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8 **ARIZONA SUPERIOR COURT**

9 **PIMA COUNTY**

10 TIMOTHY GREEN HOBSON and
11 SADIE ADELE SHAW,

12 Plaintiffs/Contestants,

13 v.

14 GABRIELLA CÁZARES-KELLY, in
her official capacity as Pima County
15 Recorder, SUZANNE MESICH, in her
official capacity as Clerk of the City of
16 Tucson, and KEVIN DAHL, an
individual

17 Defendants/Contestees.
18

Case No.:

**VERIFIED STATEMENT OF
ELECTION CONTEST**

19 Plaintiffs/Contestants TIMOTHY GREEN HOBSON and SADIE ADELE SHAW
20 (“Contestants”) file this Verified Statement of Election Contest, pursuant to A.R.S. §§ 16-
21 671, 673, and 674, challenging the August 5th, 2025 primary election of

1 Defendant/Contestee KEVIN DAHL (“Contestee”). For their Verified Statement of
2 Election Contest, Contestants allege as follows:

3 **PARTIES, JURISDICTION, AND VENUE**

4 *Plaintiffs/Contestants*

5 1. Timothy Green Hobson is a qualified elector residing at 1701 E Lester St.,
6 Tucson, AZ 85719 in Council Member Ward 3.

7 2. Sadie Adele Shaw is a qualified elector residing at 615 E Elm St., Tucson,
8 AZ 85705 in Council Member Ward 3.

9 *Defendants/Contestee*

10 3. Kevin Dahl ran as a candidate for the Democratic Party nomination to the
11 office of Council Member in Tucson’s ward 3. He received 3,296 votes in the August
12 5th, 2025 primary election for the Democratic Party nomination in ward 3.

13 4. Gabriella Cázares-Kelly serves at the Pima County Recorder and in that
14 capacity is responsible for counting, recording, and tabulating the results for the August
15 5th, 2025 primary election for the Democratic Party nomination in ward 3.

16 5. Suzanne Mesich serves as the City Clerk for the City of Tucson and in that
17 capacity is responsible for conducting and administering regular and special municipal
18 elections in conformance with federal, state, and city laws and procedures.

19 *Jurisdiction and Venue*

20 6. This court has jurisdiction of this election contest pursuant to A.R.S. § 16-
21 671, *et seq.*

1 are either registered Independents, not members of a political party, or are registered with
2 a smaller, third party.

3 16. The City of Tucson released the official election results for the Democratic
4 Party primary in Ward 3 on August 11, 2025 showing the following votes:

5 a. Kevin Dahl 3,296 votes

6 b. Sadie Shaw 3,277 votes

7 17. On August 12, 2025 the Tucson Mayor, Regina Romero and the Tucson
8 City Council canvassed the August 5, 2025 primary election.

9 18. Contestee, Kevin Dahl, narrowly won the Democratic nomination for the
10 Ward 3 City Council election by a margin of 19 votes.

11 19. The number of Ward 3 Democratic primary voters who erroneously
12 received incorrect primary ballots, or whose vote was not counted (76) exceeds
13 Contestee's margin of victory (19).

14 20. Defendants' mistake affected the purity of the August 5, 2025 primary
15 election and deprived Ward 3 voters of the opportunity to exercise their fundamental right
16 to vote.

17 21. Defendants' mistake will likewise affect the purity of the November 4, 2025
18 general election as it rendered the August 5, 2025 primary election results uncertain.

19 **COUNT ONE**
20 **(Violation of A.R.S. §§ 16-672(A)(1), 672(A)(4), and 672(A)(5))**

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1 22. Contestants incorporate by reference the allegations set forth in the
2 foregoing paragraphs of this Verified Statement of Election Contest as if fully set forth
3 herein.

4 23. Pursuant to A.R.S. § 1674(A) “An elector of a county, city, town or a
5 political subdivision of such county, city or town, may contest the right of a person
6 declared elected to an office to be exercised therein, or declared nominated to an office
7 at a primary election ... on the same grounds and in the same manner as contests of
8 election to a state office or question, proposal, measure or proposition submitted to the
9 vote of the electors of the state.”

10 24. Pursuant to A.R.S. § 1672(A)(4) “[a]ny elector of the state may contest the
11 election of any person declared elected to a state office, or declared nominated to a state
12 office at a primary election ... upon any of the following grounds: [f]or misconduct on
13 the part of election boards or any members thereof in any of the counties of the state, or
14 on the part of any officer making or participating in a canvass for a state election.”

15 25. Upon information and belief, at least 76 potential voters in the ward 3
16 Democratic Primary received an incorrect ballot or their vote was not counted due to the
17 County Recorder’s mistake

18 26. Upon information and belief, the County Recorder and City Clerk
19 negligently sent at least 76 Ward 3 Democratic voters an incorrect ballot, or did not
20 count Democratic votes due to the mistake.

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1 27. The official election results show that Contestee won the ward 3
2 Democratic primary by a narrow 19 vote margin.

3 28. The number of Ward 3 Democratic primary voters who received incorrect
4 primary ballots, or whose votes were not counted due the County Recorder’s mistake
5 (76) exceeds Contestee’s margin of victory (19).

6 29. The County Recorder and City Clerk’s failure to follow procedure and
7 correctly administer the August 5, 2025 Democratic primary election disenfranchised the
8 voters of Ward 3 and put the election results in doubt.

9 30. Pursuant to A.R.S. § 1672(A)(4) “[a]ny elector of the state may contest the
10 election of any person declared elected to a state office, or declared nominated to a state
11 office at a primary election ... upon any of the following grounds: [o]n account of illegal
12 votes.”

13 31. The Arizona Supreme Court has indicated in prior election challenges that
14 the illegal votes ground for contesting an election result encompasses claims of voter
15 disenfranchisement.

16 32. The Pima County Recorder’s mistake, leading to the disenfranchisement of
17 at least 76 potential ward 3 Democratic primary voters clearly exceeding Contestee’s 19
18 vote margin of victory, renders the result of the election uncertain.

19 33. Pursuant to A.R.S. § 1672(A)(5) “[a]ny elector of the state may contest the
20 election of any person declared elected to a state office, or declared nominated to a state
21 office at a primary election ... upon any of the following grounds: [t]hat by reason of

1 erroneous count of votes the person declared elected ... did not in fact receive the
2 highest number of votes for the office.”

3 34. The official election results finding that Contestee won the Ward 3
4 Democratic primary with a margin of 19 votes reflects an erroneous count of the vote.

5 35. Due to the disenfranchisement of at least 76 democratic Primary voters in
6 Ward 3, it is unclear whether Contestee in fact received the highest number of votes for
7 the nomination.

8 36. Since the “illegal votes” or disenfranchisement was sufficient to affect the
9 outcome of the election and is an erroneous count of the final vote, the correct remedy is
10 to set aside the August 5, 2025 election.

11 **COUNT TWO**
12 **(Temporary Restraining Order and Preliminary Injunction Pursuant to Ariz. R.**
13 **Civ. Pro. 65(d))**

14 37. Contestants incorporate by reference the allegations set forth in the
15 foregoing paragraphs of this Verified Statement of Election Contest as if fully set forth
16 herein.

17 38. Contestants request a temporary restraining order and preliminary injunctive
18 relief to enjoin Defendants from printing and distributing to voters and election officials
19 the general election ballots for the City of Tucson Ward 3 Council election.

20 39. As alleged in this Verified Statement of Election Contest, Contestants have
21 a strong likelihood of success on the merits and will suffer immediate and irreparable harm
if the general election ballots are printed and distributed with Contestee's name.

VERIFICATION

I, SADIE ADELE SHAW, a Plaintiff in the foregoing action, have read the foregoing Verified Statement of Election Contest and know the contents thereof by personal knowledge. I know the allegations in the Verified Statement of Election Contest to be true, except the matters stated therein on information and belief, which I believe to be true.

Executed under penalty of perjury this 15th of August 2025.

SADIE ADELE SHAW