

Arizona Supreme Court
Civil Election Appeal

CV-26-0127-AP/EL

GALLAGHER v BAH et al

Appellate Case Information

Case Filed: 20-Apr-2026 Archive on: 4-May-2036 (planned)

Case Closed: 4-May-2026

Reinstated x 1: 6-May-2026

Re-Closed:

Dept/Composition

Side 1. BRIDGETTE GALLAGHER, a qualified elector, Appellant

(Litigant Group) BRIDGETTE GALLAGHER

- Bridgette Gallagher

Attorneys for: Appellant

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)

Side 2. IMAN BAH, a candidate for office, Appellee

(Litigant Group) IMAN BAH

- Iman Bah

Attorneys for: Appellee

Jennifer Wright, Esq. (AZ Bar No. 27145)

Side 3. ADRIAN FONTES, in his official capacity as Arizona Secretary of State; et al., Appellee

(Litigant Group) ADRIAN FONTES

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

Attorneys for: Appellee

Timothy E.D. Horley, Esq. (AZ Bar No. 38021)

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) BILLY CLOUD, et al.

- Billy Cloud
- Cochise County Board of Supervisors

Attorneys for: Appellee

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

(Litigant Group) POLLY MERRIMAN, et al.

- Graham County Board of Supervisors
- Polly Merriman

Attorneys for: Appellee

D Michelle Beus, Esq. (AZ Bar No. 37252)

(Litigant Group) ERIN MILLER, et al.

- Erin Miller
- Greenlee County Board of Supervisors

Attorneys for: Appellee

Gary Griffith, Esq. (AZ Bar No. 19803)

(Litigant Group) GABRIELLA CAZARES-KELLY, et al.

- Gabriella Cazares-Kelley
- Pima County Board of Supervisors

Attorneys for: Appellee

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

(Litigant Group) DANA LEWIS, et al.

- Pinal County Board of Supervisors
- Dana Lewis

Attorneys for: Appellee

Craig C Cameron, Esq. (AZ Bar No. 13176)

Ian Daranyi, Esq. (AZ Bar No. 33202)

Christine Roberts, Esq. (AZ Bar No. 33718)

Danielle Parlich, Esq. (AZ Bar No. daparlich)

CASE STATUS

May 4, 2026..... Decision Rendered

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2026-014433		Adele Ponce, Trial		

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CASE DECISION

04-May-2026 DECISION ORDER

* Pending before the Court is an expedited election appeal brought by Plaintiff / Appellant / Challenger Bridgette Gallagher. Challenger filed a verified complaint seeking to disqualify Defendant / Appellee / Candidate Iman Bah from the ballot. Candidat

Filed: **04-May-2026** Mandate: **04-May-2026**

Decision Disposition
<i>Remand with Instructions</i>

Ann Timmer

14 PROCEEDING ENTRIES

1. 20-Apr-2026 FILED: ARCAP 10(c) Statement Designating the Case as an Expedited Election Matter; Certificate of Service; Exhibit A; Exhibit B (Appellant Gallagher)
2. 21-Apr-2026 Plaintiff / Appellant / Challenger Bridgette Gallagher 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 and for Defendant / Appellee / Candidate Iman Bah. The Court has been apprised in other proceedings that Pima County and Cochise County have a May 8, 2026 deadline to resolve this matter.

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 noon on Friday, April 24, 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 noon on Tuesday, April 28, 2026. The answering brief shall be no more than 3,000 words.

IT IS FURTHER ORDERED any reply brief is due no later than 4:00 p.m. on Wednesday, April 29, 2026. The reply brief shall be no more than 1,500 words.

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)
3. 21-Apr-2026 FILED: Notice of Filing File-Stamped Notice of Appeal; Certificate of Service; Exhibit A (Appellant Gallagher)
4. 21-Apr-2026 FILED: Pima County's Statement of Deadline; Certificate of Service (Appellee Pima County)
5. 22-Apr-2026 FILED: Notice of Filing Electronic Court Records (Appellant Gallagher)
6. 22-Apr-2026 FILED: (Duplicate) Notice of Filing Electronic Records; Certificate of Service (Appellant Gallagher)
7. 22-Apr-2026 FILED: Record of Superior Court Hearing (Appellant Gallagher)

1 USB Drive

Contains the audio and vido files for the Superior Court's April 15, 2026 Pre-Trial Hearing and the April 15, 2026 Trial
8. 24-Apr-2026 FILED: Opening Brief of Appellant Bridgette Gallagher; Certificate of Service; Certificate of Compliance; Exhibit A-B (Appellant Gallagher)
9. 24-Apr-2026 FILED: Appendix to Appellant Bridgette Gallagher's Opening Brief; Certificate of Service (Appellant Gallagher)
10. 28-Apr-2026 FILED: Answering Brief of Defendant-Appellee Bah; Certificate of Service; Certificate of Compliance (Appellee Bah)

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14 PROCEEDING ENTRIES

11. 29-Apr-2026 RECEIPT No.: 2026-00136 ; \$330.00, Authorization: 8656684856312773, Applied to: BRIDGETTE GALLAGHER - Class A Filing Fee (\$330.00) Paid for: BRIDGETTE GALLAGHER - By nCourt LLC
12. 29-Apr-2026 FILED: Reply Brief of Appellant Bridgette Gallagher; Certificate of Service; Certificate of Compliance (Appellant Gallagher)
13. 4-May-2026 Pending before the Court is an expedited election appeal brought by Plaintiff / Appellant / Challenger Bridgette Gallagher. Challenger filed a verified complaint seeking to disqualify Defendant / Appellee / Candidate Iman Bah from the ballot. Candidate seeks to run as a No Labels candidate for the office of U.S. Representative for District 6, (covering Cochise, Graham, Greenlee, Pima, and Pinal Counties) in the upcoming primary election. Following a trial, the superior court rejected the challenge. Challenger appealed.
- The Court, by a panel consisting of Chief Justice Timmer, Vice Chief Justice Lopez, and Justices Bolick and Beene, has considered the briefs of the parties, the trial court's judgment, and the relevant statutes and case law in this expedited election matter. The facts are taken from the opening brief and the minute court order. The Answering Brief did not present any facts or references to the record as required by Court rules.
- Challenger filed his complaint challenging 223 of the signatures on various bases. Before trial, Challenger presented intended exhibits. The exhibits were entered into evidence by stipulation of the parties. At trial, Challenger argued that Candidate had insufficient number of signatures to qualify for the ballot, pointing out that sixteen signatures were from people who resided outside the legislative district and advising that he had met the court deadline to exchange exhibits and had notified Candidate of the nature of the challenges. Candidate argued that notice of the challenges was insufficient.
- Trial court decision. The trial court took the matter under advisement. The trial court denied Challenger's challenges concluding "the evidence does not establish Plaintiff provided sufficient notice to Defendant." (Minute Entry at 5.) The Court explained:
- When asked about notice during the hearing, Defendant's counsel stated he had only appeared in the case that very day, and he did not know what notice the Defendant had received of Plaintiff's change in theory for the sixteen signatures. Plaintiff's counsel indicated he had submitted exhibits supporting his claims to the Court two days before the hearing. He also indicated he had tried to contact Plaintiff, but that Plaintiff had not responded.
- Counsel's statements are not evidence. Even accepting the statements of counsel as true, however, Plaintiff does not establish Defendant received timely notice. Plaintiff's counsel indicated he was unable to reach the Defendant to relay his new grounds for challenging the signatures. And though Plaintiff's counsel stated he filed the exhibits two days before the hearing, there is no evidence regarding whether Defendant actually had access to or did access Plaintiff's exhibits or when he may have done so. Even assuming Defendant did access them, it is not clear that in the two days before the hearing, he would have deduced from the printouts that Plaintiff was asserting new grounds for challenging electors. "[T]he short time period allotted for actions challenging nomination petitions may not be [permitted to] deprive a defendant of his or her opportunity to present [a] case in opposition to that of the plaintiff." McClung, 225 Ariz. at 156 (quoting Mandraes v. Hungerford, 127 Ariz. 585, 587-88 (2010)). Plaintiff has not established Defendant had sufficient notice of her new basis for challenging the sixteen signatures. Therefore, her challenge to those electors on grounds not raised in the complaint fails.
- (Id. (Cleaned up).)
- Standard of review. Courts "review challenges to the court's admission or exclusion of evidence for an abuse of discretion." McMurtry v. Weatherford Hotel, Inc., 231 Ariz. 244, 258 ¶ 44 (App. 2013). However, "[i]f the evidentiary ruling is predicated on a question of law, we review that ruling de novo." Id.; see also Arrett v. Bower, 237 Ariz. 74, 77 ¶ 7 (App. 2015) ("An abuse of discretion includes an error in the interpretation or application of the law.").
- Discussion. An attorney's representation to the court concerning the nature of a communication "is entitled to substantial weight." State ex rel. Adel v. Adleman, 252 Ariz. 356, 362 ¶ 18 (2022) (explaining that, in the context of confidential client communications, counsel's statements are afforded substantial weight).
- We find the trial court erred in determining as a matter of law that Plaintiff had not provided timely notice of the challenge based on the lack of evidence in the record. Therefore,
- IT IS ORDERED remanding to the trial court to determine (1) whether Challenger provided notice to Candidate; (2) whether the Candidate was afforded an adequate opportunity to prepare for trial; and (3) the merits of the Candidate's challenge. The Court directs the trial court to answer all three questions, even if the trial court believes that one of the questions is dispositive. This is always the best practice in the election context.
- In light of the short timeline in this matter, the Court encourages the parties and the trial court to consider these questions by May 6 by noon. (Hon. Ann A. Scott Timmer)
14. 4-May-2026 MANDATE TO THE SUPERIOR COURT
- Issued Mandate and copy of the Decision Order to the Trial Court
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