

SUPREME COURT OF ARIZONA

ROBERT MCGEE, an individual,) Arizona Supreme Court
) No. CV-18-0162-AP/EL
Plaintiff/Appellee,)
) Maricopa County
v.) Superior Court
) No. CV2018-008775
MARK SYMS, an individual;)
MICHELLE REAGAN, in her official)
capacity as the Secretary of)
State of Arizona; ADRIAN FONTES,)
in his official capacity as the)
Maricopa County Recorder;)
REYNALDO VALENZUELA, in his)
official capacity as Maricopa) **FILED 08/08/2018**
County Elections Director; and)
MARICOPA COUNTY BOARD OF)
SUPERVISORS, in their official)
capacity,)
)
Defendants/Appellants.)
)
_____)

O R D E R

The Court, by a panel consisting of Vice Chief Justice Brutinel and Justices Pelander, Timmer, and Bolick, 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.

Given the significant role the county recorder's comparison of signatures often plays in petition challenges, including this one, we are troubled by the opaqueness of the process evidenced by Maricopa County Recorder Adrian Fontes' testimony in this case. The Recorder also suggested that the process is not required by law and is essentially "a courtesy" to the court that he will "probably stop." The candidates, petition challengers, and the courts, as well as our democratic system as a whole, would benefit from a far clearer process with defined statutory roles for the county recorders. *Cf. Jenkins v. Hale*, 218 Ariz. 561, 564 ¶ 17 n.2 (2008) (urging legislative clarification of nomination petition requirements).

However, in this case, the evidence is abundant that Syms did not produce enough valid signatures to qualify for the ballot. Finding no abuse of discretion and by unanimous decision,

IT IS ORDERED affirming the trial court decision.

IT IS FURTHER ORDERED Plaintiff/Appellee's request for attorney's fees is denied.

DATED this 8th day of August, 2018.

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

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TO:

Kory A Langhofer
Thomas J Basile
Joseph A Kanefield
Mark Kokanovich
Mark D Goldman
Jeff S Surdakowski
Jeremy Phillips
Kara Karlson
Joseph Eugene La Rue
M Colleen Connor
Hon Chris DeRose
Hon Christopher T Whitten
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