

COPY

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1 Roopali H. Desai (024295)
2 D. Andrew Gaona (028414)
3 **COPPERSMITH BROCKELMAN PLC**
4 2800 North Central Avenue, Suite 1200
5 Phoenix, Arizona 85004
6 T: (602) 381-5478
7 F: (602) 224-6020
8 rdesai@cblawyers.com
9 agaona@cblawyers.com

Attorneys for Plaintiff

ARIZONA SUPERIOR COURT
MARICOPA COUNTY

10 ERIC KRAMER,
11
12 Plaintiff,

13 v.

14 CANDACE BEGODY-BEGAY, Republican
15 Primary Candidate for Arizona Senate Legislative
16 District 7; MICHELE REAGAN, Arizona Secretary
17 of State; LENORA Y. FULTON, Apache County
18 Recorder; APACHE COUNTY BOARD OF
19 SUPERVISORS; DR. JOE SHIRLEY JR., Apache
20 County Supervisor; TOM M. WHITE JR., Apache
21 County Supervisor; BARRY WELLER, Apache
22 County Supervisor; PATTY HANSEN, Coconino
23 County Recorder; COCONINO COUNTY BOARD
24 OF SUPERVISORS; ART BABBOTT, Coconino
25 County Supervisor; ELIZABETH ARCHULETA,
26 Coconino County Supervisor; MATT RYAN,
Coconino County Supervisor; MANDY METZGER,
Coconino County Supervisor; LENA FOWLER,
Coconino County Supervisor; SADIE JO
BINGHAM, Gila County Recorder; GILA
COUNTY BOARD OF SUPERVISORS; TOMMIE
CLINE MARTIN, Gila County Supervisor;
MICHAEL A. PASTOR, Gila County Supervisor;
JOHN D. MARCANTI, Gila County Supervisor;
WENDY JOHN, Graham County Recorder;
GRAHAM COUNTY BOARD OF SUPERVISORS;
JIM PALMER, Graham County Supervisor; DREW
JOHN, Graham County Supervisor; DANNY

No. CV 2016-008540

APPLICATION FOR ORDER TO
SHOW CAUSE

1 SMITH, Graham County Supervisor; ROBERT)
 2 BALLARD, Mohave County Recorder; MOHAVE)
 3 COUNTY BOARD OF SUPERVISORS; GARY)
 4 WATSON, Mohave County Supervisor; HILDY)
 5 ANGIUS, Mohave County Supervisor; BUSTER)
 6 JOHNSON, Mohave County Supervisor; JEAN)
 7 BISHOP, Mohave County Supervisor; STEVEN)
 8 MOSS, Mohave County Supervisor; LAURA V.)
 9 SANCHEZ, Navajo County Recorder; NAVAJO)
 10 COUNTY BOARD OF SUPERVISORS; ROBERT)
 11 K. BLACK JR., Navajo County Supervisor; JESSE)
 12 THOMPSON, Navajo County Supervisor; JASON)
 13 E. WHITING, Navajo County Supervisor; STEVE)
 14 WILLIAMS, Navajo County Supervisor;)
 15 DAWNAFE WHITESINGER, Navajo County)
 16 Supervisor; VIRGINIA ROSS, Pinal County)
 17 Recorder; PINAL COUNTY BOARD OF)
 18 SUPERVISORS; PETE RIOS, Pinal County)
 19 Supervisor; CHERYL CHASE, Pinal County)
 20 Supervisor; STEVE MILLER, Pinal County)
 21 Supervisor; ANTHONY SMITH, Pinal County)
 22 Supervisor; TODD HOUSE, Pinal County)
 23 Supervisor,)
 24 Defendants.)

16 **APPLICATION**

17 Pursuant to Rule 6(d) of the Arizona Rules of Civil Procedure, Plaintiff Eric Kramer
 18 respectfully moves this Court for an Order to Show Cause setting a hearing within ten days.
 19 This motion and application are supported by the following Memorandum in Support of
 20 Application for Order to Show Cause and the Verified Complaint.

21 **MEMORANDUM IN SUPPORT OF APPLICATION**

22 Candace Begody-Begay (hereinafter "Ms. Begay") is a Republican candidate for
 23 Arizona Senate in Legislative District 7, and was required to submit 294 valid nominating
 24 signatures with the Secretary of State in order to qualify for the primary election ballot. Upon
 25 review of the 325 signatures she submitted, however, it is believed that at least 226 are invalid,
 26 leaving Ms. Begody-Begay with only 99 valid signatures, which is 195 short of the required

1 number of valid signatures. She is, therefore, ineligible to have her name on the primary
2 election ballot as a Republican candidate for Arizona Senate in Legislative District 7.

3 As set forth fully in the Verified Complaint filed concurrently herewith (which is
4 incorporated herein by reference), various signatures on Ms. Begody-Begay's petitions are
5 invalid and numerous entire petition sheets are invalid, leaving her with an insufficient number
6 to qualify for the primary election ballot.

7 Nomination petition challenges must be brought within ten business days of the last day
8 for candidates to file their nomination petitions. A.R.S. § 16-351(A). Nomination petitions
9 were due on June 1, 2016, and thus the last day to file a nomination petition challenge is
10 June 15, 2016. Within ten days of receiving a nomination petition challenge, the Court must
11 hold a hearing and render a decision in the matter. *Id.* Accordingly, Plaintiff requests that this
12 Court grant the requested relief as set forth in the Verified Complaint and the accompanying
13 Order to Show Cause.

14 **CONCLUSION**

15 For the foregoing reasons, Plaintiff respectfully requests that the Court issue an order
16 enjoining the county defendants and Secretary of State from placing Ms. Begody-Begay's
17 name on the ballot for the election for the Republican nomination for Arizona Senate in
18 Legislative District 7. Plaintiff further requests that those parties be enjoined from allowing
19 Ms. Begody-Begay to run as a write-in candidate for Arizona Senate in Legislative District 7 in
20 that election.

21 Respectfully submitted this 15th day of June, 2016.

22 **COPPERSMITH BROCKELMAN PLC**

23
24 By 

25 Roopali H. Desai

26 D. Andrew Gaona

Attorneys for Plaintiff