

SUPREME COURT OF ARIZONA

JAMES SIMPSON,) Arizona Supreme Court
) No. CV-20-0218-AP/EL
 Appellee,)
) Maricopa County
 v.) Superior Court
) No. CV2020-008434
 CHARLENE TARVER, a candidate for)
 Office, et al.)
)
 Appellants.) **FILED 08/24/2020**
)
)
 _____)

O R D E R

The Court, by a panel consisting of Chief Justice Brutinel, Justice Gould, Justice Beene, 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 Dr. Charlene Tarver is running for the Maricopa County Community College District Governing Board seat for District 5. Dr. James Simpson filed an action challenging Tarver's nominating petition for lack of valid signatures. After taking evidence, including testimony from the County and from an expert witness retained by Tarver, the trial court found that Simpson had proved by clear and convincing evidence that Tarver had submitted only 832 valid signatures, having successfully invalidated 433 of the submitted 1,265 signatures.

We reject Tarver's arguments that she was denied due process and that the trial court abused its discretion. The expedited procedure for election appeals afforded Tarver notice and an opportunity to be heard at the hearing, and any delay Tarver experienced in receiving signature records from the County Recorder was the result of her failure to timely request such records. The County Recorder's report and supporting testimony were sufficient to establish the invalidity of the challenged signatures by clear and convincing evidence, and the trial court did not abuse its discretion by finding Tarver failed to rehabilitate a sufficient number of signatures at the hearing to appear on the ballot.

The trial court invalidated two signatures as underage. Because Tarver presented evidence that the signers were registered to vote

and turned eighteen years of age before the date of the election, we find that these two signatures were rehabilitated by Tarver at the hearing. Therefore,

IT IS ORDERED affirming the trial Court's July 31, 2020 minute entry order.

IT IS FURTHER ORDERED granting Tarver's Motion for Extension of Word Count in Appellant's Reply Brief.

IT IS FURTHER ORDERED denying Tarver's Motion for Additional Voter Signatures.

IT IS FURTHER ORDERED denying Tarver's Motion for Addition of Common Name Voters Erroneously Disqualified.

IT IS FURTHER ORDERED that the Maricopa County Board of Supervisors, County Recorder, and Elections Director shall remove Charlene Tarver's name from the ballot for the Maricopa County Community College District Governing Board seat for District 5.

DATED this 24th day of August, 2020.

_____/S/_____
Robert Brutinel
Chief Justice

TO:

Charlene Tarver
James E Barton II
Jacqueline Soto
Joseph Eugene La Rue
Tawn T Kao
Hon. Roger E Brodman
Hon. Jeff Fine