

Arizona Supreme Court

Civil Election Appeal

CV-24-0197-AP/EL

TURLEY v COLWELL et al

Appellate Case Information

Case Filed: 21-Aug-2024

Case Closed: 22-Aug-2024

Dept/Composition

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- Heather Turley

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CASE STATUS

Aug 22, 2024...Case Closed

Aug 22, 2024...Decision Rendered

**Arizona Supreme Court**

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PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-022057			John R Hannah, Judge on PC		

**CASE DECISION**

**22-Aug-2024 DECISION ORDER**

\* On August 21, 2024, the superior court entered its order rejecting the Plaintiff's complaint challenging the Make Elections Fair Act under A.R.S. §§ 19-121.03(B) and 19-122(C). The superior court dismissed the challenge for a number of reasons. We need

Filed: <b>22-Aug-2024</b>	Mandate: <b>23-Aug-2024</b>
Decision Disposition	
<b>Affirmed</b>	

**10 PROCEEDING ENTRIES**

- 21-Aug-2024 FILED: ARCAP 10(c) Statement Designating the Case as an Expedited Election Matter; Certificate of Service (Appellant Turley)
- 21-Aug-2024 FILED: Maricopa County's Notice of Decision-Deadline for Ballot Printing; Certificate of Service (Appellee Richer)
- 22-Aug-2024 FILED: Plaintiff/Appellant's Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Turley)
- 22-Aug-2024 FILED: Pima County Recorder's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee Cazares-Kelley )
- 22-Aug-2024 FILED: Make Elections Fair PAC's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee Make Elections Fair)
- 22-Aug-2024 DECISION ORDER On August 21, 2024, the superior court entered its order rejecting the Plaintiff's complaint challenging the Make Elections Fair Act under A.R.S. §§ 19-121.03(B) and 19-122(C). The superior court dismissed the challenge for a number of reasons. We need only affirm on one basis to uphold the dismissal of this challenge, which we do in the interest of time.

Section 19-121.03(B) provides that “[a]ny citizen may challenge in the superior court the certification made by a county recorder pursuant to A.R.S. § 19-121.02 within five calendar days of the receipt thereof by the Secretary of State.” As the superior court observed, under A.R.S. § 19-121.01(B), the Secretary must “select, at random, five percent of the total signatures eligible for verification by the county recorders of the counties in which the persons signing the petition claim to be qualified electors,” and transmit those to the counties. The counties then “determine which signatures of individuals whose names were transmitted shall be disqualified” for certain enumerated reasons. § 19-121.02(A). As pertinent here, “[i]f a petitioner signed more than once, all but one otherwise valid signature shall be disqualified.” § 19-121.02(A)(8).

Plaintiff's challenge sought to disqualify duplicate signatures under § 19-121.03(B), alleging, “[c]ertain signatures included in the County Recorder's five percent sample set are duplicates of ones that were executed earlier elsewhere in the Initiative Petition.” Complaint ¶ 28 (emphasis added). Plaintiff contends she “is entitled to new certifications by the Defendant County Recorders that invalidate duplicate signatures,” and a recalculation of the invalidity rate. Id. ¶ 31.

As the superior court found, the county recorder defendants “followed section 19-121.01(B) to the letter.” “Had the Legislature intended for the Recorders' validation to look beyond the sampled signatures and compare them to the rest of the signatures on the petition sheets, they would have provided in section 19-121.01(B) for the Secretary of State to transmit all of the petition sheets to the Recorders.”

The Court, en banc, having considered Maricopa County's Notice of Decision Deadline for Ballot Printing, Plaintiff/Appellant's Opening Brief, Pima County Recorder's Answering Brief and Make Elections Fair Pac's Answering Brief, unanimously affirms the superior court. There is no statutory basis to grant the relief requested.

Therefore,

IT IS ORDERED affirming the superior court and dismissing this challenge with prejudice.

IT IS FURTHER ORDERED the Clerk shall issue the mandate forthwith. (Hon. Ann A. Scott Timmer)

- 23-Aug-2024 MANDATE TO SUPERIOR COURT  
Mandate and Copy of Decision Order to Superior Court
- 29-Aug-2024 RECEIPT No.: 2024-00237 ; \$280.00, Authorization: 8476466544956817, Applied to: HEATHER TURLEY - Class A Filing Fee (\$280.00) Paid for: HEATHER TURLEY - By nCourt LLC
- 29-Aug-2024 RECEIPT No.: 2024-00239 ; \$140.00, Authorization: 8564434091940256, Applied to: MAKE ELECTIONS FAIR PAC - Class B Filing Fee (\$140.00) Paid for: MAKE ELECTIONS FAIR PAC - By nCourt LLC
- 27-Aug-2024 FILED: Record

Arizona Supreme Court  
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10 PROCEEDING ENTRIES