standard asks whether the omission of information "could confuse or mislead electors signing the petition." *Moreno*, 213 Ariz. at 102 ¶ 42. The inquiry is not limited to a candidate's eligibility to hold office. And voters' interests extend beyond whether a

candidate qualifies for office. They care about who the candidate is—where he lives, what his circumstances are, and whether he is who he says he is. That's why the Legislature requires candidates to disclose their actual residence addresses and not merely certify that they are eligible to hold office. Consider a statewide candidate who lists a working-class neighborhood on his nomination paper and petitions but actually lives in a gated community on the other side of town. Or a candidate who lists a rural address to curry favor with farm families but actually lives in a Phoenix suburb. These candidates are eligible either way. But they have misled voters about something that matters—and their nomination papers and petitions "could confuse or mislead electors." *Id.*

D. Mr. Lytle's interpretation would gut the statutory requirements for statewide candidates.

Allowing Mr. Lytle to deliberately provide a false residential address on his nomination paper and petitions for no good reason would invite every future candidate for statewide office to similarly ignore and violate these nomination requirements. That cannot be the law.

Mr. Lytle's main argument is that he seeks statewide office, and so he merely had to provide an Arizona address to substantially comply with the actual-residence-address requirements. But that rule would erase

these requirements for every statewide candidate. That, of course, is a job for the Legislature, not this Court. Mr. Lytle impermissibly asks this Court to "rewrit[e] the law under the guise of interpreting it." *Ariz. Free Enter. Club v. Hobbs*, 253 Ariz. 478, 489 (2022); *see also, e.g.*, *Giss v. Jordan*, 82 Ariz. 152, 159 (1957) ("[Q]uestions of the wisdom, justice, policy or expediency of a statute are for the legislature alone.").

Mr. Lytle's proposed rule has no limiting principle. Under his theory, a statewide candidate could list a law firm, a hotel, an amusement park, a movie theater, a FedEx store, or any other commercial address on his nomination paper and petitions and substantially comply with §§ 16-311(A) and 16-314(C). A wealthy Scottsdale executive could also list an address in Nogales to manufacture blue-collar appeal, or a Phoenix developer could list a rural address in Yuma to pander to agricultural communities. Mr. Lytle has no response. He offers only the empty assurance (at 21) that "[d]ifferent facts could yield a different result." But he identifies no facts involving a statewide candidate where he would acknowledge noncompliance—because under his rule there are none.

That's precisely the problem. Mr. Lytle's approach would produce perverse incentives and absurd results. Arizona law requires candidates

to publicly disclose their actual residential addresses as a condition of seeking public office. In Mr. Lytle's world, the rational strategy is to ignore those requirements entirely and invoke substantial compliance when challenged—which is, of course, exactly what Mr. Lytle has done. A ruling in his favor would tell future candidates that the easier path is consistent noncompliance. This Court should decline that invitation.

Conclusion

Mr. Lytle intentionally provided a false residential address on his nomination paper and petitions for no good reason. That's not substantial compliance. This Court should reverse the superior court's decision and enjoin Defendants from placing Mr. Lytle's name on the ballot or allowing him to run as a write-in candidate for Governor.

RESPECTFULLY SUBMITTED this 30th day of April, 2026.

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