

SUPREME COURT OF ARIZONA

JUDITH K. LOHR, a qualified) Arizona Supreme Court
elector,) No. CV-20-0129-AP/EL
)
Plaintiff/Appellant,) Maricopa County
) Superior Court
v.) No. CV2020-004868
)
SHAWNNA BOLICK, a Republican)
Primary Candidate for Arizona) **FILED 05/11/2020**
House of Representatives in)
Legislative District 20, et al.,)
)
Defendants/Appellees.)
)
_____)

O R D E R

The Court, by a panel consisting of Chief Justice Brutinel, Vice Chief Justice Timmer, Justice Gould 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.¹ The Court rules as follows:

IT IS ORDERED affirming the trial court decision in part and reversing in part.

It is undisputed that the Candidate is a resident and qualified elector of Legislative District 20 and that the address she provided has the same city, county, ZIP code, and district as her physical residence.

The Candidate did not strictly comply with the requirements of A.R.S. § 16-311(A) in her nomination paper which requires the candidate to "sign and cause to be filed a nomination paper giving the person's actual residence address or description of place of residence and post office address". However, the Candidate substantially complied with the statutory nomination-paper requirement. The error was unlikely to have misled or confused voters about the Candidate's ability to run as a resident of

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

Legislative District 20.

The Candidate did not strictly comply with A.R.S. § 16-314(C) when stating in her nomination petitions sheets that she resides at 610 E. Bell Rd. 2-142 Phoenix AZ 85022, which is a UPS store. However, the Candidate substantially complied with the statutory nomination petition sheet requirement. The error was unlikely to have misled or confused voters about the Candidate's ability to run as a resident of Legislative District 20.

With respect to the Candidate's paper petition sheets, the Candidate did not strictly or substantially comply with A.R.S. § 16-315(B), which requires that a circulator include "Circulator's actual residence address or, if no street address, a description of residence location." The purpose of this requirement is to ensure that a circulator can be contacted and questioned about the validity of gathered signatures. Providing a private mail box address does not fulfill this purpose.

However, with respect to the Candidate's "E-Equal" petition sheets submitted pursuant to A.R.S. § 16-316, there is no statutory requirement that a candidate provide a statement of residential address. Therefore, there is no statutory authority to challenge or invalidate a candidate's E-Equal petitions on these grounds.

The Candidate was required to submit a minimum of 455 signatures. After the County Recorder invalidated 75 of the Candidate's signatures, she had 820 valid signatures. The invalidation of 290 signatures from the paper petition sheets circulated by the Candidate leaves her with 530 valid signatures, well above the statutory requirement.

IT IS FURTHER ORDERED that the Maricopa County Board of Supervisors, County Recorder, and Elections Director shall leave Shawna Bolick's name on the Republican ballot for the office of Representative for Legislative District 20 for the August 4, 2020 primary election.

The Court will issue an opinion in due course.

DATED this 11th day of May, 2020.

/s/
ROBERT BRUTINEL
Chief Justice

TO:

James E Barton II

Jacqueline Soto

Kory A Langhofer

Thomas J Basile

Mark Brnovich

Joseph A Kanefield

Brunn W Roysden III

Jennifer Wright

Joseph Eugene La Rue

Hon M Scott McCoy

Hon Jeff Fine

Aaron Nash

Alicia Moffatt