

Arizona Supreme Court
Civil Election Appeal

CV-26-0126-AP/EL

JESSICA CHALBERG v CONSUELO HERNANDEZ, et al.

Appellate Case Information

Case Filed: 17-Apr-2026 Archive on: 4-May-2036 (planned)
Case Closed: 4-May-2026

Dept/Composition

Side 1. JESSICA CHALBERG, Plaintiff/Appellant

(Litigant Group) JESSICA CHALBERG

- Jessica Chalberg

Attorneys for: Plaintiff/Appellant

James E Barton, II, Esq. (AZ Bar No. 23888)
Jacqueline Mendez Soto, Esq. (AZ Bar No. 22597)
Charles Lucking, Esq. (AZ Bar No. 31964)
Joshua A Barro, Esq. (AZ Bar No. 39369)

Side 2. CONSUELO HERNANDEZ, et al., Defendant/Appellee

(Litigant Group) CONSUELO HERNANDEZ

- Consuelo Hernandez

Attorneys for: Defendant/Appellee

Roy Herrera, Esq. (AZ Bar No. 32901)
Daniel A Arellano, Esq. (AZ Bar No. 32304)
Jillian Andrews, Esq. (AZ Bar No. 34611)
Jane Ahern, Esq. (AZ Bar No. 34865)
Austin T Marshall, Esq. (AZ Bar No. 36582)
Beatriz Aguirre, Esq. (AZ Bar No. beatrizaguirre)

(Litigant Group) ADRIAN FONTES

- Adrian P Fontes
AZ Bar No. 22162
[Current Member]

Attorneys for: Defendant/Appellee

Kara Karlson, Esq. (AZ Bar No. 29407)
Karen J Hartman-Tellez, Esq. (AZ Bar No. 21121)
Kyle R Cummings, Esq. (AZ Bar No. 32228)

(Litigant Group) PIMA COUNTY

- Pima County

Attorneys for: Defendant/Appellee

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

(Litigant Group) SANTA CRUZ COUNTY

- Santa Cruz County

Attorneys for: Defendant/Appellee

Robert F May, Esq. (AZ Bar No. 33107)

(Litigant Group) COCHISE COUNTY

- Cochise County

Attorneys for: Defendant/Appellee

Dylan Max Hendel, Esq. (AZ Bar No. 39642)
Daniel Restrepo, Esq. (AZ Bar No. 37124)

CASE STATUS

May 4, 2026.....Case Closed

May 4, 2026.....Decision Rendered

PREDECESSOR CASE (S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
PIM C20262701		Cynthia T Kuhn, Trial		

CASE DECISION

04-May-2026 DECISION ORDER

* Pending before the Court is an expedited election appeal brought by Plaintiff/Appellant Jessica Chalberg ("Plaintiff"), who seeks, pursuant to A.R.S. § 16-351, to disqualify Defendant/Appellee Consuelo Hernandez from placing her name on the Democratic p

Filed: 04-May-2026

Mandate: 04-May-2026

Decision Disposition

Affirmed

Kathryn King

Arizona Supreme Court

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12 PROCEEDING ENTRIES

1. 17-Apr-2026 FILED: Statement Identifying Appeal as Expedited Election and Request for Initial Telephonic Scheduling Conference; Certificate of Service; Exhibit 1 (Appellant Chalberg)
2. 20-Apr-2026 SENT: Letter to Pima County Superior Court Requesting Entire Record
3. 21-Apr-2026 Plaintiff / Appellant / Challenger Chalberg filed a Statement Identifying Appeal as Expedited Election and Request for Initial Telephonic Scheduling Conference in this expedited election matter on April 17, 2026, pursuant to Rule 10, Arizona Rules of Civil Appellate Procedure.

In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Appellant Chalberg and for Defendant / Appellee / Candidate Hernandez. Counsel for Pima County and for Cochise County has separately indicated that the deadline to resolve this matter is May 8, 2026.

IT IS ORDERED directing Pima County to file a pleading with the deadline for a decision in this case forthwith. Any county with an earlier deadline is to advise the Court in a pleading as soon as possible.

IT IS FURTHER 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 3,000 words.

IT IS FURTHER ORDERED Appellee may file an answering brief no later than 4:00 p.m. on Friday, April 24, 2026. The answering brief shall be no more than 3,000 words. There will be no reply.

IT IS FURTHER ORDERED any defendant governmental agency may file a brief no later than the deadline for the opening brief.

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. The Court anticipates conferencing this matter on May 5, 2026, with a decision to issue on or after that date. (Hon. William G. Montgomery)
4. 21-Apr-2026 FILED: Pima County's Statement of Deadline; Certificate of Service (Appellee Pima County)
5. 22-Apr-2026 FILED: Opening Brief; Certificate of Service; Certificate of Compliance; Joint Stipulation of Facts (Appellant Chalberg)
6. 23-Apr-2026 FILED: Record from PCSC: Trial Court Record

Index of Record

1 CD Containing Trial Exhibits
7. 24-Apr-2026 FILED: Answering Brief of Consuelo Hernandez; Certificate of Service; Certificate of Compliance (Appellee Hernandez)
8. 29-Apr-2026 RECEIPT No.: 2026-00133 ; \$330.00, Authorization: 8656664458476044, Applied to: JESSICA CHALBERG - Class A Filing Fee (\$330.00) Paid for: JESSICA CHALBERG - By nCourt LLC
9. 29-Apr-2026 RECEIPT No.: 2026-00148 ; \$165.00, Authorization: 8304869946584772, Applied to: CONSUELO HERNANDEZ - Class B Filing Fee (\$165.00) Paid for: CONSUELO HERNANDEZ - By nCourt LLC
10. 4-May-2026 Pending before the Court is an expedited election appeal brought by Plaintiff/Appellant Jessica Chalberg ("Plaintiff"), who seeks, pursuant to A.R.S. § 16-351, to disqualify Defendant/Appellee Consuelo Hernandez from placing her name on the Democratic primary ballot for the office of State Representative in Legislative District 21.

The Court, by a panel consisting of Justice Bolick, Justice Montgomery, Justice King, and Justice Cruz, has considered the parties' briefs, the record in the trial court, the trial court's rulings, and the relevant statutes and case law in this expedited election matter. Upon consideration, and for the reasons stated by the trial court in its April 16, 2026 order,

IT IS ORDERED affirming the trial court decision denying Plaintiff's challenge and ordering that Consuelo Hernandez is qualified to appear on the ballot.

IT IS FURTHER ORDERED directing the Clerk to issue the mandate forthwith. (Hon. Kathryn H. King)
11. 4-May-2026 ----CASE STATISTICALLY TERMINATED----
12. 4-May-2026 MANDATE TO THE SUPERIOR COURT

Issued Mandate and Copy of Decision Order to Trial Court.

Arizona Supreme Court

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