

SUPREME COURT OF ARIZONA

STETSON KIZZAR, individually,) Arizona Supreme Court
) No. CV-18-0161-AP/EL
Plaintiff/Appellant,)
) Maricopa County
v.) Superior Court
) No. CV2018-008689
WENDY ROGERS, individually, Real)
Party in Interest; EDISON J.) **FILED 06/28/2018**
WAUNKA, in his official)
capacity as Apache County)
Recorder, JOE SHIRLEY JR., in)
his official capacity as Apache)
County Supervisor, ALTON JOE)
SHEPHERD, in his official)
capacity as Apache County)
Supervisor, TRAVIS SIMSHAUSER,)
in his official capacity as)
Apache County Supervisor, DORIS)
CLARK, in her official capacity)
as Navajo County Recorder, JASON)
E. WHITING, in his official)
capacity as Navajo County)
Supervisor, STEVE WILLIAMS, in)
his official capacity as Navajo)
County Supervisor, LEE JACK, SR.,)
in his official capacity as)
Navajo County Supervisor, JESSE)
THOMPSON, in his official)
capacity as Navajo County)
Supervisor, DAWNAFE WHITESINGER,)
in her official capacity as)
Navajo County Supervisor, SADIE)
JO BINGHAM, in her official)
capacity as Gila County Recorder,)
TOMMIE MARTIN, in her official)
capacity as Gila County)
Supervisor, TIM R. HUMPHREY, in)
his official capacity as Gila)
County Supervisor, WOODY CLINE,)
in his official capacity as Gila)
County Supervisor, BERTA MANUZ,)
in her official capacity as)
Greenlee County Recorder,)
RICHARD LUNT, in his official)
capacity as Greenlee County)
Supervisor, RON S. CAMPBELL, in)
his official capacity as)
Greenlee County Supervisor,)

DAVID GOMEZ, in his official)
capacity as Greenlee County)
Supervisor, PATTY HANSEN, in her)
official capacity as Coconino)
County Recorder, ART BABBOTT, in)
his official capacity as)
Coconino County Supervisor, LIZ)
ARCHULETA, in her official)
capacity as Coconino County)
Supervisor, MATT RYAN, in his)
official capacity as Coconino)
County Supervisor, JIM PARKS, in)
his official capacity as)
Coconino County Supervisor, LENA)
FOWLER, in her official capacity)
as Coconino County Supervisor,)
KRISTI BLAIR, in her official)
capacity as Mohave County)
Recorder, GARY WATSON, in his)
official capacity as Mohave)
County Supervisor, HILDY ANGIUS,)
in her official capacity as)
Mohave County Supervisor, BUSTER)
JOHNSON, in his official)
capacity as Mohave County)
Supervisor, JEAN BISHOP, in her)
official capacity as Mohave)
County Supervisor, LOIS WAKIMOTO,)
in her official capacity as)
Mohave County Supervisor, WENDY)
JOHN, in her official capacity)
as Graham County Recorder, PAUL)
DAVID, in his official capacity)
as Graham County Supervisor, JIM)
PALMER, in his official capacity)
as Graham County Supervisor,)
DANNY SMITH, in his official)
capacity as Graham County)
Supervisor, F. ANN RODRIGUEZ, in)
her official capacity as Pima)
County Recorder; SHARON BRONSON,)
in her official capacity as Pima)
County Supervisor, STEVE CHRISTY,)
in his official capacity as)
Pima County Supervisor, RICHARD)
ELIAS, in his official capacity)
as Pima County Supervisor, ALLY)
MILLER, in her official capacity)
as Pima County Supervisor, RAMON)
VALADEZ, in his official)

capacity as Pima County)
Supervisor, VIRGINIA ROSS, in)
her official capacity as Pinal)
County Recorder, MIKE GOODMAN,)
in his official capacity as)
Pinal County Supervisor, TODD)
HOUSE, in his official capacity)
as Pinal County Supervisor,)
STEVE MILLER, in his official)
capacity as Pinal County)
Supervisor; PETE RIOS, in his)
official capacity as Pinal)
County Supervisor, ANTHONY SMITH,)
in his official capacity as)
Pinal County Supervisor, ADRIAN)
FONTES, in his official capacity)
as Maricopa County Recorder;)
DENNY BARNEY, in his official)
capacity as Maricopa County)
Supervisor, CLINT HICKMAN, in)
his official capacity as)
Maricopa County Supervisor, BILL)
GATES, in his official capacity)
as Maricopa County Supervisor,)
STEVE CHUCRI, in his official)
capacity as Maricopa County)
Supervisor, STEVE GALLARDO, in)
his official capacity as)
Maricopa County Supervisor;)
LESLIE M. HOFFMAN, in her)
official capacity as Yavapai)
County Recorder, CRAIG BROWN, in)
his official capacity as Yavapai)
County Supervisor, RANDY)
GARRISON, in his official)
capacity as Yavapai County)
Supervisor, ROWLE P. SIMMONS, in)
his official capacity as Yavapai)
County Supervisor, a public)
entity; JACK R. SMITH, in his)
official capacity as Yavapai)
County Supervisor, THOMAS)
THURMAN, in his official)
capacity as Yavapai County)
Supervisor, MICHELE REAGAN, in)
her official capacity as Arizona)
Secretary of State,)
)
)
Defendants/Appellees.)
_____)

O R D E R

The Court, by a panel consisting of Chief Justice Bales, Vice Chief Justice Brutinel, Justice Pelander, and Justice Bolick, has considered the briefs of the parties, the record, the trial court's ruling, and the relevant statutes and case law in this expedited election matter. After consideration, the Court rules as follows:

We have previously held that the purpose of requiring an individual signing a nomination petition to provide his

city or post office, street address, and date of signing, is to provide a means of identifying him as a person entitled to sign such petition and prevent forgeries of names, as well as to indicate the precinct in which he lives. The essence of the nominating procedure is that qualified persons sign the petitions; the exact form of the sheet on which they sign is relatively unimportant.

Adams v. Bolin, 77 Ariz. 316, 321 (1954). Here, the preamble to some of Defendant Rogers' nomination petitions incorrectly indicated that the petition signers were residents of Coconino County, when the signers were actually residents of other counties; the signers, however, provided their correct addresses, which were used to identify their county of residence. The erroneous preamble county listing is "relatively unimportant," *id.*, when the nomination petition is considered "as a whole." *Dedolph v. McDermott*, 230 Ariz. 130, 133 ¶ 17 (2012). Moreover, based on the parties' stipulated

facts, the Superior Court correctly concluded that Plaintiff Kizzar has not established that the mistake on the petition forms "could confuse or mislead electors signing the petition." *Moreno v. Jones*, 213 Ariz. 94, 102 ¶ 42 (2006). The Superior Court also correctly concluded that Plaintiff Kizzar had not established that the mistake prevented either Plaintiff Kizzar or the county recorders from verifying the validity of the signatures on the contested nomination petitions.

IT IS ORDERED affirming the trial court decision.

IT IS FURTHER ORDERED that the County Boards of Supervisors and County Recorders for the following counties shall leave Wendy Rogers' name on the Republican ballot for the office of United States Representative for District 1 for the August 28, 2018 primary election: Apache, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Maricopa, and Yavapai.

IT IS FURTHER ORDERED that Defendant Rogers' request for attorney's fees is **DENIED**.

DATED this 28th day of June, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

TO:

Timothy A LaSota
Michael T Liburdi
Daniel Seiden
Will Wagner
Joseph Young
Bradley D Beauchamp
Kara Karlson
Joseph Eugene La Rue
Jane E Nicoletti-Jones
Kenneth A Angle
Scott M Bennett
Jeremy O Ford
Daniel S Jurkowitz
Craig C Cameron
M Colleen Connor
Talia J Offord
Matthew J Smith
Ryan Henry Esplin
Thomas M Stoxen
Jessica S Sabo
William J Kerekes
Britt W Hanson
Elda E Orduno
Tony Rogers
Hon Chris DeRose
Hon James D Smith
adc