

SUPREME COURT OF ARIZONA

American Civil Liberties Union) Arizona Supreme Court
of Arizona; League of United) No. CV-24-0263-SA
Latin American Citizens-Arizona,)
)
Petitioners,)

v.)

STEPHEN RICHER, in his official)
capacity as Maricopa County)
Recorder; MARICOPA COUNTY; LARRY)
NOBLE, in his official capacity)
as Apache County Recorder; APACHE)
COUNTY; DAVID W. STEVENS, in his)
official capacity as Cochise)
County Recorder; COCHISE COUNTY;)
PATTY HANSEN, in her official)
capacity as Coconino County)
Recorder; COCONINO COUNTY;)
SADIE JO BINGHAM, in her official)
capacity as Gila County Recorder;)
GILA COUNTY; POLLY MERRIMAN, in)
her official capacity as Graham)
County Recorder; GRAHAM COUNTY;)
SHARIE MILHEIRO, in her official)
capacity as Greenlee County)
Recorder; GREENLEE COUNTY;)
RICHARD GARCIA, in his official)
capacity as La Paz County)
Recorder; LA PAZ COUNTY; LYDIA)
DURST, in her official capacity)
as Mohave County Recorder; MOHAVE)
COUNTY; MICHAEL SAMPLE, in his)
official capacity as Navajo)
County Recorder; NAVAJO COUNTY;)
GABRIELLA CÁZARES-KELLY, in her)
official capacity as Pima County)
Recorder; PIMA COUNTY; DANA)
LEWIS, in her official capacity)
as Pinal County Recorder; PINAL)
COUNTY; ANITA MORENO, in her)
official capacity as Santa Cruz)
County Recorder; SANTA CRUZ)
COUNTY; MICHELLE BURCHILL, in her)
official capacity as Yavapai)
County Recorder; YAVAPAI COUNTY;)

FILED 11/10/2024

RICHARD COLWELL, in his official)
capacity as Yuma County Recorder;)
and YUMA COUNTY)
)
Respondents.)
)
_____)

O R D E R

On November 9, 2024, Petitioners American Civil Liberties Union of Arizona and League of United Latin American Citizens-Arizona filed an *Emergency Petitioner for Special Action (Special Action Relief, Declaratory Judgment) Expedited Review Requested*. Petitioners point out that the deadline for mail-in voters to cure inconsistent signatures on their ballot envelope affidavits is 5:00 p.m. on November 10, 2024, pursuant to Laws 2024, Ch. 1, § 6, eff. Feb. 9, 2024; Laws 2024, Ch. 2, § 2, eff. March 6, 2024, A.R.S. § 16-550. Petitioners request that this Court grant declaratory relief and extend the deadline for Respondents (the County Recorders of Arizona's fifteen counties) to allow voters additional time to cure any inconsistent signatures. Regular business hours include at a minimum 8:00 a.m. until 5:00 p.m. during the Friday and weekend before and the Friday and weekend after the election. Laws 2024, Ch. 2, § 2, eff. March 6, 2024.

Because the petition was filed outside of Court hours, on November 9, 2024, Court staff informally asked for responses from Respondents and any amicus curiae briefs to be filed on or before November 10, 2024, at 12:00 p.m. As of 4:35 p.m., the Court received

responses from the Coconino County Recorder, the Pima County Recorder, the Maricopa County Recorder, the La Paz County Recorder, the Yuma County Recorder, the Santa Cruz County Recorder, the Navajo County Recorder, and the Apache County Recorder. The Court has also received an amicus brief from Arizona State Senate President Warren Petersen and Speaker of the Arizona House of Representatives Ben Toma; a motion to intervene and response from the Republican National Committee and Republican Party of Arizona (collectively "RNC") that the Court treats as an amicus brief; and the Navajo Nation's Motion to File Amicus Brief and Amicus Curiae Brief of the Navajo Nation.

No responding county requests the extension of time sought by Petitioners. Instead, the responding counties assert they have notified all voters with inconsistent signatures and have given those voters a reasonable time to "cure" any deficiencies in their ballots by 5:00 p.m. today. The responding counties point out that A.R.S. § 16-550(A) requires "reasonable efforts" to contact any voter who has inconsistent signatures on the voter's ballot affidavit and in the voter's registration record. See A.R.S. § 16-550; Laws 2024, Ch. 1, §§ 6, 22 eff. Feb. 9, 2024; Laws 2024, Ch. 2, §§ 2, 4 eff. March 6, 2024. All responding counties advise that all such affected voters have received at least one telephone call along with other messages by emails, text messages or mail. Although the Navajo Nation advises, "On Saturday November [9] 2024, the list of Navajo individuals in Apache County who needed to cure their ballots was over 182 people,"

the Court has no information to establish in fact that any such individuals did not have the benefit of "reasonable efforts" to cure their ballots. Thus, the Court is not presented with evidence that any voters will be prevented from curing a defective ballot by today's 5:00 p.m. deadline. In short, there is no evidence of disenfranchisement before the Court.

Upon consideration, by the full Court,

IT IS ORDERED denying the motion to intervene by the RNC and accepting the amicus briefs filed by Arizona State Senate President Warren Petersen and Speaker of the Arizona House of Representatives Ben Toma, the RNC, and the Navajo Nation.

Lacking any evidence that "reasonable efforts" were not made to contact voters for the purpose of curing inconsistent signatures, and in light of the responding counties' assertions that they have been able to comply with the statutory notice requirements,

IT IS FURTHER ORDERED declining special action jurisdiction.

DATED this 10th day of November 2024.

/s/
WILLIAM G. MONTGOMERY
Duty Justice

TO:

Jared G Keenan
Lili Nimlo
Danielle Lang
Sarah Brannon
Sophia Lin Lakin
Joseph E La Rue
Jack O'Connor
Rosa Aguilar
Celeste M Robertson
Paul Correa
William P Ring
Joe A Albo
Jessica Scibelli
Jean Anne Roof
Gary Griffith
Scott Adams
Jeremy O Ford
Rachel F Shackelford
Ryan Henry Esplin
Jason Mitchell
Jason S Moore
Daniel S Jurkowitz
Scott Matthew Johnson
Matthew Cannon
Thomas M Stoxen
Michael J Gordon
William J Kerekes
Kory A Langhofer
Thomas J Basile
Patricia Ferguson-Bohnee
Ethel Billie Branch
Katherine Claire Belzowski
Sage Metoxen
Frances R Sjoberg
Julianne Begay
David Rothschild
Harmeet K. Dhillon
Michael A. Columbo
Jesse Franklin-Murdock
Rose Winkeler
Jessica Holzer
Emily Craiger