

SUPREME COURT OF ARIZONA

JAMES SIMPSON, a qualified ) Arizona Supreme Court  
elector, ) No. CV-20-0207-AP/EL  
)  
Plaintiff/Appellant, ) Maricopa County  
) Superior Court  
v. ) No. CV2020-008435  
)  
SHELLI BOGGS, a candidate for )  
Office, et al., )  
) **FILED 08/24/2020**  
Defendants/Appellees. )  
)  
\_\_\_\_\_ )

**DECISION ORDER**

The Court, by a panel consisting of Chief Justice Brutinel, Justice Bolick, Justice Gould and Justice Montgomery, considered the briefs of the parties, the trial court's minute entry order, and the relevant statutes and case law in this expedited election matter.

Candidate Shelli Boggs is running for the Maricopa County Community College District Governing Board At-Large Seat. To appear on the ballot, a candidate must submit a nomination paper as required under A.R.S. § 16-311(B). Here, Candidate submitted her nomination paper without listing the office for which she was running.

Section 16-311(H) requires a candidate to file a statement of interest no later than the date of the first petition signature on a nomination petition identifying certain information including "the name of the office that may be sought." Section 16-311(B) requires a candidate in a nonpartisan election to submit of a nomination paper stating the office and district "for which the person offers the

person's candidacy." Section 16-311(D) requires that along with the nomination paper the candidate file a declaration establishing that the candidate will be qualified to hold the office sought at the time of the election. Section 16-311(I) provides that a candidate may appear on the ballot only if the candidate "file[s] a timely nomination paper that complies with this section." Section 16-311(B) and A.R.S. § 16-314(A) require the candidate to file the nomination paper and nomination petitions between 150 and 120 days before the election.

Candidate filed her statement of interest on May 14, 2020, and her combined nomination paper and declaration of qualification on July 6, 2020 along with her nomination petitions. Although Candidate submitted her nomination paper without listing the office for which she was running, her statement of interest and nomination petitions correctly showed the office she was seeking.

Here, although the Candidate did not strictly comply with the requirements of A.R.S. § 16-311(B) in her nomination paper, Candidate substantially complied with the statutory requirement. Because the Candidate's statement of interest and nomination petitions correctly stated the office she sought, and the nomination paper was otherwise correctly completed, the error was unlikely to have misled or confused voters about the office the Candidate is seeking. Therefore,

**IT IS ORDERED** affirming the order of the trial Court.

**IT IS FURTHER ORDERED** that the Maricopa County Board of Supervisors, County Recorder, and Elections Director shall leave Shelli Boggs' name on the ballot for the Maricopa County Community College District Governing Board At-Large Seat.

**IT IS FURTHER ORDERED** denying Candidate's request for attorneys' fees under A.R.S. §12-349.

DATED this 24<sup>th</sup> day of August, 2020.

\_\_\_\_\_/S/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

James E Barton II  
Jacqueline Soto  
Dennis I Wilenchik  
John D Wilenchik  
Joshua C Offenhartz  
Brian J Palmer  
Hon. Daniel J Kiley  
Hon. Jeff Fine