

SUPREME COURT OF ARIZONA

BRANCH, et al.,) Arizona Supreme Court
) No. CV-20-0134-AP/EL
 Plaintiffs/Appellants,)
) Maricopa County
 v.) Superior Court
) No. CV2020-004881
 KIM OWENS, et al.,)
)
 Defendants/Appellees.) **FILED 05/14/2020**
)
)
 _____)

DECISION ORDER

The Court, by a panel consisting of Justice Gould, Justice Lopez, Justice Beene, and Justice Montgomery has 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.¹ The Court rules as follows:

IT IS ORDERED reversing the trial court.

"We uphold a trial court's findings of fact unless clearly erroneous as not either 'supported by reasonable evidence or based on a reasonable conflict of evidence.'" *Moreno v. Jones*, 213 Ariz. 94, 98 (2006) (citation omitted). Here the trial court erred in finding that the candidate had rehabilitated a sufficient number of signatures to remain on the ballot.

The only evidence offered by Owens to rehabilitate the signatures that were invalidated because the signer was not

¹ Justice Bolick has recused himself from participating in this matter.

registered to vote was the "GOP Data Center" records. However, Owens failed to make the Data Center records available, nor were the records offered or received into evidence. Additionally, there was no testimony establishing that either the Data Center records or Owen's testimony about the records constituted reliable, competent evidence for the court to consider. Accordingly, there was no reasonable evidence to support the trial court's finding that the candidate rehabilitated a sufficient number of signatures to remain on the ballot.

IT IS FURTHER ORDERED that the defendant/appellee County Boards of Supervisors and County Recorders shall remove Kim Owens from the Republican ballot for the office of the corporation commission for the August 4, 2020 primary election. The requested injunction is granted.

DATED this 14th day of May, 2020.

_____/s/_____
ANDREW GOULD
Duty Justice

TO:

Timothy A LaSota
James E Barton II
Jacqueline Soto
Dennis I Wilenchik
John D Wilenchik
David J Cantelme
D Aaron Brown
Nancy M Bonnell
Kara Karlson
Dustin D Romney
Joseph Eugene La Rue
Emily M Craiger
Britt W Hanson
Christine Roberts
Rose Winkeler
Mark D Byrnes
Jefferson R Dalton
Jeremy O Ford
Chase Walter McCormies
Garet Kartchner
Ryan Henry Esplin
Tony Rogers
Ryan Norton Dooley
Jason S Moore
Daniel S Jurkowitz
Scott Matthew Johnson
George E Silva
Kimberly J Hunley
Thomas M Stoxen
Matthew Black
William J Kerekes
Hon. Timothy J Thomason
Hon. Jeff Fine
Aaron Nash
Alicia Moffatt