

granted Candidate's motion for summary judgment, denying the request to enjoin placement of Candidate's name on the ballot. Challenger appealed.

The Court, by a panel consisting of Chief Justice Timmer, Vice Chief Justice Lopez, and Justices Beene and King, has considered the briefs of the parties, the trial court's judgment, and the relevant statutes and case law in this expedited election matter.

Candidate filed a nomination paper and nomination petitions listing an address in Scottsdale, Arizona with an 85250 zip code as his residential address. This is a private mailbox in a UPS store and Candidate's business address where he has received mail for about 12 years ("business address"). Candidate's campaign website has listed this business address since the inception of his gubernatorial campaign.

However, Candidate resides at a residence on North 101st Way in Scottsdale, AZ 85255 ("residential address"). Candidate's residential address and business address are both in Scottsdale and are approximately 12 miles apart. The business address is in Legislative District 4, and the residential address is in Legislative District 3. Candidate does not have a protected address under A.R.S. § 16-153. He is also the only registered voter in Arizona named Hugh Lytle.

Standard of review. As this Court has stated:

We review a challenge to the form or content of nomination documents to determine whether the documents “‘substantially compl[ied] with the statutory requirements’ before denying access to a ballot.” *Bee v. Day*, 218 Ariz. 505, 506 ¶ 8 (2008) (quoting *Moreno v. Jones*, 213 Ariz. 94, 101-02 ¶ 40 (2006)).

This Court considers whether nomination documents substantially complied with statutory requirements even if the statute at issue does not expressly state substantial compliance is sufficient. *Id.* ¶ 9. Under a “substantial compliance” analysis, this Court does not remove candidates from the ballot “for mere technical departures from the form.” *Id.* ¶ 10. Rather, the focus is “on whether the omission of information could confuse or mislead electors signing the petition.” *Id.* (quoting *Moreno*, 213 Ariz. at 102 ¶ 42). This Court evaluates nomination documents from challenges under a substantial compliance analysis unless there is “a clear statement that the legislature intended a particular form requirement to be indispensable.” *Id.* We review whether nomination documents substantially complied with statutory requirements de novo. *Malnar v. Joice*, 236 Ariz. 170, 172 ¶ 9 (2014).

....

The substantial compliance analysis “considers the nomination paper as a whole and ‘focuse[s] on whether the omission of information could confuse or mislead electors.’” *Dedolph v. McDermott*, 230 Ariz. 130, 133 ¶ 17 (2012) (internal citation omitted) (quoting *Moreno*, 213 Ariz. at 102 ¶ 42).

Lohr v. Bolick, 249 Ariz. 428 431 ¶¶ 7-8, 11 (2020).

Statutory requirements. Under A.R.S. § 16-311(A), a candidate is required to provide in the nomination paper “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 pursuant to

§ 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." The information is to be presented in a declaration "which shall be printed in a form prescribed by the secretary of state." A.R.S. § 16-311(D). In completing the Nomination Paper/Declaration of Qualification, a candidate lists the office sought, the political party, and the date of the primary and general election. The candidate states how long he has been a citizen of the United States and of Arizona and represents that the candidate meets the requisite age requirement. The candidate also represents how long he has resided in his county, and declares under penalty of perjury that he is a resident of the State of Arizona and has no final, outstanding judgments and will be qualified to hold the office he seeks. See A.R.S. § 16-311(D).

Section 16-314 sets forth the format for the nomination petitions, requiring that the petitions be "in substantially the following form," and similarly requires a residential address, "except that if the candidate does not have an actual residence address, the candidate may use a description of place of residence and post office address, or, if the candidate's actual residence address is protected pursuant to § 16-153, a post office box or private mailbox address in the candidate's political division or district from which the nomination is sought is sufficient." A.R.S. § 16-314(C).

Analysis. The trial court concluded:

On this record, the Court finds that the address used in the nomination papers would not confuse, nor mislead electors concerning Mr. Lytle's eligibility to run for Governor. Mr. Lytle is running for statewide office, not district, precinct, or municipal office. Both the [business] address and his physical residence are in Scottsdale. There is no dispute that Mr. Lytle has been an Arizona resident for many years, that he resides in Maricopa County, and that he satisfies the constitutional and statutory residency requirements for Governor. The purpose identified in *Lohr* and other cases for the statutory address requirement—ensuring that the candidate resides in the jurisdiction he seeks to represent—is fulfilled here.

The trial court added that the record did not establish the type of voter confusion that would warrant invalidating the nomination documents. Although the trial court determined that Candidate did not strictly comply with the statutory requirements, it concluded that he substantially complied. We agree.

In *Lohr*, we addressed a prior decision order issued by this Court in *Baker v. Saban*, No. CV-16-0140-AP/EL (Ariz. June 29, 2016) (dec. order). *Lohr*, 249 Ariz. at 432 ¶ 16. *Baker* resolved a similar case and found that although the candidate listed a private mail box in his nomination paperwork, by providing accurate information as to the city, county, state, and zip code matching those of his actual physical residence, his petition sheets were unlikely to cause confusion or to mislead electors as to whether the defendant lived in Maricopa County, the jurisdiction where he sought to be nominated to elected office. *Id.* Therefore, the defendant substantially complied

with § 16-314(C) and his name was left on the ballot for the office of Maricopa County Sheriff. *Id.* *Lohr* and *Baker* continue the recognition of the substantial compliance standard. Seventy years ago this Court discussed the "substantial compliance" standard adopted in *Hunt v. Superior Court*, 64 Ariz. 325 (1946) and explained:

[T]he nominating paper is a mechanism which in some measure weeds out the cranks, the publicity seekers, the frivolous candidates who have no intention of going through with the campaign, and those who will run for office as a lark if there is no difficulty in being placed on the ballot. A candidate meeting the onerous requirements demonstrates that he is a bona-fide office seeker entitled to a place on the ballot. The problem is to strike a balance, to make the requirements stringent enough to discourage those who do not for an instant merit the voter's consideration, yet not keep out those who are serious in their efforts and have a reasonable number of supporters. Those who sign the petitions, in effect, are recommending or proposing the candidate therein named as a suitable person to hold public office.

Adams v. Bolin, 77 Ariz. 316, 320 (1954). Based on the record here, Candidate's use of the business address in the same city and county in which he resides was unlikely to confuse or mislead the thousands of people who signed Candidate's nomination petitions for statewide office. Therefore, we are unwilling to disqualify their candidate from the ballot.

Likewise, the declaration "under penalty of perjury" in the Secretary's form generally attests to the candidate's representation that he is qualified for the office sought. We conclude that the use of the business address is not a material misstatement for this

purpose. There is nothing in the record to suggest that Candidate is not so qualified for statewide office.

Caveat. As Challenger notes, this Court has warned that both A.R.S. § 16-311(A) and -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. Challenger also contends that statutory amendments made after the *Lohr* decision was issued only provided two exceptions to the “actual residence address” requirement, neither of which applies here. However, the Legislature did not reject *Lohr*’s substantial compliance analysis, which, again, turns on the likelihood to confuse or mislead electors.

In that vein, Challenger decries the lack of any limiting principle which would empower a statewide candidate to list as an actual residence address, “a law firm, a hotel, an amusement park, a movie theater, a FedEx store, or any other commercial address” or be tempted to misrepresent his place of residence to pander to certain demographic interests for electoral advantage. To be sure, a candidate would flirt with disqualification if the candidate gave a bogus address with the intent to mislead different factions to gain political advantage in the course of seeking nominating petition signatures. However, in this case, we do not see how using an established business address in the same city and county would lead to confusion and are not persuaded that differing zip codes and

legislative districts would matter to the people who supported Candidate's efforts in this race for statewide office. There is also no evidence in this record that Candidate intended to mislead or confuse his supporters.

Based on the foregoing,

IT IS ORDERED affirming the trial court's judgment and denying the request to enjoin Candidate Hugh Lytle from the ballot.

IT IS FURTHER ORDERED directing the Clerk to issue the mandate forthwith.

DATED this 4th day of May, 2026.

 /s/
ANN A. SCOTT TIMMER
Chief Justice

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