

Arizona Supreme Court
Civil Election Appeal

CV-26-0120-AP/EL

HARTMAN v CONTRERAS et al

Appellate Case Information

Case Filed: 16-Apr-2026 Archive on: 5-May-2036 (planned)
Case Closed: 5-May-2026

Dept/Composition

Side 1. SHELLY HARTMAN, Appellee

(Litigant Group) SHELLY HARTMAN

- Shelly Hartman, Plaintiff

Attorneys for: Plaintiff

Austin C Yost, Esq. (AZ Bar No. 34602)
Kelleen Mull, Esq. (AZ Bar No. 36517)
Marvin C Ruth, Esq. (AZ Bar No. 24220)
Sambo Dul, Esq. (AZ Bar No. 30313)

Side 2. ROBERT CONTRERAS, et al., Appellant

(Litigant Group) ROBERT CONTRERAS

- Robert Contreras, Defendant

Attorneys for: Defendant

Timothy A LaSota, Esq. (AZ Bar No. 20539)

(Litigant Group) JILL MCCLEARY, et al.

- Jill McCleary, Defendant
- Marana Town Council, Defendant
- Jon Post, Defendant
- Roxanne Ziegler, Defendant
- Herb Kai, Defendant
- John Officer, Defendant
- Patti Comerford, Defendant
- Patrick Cavanaugh, Defendant
- Teri Murphy, Defendant
- Town of Marana

Attorneys for: Defendant

David Udall, Esq. (AZ Bar No. 31863)

Side 3. PIMA COUNTY, Amicus Curiae

(Litigant Group) PIMA COUNTY

- Pima County

Attorneys for: Amicus Curiae

Daniel S Jurkowitz, Esq. (AZ Bar No. 18428)

CASE STATUS

May 5, 2026.....Case Closed

May 5, 2026.....Decision Rendered

PREDECESSOR CASE(S)

PIM	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
PIM	C20262693		Scott McDonald, Trial		

CASE DECISION

05-May-2026 DECISION ORDER

* Pending before the Court is an expedited election appeal brought by Appellant Robert Contreras, who seeks to appear on the 2026 primary ballot as a candidate for the office of Town Council Member for the Town of Marana. The Court, by a panel consisting

Filed: 05-May-2026

Mandate: 05-May-2026

Decision Disposition

Affirmed

John Lopez

18 PROCEEDING ENTRIES

- 16-Apr-2026 FILED: Notice of Filing of Notice of Appeal, Designation of Case An Expedited Election Matter, and Request for Initial Teleponic Scheduling Conference; Certificate of Service (Appellant Contreras)
- 17-Apr-2026 FILED: Notice of Filing of Time Stamped Notice of Appeal; Certificate of Service (Appellant Contreras)

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18 PROCEEDING ENTRIES

3. 20-Apr-2026 Defendant/Appellant Contreras filed a Notice of Filing of Notice of Appeal, Designation of Case an Expedited Election Matter, and Request for Initial Teleponic [sic] Scheduling Conference in this expedited election matter on April 16, 2026, pursuant to Rule 10(g), Arizona Rules of Civil Appellate Procedure.
- In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Defendant/Appellant Contreras and Plaintiff/Appellee Hartman.
- IT IS ORDERED if either party wishes to use transcripts, such party shall file authorized transcripts as soon as possible. If no authorized transcript can be prepared and filed timely, the parties are encouraged to stipulate to the pertinent facts or testimony or provide pertinent segments of unauthorized transcripts in a joint appendix as soon as possible.
- IT IS FURTHER ORDERED Appellant shall file the opening brief no later than 4:00 p.m. on Wednesday, April 22, 2026. The opening brief shall be no more than 2000 words.
- IT IS FURTHER ORDERED Appellee may file an answering brief no later than 4:00 p.m. on Tuesday, April 28, 2026. The answering brief shall be no more than 2000 words.
- IT IS FURTHER ORDERED Appellant may file a reply brief no later than 4:00 p.m. on Wednesday, April 29, 2026. The answering brief shall be no more than 1000 words.
- IT IS FURTHER ORDERED directing the parties to additionally address when the matter needs to be decided and whether the Court can grant effective relief in light of the requirements under A.R.S. § 16-351(C)(3). The parties are additionally directed to seek input from Pima County on the application of that statute.
- IT IS FURTHER ORDERED that briefs will be in a legible 14-point font, double-spaced, and will include all arguments the parties wish to present to the Court. They may be filed in memorandum format (no tables of contents or authorities).
- IT IS FURTHER ORDERED that copies of all filings must be delivered as required under Rule 10(h).
- IT IS FURTHER ORDERED that in addition to filing briefs with the Clerk of the Supreme Court (with filing and service through AZTurboCourt) all filings are also to be sent by email to all the parties and court staff and to SACrtdocs@courts.az.gov when filed. This matter will be decided without oral argument. (Hon. William G. Montgomery)
4. 21-Apr-2026 RECEIVED/SENT: Letter to Pima County Superior Court Requesting Entire Record
5. 21-Apr-2026 FILED: Brief of Amicus Curiae Pima County; Certificate of Service; Certificate of Compliance (Amicus Pima County)
6. 22-Apr-2026 FILED: Defendant-Appellant's Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Contreras)
7. 22-Apr-2026 FILED: Stipulated Facts; Certificate of Service (Appellant Contreras)
8. 22-Apr-2026 FILED: Opening Brief of Defendants Town of Marana, Jill McCleary and Marana Town Council (Town Defendants); Certificate of Service; Certificate of Compliance (Appellant Town of Marana, et al.)
9. 23-Apr-2026 FILED: Record from PCSC: Trial Court Record
- Index of Record
- 1 CD Containing Trial Exhibits
- 1 Sealed Envelope
10. 28-Apr-2026 RECEIPT No.: 2026-00128 ; \$330.00, Authorization: 8216851687240639, Applied to: ROBERT CONTRERAS - Class A Filing Fee (\$330.00) Paid for: ROBERT CONTRERAS - By nCourt LLC
11. 28-Apr-2026 FILED: Plaintiff-Appellee's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee Hartman)
12. 28-Apr-2026 FILED: Separate Appendix to Answering Brief - Vol. 1; Certificate of Service (Appellee Hartman)
13. 28-Apr-2026 FILED: Separate Appendix to Answering Brief - Vol. 2; Certificate of Service (Appellee Hartman)
14. 29-Apr-2026 FILED: Defendant-Appellant's Reply Brief; Certificate of Service; Certificate of Compliance (Appellant Contreras)

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18 PROCEEDING ENTRIES

15. 5-May-2026 Pending before the Court is an expedited election appeal brought by Appellant Robert Contreras, who seeks to appear on the 2026 primary ballot as a candidate for the office of Town Council Member for the Town of Marana. The Court, by a panel consisting of Vice Chief Justice Lopez, Justice Bolick, Justice Beene, and Justice Cruz, has considered the briefs of the parties, the trial court's judgment, and the relevant statutes and case law in this expedited election matter.
- Candidates seeking placement on a nonpartisan primary election ballot must gather a sufficient number of signatures in a nomination petition from "qualified signers." A.R.S. § 16-322. As it pertains here, a "qualified signer" is a "voter who at the time of signing is a registered voter in the electoral district of the office the candidate is seeking." A.R.S. § 16-321(B). As a candidate for the office of Town Council Member for the Town of Marana, Appellant Contreras is required to have 560 valid signatures to be placed on the ballot.
- Appellee Shelly Hartman filed a complaint challenging the validity of certain signatures submitted by Appellant Contreras. The parties stipulate that Appellant Contreras has submitted either 557 or 561 valid signatures. The four signatures at issue are from signers who listed an in-district actual residence on the petition sheets but who were not registered in the electoral district at the time of signing.
- After an evidentiary hearing, the trial court concluded that the four signatures at issue are not valid under A.R.S. § 16-321(B). The trial court rejected Appellant Contreras' arguments that the signatures are valid under either *Pacuilla v. Cochise Cnty. Bd. of Supervisors*, 186 Ariz. 367 (1996) or A.R.S. § 16-135. As a result, the trial court enjoined Appellant Contreras from appearing on the ballot. Appellant Contreras timely appealed.
- The Court is aware of the rigorous process to seek placement on a ballot and sympathetic to the difficulties of defending the challenge in an accelerated proceeding. However, Appellant Contreras has not presented a sufficient number of signatures from qualified signers to appear on the ballot. While Appellant Contreras correctly notes Arizona election laws are construed liberally to favor voter participation, this argument fails under the plain language of A.R.S. § 16-321(B) because the challenged signatures were by voters who were not registered at the time of signing in the Town of Marana. *Pacuilla* is inapplicable to the present dispute, as that decision concerned signers who had been registered to vote in the relevant electoral district but who did not re-register after moving within that district.
- For the reasons articulated by the trial court,
IT IS ORDERED affirming the trial court's judgment.
- IT IS FURTHER ORDERED granting the injunction and enjoining Defendants from placing Appellant Contreras' name on the 2026 primary ballot as a candidate for the office of Town Council Member for the Town of Marana and from allowing Appellant Contreras to run as a write-in candidate for this office in this election.
- IT IS FURTHER ORDERED directing the Clerk to issue the mandate forthwith. (Hon. John R Lopez IV)
16. 5-May-2026 ----CASE STATISTICALLY TERMINATED----
17. 5-May-2026 MANDATE TO THE SUPERIOR COURT
- Issued Mandate and copy of Decision Order to Trial Court.
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18. 6-May-2026 RECEIPT No.: 2026-00158 ; \$165.00, Authorization: 8304898367660563, Applied to: SHELLY HARTMAN - Class B Filing Fee (\$165.00) Paid for: SHELLY HARTMAN - By nCourt LLC