

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-25-0089-PR

REPUBLICAN NATL COMMITTEE et al v FONTES et al

Appellate Case Information

Case Filed: 7-Apr-2025
Case Closed:

Dept/Composition

En Banc

Hon. Ann A. Scott Timmer
Hon. John R Lopez
Hon. Clint Bolick
Hon. James P Beene
Hon. William G Montgomery
Hon. Kathryn H. King
Hon. Maria Elena Cruz

Side 1. REPUBLICAN NATIONAL COMMITTEE; REPUBLICAN PARTY OF ARIZONA, LLC; AND YAVAPAI COUNTY REPUBLICAN PARTY, Plaintiff/Appellant

(Litigant Group) REPUBLICAN NATIONAL COMMITTEE; REPUBLICAN PARTY OF ARIZONA, LLC; AND YAVAPAI COUNTY REPUBLICAN PARTY

- Republican National Committee
- Republican Party of Arizona LLC
- Yavapai County Republican Party

Attorneys for: Plaintiff/Appellant

Kurt M Altman, Esq. (AZ Bar No. 15603)
Christopher O Murray, Esq. (CO Bar No. 202140)
Julian R Ellis, Jr., Esq. (CO Bar No. julianellis)

Side 2. ADRIAN FONTES, IN HIS OFFICIAL CAPACITY AS ARIZONA SECRETARY OF STATE, Defendant/Appellee

(Litigant Group) ADRIAN FONTES, IN HIS OFFICIAL CAPACITY AS ARIZONA SECRETARY OF STATE

- Adrian P Fontes, Arizona Secretary of State

Attorneys for: Defendant/Appellee

Kristin K Mayes, Esq. (AZ Bar No. 22584)
Joshua D Bendor, Esq. (AZ Bar No. 31908)
Joshua M Whitaker, Esq. (AZ Bar No. 32724)
Kara Karlson, Esq. (AZ Bar No. 29407)
Karen J Hartman-Tellez, Esq. (AZ Bar No. 21121)
Kyle R Cummings, Esq. (AZ Bar No. 32228)

Side 3. VOTO LATINO, ARIZONA ALLIANCE FOR RETIRED AMERICANS, DEMOCRATIC NATIONAL COMMITTEE, AND ARIZONA DEMOCRATIC PARTY, Intervenor Defendant

(Litigant Group) VOTO LATINO; ARIZONA ALLIANCE FOR RETIRED AMERICANS

- Voto Latino
- Arizona Alliance for Retired Americans

Attorneys for: Intervenor Defendant

D Andrew Gaona, Esq. (AZ Bar No. 28414)
Austin C Yost, Esq. (AZ Bar No. 34602)
Lalitha D Madduri, Esq. (AZ Bar No. 39970)
Daniel Cohen, Esq. (DC Bar No. 90001911)

(Litigant Group) DEMOCRATIC NATIONAL COMMITTEE; ARIZONA DEMOCRATIC PARTY

- Democratic National Committee
- Arizona Democratic Party

Attorneys for: Intervenor Defendant

Alexis E Danneman, Esq. (AZ Bar No. 30478)
Matthew R Koerner, Esq. (AZ Bar No. 35018)
Roy Herrera, Esq. (AZ Bar No. 32901)
Daniel A Arellano, Esq. (AZ Bar No. 32304)
Austin T Marshall, Esq. (AZ Bar No. 36582)

Side 4. PIMA COUNTY, Amicus Curiae

(Litigant Group) PIMA COUNTY

- Pima County

Attorneys for: Amicus Curiae

Daniel S Jurkowitz, Esq. (AZ Bar No. 18428)
Laura Winsky Conover, Esq. (AZ Bar No. 24080)

Side 5. HONEST ELECTIONS PROJECT, Amicus Curiae

(Litigant Group) HONEST ELECTIONS PROJECT

- Honest Elections Project

Attorneys for: Amicus Curiae

Andrew W. Gould, Esq. (AZ Bar No. 13234)
Alexandria Saquella, Esq. (AZ Bar No. 36331)
Elizabeth Price Foley, Esq. (FL Bar No. 92380)

Side 6. WARREN PETERSEN AND STEVE MONTENEGRO, Amicus Curiae

(Litigant Group) WARREN PETERSEN AND STEVE MONTENEGRO

- Warren Petersen, Arizona State Senate
- Steve Montenegro, Arizona House of Representatives

Attorneys for: Amicus Curiae

Kory A Langhofer, Esq. (AZ Bar No. 24722)
Thomas J Basile, Esq. (AZ Bar No. 31150)

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-25-0089-PR

REPUBLICAN NATL COMMITTEE et al v FONTES et al

Side 7. HON. KENNETH BENNETT, Amicus Curiae
(Litigant Group) HON. KENNETH BENNETT

- Ken Bennett, Arizona Secretary of State's Office

Attorneys for: Amicus Curiae
Mary R O'Grady, Esq. (AZ Bar No. 11434)
Joseph N Roth, Esq. (AZ Bar No. 25725)
Joshua J. Messer, Esq. (AZ Bar No. 35101)

Side 8. PINAL COUNTY BOARD OF SUPERVISORS AND PINAL COUNTY RECORDER DANA LEWIS, Amicus Curiae
(Litigant Group) PINAL COUNTY BOARD OF SUPERVISORS AND PINAL COUNTY RECORDER DANA LEWIS

- Pinal County Board of Supervisors
- Dana Lewis, Pinal County Recorder's Office

Attorneys for: Amicus Curiae
Ian Daranyi, Esq. (AZ Bar No. 33202)
Joseph A Kanefield, Esq. (AZ Bar No. 15838)
Brett William Johnson, Esq. (AZ Bar No. 21527)
Ian R Joyce, Esq. (AZ Bar No. 35806)

Side 9. CENTER FOR ELECTION CONFIDENCE, Amicus Curiae
(Litigant Group) CENTER FOR ELECTION CONFIDENCE

- Center for Election Confidence, Inc.

Attorneys for: Amicus Curiae
Brunn W Roysden, III, Esq. (AZ Bar No. 28698)
Katlyn J Divis, Esq. (AZ Bar No. 35583)

Side 10. AMERICA FIRST LEGAL FOUNDATION, Amicus Curiae
(Litigant Group) AMERICA FIRST LEGAL FOUNDATION

- America First Legal Foundation

Attorneys for: Amicus Curiae
James K Rogers, Esq. (AZ Bar No. 27287)

CASE STATUS

Oct 14, 2025....Submitted	Aug 20, 2025....At Issue
Aug 19, 2025....Oral Argument Granted	Apr 7, 2025.....Pending

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA 2 CA-CV 24-0241					
↔ MAR CV2024050553			Frank W Moskowitz, Judge on PC Comments: (none)		

37 PROCEEDING ENTRIES

- 7-Apr-2025 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee Fontes)
- 7-Apr-2025 FILED: Appendix; Certificate of Service (Appellee Fontes)
- 8-Apr-2025 FILED: Record From CoFA: Link to Electronic Record
- 7-May-2025 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellants Republican National Committee, et al.)
- 22-May-2025 RECEIPT No.: 2025-00140 ; \$165.00, Authorization: 8742184102382445, Applied to: REPUBLICAN NATIONAL COMMITTEE; REPUBLICAN PARTY OF - Class B Filing Fee (\$165.00) Paid for: REPUBLICAN NATIONAL COMMITTEE; REPUBLICAN PARTY OF ARIZONA, LLC; AND YAVAPAI COUNTY REPUBLICAN PARTY - By nCourt LLC
- 4-Aug-2025 FILED: Letter to [Kurt Altman] (Verification of Pro Hac Vice Status for Christopher O. Murray and Julian R. Ellis, Jr.)
- 11-Aug-2025 FILED: Notice of Pro Hac Vice Admission and Renewal Status; Certificate of Service (Appellants Republican National Committee, et al.)
- 19-Aug-2025 ORDERED: Petition for Review = GRANTED as to Issues 1 and 2 in the Petition for Review.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than September 8, 2025. Any amicus briefs are due on or before September 22, 2025 and any responses to amicus briefs are due on or before October 3, 2025. Any amicus briefs or responses may not exceed 20 pages in length.
- 3-Sep-2025 NOTICE OF ORAL ARGUMENT: Set for Tuesday, October 14, 2025 at 2:30 P.M. at the University of Arizona, James E. Rogers College of Law (20 minutes per side).

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-25-0089-PR

REPUBLICAN NATL COMMITTEE et al v FONTES et al

37 PROCEEDING ENTRIES

10.	4-Sep-2025	FILED: Notice of Acknowledgment of Oral Argument (Joshua D. Bendor will argue) (Appellee Fontes)
11.	5-Sep-2025	FILED: Notice of Acknowledgment of Oral Argument (Christopher O. Murray will argue) (Appellants Republican National Committee, et al.)
12.	8-Sep-2025	FILED: Secretary of State's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee Fontes)
13.	8-Sep-2025	FILED: Plaintiff-Respondents' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellants Republican National Committee, et al.)
14.	18-Sep-2025	FILED: Brief of Amici Curiae Pima County; Certificate of Service; Certificate of Compliance (Amicus Pima County)
15.	18-Sep-2025	FILED: Amici Curiae Pima County's Notice Regarding No Consent Required (Amicus Pima County)
16.	22-Sep-2025	FILED: Amicus Brief of Honest Elections Projects in Support of Plaintiffs-Respondents Filed With Written Consent of All Parties; Certificate of Service; Certificate of Compliance; Exhibit A (Amicus Honest Elections Project)
17.	22-Sep-2025	FILED: Consent of All Parties (Amicus Honest Elections Project)
18.	22-Sep-2025	FILED: Brief of Amici Curiae Arizona State Senate President Warren Petersen and Speaker of the Arizona House of Representatives Steve Montenegro; Certificate of Service; Certificate of Compliance (Amici Petersen, et al.)
19.	22-Sep-2025	FILED: Copy of Rule 16 (Amici Petersen, et al.)
20.	22-Sep-2025	FILED: Brief of Amicus Curiae The Hon. Kenneth Bennett, Former Arizona Secretary of State in Support of Petitioner Filed with Consent of All Parties; Certificate of Service; Certificate of Compliance (Amicus Hon. Kenneth Bennett)
21.	22-Sep-2025	FILED: Consent of all Parties (Amicus Hon. Kenneth Bennett)
22.	22-Sep-2025	FILED: Brief of Amicus Curiae Pinal County Board of Supervisors and Pinal County Recorder Dana Lewis in Support of Respondents Filed as of Right Under ARCAP 16(b)(1)(B) and Consent of the Parties Under ARCAP16(b)(1)(A); Certificate of Service; Certificate of Compliance (Amici Pinal County Board, et al.)
23.	22-Sep-2025	FILED: Consent of All Parties (Amici Pinal County Board, et al.)
24.	22-Sep-2025	FILED: Brief of Amicus Curiae Center for Election Confidence; Certificate of Service; Certificate of Compliance (Amicus CEC)
25.	22-Sep-2025	FILED: Consent of all Parties (Amicus CEC)
26.	22-Sep-2025	FILED: Amicus Curiae Brief of America First Legal Foundation; Certificate of Service; Certificate of Compliance (Amicus America First Legal)
27.	22-Sep-2025	FILED: Consent of Parties; Consent of Parties; Consent of Parties; Consent of Parties (Amicus America First Legal)
28.	24-Sep-2025	SENT: Letter to Parties re Parking at University of Arizona
29.	29-Sep-2025	FILED: Expedited Motion for Procedural Order Permitting Secretary of State to File Consolidated Response to Five Amicus Briefs; Certificate of Service (Appellee Fontes)
30.	30-Sep-2025	An "Expedited Motion for Procedural Order Permitting Secretary of State to File Consolidated Response to Five Amicus Briefs" (Appellee Fontes) having been filed on September 29, 2025, IT IS ORDERED granting the motion. Appellees may file a consolidated response to the amicus briefs, not to exceed 30 pages in length on or before October 3, 2025. (Hon. Ann A. Scott Timmer)
31.	3-Oct-2025	FILED: Secretary of State's Consolidated Response to Five Amicus Briefs That Support Respondents; Certificate of Service; Certificate of Compliance (Appellee Fontes)
32.	3-Oct-2025	FILED: Plaintiff-Respondents' Supplemental Brief in Response to Amici Curiae Pima County and Hon. Kenneth Bennett; Certificate of Service; Certificate of Compliance (Appellants Republican National Committee, et al.)
33.	10-Oct-2025	FILED: Respondents' Notice of Errataum (Correcting Page 17 of Supplemental Brief); Certificate of Service (Appellants Republican National Committee, et al.)
34.	14-Oct-2025	ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Joshua D. Bendor, Christopher O. Murray)

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-25-0089-PR

REPUBLICAN NATL COMMITTEE et al v FONTES et al

37 PROCEEDING ENTRIES

35. 16-Oct-2025 The Court, en banc, having considered the briefing and oral argument in this matter, and considering the need for clarity in upcoming elections, unanimously holds that the rule-making provisions of the Arizona Administrative Procedure Act, A.R.S. § 41-1001 et seq., are inapplicable to the promulgation of the Elections Procedure Manual ("EPM") under A.R.S. § 16-452. Therefore,
- IT IS ORDERED vacating the court of appeals' opinion and reinstating pages 1-3 of the trial court's May 10, 2024 decision.
- IT IS FURTHER ORDERED remanding to the court of appeals to address RNC's alternative claims challenging eight specific provisions of the 2023 EPM on the basis that they contradict or directly conflict with state and federal statutes. An opinion fully explaining our decision will follow in due course. (Hon. Ann A. Scott Timmer)
36. 4-Nov-2025 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service (Amicus Honest Elections Project)
37. 7-Nov-2025 Andrew Gould, having filed a "Motion to Associate Counsel Pro Hac Vice," asking that Elizabeth Price Foley be allowed to appear in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Elizabeth Price Foley to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Ann A. Scott Timmer)