

SUPREME COURT OF ARIZONA

VERONICA-RAE REYES,) Arizona Supreme Court
) No. CV-18-0157-AP/EL
Plaintiff/Appellant,)
) Maricopa County
v.) Superior Court
) No. CV2018-007999
DEVIN DEL PALACIO, et al.,)
) **FILED 06/27/2018**
Defendants/Appellees.)
)
)
_____)

DECISION ORDER

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

Plaintiff Veronica-Rae Reyes seeks to disqualify Devin Del Palacio from placing his name on the Democratic primary ballot for the Arizona House of Representatives in Legislative District 19. Plaintiff claims that A.R.S. § 16-311(I) prohibited the Secretary of State from accepting Del Palacio's nomination papers because he was then "liable" for an aggregate of one thousand dollars or more in penalties arising from his failure to comply with reporting requirements in an earlier election. But absent the imposition and enforcement of those penalties under §§ 16-937 and -938, Del Palacio

was not "liable" for any penalties at the time he filed his nomination papers.

IT IS THEREFORE ORDERED affirming the trial court decision.

IT IS FURTHER ORDERED that the Maricopa County Board of Supervisors and County Recorder shall leave Devin Del Palacio's name on the Democratic ballot for the office of state representative for Legislative District 19 for the August 28, 2018 primary election.

Dated this 27th day of June, 2018.

_____/s/_____
ROBERT M. BRUTINEL
Vice Chief Justice

TO:

Gregorio M Garcia
Andrew S Jacob
M Colleen Connor
Talia J Offord
Devin Del Palacio
Eric H Spencer
Kara Karlson
Joseph Eugene La Rue
Hon Daniel G Martin
Hon Chris DeRose