
 Clerk of the Superior Court
 By Vivian Diaz, Deputy
 Date 01/05/2026 Time 09:22:37
 Description Amount
 ----- CASE# CV2026-000232 -----
 ELECTION CONTEST:NEW 367.00 D

 TOTAL AMOUNT 0.00
 Receipt# 30620374

1 Eli Dalton-Webb
 2 5009 E. Ironwood Circle
 3 Sierra Vista, Arizona 85650
 4 email: dw4az@proton.me
 5 Plaintiff
 6

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
 8
 9 **IN AND FOR THE COUNTY OF MARICOPA**

<p>12 Eli Dalton-Webb, a candidate for Clerk of the Superior Court</p> <p>14 Plaintiff</p> <p>17 v.</p> <p>19 ADRIAN FONTES, in his official capacity as Arizona Secretary of State, 21 MELISSA AVANT, in her official capacity as Officer in Charge of Elections 23 in Cochise County, BILLY CLOUD, in 24 his official capacity as Cochise County 25 Recorder</p> <p>28 Defendants,</p>	<p>Case No. CV2026-000232</p> <p>Assigned to:</p> <p>Article 2 §§ 5, 13, and 21 of the Arizona Constitution, A.R.S. §§ 39-121, 16-317, 16-341</p> <p>Initial Complaint</p>
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30 **PARTIES, JURISDICTION, AND VENUE**

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- 32 1. Plaintiff, Mr. Dalton-Webb is a qualified elector and resident of Cochise
 33 County, in Arizona. He is also a registered “Libertarian” and intends on running for
 34 Clerk of the Superior Court in Cochise County for the 2026 election.
- 35
- 36 2. Defendant Adrian Fontes is the Arizona Secretary of State, an officer that
 37 resides in Maricopa County, pursuant to Article 5 § 1(D) of the Arizona Constitution.
- 38
- 39 3. Defendant Melissa Avant and Billy Cloud are officers in Cochise County.
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1 4. This Court has authority to issue equitable relief against state and county
2 officers.
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5 5. Jurisdiction and venue are proper in this Court.
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7 **BACKGROUND**
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10 6. Plaintiff is a qualified elector in Cochise County, Arizona.
11

12 7. Plaintiff has registered as a “Libertarian” with the Cochise County
13 Recorder’s office.
14

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16 8. The Arizona Libertarian Party has had continued representation as a
17 political party on the official ballot for the state (within the meaning of A.R.S. § 16-
18 804(B)) since before Mr. Dalton-Webb registered to vote as “Libertarian” in 2020.
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22 9. Pursuant to A.R.S. § 16-804, the Cochise County Recorder “determine[s]
23 the political parties qualified for the county ballot pursuant to [section 16-804]”.
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27 10. Ms. Avant has orally alleged to Plaintiff that “Libertarian” Party is not
28 recognized in Cochise County.
29

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31 11. Plaintiff is and/or intends to run for Clerk of the Superior Court (within the
32 meaning of Article 6 § 23 of the Arizona Constitution) in Cochise County. Plaintiff
33 does NOT intend to run as a write-in candidate.
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37 12. Plaintiff, at this time, does NOT intend to change his voter registration
38 from anything other than “Libertarian”.
39
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41
42 13. One of two situations must be true: (1) the “Libertarian” Party is entitled to
43 representation as a political party on the official ballot for Cochise County; or (2) it is
44 not.
45
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48

1 14. The government holds records, not the Plaintiff, that would prove or
2
3 disprove whether or not any political party has continued or new party representation
4
5 as a political party on the official ballot. Plaintiff seeks declaratory relief regarding
6
7 this matter.
8

9 15. The problem is that A.R.S. § 16-804(D) requires that the county recorder
10
11 “determine” which political parties are recognized at the county-level, but it does not
12
13 specify what the county recorder is supposed to do with this determination—such as
14
15 publishing it or documenting it.
16
17

18 16. Perhaps A.R.S. § 39-121.01(B) requires the county recorder to write down
19
20 their determinations every time they are required to make an A.R.S. § 16-804(D)
21
22 determination. However, if they don’t do this, it creates problems.
23

24 17. The other problem with A.R.S. § 16-804 is that continued party recognition
25
26 depends on recognition of the last cycle. This means that if someone petitions for new
27
28 party recognition, say 46 years ago, and every cycle since then they have qualified for
29
30 continued recognition, that means that political party has recognition today. Plaintiff
31
32 has found A.R.S. § 16-804 to be substantially the same law as early as 1979, but has
33
34 not been able to verify whether the law has been substantially the same law before
35
36 that.¹
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38

39 18. That also means that the county recorder, in order to determine which
40
41 political parties are entitled to representation, the county recorder must go back more
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1 See Arizona State Library at <https://azmemory.azlibrary.gov/nodes/view/20937?> at
47 page 947 of the PDF
48

1 than 46 years of his own records to make that determination, since continued
2 recognition is based on the previous election cycle.
3
4

5 19. Upon information and belief, the Cochise County Recorder has gaps in
6 their A.R.S. § 16-804(D) determinations.
7
8

9 20. Upon information and belief, the Cochise County Recorder has not
10 historically and does not currently publish A.R.S. § 16-804(D) determinations.
11
12

13 21. Plaintiff has made a Title 39 request upon the Cochise County Recorder on
14 24 December 2025 (see Exhibit 1).
15
16

17 22. The Cochise County Recorder has not provided a written response to
18 Plaintiff regarding his Title 39 request regarding the recorder's A.R.S. § 16-804(D)
19 determination.
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21
22

23 23. A delay in responding a Title 39 request is a denial, pursuant to A.R.S. §
24 39-121.01(E).
25
26

27 24. The Cochise County Recorder has denied Plaintiff the requested records
28 ("and other matters" as prescribed in A.R.S. § 39-121).
29
30

31 25. Actions for public records can be filed under ordinary civil actions and are
32 not exclusive to special actions. (ACLU of Ariz. v. Ariz. Dep't of Child Safety, 251
33 Ariz. 458 "...a requesting party could bring an action for declaratory or injunctive
34 relief under the public records statutes...")
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41 26. Even if there is no cause of action against the Cochise County Recorder
42 under Title 39, the Cochise County Recorder is a party to this suit and has an interest
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1 in the judicial determination as to whether or not the “Libertarian” party is
2
3 recognized, as that is a responsibility of the recorder, pursuant to A.R.S. § 16-804(D).
4

5 27. If the “Libertarian” party is a recognized party (in Cochise County), then
6
7 Mr. Dalton-Webb must file a statement of interest, pursuant to A.R.S. § 16-311(H),
8
9 and will have to run in the primary election. Plaintiff seeks declaratory relief
10
11 regarding this matter.
12

13 28. Further, if the “Libertarian” party is a recognized party (in Cochise
14
15 County), then Mr. Dalton-Webb (or other persons) must circulate a partisan
16
17 nomination petition for “Libertarian” candidates, and must collect a certain number
18
19 of signatures specific to that office and that specific political party. Plaintiff seeks
20
21 declaratory relief regarding this matter.
22
23

24 29. If the “Libertarian” party is not a recognized party (in Cochise County),
25
26 then Mr. Dalton-Webb must file a statement of interest, pursuant to A.R.S. § 16-
27
28 341(I), and will have to run in the general election. Plaintiff seeks declaratory relief
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30 regarding this matter.
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32

33 30. Further, if the “Libertarian” party is not a recognized party (in Cochise
34
35 County), then Mr. Dalton-Webb (or other persons) must circulate a petition other than
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37 partisan for his candidacy, and must collect a number of signatures that is different
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39 than for partisan candidates. Plaintiff seeks declaratory relief regarding this matter.
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42 31. Plaintiff has filed a statement of interest with the officer in charge of
43
44 elections for Cochise County on 22 December 2025. (see Exhibit 2)
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1 32. Melissa Avant states that Mr. Dalton-Webb must file their statement of
2
3 interest form.
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5 33. No law requires a candidate use any particular form to file a valid
6
7 statement of interest. A.R.S. § 16-341(I) and A.R.S. § 16-311(H) state that a
8
9 statement of interest only have: “the name of the person, the political party, if any,
10
11 and the name of the office that may be sought”. It does not require the candidate to
12
13 use the county’s favorite form.
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16 34. Plaintiff has a valid reason to be hesitant to using the county’s form
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18 (Exhibit 3). The county’s form says that the candidate is “seeking the nomination of
19
20 the _____ Party”. If Mr. Dalton-Webb is not a member of a recognized party, then
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22 Mr. Dalton-Webb is NOT seeking the nomination of any party, making this form
23
24 inappropriate for him.
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27 35. Further, Melissa Avant refuses to list Mr. Dalton-Webb as a candidate for
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29 Clerk of the Superior Court (see [https://www.cochise.az.gov/650/Candidate-](https://www.cochise.az.gov/650/Candidate-Resources)
30
31 Resources under “2026 Candidate Statement of Interest Filed (PDF)”), even though a
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33 valid statement of interest has been filed with her office on 22 December 2025.
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35

36 36. Although there is no law that requires that Cochise County publish
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38 statements of interest, because Cochise County has chosen to do so, they must treat
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40 all candidates equally, pursuant to Article 2 § 13 and Article 2 § 21 of the Arizona
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42 Constitution. Therefore, Cochise County must publish Mr. Dalton-Webb’s statement
43
44 of interest on their website.
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1 37. Pursuant to A.R.S. § 16-317, Secretary of State Adrian Fontes has a non-
2 discretionary duty to Mr. Dalton-Webb to provide Mr. Dalton-Webb with an
3 electronic system for Mr. Dalton-Webb to electronically collect petition signatures for
4 his candidacy. This law does NOT discriminate on which party (or lack thereof) the
5 candidate is running for office under.
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11 38. Mr. Dalton-Webb, on 23 December 2025, sent a request to the Arizona
12 Secretary of State, giving the Arizona Secretary of State his statement of interest
13 (with the Cochise County Elections Department's received stamp and date/time it was
14 stamped). (see Exhibit 4)
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20 39. In addition to a written request, Mr. Dalton-Webb spoke with Lisa Marra,
21 who works for the Secretary of State, and Lisa Marra said that the office of the
22 Secretary of State will be refusing to allow Mr. Dalton-Webb to electronically
23 circulate his petition for Clerk of the Superior Court.
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29 40. Even if this oral conversation is hearsay or otherwise unreliable, the
30 Secretary of State has a non-discretionary statutory obligation to allow candidates to
31 electronically circulate petitions, pursuant to A.R.S. § 16-317. The fact is that Mr.
32 Dalton-Webb sent the written request on 23 December 2025 and the Secretary of
33 State, to this date, is not allowing Mr. Dalton-Webb to electronically circulate his
34 petition.
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41 41. Every moment that Mr. Dalton-Webb is not electronically circulating his
42 petition for Clerk of the Superior Court is a moment that the Secretary of State is
43 violating his rights under Article 2 § 5 of the Arizona Constitution among other laws.
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1 42. Plaintiff hereby clarifies in this entire lawsuit, assuming he remains
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3 registered "Libertarian" and does not change his registration: (1) if Plaintiff must run
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5 in the primary election, then he hereby runs in the primary election; (2) if Plaintiff
6
7 must run in the general election, then he hereby runs in the general election. It does
8
9 not matter to Plaintiff if he runs in the primary election or the general election.
10

11 Plaintiff further clarifies that he is NOT running as a write-in candidate.
12

13 43. Plaintiff also seeks declaratory relief as to which electors are qualified to
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15 sign Mr. Dalton-Webb's petition for his candidacy for Clerk of the Superior Court, as
16
17 whether it will be in the primary election or general election and if the "Libertarian"
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19 party is recognized impacts that.
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22 44. Plaintiff also seeks declaratory relief as to how many signatures Mr.
23
24 Dalton-Webb needs in order to be placed on the official ballot, as whether it will be in
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26 the primary election or general election and if the "Libertarian" party is recognized
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28 impacts that.
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31 **REQUESTED RELIEF**
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33 Plaintiff hereby requests the following relief:
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35 45. Declaratory relief, declaring whether or not the "Libertarian" party is
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37 recognized in Cochise County.
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39 46. Declaratory relief, if the "Libertarian" party (at the county-level) is deemed
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41 recognized by this Court but a later finding by newly revealed facts or by contrary
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43 appellate decision deems the "Libertarian" party not recognized, and if the
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1 “Libertarian” party is later deemed not recognized, what course of action the Parties
2 should do to mitigate irreparable harm.
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4

5 47. Declaratory relief, if the “Libertarian” party (at the county-level) is deemed
6 not recognized by this Court but a later finding by newly revealed facts or by contrary
7 appellate decision deems the “Libertarian” party recognized, and if the “Libertarian”
8 party is later deemed recognized, what course of action the Parties should do to
9 mitigate irreparable harm.
10
11

12 48. Declaratory relief, determining how Mr. Dalton-Webb can rely on the
13 county recorder’s A.R.S. § 16-804(D) determination.
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16 49. Declaratory relief, determining whether or not Mr. Dalton-Webb has filed a
17 valid statement of interest.
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20 50. Declaratory relief, declaring which electors are qualified to sign Mr.
21 Dalton-Webb’s petition for clerk of the superior court.
22
23

24 51. Declaratory relief, declaring how many valid signatures Mr. Dalton-Webb
25 needs in order to be placed on the official ballot.
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27

28 52. Injunctive relief, that if Melissa Avant is publishing candidates’ statements
29 of interest information on the Cochise County website for other candidates, that
30 Melissa Avant shall publish Mr. Dalton-Webb’s statement of interest information,
31 pursuant to Article 2 § 13 and Article 2 § 21 of the Arizona Constitution.
32
33

34 53. Injunctive relief, requiring Adrian Fontes to add Mr. Dalton-Webb to the
35 electronic petition circulation system for his candidacy for Clerk of the Superior
36 Court in Cochise County, pursuant to A.R.S. § 16-317.
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54. Injunctive relief, requiring Billy Cloud to give Mr. Dalton-Webb records under Title 39 of his A.R.S. § 16-802(D) determination.

55. Monetary relief, for all costs related to litigation, not excluding process server fees, postage, printing costs, court filing fees, travel expenses to and from the Court, and all other costs related to litigating this matter.

56. Monetary relief, for attorney's fees.

57. Awarding the Plaintiff any and all other relief as is just, proper, or equitable under the facts and circumstances of this case.

REQUEST FOR E-MAIL SERVICE

58. Plaintiff requests to be served via e-mail from this Court and Parties of all Court documents and correspondence, instead of USPS mail.

This day 5 January 2026
Billy Dalton-Webb

Exhibit

1

Today's Date: 24 December 2025

Cochise County Recorder
1415 Melody Lane
Building B
Bisbee, AZ 85603

1

To the COCHISE COUNTY RECORDER:

2

URGENT

“Public Records Law” means “Title 39 of the Arizona Revised Statutes, and the chapters, articles, and sections therein, and any other relevant law”.

A.R.S. § 16-804(D) requires “Each county recorder shall determine the political parties qualified for the county ballot pursuant to this section by December 1 of the appropriate year.”

Item #1 – Libertarian Party’s Current Status

Pursuant to Public Records Law, I hereby request statements, records, and other matters subject to A.R.S. Title 39 regarding the political parties qualified for the county ballot pursuant to A.R.S. § 16-804(D).

Please immediately fulfill these requests in the order from fastest to slowest requests to fulfill. If necessary, please fulfill these requests in multiple parts. These requests are urgent.

Please fulfill these requests on or before 24 December 2025.

This request is not for “commercial purpose” as defined in A.R.S. § 39-121.03.

Requester reserves the right to inspect records and other matters in-person and without payment, pursuant to A.R.S. § 39-121 and other relevant law. Requester additionally reserves the right to obtain copies of records.

Please send records and correspondence on the matter to dw4az@proton.me .

Thank you,
Eli Dalton-Webb
E-mail: dw4az@proton.me
5009 E. Ironwood Circle
Sierra Vista, Arizona 85650

1 And any person and/or entity it may concern

2 And any person and/or entity it may concern

Exhibit

2

Cochise County Elections Department
1415 Melody Lane, Bldg. E
Bisbee, AZ 85603 (520) 432-8970

REC'D COCHISE CNTY ELE
DEC 22 '25 PM 4:24

Candidate Statement of Interest

A.R.S. § 16-341

Candidate Name:

Eli Dalton-Webb

Office Sought:

clerk of the superior court

Political Party (as required by A.R.S. § 16-341(I)):

Libertarian

Election Year:

2026

Residential Address:

5009 E. Ironwood Circle, Sierra Vista, Arizona 85650

Mailing Address:

5009 E. Ironwood Circle, Sierra Vista, Arizona 85650

E-mail Address:

dw4az@proton.me

You are hereby given this statement of interest, within the meaning of A.R.S. § 16-341. This statement of interest is **NOT** within the meaning of A.R.S. § 16-311.

Signature:

Date:

	22 December 2025
---	---------------------

Exhibit

3



Cochise County Elections Department
 1415 Melody Lane, Bldg. E
 Bisbee, AZ 85603 (520) 432-8970

For Office Use Only

State of Arizona
Candidate Statement of Interest
 A.R.S. § 16-311; A.R.S. § 16-341

You are hereby notified that I, the undersigned, hereby declare my interest to run as a candidate for the office of _____ seeking the nomination of the _____ Party, at the _____ Election to be held on Tuesday, _____.

By submitting this document, I understand that any nomination petition signatures collected before the date of this Statement of Interest are subject to challenge pursuant to A.R.S. § 16-351. Filing a Statement of Interest indicates that a person is collecting petition signatures for a possible nomination. However, it is not a formal declaration of candidacy – filing a nomination paper is the formal declaration of candidacy. Filing a Statement of Interest also does not mean that a candidate will appear on the ballot for a particular election. To appear on the ballot, a candidate must submit valid nomination documents (including a nomination paper and sufficient petition signatures) by the applicable deadline and successfully defend against any nomination challenge filed in court.

Last Name	First Name	Middle
Signature		Date

Contact Information:

Residential Address	City	State	Zip
Mailing Address	City	State	Zip
Phone Number	Email address		

Email form to: elections@cochise.az.gov

DISCLAIMER

1. The Elections Department cannot give legal advice about your campaign.
2. Forms are subject to change without notice.
3. Candidate is responsible for submitting and timely filing of the correct forms in order to run for a County Office.
4. All forms and other documents including emails are public record. This information may be posted on the County website.
5. The Elections Department's primary means of communication is via email and candidate must provide an email address to ensure prompt awareness of correspondence from the Elections Department.
6. Precinct Committeemen do not file this form. All other candidates are required to file this form.

Exhibit

4

E-qual

From dw4az@proton.me <dw4az@proton.me>

To elections@azsos.gov

Date Tuesday, December 23rd, 2025 at 3:48 PM

Hello,

My name is Eli Dalton-Webb, I am running for "clerk of the superior court" in Cochise County. I have filed my statement of interest with the Cochise County elections officer (see attached). I would like to electronically circulate my petition for this office using the Arizona Secretary of State's e-qual system.

Please immediately respond, as this affects my right to petition, pursuant to Article 2 § 5 of the Arizona Constitution, among other rights.

Thank you,
Eli Dalton-Webb

Sent with [Proton Mail](#) secure email.

458.65 KB 1 file attached

clerkStatementOfInterest22December2025-scanned.pdf 458.65 KB

Cochise County Elections Department
1415 Melody Lane, Bldg. E
Bisbee, AZ 85603 (520) 432-8970

REC'D COCHISE CNTY ELE
DEC 22 '25 PM 4:24

Candidate Statement of Interest

A.R.S. § 16-341

Candidate Name:

Eli Dalton-Webb

Office Sought:

clerk of the superior court

Political Party (as required by A.R.S. § 16-341(I)):

Libertarian

Election Year:

2026

Residential Address:

5009 E. Ironwood Circle, Sierra Vista, Arizona 85650

Mailing Address:

5009 E. Ironwood Circle, Sierra Vista, Arizona 85650

E-mail Address:

dw4az@proton.me

You are hereby given this statement of interest, within the meaning of A.R.S. § 16-341. This statement of interest is **NOT** within the meaning of A.R.S. § 16-311.

Signature:

Date:

	22 December 2025
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