



### **2022 Nomination Petition Challenge Procedure General Election Candidates**

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#### **Introduction**

A lawsuit challenging a candidate's nomination paper or petitions must be filed no later than July 25, 2022 at 5:00 p.m. Because the Superior Court must hear and render its decision within ten days of the complaint being filed, this handout is intended to provide practical guidance on the various stages of a nomination petition challenge.

#### **Who Are the Parties and What is Required for a Challenge?**

- Challenger must be a qualified elector
- Defendants who must be named:
  - Candidate whose petition is the subject of the challenge
  - Officer with whom the petitions are required to be filed<sup>1</sup>
  - Board of Supervisors and the Recorder of each county who prepares the ballots that contain the challenged candidate's name
- Challenge to validity of signatures.<sup>2</sup> A nomination petition challenge shall specify the petition page number, line number and basis for the challenge for each signature being challenged.

#### **Steps to Follow When Filing the Nomination Petition Challenge**

- 1<sup>st</sup> File the complaint with the Clerk of the Court no later than 5:00 p.m. on July 25, 2022.
- 2<sup>nd</sup> Immediately after filing the challenge, take the complaint and the proposed Order to Appear to the office of Judge Thomason.

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<sup>1</sup> The Recorder/Elections Department (MCED) is the filing office for Constables, Justice of the Peace, Maricopa County Board of Supervisors, the Maricopa County Clerk of the Superior Court.

<sup>2</sup> The Elections Department's MCTEC Office, 510 S. 3<sup>rd</sup> Avenue, Phoenix, AZ 85003, will be open from 8:00 a.m. to 5:00 p.m. Monday – Friday and on two Saturdays (7/16/22 and 7/23/22) for individuals to check signatures, for 2-hour increments – by appointment. The Elections Department will provide copies of filed documents for County Offices. Current fees for copies at both are \$0.25 per page, if printed (certification is available for an additional \$3.00 per certification).

- 3<sup>rd</sup> Judge Thomason's Judicial Assistant will process the Order to Appear by assigning the date for the evidentiary hearing. *On July 25, 2022, the Order to Appear will be processed by MCED in conjunction with Judge Thomason's office.*
- 4<sup>th</sup> Immediately serve the Filing Officer with the complaint and signed Order to Appear. The Maricopa County Elections Department (MCTEC S. 3<sup>rd</sup> Ave.) is the Filing Officer for candidates running for a County Office and is the agent for service of process on the candidate being challenged.
- 5<sup>th</sup> The case will be heard on the date given in the Order to Appear in the Downtown Court Complex.

### **Review of Challenged Signatures**

The Maricopa County Elections Department's role is limited to checking Maricopa County's voter registration records for validity or invalidity of signatures challenged by the plaintiff in the court filing and to provide testimony at the evidentiary hearing. The Department needs at least 24 business hours after receipt of the challenge to check contested signatures. More time is needed to check state and federal offices because those candidates are required to gather thousands of signatures.

After reviewing the signatures, the Elections Department will create a written report that identifies each of the signatures challenged and its findings. In addition, the Department will ensure that an Elections Officer will be present at the hearing to testify in court about the signature certifications. Due to the large number of cases, the Department requests that the Election Officer be called as the first or one of the first witnesses, and be released following his or her testimony so the Election Officer may attend another hearing scheduled at or near the same time.

#### Recommendations:

- ✓ Identify your case as an "Election Case" or "Nomination Petition Challenge."
- ✓ In a challenge to the validity of the signatures, use the petition page numbers provided on the petitions. *Please do not create a new numbering system.*
- ✓ Also, use the same codes that are used by the Department and explained below when providing the reason for the challenge.

### **Signature Verification Codes**

The Election Department uses the following codes when verifying signatures:

- ✓ V – Valid signature. At the time of signing, the signer was a registered voter in the electoral district of the office the candidate is seeking.
- OD - Out of district. Signer was not registered to vote in the electoral district nor did the signer provide a residence address within the district of the office the candidate is seeking at the time the petition was signed.

- NR - Not registered to vote. Signer was not in Maricopa County's voter registration records as of the date of signing petition.
- E – Registered after signing petition. Signer registered to vote after the date he or she signed the petition.
- NP - Not registered in the proper political party. If signer is registered as a member of a recognized party, but signed the petition of a candidate seeking the nomination of a different political party, the signature is invalid.
- D – Duplicates. If signer has signed petitions for more than one candidate to be elected to the office, the earliest signature date will be valid and any duplicate with a later date will be invalid. If the original and duplicate signatures were given on the same date, both signatures are invalid. *Please identify the page and line number each time the name appears so the County may verify the duplication.*
- X - Signatures don't match. Using voter registration records, signature and handwriting comparisons may be made.
- L – Illegible signatures. County's database is searched prior to making this determination in an attempt to identify the voter.
- S – Statutory reasons. Signer provided no date, partial date, no address, or no signature on the petition.
- U – Underage. Signer was not registered to vote on the date of signing the petition because he or she was not at least 18 years of age.

## **Appeal**

A notice of appeal shall be filed within five days after the decision of the superior court in the action, and shall be appealable only to the Arizona Supreme Court.