

SUPREME COURT OF ARIZONA

BAHNEY DEDOLPH, ) Arizona Supreme Court  
 ) No. CV-12-0226-AP/EL  
 Plaintiff/Appellee, )  
 ) Maricopa County  
 v. ) Superior Court  
 ) No. CV2012-009302  
 LOIS JEAN McDERMOTT, Democratic )  
 Primary Candidate for Arizona ) **FILED 07/03/2012**  
 House of Representatives, )  
 Legislative District 24; KEN )  
 BENNETT, Secretary of State; )  
 HELEN PURCELL, Maricopa County )  
 Recorder; KAREN OSBORNE, Maricopa )  
 County Director of Elections; )  
 FULTON BROCK, Maricopa County )  
 Supervisor; DON STAPLEY, )  
 Maricopa County Supervisor; ANDY )  
 KUNASEK, Maricopa County )  
 Supervisor; MAX WILSON, Maricopa )  
 County Supervisor; MARY ROSE )  
 WILCOX, Maricopa County )  
 Supervisor, )  
 )  
 Defendants/Appellants. )  
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O R D E R

The Court having read and considered the case record, transcript, and arguments of counsel,

IT IS ORDERED affirming in part and reversing in part the decision of the trial court. The election challenge was timely. Ms. McDermott's nomination paper did not strictly comply with A.R.S. § 16-311(G). That provision requires that a candidate's surname be listed first in a nomination paper and on the ballot, followed by a candidate's given name or names and any abbreviated versions of such names or nicknames. In her nomination papers, McDermott listed her name as "Cheuvront-McDermott, Jean" instead of "McDermott, Jean Cheuvront." Nonetheless, we find that McDermott

substantially complied with § 16-311(G) under the circumstances of this case. The nomination petition forms McDermott circulated for electors to sign listed her name as "Jean Chevront McDermott," which the evidence supports as three names by which she has been known. There was no suggestion that the listing on her nomination paper "could cause any elector to be confused about the candidate" or her identity. See *Moreno v. Jones*, 213 Ariz. 94, 102 ¶ 42, 139 P.3d. 612, 620 (2006). Her substantial compliance, however, does not relieve the election officials of their obligation to follow this dictate of A.R.S. § 16-311(G): "The candidate's surname shall be printed first, followed by the given name or names." Therefore,

IT IS FURTHER ORDERED directing the Secretary of State, Maricopa County Recorder, Maricopa County Director of Elections, and Defendant/Appellant Maricopa County Supervisors to place the name "McDermott, Jean Chevront" on the August 28, 2012 primary election ballot. A written decision of this Court will follow in due course.

DATED this \_\_\_\_\_ day of July, 2012.

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Scott Bales  
Vice Chief Justice

TO:  
Andrew S Gordon  
Roopali Hardin Desai  
Kory A Langhofer  
Ian Matthew Fischer  
Michele L Forney  
M Colleen Connor

jrs