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James K. Rogers (No. 027287)
Senior Counsel
611 Pennsylvania Ave., SE #231
Washington, D.C. 20003
Phone: (202) 964-3721
James.Rogers@aflegal.org

Attorney for Plaintiffs

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

CV 2026-031499

Case No. _____

DENNIS LILES, an individual; LESLIE
WHITE, an individual; and CHARMAINE
ROTH, an individual;

Plaintiff,

v.

ADRIAN FONTES, in his official capac-
ity as Arizona Secretary of State; and KRIS-
TIN K. MAYES, in her official capacity as
Arizona Attorney General;

Defendants

**VERIFIED COMPLAINT FOR
SPECIAL ACTION AND FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1 Plaintiffs Dennis Liles, Leslie White, and Charmaine Roth by and through their under-
2 signed counsel, bring this verified Complaint for special action against Defendant Adrian Fon-
3 tes, in his official capacity as Arizona Secretary of State (the “Secretary”), and Defendant Kris-
4 tin K. Mayes, in her official capacity as Arizona Attorney General (the “Attorney General”)
5 (collectively, “Defendants”), and allege as follows:

6 **I. INTRODUCTION**

7 1. This expedited original special action seeks to correct unlawful official ballot language
8 prepared by the Secretary and approved by the Attorney General for Proposition 144, a pro-
9 posed constitutional amendment referred to the November 3, 2026, general election ballot by
10 the Arizona State Legislature (“Legislature”).

11 2. In Arizona, the Legislature may refer constitutional amendments with a simple ma-
12 jority vote in both chambers. Once approved by the Legislature, the proposition is assigned a
13 number and is submitted to voters at the next general election. *See* Ariz. Const. art. XXI, § 1.

14 3. Arizona Revised Statute (“A.R.S.”) Section 19-125(D) assigns the Secretary two nar-
15 row drafting tasks regarding each proposition.

16 4. The Secretary’s first statutory responsibility is to prepare a “descriptive title” that
17 “shall contain a summary of the principal provisions of the measure, not to exceed fifty
18 words.” A.R.S. § 19-125(D).

19 5. The Secretary’s second statutory responsibility is to fill the statutory “yes” and “no”
20 statements that appear on the ballot and inform voters of the legal effect of a “yes” vote and
21 a “no” vote. *Id.* Those statements must contain “a brief phrase, approved by the attorney
22 general, stating the essential change in the existing law should the measure receive a majority
23 of votes cast in that particular manner.” *Id.*

24 6. The statute does not authorize the Secretary to editorialize, weigh competing policies,
25 speculate about potential consequences, or advocate for or against the measure. Instead, the
26 Legislature reserved that role for the proponents’ and opponents’ arguments published in the
required publicity pamphlet distributed to voters. *See id.* § 19-124.

7. On June 15, 2026, the Legislature filed House Concurrent Resolution 2001 (“HCR
2001”) with the Office of the Secretary of State after it was approved by both chambers.

1 8. After passing both chambers, HCR 2001 was redesignated by the Secretary of State
2 as Proposition 144, in conformity with A.R.S. § 19-125(B).

3 9. Proposition 144 is an election-integrity measure. It would amend Arizona’s Constitu-
4 tion to require that only citizens may register and vote in Arizona elections, require govern-
5 ment-issued identification for all voting, prohibit foreign-national spending to influence Ari-
6 zona elections, provide for election-day ballot tabulation options, and establish constitutional
7 standards governing election laws.

8 10. On or about July 23, 2026, the Secretary published ballot language that violates A.R.S.
9 § 19-125(D) in three distinct ways. *See* Ex. 1 (“Ballot Language”).

10 11. *First*, the Secretary’s language omits Proposition 144’s lead provisions entirely. Sec-
11 tions A and D of the proposed new Article VII, Section 19 provide that “only citizens may
12 register and vote in Arizona elections” and that “Arizona elections shall be decided solely by
13 the votes of eligible citizen voters.” *See* Ex. 3. Neither the descriptive title nor any of the six
14 numbered clauses of the “yes”-vote statement so much as mention citizenship, even though
15 citizenship is the first subject listed in Proposition 144’s own reference title (“citizenship; iden-
16 tification; contributions; early voting”) and even though the descriptive title uses only about
17 28 of its 50 available words.

18 12. *Second*, the “yes”-vote statement appends an argument to Proposition 144’s foreign-
19 money provision, describing it as “similar to prohibitions that already exist in federal law.” Ex.
20 1. That editorial comparison appears nowhere in Proposition 144’s text and misleadingly sug-
21 gests to voters that the provision is redundant. The federal foreign-national prohibition is
22 limited to candidate-directed contributions and expenditures and “permits foreign nationals
23 to make contributions and expenditures related to ballot initiatives.” *Bluman v. FEC*, 800 F.
24 Supp. 2d 281, 291–92 (D.D.C. 2011) (three-judge court) (Kavanaugh, J.), *aff’d mem.*, 565 U.S.
25 1104 (2012). Section B of Proposition 144, by contrast, reaches all spending “to influence an
26 Arizona election,” including ballot-measure initiatives. Ex. 3. At minimum, describing the pro-
visions as “similar” supplies an evaluative comparison not found in HCR 2001 and invites
voters to regard the constitutional provision as duplicative rather than stating what it would
prohibit. Section 19-125(D) calls for a statement of the essential change in existing law

1 produced by the vote. A generalized comparison to federal law does not identify that change;
2 it instead offers an argumentative assessment of the provision’s novelty or redundancy.

3 13. *Third*, clause (5)’s “may make it harder to challenge election laws” is a contested legal
4 conclusion and litigation prediction, not a statement of the essential change in existing law,
5 and it mischaracterizes Section F’s text.

6 14. Arizona law does not tolerate official election materials that omit a measure’s principal
7 provisions or press a point of view. A description of a ballot measure fails when it “communi-
8 cates objectively false or misleading information or obscures the principal provisions’ basic
9 thrust,” including “by failing to refer to key features of those provisions.” *Molera v. Hobbs*, 250
10 Ariz. 13, 20 ¶ 13 (2020). And explanatory election materials prepared by public officials—
11 unlike descriptions drafted by partisan sponsors—“must be free from any misleading ten-
12 dency, whether of amplification, of omission, or of fallacy,” and “must not be tinged with
13 partisan coloring.” *Fairness & Accountability in Ins. Reform v. Greene*, 180 Ariz. 582, 590 (1994)
14 (citation omitted).

15 15. Time is short. Section 19-125(D) requires that the approved “yes”/“no” language be
16 posted on the Secretary’s website “before the date on which the official ballots and the pub-
17 licity pamphlet are sent to be printed.” A.R.S. § 19-125(D). Ballots must be transmitted to
18 military and overseas voters by September 19, 2026, and the publicity pamphlet—which must
19 reproduce “[t]he form in which the measure . . . will appear on the ballot,” *id.* § 19-123(A)(2)—
20 must be delivered to voter households before the earliest date early ballots can be received,
21 with early voting beginning October 7, 2026.

22 16. Plaintiffs therefore ask the Court to accept jurisdiction, set an expedited schedule,
23 declare the Ballot Language unlawful in the three respects identified, and direct Defendants to
24 correct, re-approve, and re-publish it before printing.

24 **II. PARTIES**

25 17. Plaintiff Dennis Liles is a citizen of the United States of America and a resident and
26 qualified elector of the State of Arizona who is entitled to vote on Proposition 144 at the
November 3, 2026, general election and intends to vote on that Proposition. He supported
the proposition when the Legislature was considering it as HCR 2001, and he

1 contemporaneously registered his support in the Legislature’s Request to Speak system.

2 18. Plaintiff Leslie White is a citizen of the United States of America and a resident and
3 qualified elector of the State of Arizona who is entitled to vote on Proposition 144 at the
4 November 3, 2026, general election and intends to vote on that Proposition. She supported
5 the proposition when the Legislature was considering it as HCR 2001, and she contempora-
6 neously registered her support in the Legislature’s Request to Speak system.

7 19. Plaintiff Charmaine Roth is a citizen of the United States of America and a resident
8 and qualified elector of the State of Arizona who is entitled to vote on Proposition 144 at the
9 November 3, 2026, general election and intends to vote on that Proposition. She supported
10 the proposition when the Legislature was considering it as HCR 2001, and she contempora-
11 neously registered her support in the Legislature’s Request to Speak system.

12 20. Defendant Adrian Fontes is the Arizona Secretary of State and is sued in his official
13 capacity. The Secretary is the state officer charged with preparing the descriptive title and “yes”
14 and “no” language for each statewide proposition, posting the approved language, and trans-
15 mitting the official title, descriptive title, and number of each measure to the county officers
16 in charge of elections. His office is in Maricopa County.

17 21. Defendant Kristin K. Mayes is the Arizona Attorney General and is sued in her offi-
18 cial capacity. Section 19-125(D) conditions both the descriptive title and the “yes”/“no” lan-
19 guage on the Attorney General’s approval. She is joined because her approval is a necessary
20 step in promulgating corrected language and because complete relief cannot be afforded in
21 her absence. Her office is in Maricopa County.

22 **III. JURISDICTION**

23 22. This Court has jurisdiction over this original special action. Special action relief is
24 available where a public officer has “failed to perform a duty required by law for which they
25 have no discretion,” has “proceeded, or threatened to proceed, without, or in excess of, juris-
26 diction or legal authority,” or has “made a decision that was arbitrary and capricious or an
abuse of discretion, which can include a legal error.” RPSA 4(a)–(c). Plaintiffs also seek relief
in the nature of mandamus under A.R.S. § 12-2021, which authorizes this Court, “on the ver-
ified complaint of the party beneficially interested,” to “compel . . . performance of an act

1 which the law specially imposes as a duty resulting from an office,” and declaratory relief under
2 A.R.S. §§ 12-1831 to -1832.

3 23. Plaintiffs have no equally plain, speedy, and adequate remedy by appeal or otherwise.
4 The election calendar (including the statutory requirement that approved “yes”/“no” language
5 be posted before official ballots and the publicity pamphlet are sent to print, *see* A.R.S. § 19-
6 125(D)) makes post-hoc relief worthless. *Cf. Ariz. for Abortion Access v. Montenegro* (“*Montene-*
7 *gro*”), 259 Ariz. 326, 331 ¶ 9 (2025) (special action jurisdiction appropriate over challenge to
8 publicity-pamphlet materials “because there was no equally plain, speedy, and adequate rem-
9 edy by appeal given the time constraints for printing and mailing the publicity pamphlet”);
10 *Tobin v. Rea*, 231 Ariz. 189, 193 ¶ 8 (2013).

11 24. Venue is proper in this Court. An original special action involving an officer of the
12 State of Arizona “must be filed in the Superior Court in Maricopa County or the plaintiff’s
13 county of residence.” RPSA 6(a)(2); *see also* A.R.S. § 12-401(16) (providing that actions against
14 public officers “shall be brought in the county in which the officer, or one of several officers,
15 holds office”). Both Defendants hold office in Maricopa County; Plaintiffs likewise all reside
16 and are registered to vote in Maricopa County.

17 25. This action is timely. The Secretary published the final Ballot Language on or about
18 July 23, 2026, and Plaintiffs filed this action within a week of publication, well before ballots
19 and the publicity pamphlet are sent to print. Correcting the Ballot Language at this stage is
20 both practicable and causes no prejudice to anyone. *See Sotomayor v. Burns*, 199 Ariz. 81, 82–83
21 ¶¶ 5–10 (2000) (ordering noncompliant publicity-pamphlet language “stricken or revised,”
22 while holding that claims requiring “major revisions at such a late date,” that is, a special action
23 filed the day before printing, were barred by laches).

24 **IV. STANDING**

25 26. Plaintiffs have standing to bring this action. A.R.S. § 12-2021 authorizes a writ of
26 mandamus “on the verified complaint of the party beneficially interested.” That standard is
“applied liberally” to “promote the ends of justice,” and reflects the Legislature’s intent to
“broadly afford standing to members of the public to bring lawsuits to compel officials to
perform their public duties.” *Ariz. Pub. Integrity Alliance v. Fontes*, 250 Ariz. 58, 62 ¶¶ 10–11

1 (2020) (citation omitted).

2 27. Plaintiffs are beneficially interested in Defendants’ performance of their statutory du-
3 ties because Plaintiffs are qualified electors who will exercise the franchise on Proposition 144
4 and are among the persons whom A.R.S. § 19-125(D)’s ballot-description requirements di-
5 rectly protect.

6 28. Each Plaintiff is a qualified, registered Arizona elector who is entitled to vote, and
7 intends to vote, on Proposition 144 at the November 3, 2026, general election. Each Plaintiff
8 will personally receive and vote on the official ballot containing the challenged language. Each
9 Plaintiff’s claimed injury is therefore not limited to disagreement with Defendants’ interpreta-
10 tion of A.R.S. § 19-125(D); Defendants intend to present the challenged language directly to
11 each Plaintiff as the State’s official description of the measure on which that Plaintiff must
12 vote. Each Plaintiff has a direct and personal beneficial interest in receiving an official ballot
13 and publicity pamphlet that accurately describe Proposition 144’s principal provisions and le-
14 gal effect, as A.R.S. § 19-125(D) requires, before casting that vote.

15 29. Each Plaintiff also actively supported HCR 2001 during the legislative process and
16 registered that support through the Legislature’s Request to Speak system, further establishing
17 a direct and particularized interest in the accuracy of the Ballot Language describing the meas-
18 ure they advocated for.

19 30. Each Plaintiff intends to advocate publicly concerning Proposition 144. The State’s
20 use of allegedly inaccurate and argumentative official language impairs Plaintiffs’ ability to
21 evaluate and advocate concerning the same measure on the basis of a ballot description con-
22 forming to the statutory safeguards.

23 31. Plaintiffs’ interests are sufficient to confer standing independent of any special legis-
24 lative or institutional injury. A qualified elector’s beneficial interest in accurate ballot language
25 is a well-established, individually held right. *See Ariz. Pub. Integrity Alliance*, 250 Ariz. at 62 ¶ 12
26 (elector plaintiff beneficially interested in compliant ballot instructions).

V. LEGAL BACKGROUND

A. Defendants’ Duties Under A.R.S. § 19-125

32. The Arizona Constitution provides that a constitutional amendment “may be

1 proposed in either house of the legislature.” Ariz. Const. art. XXI, § 1.

2 33. If a proposed constitutional amendment is “approved by a majority of the members
3 elected to each of the two houses,” it must be entered on the journals of each chamber, and
4 the Secretary “shall submit” the proposed amendment to the voters at the next general election
5 or at a special election called by the Legislature. *Id.*

6 34. Thus, the Arizona Constitution authorizes the Legislature to refer constitutional
7 amendments directly to the voters upon approval by a simple majority of each legislative cham-
8 ber.

9 35. Before the election, the Secretary must transmit to the clerks of the county boards of
10 supervisors “a certified copy of the official title, the descriptive title and the number of each
11 measure and proposed amendment to the constitution to be voted on at the ensuing regular
12 general election.” A.R.S. § 19-125(A).

13 36. Proposed constitutional amendments are numbered consecutively beginning with
14 100, and the assigned number “constitutes the official title of the measure” for all subsequent
15 official election materials “including the publicity pamphlet.” *Id.* § 19-125(B).

16 37. Arizona law carefully circumscribes the Secretary’s authority to prepare ballot lan-
17 guage.

18 38. Section 19-125(D) prescribes the only substantive text the Secretary is authorized to
19 compose. First, the Secretary is authorized to draft a descriptive title:

20 A descriptive title shall be printed on the official ballot immediately below the
21 number of the measure and the official title of each measure. The descriptive
22 title shall contain a summary of the principal provisions of the measure, not to
23 exceed fifty words, which shall be prepared by the secretary of state and ap-
24 proved by the attorney general

25 *Id.* § 19-125(D).

26 39. Second, the statute requires the Secretary to prepare the ballot’s “yes” and “no” state-
ments, which inform voters of the legal effect of voting in either manner. Specifically, the
statute provides:

A “yes” vote shall have the effect of _____.
A “no” vote shall have the effect of _____.

The blank spaces shall be filled with a brief phrase, approved by the attorney
general, stating the essential change in the existing law should the measure re-
ceive a majority of votes cast in that particular manner. . . . The “yes” and “no”

1 language shall be posted on the secretary of state’s website after being approved
2 by the attorney general and before the date on which the official ballots and the
3 publicity pamphlet are sent to be printed.

4 *Id.* § 19-125(D).

5 40. The Secretary must also prepare a publicity pamphlet that is mailed to every house-
6 hold containing a registered voter. Among other things, the pamphlet must reproduce “[t]he
7 form in which the measure or proposed amendment will appear on the ballot, the official title,
8 the descriptive title prepared by the secretary of state and the number by which it will be
9 designated.” *Id.* § 19-123(A)(2).

10 41. The pamphlet must be “mailed in order to be delivered to households before the
11 earliest date for receipt by registered voters of any requested early ballots for the general elec-
12 tion.” *Id.* § 19-123(B).

13 42. The statutory scheme channels advocacy to other participants. Any person may sub-
14 mit to the Secretary “argument[s] advocating or opposing the measure,” which appear in the
15 pamphlet as “for and against.” *Id.* § 19-123(A)(3) and -124(A).

16 43. Separately, the Legislative Council must prepare “an impartial analysis of the provi-
17 sions of each ballot proposal.” *Id.* § 19-124(C).

18 44. The Secretary’s descriptive title and “yes” and “no” effect statements are limited to a
19 neutral summary of the proposal’s principal provisions and a neutral statement of the legal
20 effect of each vote.

21 **B. Governing Legal Standards**

22 45. The phrase “principal provisions” has an established meaning under Arizona election
23 law. Construing the identical phrase in A.R.S. § 19-102(A)—which requires initiative petitions
24 to include “a description . . . of the principal provisions” of a proposed measure—the Arizona
25 Supreme Court has held that principal provisions are the “most important,” “consequential,”
26 and “primary” features of a measure. *Molera*, 250 Ariz. at 19 ¶ 9 (quoting *Molera v. Reagan*
27 (“Reagon”), 245 Ariz. 291, 297 ¶ 24 (2018)).

46. Because A.R.S. § 19-125(D) uses the same phrase in the same title of the Arizona
Revised Statutes to describe the same type of election-related summary, it should be construed
to carry the same meaning. *See Arizona ex rel. Brnovich v. Maricopa Cnty. Cmty. Coll. Dist. Bd.*, 243

1 Ariz. 539, 542 ¶ 12 (2018) (“[W]e construe the same words with only one meaning if possi-
2 ble.”).

3 47. A description of a measure is deficient if it “communicates objectively false or mis-
4 leading information or obscures the principal provisions’ basic thrust,” which “can occur
5 through the language used to describe the principal provisions or by failing to refer to key
6 features of those provisions.” *Molera v. Hobbs*, 250 Ariz. at 20 ¶ 13.

7 48. The omission of a principal provision is independently disqualifying. In *Molera v.*
8 *Reagan*, the court invalidated an initiative because its description “omitted material provisions
9 and created a significant danger of confusion or unfairness.” 245 Ariz. 291, 293 ¶ 1 (2018); *see*
10 *id.* at 297 ¶ 25 (omission that “could certainly materially impact” the reader’s decision requires
11 invalidation). A drafter likewise “may not describe [a provision] in a confusing way,” *id.* at 298
12 ¶ 30, and a description that “lends itself to two sharply divergent interpretations with very
13 different and significant ramifications” fails, *id.* at ¶ 31.

14 49. The Secretary and the Attorney General are public officers performing ministerial
15 statutory functions, and Arizona courts require that official explanatory election materials not
16 contain “false or clearly misleading language.” *Quality Educ. & Jobs Supporting I-16-2012 v. Ben-*
17 *nett* (“*Quality Education*”), 231 Ariz. 206, 209 ¶ 10 (2013). Thus, the description of the proposi-
18 tion may not use language that is “misleading, inaccurate, lacking in neutrality, or argumenta-
19 tive. *Id.* at 208 ¶ 6 (citation omitted). Because ballot language “might be the last or only de-
20 scription the electorate sees before voting on the measure,” it must be “free from any mis-
21 leading tendency.” *Lane v. City of Scottsdale*, 258 Ariz. 460, 466 ¶ 16 (Ariz. App. 2024) (quoting
22 *Quality Educ.*, 231 Ariz. at 208 ¶ 10).

23 50. Although the Secretary may exercise judgment in selecting compliant language, he has
24 no discretion to disregard the statutory requirements that the descriptive title must summarize
25 the principal provisions and that the vote-effect statements briefly state the essential changes
26 in existing law. *Quality Education* and *Lane* both confirm that deference has limits. A ballot
description is invalid where, as here, it entirely omits a measure’s lead operative provisions
rather than merely describing them in an arguably imperfect way, *see Reagan*, 245 Ariz. at 297
¶ 25 (omission that “could certainly materially impact” a reader’s decision requires

1 invalidation), or where it substitutes the drafter’s own predicted legal or practical consequences
2 for a neutral description of the measure’s text, *see Lane*, 258 Ariz. at 467–69 ¶¶ 21–31. No
3 reasonable reading of the Ballot Language’s six numbered clauses could conclude that citizen-
4 ship—the first subject of Proposition 144’s own reference title—was addressed, because it is
5 not mentioned at all. This is not a case, as in *Quality Education*, where the Secretary chose one
6 fair characterization among several available ones; it is a case of wholesale omission and af-
7 firmative mischaracterization, which even deferential review does not tolerate.

8 **VI. FACTUAL BACKGROUND**

9 **A. Proposition 144**

10 51. On January 12, 2026, State Representative Alexander Kolodin introduced House
11 Concurrent Resolution 2001 (“HCR 2001”) to the Arizona House of Representatives.

12 52. HCR 2001 bears the reference title: “citizenship; identification; contributions; early
13 voting.”

14 53. On February 9, 2026, the Arizona House of Representatives passed HCR 2001.

15 54. On June 12, 2026, the Arizona Senate passed HCR 2001, as amended.

16 55. Later that same day, the Arizona House of Representatives approved the Senate
17 amendments and passed HCR 2001, as amended, on concurrence.

18 56. On June 15, 2026, HCR 2001 as amended, was filed with the Office of the Secretary
19 of State.

20 57. Each vote on HCR 2001 was along party lines.

21 58. HCR 2001 became Proposition 144. *See* A.R.S. § 19-125(B).

22 59. Proposition 144 proposes to add a new section 19 to Article VII of the Arizona Con-
stitution. Its operative subsections provide in pertinent part:

23 Section A: “In addition to any other qualifications prescribed by this constitu-
24 tion or by law, only citizens may register and vote in Arizona elections.”

25 Section B: “Foreign nationals may not contribute or expend money or anything
26 of value to influence an Arizona election, and no person may knowingly accept
such a contribution.”

Section C: “Every voter must show valid government issued proof of identity
before casting a ballot in each election, whether voting in person or by any other
method, as prescribed by law.”

1 Section D: “Arizona elections shall be decided solely by the votes of eligible
2 citizen voters.”

3 Section E: “To prevent administrative delays and ensure timely and accurate
4 election results, on election day all voters shall be provided the option to have
5 their ballot tabulated at their voting location, as prescribed by law.”

6 Section F: “The people and the legislature may enact laws governing elections,
7 including early voting and mail voting, provided such laws are rationally con-
8 nected to a legitimate state interest including timely and accurate election results,
9 efficient election administration, election security, and preserving public confi-
10 dence in the integrity of elections.”

11 Section G: severability.

12 Section H: “The legislature shall appropriate any monies necessary to imple-
13 ment the provisions of this section.”

14 Section I: exemption from article IX, section 23.

15 Section J: “This act applies to all elections taking place on or after January 1st,
16 2028.”

17 Section K: common designation as the “Fast Accurate Secure Transparent Elec-
18 tion Results Act or the Fast Election Results Act.”

19 60. Sections A and D are Proposition 144’s lead provisions. Section A is its first operative
20 sentence. Citizenship is the first subject in Proposition 144’s reference title. Together, Sections
21 A and D would make United States citizenship an express state constitutional prerequisite to
22 registering and voting *and would constitutionalize the principle that Arizona elections are decided solely by*
23 *eligible citizen voters.*

24 61. Under the existing Constitution, United States citizenship is a qualification for voting.
25 No person is “entitled to vote at any general election, or for any office that now is, or hereafter
26 may be, elective by the people, or upon any question which may be submitted to a vote of the
27 people, unless such person be a citizen of the United States of the age of eighteen years or
28 over.” Ariz. Const. art. VII, § 2(A).

29 62. The existing Constitution says nothing, however, about citizenship as a prerequisite
30 to registration; that requirement presently rests on statute. *See* A.R.S. § 16-101(A)(1) (a resident
31 is qualified to register only if the resident “[i]s a citizen of the United States and has provided
32 satisfactory evidence of citizenship as prescribed in” section 16-166). And nothing in the ex-
33 isting Constitution parallels Section D’s command that Arizona elections “be decided solely
34 by the votes of eligible citizen voters.”

1 **B. The Secretary’s Ballot Language**

2 63. On or about July 8, 2026, the Legislative Council met and approved its publicity-
3 pamphlet analyses for the 2026 statewide ballot measures to be included in the publicity pam-
4 phlet.

5 64. Thereafter, in mid-July 2026, the Secretary’s Office prepared draft descriptive titles
6 and “yes”/“no” statements for the legislatively referred measures.

7 65. On or about July 23, 2026, the Secretary published the official ballot format for HCR
8 2001, designating it Proposition 144. *See* A.R.S. § 19-125(B) (describing the renaming process).

9 66. On information and belief, the Attorney General approved the descriptive title and
10 the “yes” and “no” statement language before publication, as A.R.S. § 19-125(D) requires.

11 67. A true and correct copy of the published Ballot Language is attached as Exhibit 1.

12 68. The published Ballot Language reads in full:

13 PROPOSITION 144

14 HCR 2001 (2026)

15 PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEG-
16 ISLATURE RELATING TO ELECTION REQUIREMENTS

17 **OFFICIAL TITLE: AMENDING ARTICLE VII, CONSTITUTION**
18 **OF ARIZONA, BY ADDING SECTION 19.**

19 **DESCRIPTIVE TITLE: REQUIRES ALL VOTERS, INCLUDING**
20 **VOTERS WHO VOTE BY MAIL, TO SHOW GOVERNMENT-IS-**
21 **SUED ID TO VOTE IN EACH ELECTION; MAKES OTHER**
22 **CHANGES TO ELECTION ADMINISTRATION AND CAMPAIGN**
23 **FINANCE PROHIBITIONS.**

24 A “yes” vote shall have the effect of amending the Arizona Constitution to: (1)
25 require voters to show proof of identity when voting in each election, including
26 when voting by mail; (2) changing existing proof of identity requirements to
limit acceptable documentation to government-issued ID; (3) require election
officials to provide all voters the option to have their ballot tabulated at their
voting location on election day; (4) prohibit foreign nationals from contributing
or spending to influence elections in Arizona and prohibit anyone from know-
ingly accepting such contributions, similar to prohibitions that already exist in
federal law; (5) create a new standard for judicial review of election laws under
the Arizona Constitution, which may make it harder to challenge election laws;
and (6) require the legislature to appropriate money necessary to implement
these provisions.

 A “no” vote shall have the effect of maintaining current constitutional provi-
sions governing elections.

69. The Secretary has publicly and repeatedly opposed Proposition 144 and the policies
it would implement.

1 70. In a February 19, 2026, radio interview discussing Proposition 144, the Secretary said,
2 “I’ve read the legislation. I know what it open[s] the doors to.” He asserted that its advocates
3 would rely on a “boogie man they’ve created of all these illegal voters” and said, “I want to
4 stop with . . . just the nonsense and the BS that we keep hearing from these folks that want to
5 limit your right to vote.”

6 71. On February 9, 2026, the Secretary headlined a public forum titled “Fighting Voter
7 Suppression Efforts,” where he sharply criticized Republican election measures.

8 72. The Secretary also publicly supported the competing “Free, Fair, and Secure Elections
9 Act” initiative (Serial No. I-08-2026), which was drafted to compete with HCR 2001. The
10 initiative’s sponsors announced on July 1, 2026, that the initiative had failed to qualify for the
11 ballot.

12 73. The Secretary drafted and published the ballot language challenged in this action while
13 publicly expressing these views. The Secretary also did so while serving as a candidate for
14 reelection in the same November 3, 2026, election at which Proposition 144 will appear on
15 the ballot.

16 74. On July 21, 2026, Representative Alexander Kolodin—the prime sponsor of HCR
17 2001—won the Republican nomination to challenge the Secretary for that office.

18 75. Plaintiffs do not contend that the Secretary’s political interests disqualify him from
19 performing his statutory duties. Rather, Plaintiffs allege these interests explain how the Ballot
20 Language came to resemble an argument against Proposition 144 and underscore the need for
21 exacting judicial review.

22 **C. Defect One—The Descriptive Title**

23 76. The descriptive title identifies one provision specifically (voter identification) and
24 then resorts to a catch-all: “makes other changes to election administration and campaign fi-
25 nance prohibitions.” It never mentions citizenship, voter eligibility, or Sections A and D in
26 any form. Citizenship requirements for registering and voting are qualifications of electors;
they are not “election administration” and they are not related to “campaign finance.”

 77. The six numbered clauses of the “yes”-vote statement likewise map to Sections C
(clauses 1 and 2), E (clause 3), B (clause 4), F (clause 5), and H (clause 6), and they omit

1 Sections A and D altogether. A voter who reads every word of the Ballot Language will never
2 learn that Proposition 144 would add a citizenship requirement for registration and voting to
3 the Arizona Constitution. Unlike the descriptive title, the “yes”-vote statement contains no
4 catch-all whatsoever. Instead, its six numbered clauses purport to be an exhaustive enumera-
5 tion of Proposition 144’s effects. A voter who reads clauses (1) through (6) is affirmatively
6 told, by omission, that becoming a citizen is not among the requirements Proposition 144
7 would impose.

8 78. The omission is not a function of space. The descriptive title uses 28 of its 50 permit-
9 ted words, leaving room for a citizenship clause several times over. Nor could the omission
10 reflect a judgment that Sections A and D are minor: Section A is Proposition 144’s first oper-
11 ative provision, “citizenship” is the first word of its reference title, and the citizen-voting re-
12 quirement has been the most publicly discussed feature of Proposition 144 since its introduc-
13 tion.

14 79. Sections A and D are “principal provisions” under any definition: “most important,”
15 “consequential,” “primary.” *Molera*, 250 Ariz. at 19 ¶ 9 (citations omitted). A summary that
16 omits Sections A and D does not “contain a summary of the principal provisions of the meas-
17 ure,” A.R.S. § 19-125(D). And a “yes”-vote statement that enumerates six effects while sup-
18 pressing the principal provisions “obscures the principal provisions’ basic thrust . . . by failing
19 to refer to key features of those provisions,” *Molera*, 250 Ariz. at 20 ¶ 13, and fails to “include
20 some reference to each of the affected provisions,” *Fairness & Accountability in Ins. Reform*, 180
21 Ariz. at 592.

22 80. The omissions cannot be excused on the theory that Sections A and D merely restate
23 Article VII, Section 2(A)’s existing citizenship qualification and therefore work no change in
24 existing law. That theory fails four times over.

25 81. *First*, the descriptive title’s obligation does not turn on novelty. The statute requires
26 the Secretary to summarize “the principal provisions of the measure,” A.R.S. § 19-125(D), and
Sections A and D are principal provisions regardless of any overlap with existing law.

82. *Second*, Sections A and D do change existing law: they elevate to the Constitution a
citizenship-based registration requirement that today rests on statute alone, *compare* Ariz.

1 Const. art. VII, § 2(A) (qualification to vote), *with* A.R.S. § 16-101(A)(1) (statutory qualification
2 to register); they add a command, found nowhere in the existing Constitution, that Arizona
3 elections “shall be decided solely by the votes of eligible citizen voters”; and constitutional
4 entrenchment is itself an essential change, because it places these rules beyond ordinary legis-
5 lative revision.

6 83. *Third*, the Secretary’s own drafting refutes the theory: clause (4) of his “yes”-vote
7 statement describes the foreign-money provision even while characterizing it as “similar to
8 prohibitions that already exist in federal law,” so the Secretary included a provision he appar-
9 ently considers redundant. His accompanying gloss diminishes Proposition 144 and omits Sec-
10 tions A and D outright. Officials may not “selectively emphasize[]” some features of a measure
11 while suppressing others. *Tobin*, 231 Ariz. at 197 ¶ 32.

12 84. *Four*, nor can the omission be excused on the theory that the Legislative Council’s
13 separate “impartial analysis” for the publicity pamphlet, *see* A.R.S. § 19-124(C), independently
14 informs voters about Sections A and D. That analysis is a distinct document serving a separate
15 statutory purpose. It does not appear on the ballot itself, and A.R.S. § 19-125(D) inde-
16 pendently requires that the descriptive title and “yes”/ “no” language—the only description
17 many voters will read while actually marking a ballot—themselves summarize Proposition
18 144’s principal provisions. Unlike *Hood v. State*, 24 Ariz. App. 457 (1975), where the descriptive
19 title’s omission was of a comparatively minor procedural detail already summarized at length
20 elsewhere in the pamphlet, the omission here concerns Proposition 144’s first operative pro-
21 vision and the first subject of its own reference title, and no amount of information available
22 elsewhere in the pamphlet cures a descriptive title and “yes”-vote statement that affirmatively
23 convey, through a seemingly exhaustive six-clause list, that citizenship is not among Proposi-
24 tion 144’s effects.

24 **D. Defect Two—Clause (4) of the “Yes”-Vote Statement**

25 85. Clause (4) of the “yes”-vote statement accurately begins by stating Section B’s prohi-
26 bition but then appends the editorial comparison: “similar to prohibitions that already exist in
federal law.”

86. Proposition 144 contains no such comparison. The phrase is commentary “chosen

1 by the [drafter],” *Montenegro*, 259 Ariz. at 334 ¶ 28, that tells voters the provision merely dupli-
2 cates existing law rather than describing the amendment itself. In doing so, it employs the
3 same type of rhetorical strategy condemned in *Citizens for Growth Mgmt. v. Groscot*, where the
4 Supreme Court held it improper for officials to suggest that “present laws adequately address
5 the perceived problems the initiative [sought] to remedy,” because such framing attempts to
6 “persuade the reader at the very outset” that the measure is unnecessary. 199 Ariz. 71, 72–73
7 ¶¶ 6–8 (2000).

8 87. Even worse, the comparison is inaccurate in a material respect. The federal foreign-
9 national prohibition is limited to contributions and expenditures in connection with candidate
10 elections; as the three-judge panel explained in upholding it against constitutional challenge,
11 the federal statute “permits foreign nationals to make contributions and expenditures related
12 to ballot initiatives,” and the government’s interest in preventing “undue foreign influence is
13 greater in the context of candidate elections than it is in the case of ballot initiatives.” *Bluman*
14 *v. FEC*, 800 F. Supp. 2d 281, 291–92 (D.D.C. 2011), *aff’d*, 565 U.S. 1104 (2012). The inaccuracy
15 is not merely an incomplete description of a peripheral point; it goes to the very reason Section
16 B is being enacted at all. Because federal law already prohibits foreign-national spending in
17 candidate elections, a voter reading that Proposition 144’s prohibition is “similar to prohibi-
18 tions that already exist in federal law” would reasonably conclude the provision is largely du-
19 plicative of existing protections. In fact, Section B closes exactly the gap that *Bluman* identifies
20 as unregulated under federal law today—foreign-national spending on Arizona ballot
21 measures—which is the essential change in existing law that A.R.S. § 19-125(D) requires the
22 Secretary to state. Telling voters a provision merely duplicates existing law, when its entire
23 purpose is to fill a gap in existing law, is the paradigm of a description that understates the
24 essential change in existing law. *See Reagan*, 245 Ariz. at 298 ¶ 29.

25 88. Section B of Proposition 144, by contrast, prohibits foreign-national spending “to
26 influence an Arizona election,” a term that encompasses ballot-measure elections. In the very
election cycle in which foreign money could lawfully flow to Arizona ballot-measure cam-
paigns under federal law, the Ballot Language tells voters that Proposition 144 merely dupli-
cates “prohibitions that already exist.” That framing understates the essential change in

1 existing law and “creates a significant danger of confusion,” *Reagan*, 245 Ariz. at 298 ¶ 29, by
2 “omit[ting] relevant contextual information,” *Montenegro*, 259 Ariz. at 334 ¶ 28. Official election
3 materials that affirmatively misstate the relationship between a measure and existing law must
4 be “stricken or revised.” *Sotomayor v. Burns*, 199 Ariz. 81 ¶¶ 5–10 (2000) (ordering revision of
5 Legislative Council analysis language that affirmatively misstated existing law). The same rem-
6 edy is warranted here.

7 **E. Defect Three – Clause (5) of the “Yes”-Vote Statement**

8 89. Clause (5) of the “yes”-vote statement tells voters that Proposition 144 “create[s] a
9 new standard for judicial review of election laws under the Arizona Constitution, which may
10 make it harder to challenge election laws.”

11 90. Section F says no such thing. It does not state that it creates a “new” legal standard
12 or that it makes election laws harder to challenge. Instead, it affirmatively authorizes both the
13 people and the Legislature to enact laws governing elections, including early voting and mail
14 voting, provided those laws are “rationally connected to a legitimate state interest.” It further
15 identifies four legitimate state interests that satisfy that standard.

16 91. Clause (5) fails A.R.S. § 19-125(D) for at least four independent reasons.

17 92. *First*, clause (5) is not a description of Proposition 144’s text. Instead, it is a prediction
18 about how courts will apply that text in future litigation, the kind of contested “effect” that
19 belongs, if anywhere, in the arguments filed under A.R.S. § 19-124. The Secretary’s office may
20 not “pass ultimate judgment” on a contested legal question of this kind; that is a judicial func-
21 tion reserved for the courts, not an executive officer drafting ballot language. *Western Devcor,*
Inc. v. City of Scottsdale, 168 Ariz. 426, 431 (1991).

22 93. *Second*, clause (5) presupposes an unstated baseline: whether a rational-connection
23 proviso is a “new” standard or the same as the standard Arizona courts would otherwise apply
24 is a disputed question of law on which reasonable lawyers disagree. The Ballot Language re-
25 solves that dispute for voters, in the direction that Proposition 144’s opponents urge. In effect,
26 clause (5) offers voters an advisory opinion on an unresolved question of law that no court
has yet decided—precisely the kind of premature adjudication Arizona courts have long de-
clined to undertake themselves. *See Velasco v. Mallory*, 5 Ariz. App. 406, 410–11 (1967) (courts

1 “will not render advisory opinions anticipative of troubles which do not exist,” and the out-
2 come of which “cannot [be] predict[ed]”). The Secretary is no more entitled than a court to
3 resolve that open question in the guise of a ballot description.

4 94. *Third*, “may make it harder to challenge election laws” is framing that “attempt[s] to
5 persuade the reader at the very outset” that Proposition 144 is contrary to the reader’s interests,
6 *Tobin*, 231 Ariz. at 195 ¶ 18, and “selectively emphasize[s]” a supposed feature so as to “sug-
7 gest[] that the [Proposition 144] is flawed,” *id.* at 197 ¶ 32.

8 95. *Fourth*, clause (5) omits what Section F actually does on its face: expressly confirm the
9 lawmaking authority of “the people” as well as the Legislature over early and mail voting,
10 thereby “depart[ing] from . . . the text” and “omit[ting] relevant contextual information.” *Mon-*
11 *tenegro*, 259 Ariz. at 332–33, 334 ¶¶ 17, 28.

12 96. The defect here mirrors the one identified in *Lane*. There, the Court of Appeals held
13 that ballot language describing a tax-rate change as a “reduction” was misleading because it
14 described the drafter’s predicted downstream effect rather than the measure’s actual textual
15 mechanism—the expiration of one tax and the enactment of a new one. 258 Ariz. at 467–69
16 ¶¶ 21–31. So too here: rather than stating what Section F’s text actually does—authorize the
17 people and the legislature to enact election laws subject to a rational-connection standard—
18 clause (5) states the drafter’s prediction about how that standard will be applied by courts in
19 future litigation, a matter courts have not yet addressed and on which the Ballot Language
20 impermissibly resolves a disputed legal question in Proposition 144’s opponents’ favor.

21 97. A brief phrase “stating the essential change in the existing law” was available and
22 obvious: recite the standard Section F adopts and let the pamphlet arguments debate its con-
23 sequences. Plaintiffs’ proposed corrected language (Exhibit 2) does exactly that.

24 **F. The Election Calendar Requires Immediate Relief**

25 98. On July 20, 2026, counsel for the President of the Senate and the Speaker of the
26 House notified the Secretary and the Attorney General in writing of the defects identified in
this Complaint and requested that the Ballot Language be corrected before publication became
final. *See* Ex. 4 at 14–15. Defendants did not correct the defects. Any further pre-suit demand
would be futile, as the language has already been published as final and Defendants have given

1 no indication that they intend to revise it voluntarily.

2 99. A.R.S. § 19-125(D) provides that the approved “yes” and “no” statement language
3 must be posted on the Secretary’s website “before the date on which the official ballots and
4 the publicity pamphlet are sent to be printed.”

5 100. County officers must transmit ballots to military and overseas voters no later than
6 September 19, 2026 (forty-five days before the general election), which requires official ballot
7 content to be final weeks earlier. The publicity pamphlet reproducing the Ballot Language
8 must be printed and delivered to every household with a registered voter before the earliest
9 date for receipt of early ballots, A.R.S. § 19-123(B); early voting begins and early ballots are
10 mailed on October 7, 2026.

11 101. Corrected language can be prepared, approved, posted, and transmitted within days
12 without disturbing any deadline if relief is granted promptly. Each week of delay compresses
13 the window and strengthens any later objection that the revision comes too late. *See Sotomayor*,
14 199 Ariz. at 82–83, ¶¶ 6–9.

CLAIMS FOR RELIEF

COUNT ONE

Special Action Under A.R.S. § 12-2021 and RPSA 4(a)–(c): The Descriptive Title Violates A.R.S. § 19-125(D)

17 102. Plaintiffs incorporate the preceding paragraphs.

18 103. A.R.S. § 19-125(D) imposes a nondiscretionary duty on the Secretary to prepare a
19 descriptive title that “shall contain a summary of the principal provisions of the measure.” The
20 statute likewise imposes a nondiscretionary duty on the Attorney General to approve only a
21 descriptive title that complies with that statutory requirement. *Id.* By publishing a descriptive
22 title that omits principal provisions of Proposition 144, the Secretary failed to perform a duty
23 required by law as to which he lacks discretion, RPSA 4(a); acted in excess of his legal authority,
24 which extends only to composing a compliant summary, *id.* 4(b); and made a decision that is
25 arbitrary, capricious, and an abuse of discretion, including legal error, *id.* 4(c). The Attorney
26 General independently violated her own nondiscretionary duty under A.R.S. § 19-125(D) by
approving a descriptive title that, on its face, omits Proposition 144’s first operative provision
and any reference to citizenship, notwithstanding that the descriptive title used only twenty-

1 eight of its fifty permitted words. Her approval of facially noncompliant language likewise
2 exceeded her authority and was arbitrary, capricious, and an abuse of discretion.

3 104. Sections A and D of Proposition 144 are principal provisions. The published descrip-
4 tive title neither summarizes nor references either provision.

5 105. By publishing a descriptive title that omits principal provisions of Proposition 144,
6 the Secretary failed to perform a duty required by law as to which he lacks discretion, RPSA
7 4(a); acted in excess of his legal authority, which extends only to composing a compliant sum-
8 mary, *id.* 4(b); and made a decision that is arbitrary, capricious, and an abuse of discretion,
9 including legal error, *id.* 4(c). Insofar as the Attorney General approved the noncompliant title,
10 her approval likewise exceeded her authority and was contrary to law.

11 106. Plaintiffs are beneficially interested and have no equally plain, speedy, and adequate
12 remedy. Plaintiffs are therefore entitled to an order compelling the Secretary to prepare, and
13 the Attorney General to review and approve, a corrected descriptive title that summarizes
14 Proposition 144's principal provisions, including Sections A and D.

15 **COUNT TWO**
16 **Special Action Under A.R.S. § 12-2021 and RPSA 4(a)–(c):**
17 **The “Yes” Vote Language Violates A.R.S. § 19-125(D)**

18 107. Plaintiffs incorporate the preceding paragraphs.

19 108. Section 19-125(D) requires that the “yes” and “no” blanks contain “a brief phrase,
20 approved by the Attorney General, stating the essential change in the existing law.” By pub-
21 lishing “yes” and “no” statements that omit principal provisions of Proposition 144, the Sec-
22 retary failed to perform a duty required by law as to which he possesses no discretion, RPSA
23 4(a); acted in excess of his legal authority, which extends only to composing a compliant sum-
24 mary, *id.* 4(b); and made a decision that is arbitrary, capricious, and an abuse of discretion,
25 including legal error, *id.* 4(c).

26 109. The Attorney General independently violated her own nondiscretionary duty under
A.R.S. § 19-125(D) by approving ballot language that, on its face, omits Proposition 144's first
operative provision and any reference to citizenship. Her approval of facially noncompliant
language likewise exceeded her authority and was arbitrary, capricious, and an abuse of discre-
tion.

110. The published “yes”-vote statement violates A.R.S. § 19-125(D) in at least three respects:

- a. *First*, it omits the essential change worked by Sections A and D (the addition of an express constitutional citizenship requirement for registering and voting) while enumerating six other effects, thereby affirmatively conveying that its list is complete.
- b. *Second*, clause (4)’s “similar to prohibitions that already exist in federal law” is extraneous commentary that is not a statement of the essential change in existing law and that materially misleads voters about the relationship between Section B and federal law.
- c. *Third*, clause (5)’s “may make it harder to challenge election laws” is a contested legal conclusion and litigation prediction, not a statement of the essential change in existing law, and it mischaracterizes Section F’s text.

111. In publishing that language, the Secretary failed to perform a nondiscretionary duty as the law requires, acted in excess of his legal authority, and abused any discretion he possesses, including through legal error. RPSA 4(a)–(c). To the extent the Attorney General approved the language, her approval exceeded her authority and constitutes legal error.

112. Plaintiffs are entitled to an order compelling Defendants to correct, approve, post, and transmit “yes” and “no” language limited to brief phrases stating the essential changes in existing law, including the citizenship provisions, and stripped of the commentary in clauses (4) and (5), in substantially the form proposed in Exhibit 2.

COUNT THREE
Declaratory Judgment, A.R.S. §§ 12-1831 and -1832, and Injunctive Relief, A.R.S. § 12-1801

113. Plaintiffs incorporate the preceding paragraphs.

114. An actual, justiciable controversy exists between Plaintiffs and Defendants concerning whether the published Ballot Language complies with A.R.S. § 19-125(D).

115. Injunctive relief is warranted. Plaintiffs and other Arizona electors will suffer irreparable injury if the State presents noncompliant language as the official description of Proposition 144 because an election conducted using that language cannot be meaningfully repaired after votes are cast. Plaintiffs are likely to succeed because the challenged language omits or materially narrows principal provisions and adds argumentative or speculative consequences

1 not stated in the measure. The balance of hardships favors prompt correction while ballot
2 materials remain capable of revision, and the public interest favors an election conducted with
3 ballot language conforming to the Legislature’s statutory safeguards.

4 116. Plaintiffs are entitled to a declaration that the Ballot Language violates A.R.S. § 19-
5 125(D) in the three respects alleged, and to preliminary and permanent injunctive relief pro-
6 hibiting Defendants from certifying, posting, transmitting to county election officers, or caus-
7 ing to be printed in the publicity pamphlet or on official ballots the noncompliant descriptive
8 title and “yes”-vote language, unless and until corrected language is prepared, approved, and
9 published in conformity with Section 19-125(D).

10 117. The equities strongly favor relief. Absent correction, millions of Arizona voters will
11 receive official materials and cast ballots containing a misleading description of Proposition
12 144 that omits its lead provisions and argues against the measure. A timely correction imposes
13 only the ministerial burden of substituting statutorily compliant language set forth in this Com-
14 plaint before the ballots are printed.

15 **PRAYER FOR RELIEF**

16 Plaintiffs respectfully request that the Court:

- 17 A. Accept jurisdiction of this special action;
- 18 B. Issue an order to show cause pursuant to Arizona Rules of Procedure for Special
19 Actions 7(c), set an expedited response date and hearing, and accelerate all proceed-
20 ings for good cause pursuant to Rule 7(j), as requested in Plaintiffs’ concurrently
21 filed application;
- 22 C. Declare that the Proposition 144 descriptive title violates A.R.S. § 19-125(D) be-
23 cause it fails to summarize Proposition 144’s principal provisions, including Sec-
24 tions A and D;
- 25 D. Declare that the Proposition 144 “yes”-vote language violates A.R.S. § 19-125(D)
26 because it omits the essential change worked by Sections A and D, and because
clauses (4) and (5) contain commentary, comparison, and legal conclusions rather
than brief phrases stating the essential change in existing law;
- E. Issue special action relief under A.R.S. § 12-2021 and the Special Action Rules: (i)

1 directing the Secretary forthwith to prepare a corrected descriptive title and cor-
2 rected “yes”/“no” language conforming to A.R.S. § 19-125(D), in substantially the
3 form set forth in Exhibit 2 or as the Court may approve; (ii) directing the Attorney
4 General to review and act on the corrected language on an expedited basis; and (iii)
5 directing the Secretary to post the corrected language on his website and to transmit
6 it to the county officers in charge of elections for use on official ballots and in the
7 publicity pamphlet;

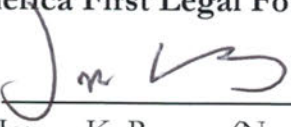
8 F. Preliminarily and permanently enjoin Defendants from certifying, transmitting, or
9 causing to be printed the noncompliant Ballot Language on official ballots or in the
10 publicity pamphlet;

11 G. Award Plaintiffs their attorney fees, expenses, and costs under all applicable laws,
12 including A.R.S. §§ 12-341, -348, -1840, -2030, RPSA 7(i), and the private attorney
13 general doctrine; and

14 H. Grant all other relief that this Court deems just.

15 RESPECTFULLY SUBMITTED this 31st day of July 2026.

16 **America First Legal Foundation**

17 By: 

18 James K. Rogers (No. 027287)
19 *Senior Counsel*

20 America First Legal Foundation
21 611 Pennsylvania Ave., SE #231
22 Washington, D.C. 20003

23 Phone: (202) 964-3721

24 James.Rogers@aflegal.org
25 *Attorney for Plaintiffs*
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VERIFICATION

I, Dennis Liles, declare that I am a Plaintiff in this action; that I have read the foregoing Verified Complaint; that the factual allegations concerning me are true based on my personal knowledge; and that the remaining factual allegations are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 31, 2026, at Mesa, Arizona.

A handwritten signature in cursive script that reads "Dennis Liles". The signature is written in dark ink and is positioned above a horizontal line.

Dennis Liles

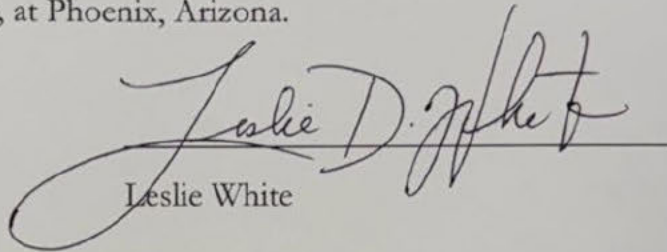
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VERIFICATION

I, Leslie White, declare that I am a Plaintiff in this action; that I have read the foregoing Verified Complaint; that the factual allegations concerning me are true based on my personal knowledge; and that the remaining factual allegations are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 31, 2026, at Phoenix, Arizona.


Leslie White

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VERIFICATION

I, Charmaine Roth, declare that I am a Plaintiff in this action; that I have read the foregoing Verified Complaint; that the factual allegations concerning me are true based on my personal knowledge; and that the remaining factual allegations are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 31, 2026, at Rio Verde, Arizona.



Charmaine Roth

Exhibit 1

PROPOSITION 144

HCR 2001 (2026)

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATING
TO ELECTION REQUIREMENTS

OFFICIAL TITLE

AMENDING ARTICLE VII, CONSTITUTION OF ARIZONA, BY ADDING SECTION 19.

DESCRIPTIVE TITLE

REQUIRES ALL VOTERS, INCLUDING VOTERS WHO VOTE BY MAIL, TO SHOW GOVERNMENT-ISSUED ID TO VOTE IN EACH ELECTION; MAKES OTHER CHANGES TO ELECTION ADMINISTRATION AND CAMPAIGN FINANCE PROHIBITIONS.

A “yes” vote shall have the effect of amending the Arizona Constitution to: (1) require voters to show proof of identity when voting in each election, including when voting by mail; (2) changing existing proof of identity requirements to limit acceptable documentation to government-issued ID; (3) require election officials to provide all voters the option to have their ballot tabulated at their voting location on election day; (4) prohibit foreign nationals from contributing or spending to influence elections in Arizona and prohibit anyone from knowingly accepting such contributions, similar to prohibitions that already exist in federal law; (5) create a new standard for judicial review of election laws under the Arizona Constitution, which may make it harder to challenge election laws; and (6) require the legislature to appropriate money necessary to implement these provisions.

A “no” vote shall have the effect of maintaining current constitutional provisions governing elections.

Exhibit 2

Plaintiffs' Proposed Corrected Language

Proposed Descriptive Title (41 words):

REQUIRES THAT ONLY CITIZENS REGISTER AND VOTE IN ARIZONA ELECTIONS; REQUIRES ALL VOTERS, INCLUDING MAIL VOTERS, TO SHOW GOVERNMENT-ISSUED ID; GUARANTEES ELECTION-DAY OPTION OF ON-SITE BALLOT TABULATION; PROHIBITS FOREIGN-NATIONAL SPENDING IN ARIZONA ELECTIONS; SETS STANDARD FOR ELECTION LAWS; REQUIRES IMPLEMENTATION FUNDING.

Proposed “Yes”-Vote Statement:

A “yes” vote shall have the effect of amending the Arizona Constitution to: (1) provide that only citizens may register and vote in Arizona elections and that Arizona elections shall be decided solely by the votes of eligible citizen voters; (2) require every voter to show valid government-issued proof of identity before casting a ballot in each election, whether voting in person or by any other method, as prescribed by law; (3) require that on election day all voters be provided the option to have their ballot tabulated at their voting location, as prescribed by law; (4) prohibit foreign nationals from contributing or expending money or anything of value to influence an Arizona election and prohibit any person from knowingly accepting such a contribution; (5) provide that the people and the legislature may enact laws governing elections, including early voting and mail voting, if those laws are rationally connected to a legitimate state interest, including timely and accurate election results, efficient election administration, election security, and preserving public confidence in the integrity of elections; and (6) require the legislature to appropriate any monies necessary to implement these provisions.

Proposed “No”-Vote Statement (unchanged):

A “no” vote shall have the effect of maintaining current constitutional provisions governing elections.

Exhibit 3

Senate Engrossed

citizenship; identification; contributions; early voting

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE CONCURRENT RESOLUTION 2001

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII, CONSTITUTION OF ARIZONA, BY ADDING SECTION 19; RELATING TO ELECTION REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article VII, Constitution of Arizona, is proposed to be amended
4 by adding section 19 as follows if approved by the voters and on
5 proclamation of the Governor:

6 19. Elections; citizens; foreign national
7 contributions prohibited; identification;
8 early voting; mail-in ballots; severability;
9 effective date

10 SECTION 19. A. IN ADDITION TO ANY OTHER QUALIFICATIONS
11 PRESCRIBED BY THIS CONSTITUTION OR BY LAW, ONLY CITIZENS MAY
12 REGISTER AND VOTE IN ARIZONA ELECTIONS.

13 B. FOREIGN NATIONALS MAY NOT CONTRIBUTE OR EXPEND MONEY
14 OR ANYTHING OF VALUE TO INFLUENCE AN ARIZONA ELECTION, AND NO
15 PERSON MAY KNOWINGLY ACCEPT SUCH A CONTRIBUTION.

16 C. EVERY VOTER MUST SHOW VALID GOVERNMENT ISSUED PROOF
17 OF IDENTITY BEFORE CASTING A BALLOT IN EACH ELECTION, WHETHER
18 VOTING IN PERSON OR BY ANY OTHER METHOD, AS PRESCRIBED BY LAW.

19 D. ARIZONA ELECTIONS SHALL BE DECIDED SOLELY BY THE
20 VOTES OF ELIGIBLE CITIZEN VOTERS.

21 E. TO PREVENT ADMINISTRATIVE DELAYS AND ENSURE TIMELY
22 AND ACCURATE ELECTION RESULTS, ON ELECTION DAY ALL VOTERS
23 SHALL BE PROVIDED THE OPTION TO HAVE THEIR BALLOT TABULATED AT
24 THEIR VOTING LOCATION, AS PRESCRIBED BY LAW.

25 F. THE PEOPLE AND THE LEGISLATURE MAY ENACT LAWS
26 GOVERNING ELECTIONS, INCLUDING EARLY VOTING AND MAIL VOTING,
27 PROVIDED SUCH LAWS ARE RATIONALLY CONNECTED TO A LEGITIMATE
28 STATE INTEREST INCLUDING TIMELY AND ACCURATE ELECTION RESULTS,
29 EFFICIENT ELECTION ADMINISTRATION, ELECTION SECURITY, AND
30 PRESERVING PUBLIC CONFIDENCE IN THE INTEGRITY OF ELECTIONS.

31 G. IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY
32 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES
33 NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ACT THAT
34 CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR
35 APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE
36 SEVERABLE.

37 H. THE LEGISLATURE SHALL APPROPRIATE ANY MONIES
38 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

39 I. THIS ACT IS NOT SUBJECT TO THE REQUIREMENTS OF
40 ARTICLE IX, SECTION 23.

41 J. THIS ACT APPLIES TO ALL ELECTIONS TAKING PLACE ON OR
42 AFTER JANUARY 1ST, 2028.

43 K. THIS AMENDMENT SHALL COMMONLY BE DESIGNATED AND
44 LIKEWISE KNOWN AS THE "FAST ACCURATE SECURE TRANSPARENT
45 ELECTION RESULTS ACT OR THE FAST ELECTION RESULTS ACT."

- 1 2. Intent
- 2 Nothing in this measure constitutes a change in the
- 3 federal law for the UOCAVA process for overseas military
- 4 voters.
- 5 3. The Secretary of State shall submit this proposition to the
- 6 voters at the next general election as provided by article XXI,
- 7 Constitution of Arizona.

PASSED BY THE HOUSE FEBRUARY 9, 2026.

PASSED BY THE SENATE JUNE 12, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 15, 2026.

Exhibit 4

July 20, 2026

VIA EMAIL AND U.S. MAIL

Joshua Bendor, Solicitor General
Office of the Arizona Attorney General
2005 N. Central Ave
Phoenix, AZ 85004
jbendor@azag.gov

Re: 2026 General Election Ballot Measure Language

Dear Mr. Bendor:

Our firm has been retained by Arizona Senate President Warren Petersen and Arizona House of Representatives Speaker Steve Montenegro (the "Arizona Legislature") to review the 2026 general election ballot language prepared by the Secretary of State (the "Secretary") in accordance with A.R.S. § 19-125(D), and for which we understand is currently under review and approval by the Office of the Arizona Attorney General.¹ The Attorney General's Office and Secretary have historically considered the Legislature's viewpoint when evaluating proposed ballot language. And the Legislature has a significant interest in the proposed ballot language during this cycle as it is the main source of initiative referrals this year.² There are also many initiatives that bear on topics that are of keen importance to Arizona citizens, including initiatives relating to the Empowerment Scholarship Account ("ESA") program, labor relations, school funding, voting procedures, and sales taxes.³

With that in mind, after reviewing the Secretary's proposed 2026 language, the Legislature has substantial concerns that certain of the proposed ballot language violates A.R.S. § 19-125(D), to the detriment of Arizona voters. As you know, "[b]allot language is important because it might

¹ The Secretary transmitted the final proposed ballot language to the Legislature on July 15, 2026.

² See *Montenegro v. Fontes*, 260 Ariz. 443, ¶ 28 (2025) ("As our cases abundantly demonstrate, the Legislature has standing to challenge actions that inflict institutional injury.").

³ See e.g., *State ex rel. Brnovich v. City of Tucson*, 251 Ariz. 45, 52 ¶ 32 (2021) (the State has an interest in election-related procedures); *Cave Creek Unified Sch. Dist. v. Ducey*, 231 Ariz. 342, 353 ¶ 35 (App. 2013) ("[I]t is undeniable that funding for public education . . . has continual importance in this state."); *Ariz. Farmworkers Union v. Agric. Emp't Rels. Bd.*, 148 Ariz. 47, 52 – 53 (App. 1985) (holding that the State has a legitimate interest in labor relations); *Ariz. Downes v. Ariz. Horsemen's Found.*, 130 Ariz. 550, 556 (1981) (the State has a legitimate interest in revenue raising operations).

be the last or only description the electorate sees before voting on the measure.”⁴ Accordingly, the ballot language must “stat[e] the essential change in the existing law should the measure receive a majority of votes,”⁵ may not be “false or clearly misleading,” and may not be completely “lacking in neutrality, or argumentative.”⁶ As discussed in more detail below, certain of the proposed ballot language violates these precepts, for many reasons. Accordingly, the remainder of this letter identifies the Legislature’s concerns and proposes revised language for your consideration to address these concerns.

I. HCR 2048

Current Draft Descriptive Title and “Yes/No” Language:

DESCRIPTIVE TITLE: PROHIBITS THE STATE FROM WITHDRAWING FUNDS FROM CERTAIN STUDENTS’ EMPOWERMENT SCHOLARSHIP ACCOUNTS AND NULLIFIES THE “PROTECT EDUCATION ACT” IN THE EVENT BOTH MEASURES ARE APPROVED BY THE VOTERS.

A “yes” vote shall have the effect of amending the Arizona Constitution to: (1) prohibit the state from transferring or taking any monies in the empowerment scholarship account of an eligible child of a military family and other non-military affiliated families if those funds are otherwise being lawfully utilized; (2) allow those funds to be used for postsecondary education; and (3) invalidate any bill or initiative enacted in to law on or after November 1, 2026, that contradicts this amendment, including Proposition XXX, known as the “Protect Education Act,” should it pass.

A “no” vote shall have the effect of maintaining the current laws governing ESAs and of permitting the “Protect Education Act” to go into effect if approved by the voters.

Concerns: The Legislature has several concerns about the proposed ballot language for HCR 2048.

First, the “Yes/No” language and Descriptive Title incorrectly state or imply that HCR 2048 somehow only applies specifically to ESAs. HCR 2048’s plain language shows that this incorrect. HCR 2048 is not limited specifically to ESAs; rather it applies to all state scholarship accounts

⁴ *Lane v. City of Scottsdale*, 258 Ariz. 460, 466 ¶16 (App. 2004) (citation modified and quotation omitted).

⁵ A.R.S. § 19-125(D).

⁶ *Quality Educ. & Jobs Supporting I-16-2012 v. Bennett*, 231 Ariz. 206, 208 ¶¶ 6-7 (2013) (hereinafter “*Quality Educ.*”); *Lane*, 258 Ariz. at 466 ¶16.

that meet the criteria in proposed Article XI, § 12(A)(1)-(2).⁷ For instance, HCR 2048 would apply to existing programs for military families like the Veterans Donations Fund.⁸

Second, the “Yes/No” language and Descriptive Title have been clearly drafted in a partisan and/or non-neutral manner, in violation of A.R.S. § 19-125(D).⁹ The Secretary’s political opposition to HCR 2048 and school choice programs in general should not be allowed to taint the proposed ballot language. Specifically, the proposed ballot language frequently references ESAs — a polarizing issue — despite the fact that ESAs are *not* mentioned anywhere within HCR 2048 and, as discussed, HCR 2048 applies to other forms of scholarships. Moreover, the “Yes/No” description specifically refers to the “Protect Education Act” — an entirely separate measure — *three separate times* without once using HCR 2048’s own short title, “Military Families College Savings and Scholarship Protection Act.” The “Yes/No” description also discusses the supposed impact that HCR 2048 would have on the “Protect Education Act” even though HCR 2048 does not mention or purport to override or invalidate the “Protect Education Act” and this issue has never been tested in court. Combined, the ballot language is blatantly drafted in a way to steer voters’ impressions of the “Protect Education Act” rather than provide a neutral discussion of the “essential change in the existing laws should [HCR 2048] receive a majority of votes.”¹⁰

Third, the proposed ballot language incorrectly states that HCR 2048 would apply to scholarship accounts for “non-military affiliated families.” In fact, HCR 2048’s prohibition explicitly only applies to “any scholarship account of any student who is a child of a *military family*.”¹¹ As such, the plain language of HCR 2048 does not prohibit the State from removing monies from scholarship accounts for students of “non-military affiliated families” or “certain” other students. This inaccurate statement implies that HCR 2048’s prohibitions are broader than the parameters of the proposed law.

Fourth, the “Yes/No” language incorrectly states that HCR 2048 allows scholarship funds to be used for “post secondary education.” The reference to “post-secondary education” in HCR 2048 is defining the type of scholarships that are protected by HCR 2048 (*i.e.*, scholarships for students in military families that may be used for post-secondary education). The plain language does not somehow create a new right for persons to use funds for post-secondary education.

⁷ HCR 2048, Proposed Ariz. Const. Art. XI, § 12(A)(1)-(2).

⁸ See A.R.S. § 41-608 (awarding “scholarship monies” to children of current or former army, navy, and marine corps members).

⁹ See *Quality Educ.*, 231 Ariz. at 208 ¶¶ 6-7.

¹⁰ See A.R.S. § 19-125(D).

¹¹ HCR 2048, Proposed Ariz. Const. Art. XI § 12(A); see also Leg. Council Analysis of HCR 2048, <https://www.azleg.gov/alispdfs/Council/2026BallotMeasures/Adopted%20analysis%20HCR2048%20-%202026.pdf>

Fifth, the Descriptive Title incorrectly states that HCR 2048 prohibits the State from “withdrawing” monies from qualifying scholarship accounts. HCR 2048 only prohibits the State from “confiscating” these monies, which is defined in the resolution to include “seizing, transferring or otherwise taking monies from a scholarship account.”¹² As such, HCR 2048 only prohibits the State from seizing qualifying scholarship monies from the military family students in the absence of wrongdoing. This does not prohibit the State from withdrawing funds from a qualifying scholarship account to process or pay for allowable scholarship expenditures.

Proposed Revised Descriptive Title and “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the Descriptive Title and “Yes/No” language for HCR 2048 based on the plain reading of the proposal and the required neutral description.

DESCRIPTIVE TITLE: PROHIBITS THE STATE FROM ~~WITHDRAWING~~
~~CONFISCATING~~ FUNDS FROM ~~CERTAIN STUDENTS’ EMPOWERMENT~~
SCHOLARSHIP ACCOUNTS OF CHILDREN OF MILITARY FAMILIES.
~~AND NULLIFIES THE “PROTECT EDUCATION ACT” IN THE EVENT~~
~~BOTH MEASURES ARE APPROVED BY THE VOTERS.~~

A “yes” vote shall have the effect of amending the Arizona Constitution to:
(1) prohibit the state from transferring or taking any monies ~~in the empowerment~~
~~from~~ scholarship accounts of an eligible child of a military family ~~and other non-~~
~~military-affiliated families~~ if those funds are otherwise being lawfully utilized; ~~(2)~~
~~allow those funds to be used for postsecondary education; and (3) and (2) invalidate~~
any bill or initiative enacted in to law on or after November 1, 2026, that contradicts
this amendment., ~~including Proposition XXX, known as the “Protect Education~~
~~Act,” should it pass.~~

A “no” vote shall have the effect of maintaining the current laws governing ~~state~~
~~scholarships. ESAs and of permitting the “Protect Education Act” to go into effect~~
~~if approved by the voters.~~

II. HCR 2040

Current Draft “Yes/No” Language:

A “yes” vote shall have the effect of amending the Arizona Constitution to:
(1) prohibit the state and its political subdivisions from negotiating contracts with
labor organizations; (2) prohibit use of paid leave by public school employees for
labor organization activities; and (3) restrict school districts and school district
employees from using any public monies or resources to support the operation of a

¹² HCR 2048, Proposed Ariz. Const. Art. XI, § 12(C)(2)(a).

labor organization. This would include prohibiting a school district from making voluntary payroll deductions, use of school facilities for meetings during work hours, and the use of any communications systems, such as email, to distribute labor organization information.

A “no” vote shall have the effect of maintaining the current laws governing labor relations with public school districts and public sector unions.

Concerns: The Legislature has several concerns with the proposed “Yes/No” language for HCR 2040.

First, the proposed “yes/no” language states that HCR 2040 would prohibit the State from negotiating *any* contracts with “labor organizations.” This language implies that HCR 2040 would ban all collective bargaining with public labor organizations representing any public employee. This is not correct. HCR 2040 only prohibits school districts, not the “State,” from negotiating with labor organizations — in context, the relevant “labor organizations” are teachers unions, not all labor unions.¹³ “Yes/No” language is fundamentally misleading in this respect, as it implies that HCR 2040 is far broader. The proposed language takes an absurd reading of the proposal, which appears designed to support certain talking points of groups that oppose the measure.

Second, the proposed “Yes/No” language only lists prohibitions in HCR 2040 without also mentioning the rights afforded to school district employees. In particular, the “Yes/No” Language fails to encompass the provision in Proposed Ariz. Const. Art. XVIII § 11(G) granting a school district employee the “right to negotiate the ... employee’s own terms and conditions of employment, including wages, benefits and working conditions.”¹⁴ By focusing only on the prohibitions in HCR 2040, the proposed “Yes/No” language attempts to persuade voters to view HCR 2040 in a negative light.¹⁵

Third, the proposed “Yes/No” language states that HCR 2040 prohibits the State from negotiating “contracts” with labor organizations. However, the plain language of the proposal reflects that HCR 2040 only prohibits school districts from negotiating an agreement with a labor organization regarding the school district employees’ terms and conditions of employment.¹⁶ It is simply inappropriate to apply a preferred interpretation of the proposal in an attempt to influence a voter

¹³ HCR 2040 § 1, Proposed Ariz. Const. Art. XVIII, § 11(A).

¹⁴ HCR 2040 § 1, Proposed Ariz. Const. Art. XVII § 11(G).

¹⁵ See Lane, 258 Ariz. at 467-68 (explaining that the “repeated reference to a tax increase attempts to persuade the reader at the very outset that the initiative is contrary to his or her financial interests and as such may be misleading.” (citation modified) (quotation omitted)).

¹⁶ Leg. Council Analysis of HCR 2040, <https://www.azleg.gov/alispdfs/Council/2026BallotMeasures/Adopted%20analysis%20HCR2040%20-%202026.pdf>

decision. As in any statutory interpretation, the statute must be read as a whole. Again, the attempts to parse out one sentence out of context and devoid from the rest of the proposal is inappropriate.

Proposed Revised “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the “Yes/No” language for HCR 2040:

A “yes” vote shall have the effect of amending the Arizona Constitution to: (1) prohibit ~~school districts the state and its political subdivisions~~ from negotiating ~~terms and conditions of employment~~ contracts with “labor organizations” ~~(which in practice will be teachers’ unions)~~; (2) prohibit use of paid leave by public school employees for labor organization activities; ~~and~~ (3) restrict school districts and school district employees from using any public monies or resources to support the operation of a labor organization~~;~~; and (4) ~~grant public school employees the right to negotiate the negotiate their own terms and conditions of employment.~~ This would include prohibiting a school district from making voluntary payroll deductions, use of school facilities for ~~labor organization’s~~ meetings during work hours, and the use of any communications systems, such as email, to distribute labor organization information.

A “no” vote shall have the effect of maintaining the current laws governing labor relations with ~~teachers’ unions. public school districts and public sector unions.~~

III. SCR1032

Current Draft “Yes/No” Language:

A “yes” vote shall have the effect of requiring school districts with 7,500 or more students or that operate in a county with a population of 500,000 or more people (currently Maricopa, Pima, and Pinal) to spend at least 60% of their operational spending on direct instructional expenses. Schools that do not comply will have their allocation of state funding reduced by 25% each year they are out of compliance, subject to limited waivers.

A “no” vote shall have the effect of maintaining the current laws governing public school district budgets.

Concerns: The Legislature has several concerns about the proposed “yes/no” language for SCR1032.

First, the proposed description incorrectly states that school districts which spend less than 60% of their operational spending on direct instructional expenses will have their allocation of “state funding” reduced by 25% each year. However, the funding reduction only applies to school

districts that fall below the 60% threshold *and* fail to increase their share of instructional spending by at least .5% in each year.¹⁷ This is a critical missing distinction based on the plain language of the proposal because it substantially decreases the potential number of school districts impacted by the funding reduction.

Second, the proposed description inaccurately states that the funding reduction is “25%” of “state funding.” However, the reduction only applies to one source of state funding — the classroom site fund — and is an incrementally increasing reduction, not a flat 25%.¹⁸ As your office is well aware based on the on-going litigation and appeals related to capital financing of public schools, there are over 26 sources of funding for school districts, including federal monies and those received from property taxes. As such, the proposed ballot language’s implication that *all* funding would be impacted is overexaggerated and not appropriate.

Third, the second sentence of the proposed description inaccurately states that the funding reduction applies to “schools.” As the first sentence acknowledges, the reduction applies to school *districts* that fail to meet the operational spending target.¹⁹ Again, as your office is well aware, there are several types of schools in Arizona, including charter schools and private schools. This proposal only applies to school districts. Any language otherwise is misleading because it incorrectly suggests that individual school sites or non-school districts may face funding reductions.

Proposed Revised “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the “Yes/No” language for SCR 1032:

A “yes” vote shall have the effect of requiring school districts with 7,500 or more students or that operate in a county with a population of 500,000 or more people (currently Maricopa, Pima, and Pinal) to spend at least 60% of their operational spending on direct instructional expenses. School districts spending below this level would be required to increase their share of spending on direct instructional expenses by at least 0.5% per year. School districts that do not comply will have their allocation of state funding from the Classroom Site Fund reduced incrementally by 25% each year they are out of compliance, subject to limited waivers.

¹⁷ SCR 1032 § 1, Proposed A.R.S. § 15-917(A).

¹⁸ SCR 1032, § 1, Proposed A.R.S. § 15-917(B)(1)-(4); *see also* Leg.Council Analysis of SCR 1032, <https://www.azleg.gov/alispdfs/Council/2026BallotMeasures/Adopted%20analysis%20SCR1032%20-%202026.pdf>.

¹⁹ SCR 1032, § 1, Proposed A.R.S. § 15-917(B); *see also* Leg. Council Analysis of SCR 1032.

A “no” vote shall have the effect of maintaining the current laws governing public school district budgets.

IV. HCR 2001

Current Draft Descriptive Title and “Yes/No” Language:

DESCRIPTIVE TITLE: MAKES CHANGES TO EARLY VOTING IDENTIFICATION REQUIREMENTS, ELECTION ADMINISTRATION, AND CAMPAIGN FINANCE PROHIBITIONS.

A “yes” vote shall have the effect of: (1) restricting early voting by requiring voters show government-issued identification before voting, including for ballots returned by mail, the implementation of which is not specified in the text; (2) requiring counties to purchase equipment to allow voters to tabulate ballots at their voting location; (3) adding prohibitions mirroring federal law to state campaign finance law related to contributions and expenditures by foreign nationals; (4) lowering the legal standard regarding proposed election laws, making it harder to challenge election laws in court; and (5) requiring the legislature to appropriate funds to implement these provisions.

A “no” vote shall have the effect of maintaining current laws governing elections and campaign finance requirements.

Concerns: The Legislature has several concerns about the proposed ballot language for HCR 2001.

First, the proposed ballot language is partisan, argumentative, and non-neutral.²⁰ The proposed ballot language frequently references the supposed impacts that HCR 2001 would have on “early voting” — a polarizing topic — even though HCR 2001 applies to all types of voting.²¹ The “Yes” language also uses the inflammatory phrase “restrict[s] early voting” — a clear use of partisan virtue signaling that could easily be remedied with neutral alternative terms.

²⁰ There are several reasons to question the Secretary’s neutrality with regards to HCR 2001. The Secretary has publicly criticized HCR 2001 and has referred to it as a “voter suppression” act. The Secretary also backed a separate, competing measure, which failed to gather sufficient signatures to qualify for the November ballot. And HCR 2001’s primary sponsor, Representative Alexander Kolodin, is currently running for Secretary of State and may face the Secretary in the November General Election.

²¹ HCR 2001, Proposed Ariz. Const. Art. VII, § 19(C).

The “Yes” language further includes gratuitous legal arguments that go well beyond the “essential change in existing law,” like the unnecessary and opinionated claim that HCR 2001 does not specify “implementation” procedures. The proposed “Yes/No” language also claims that HCR 2001 would “lower the legal standard” applicable to election laws and make it “harder to challenge election laws in court.” While Proposed Ariz. Const. Art. VII § 19(F) would apply a rational-basis test to election laws, whether this is a higher, lower, or unchanged standard to the baseline is a legal issue and not a neutral fact. The proposed “Yes/No” language also claims that certain portions of HCR 2001 “mirror” federal law — an inaccurate framing that seems designed to infer that HCR 2001 is redundant or not necessary.

Second, the proposed “Yes/No” language omits two material provisions of HCR 2001: (1) the fact that Proposed Ariz. Const. Art. VII § 19(C) would eliminate the ability of a person to prove their identification with non-government issued identification (*e.g.*, a utility bill or bank statement), which effectively nullifies portions of A.R.S. § 16-579 and (2) the fact that Proposed Ariz. Const. Art. VII § 19(A) makes citizenship an express constitutional prerequisite to register and vote.

Third, the proposed “Yes/No” language inaccurately states that HCR 2001 requires Counties to “purchase equipment.” It appears this statement is referencing Proposed Ariz. Const. Art. VII § 19(E), which grants voters the “option to have their ballot tabulated at their voting location.” Whether this requirement would require Counties to “purchase equipment” is speculative and County-dependent. Maricopa County, for instance, is already planning on implementing on-site tabulation this election cycle regardless of whether HCR 2001 passes and therefore would not be required to “purchase” additional “equipment.” And there are many ways that Counties could use their existing equipment to comply with this mandate, including by changing the way they format early ballots.

Proposed Revised Descriptive Title and “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the Descriptive Title and “Yes/No” language for HCR 2001:

DESCRIPTIVE TITLE: MAKES CHANGES TO ~~EARLY~~ VOTING
IDENTIFICATION REQUIREMENTS, ELECTION ADMINISTRATION, AND
CAMPAIGN FINANCE PROHIBITIONS.

A “yes” vote shall have the effect of: (1) requiring individuals to be citizens of the United States to register to vote and to cast a vote; ~~(+)~~ (2) ~~restricting early voting by~~ requiring all voters show government-issued identification before voting regardless of voting method ~~including for ballots returned by mail, the implementation of which is not specified in the text;~~ (2) (3) requiring counties to ~~purchase equipment to~~ allowing voters to have their ballots tabulated ~~tabulate~~ ballots at their voting location; ~~(3)~~ (4) ~~adding prohibitions mirroring federal law to state campaign finance law related to~~ prohibiting campaign contributions and expenditures by foreign nationals; ~~(4)~~ (5) allowing the people and the Legislature

to enact election laws provided that they are rationally connected to a legitimate state interest ~~lowering the legal standard regarding proposed election laws, making it harder to challenge election laws in court;~~ and ~~(5)~~ (6) requiring the legislature to appropriate funds to implement these provisions.

A “no” vote shall have the effect of maintaining current laws governing elections and campaign finance requirements.

V. HCR 2044

Current Draft “Yes/No” Language:

A “yes” vote shall have the effect of amending the Arizona Constitution to:

- (1) prohibit the state, including state agencies, local governments, universities, schools, and any of their contractors from making hiring, promotion, contracting, admissions or discipline policies or decisions on the basis of race or ethnicity;
- (2) prohibits spending any public monies for a position in any public school or university to promote preferential treatment based on race or ethnicity; and
- (3) prohibits promoting belief systems commonly known as “Diversity, Equity, and Inclusion.”

A “no” vote shall have the effect of maintaining the current laws prohibiting discrimination on the basis of race or ethnicity.

Concerns: The Legislature has several concerns with the proposed “Yes/No” language for HCR 2044.

First, the proposed “Yes” language should be revised to make clear that HCR 2044 prohibits the State from promoting “Diversity, Equity, and Inclusion” policies.²² As written, the proposed “Yes/No” language, particularly the “prohibits promoting belief systems commonly known as “Diversity, Equity, and Inclusion” language, implies that HCR 2044 would create a constitutional provision prohibiting the general promotion of these policies by private citizens, which is not accurate.

Second, the proposed “Yes/No” language omits a material provision in HCR 2044 prohibiting the State from requiring applicants, employees, students, or contractors to endorse or support policies giving preferential treatment to or discriminating against individuals based on race or ethnicity as a condition of admission, graduation, hiring, promotion, certification, contracting, or other employment or scholarship opportunities.

²² HCR 2044, Proposed Ariz. Const. Art. II § 36(A)(1)-(4).

Third, the proposed “Yes/No” language uses the inflammatory and vague phrase “belief systems commonly known as ‘Diversity, Equity, and Inclusion’” even though the phrase “should be rewritten in a more neutral manner that is more consistent with the actual text of HCR 2044, which focuses on improper discrimination on the basis of race or ethnicity, rather than the general “belief systems commonly known as ‘Diversity, Equity, and Inclusion.’”

Fourth, the word “prohibiting” in the proposed “no” language can be changed to the more neutral phrase “relating to” without altering the impact of a “no” vote.

Proposed Revised “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the “Yes/No” language for HCR 2044:

A “yes” vote shall have the effect of amending the Arizona Constitution to:

- (1) prohibit the state, including state agencies, local governments, universities, schools, and any of their contractors from making hiring, promotion, contracting, admissions or discipline policies or decisions on the basis of race or ethnicity;
- (2) prohibit the state from compelling applicants, employees, students, or contractors to endorse or support policies that would give preferential treatment to or discriminate against individuals on the basis of race or ethnicity as a condition of admission, graduation, hiring, promotion, certification, or contracting decision;
- ~~(2) (3) prohibits the state from spending any public monies for a position in any public school or university to promote preferential treatment based on race or ethnicity; and~~ (3) (4) prohibits the state from implementing any disciplinary policy or practice that treats an individual student or employee or group of students or employees differently on the basis of race or ethnicity. ~~promoting belief systems commonly known as “Diversity, Equity, and Inclusion.”~~

A “no” vote shall have the effect of maintaining the current laws ~~prohibiting relating to~~ discrimination on the basis of race or ethnicity.

VI. SCR 1004

Current Draft “Yes/No” Language:

A “yes” vote shall have the effect of amending the Arizona Constitution to:

- (1) prohibit the State and its political subdivisions from imposing taxes or fees on any person based on vehicle miles traveled, such as in an electric car, for personal and some commercial use; and
- (2) further prohibit the creation of any rule that monitors or limits a person’s vehicle miles traveled without the person’s voluntary consent.

A “no” vote shall have the effect of maintaining the current constitutional language related to taxation.

Concerns: The Legislature has two concerns with the proposed “Yes/No” language for SCR 1004.

First, the “Yes/No” language refers specifically to “an electric car,” even though SCR 1004 clearly applies to all “motor vehicle[s]” and is agnostic towards fuel type, propulsion, or vehicle class.²³ The inclusion of the term “electric car” invites the reader to infer that SCR 1004 specifically applies only to electric vehicle taxes, which is not the case.

Second, the phrase “some commercial use” in Subsection (1) of the “Yes” section is unnecessarily generic and vague. SCR 1004 broadly prohibits the State from imposing taxes or fees on any person based on vehicle miles travelled except in two, limited, circumstances: (1) the prohibition does not apply to “an Interstate Agreement that is established to administer the payment or reporting of Fuel Taxes or Registration Fees for Commercial Vehicles that Operating in More than One State” and (2) the prohibition does not apply to motor vehicles owned and operated by the State, Counties, Cities, Towns, Municipal Corporations, or other Political Subdivisions. As drafted, the “Yes/No” language implies that many more “commercial uses” are potentially exempt from the prohibition.

Proposed Revised “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the “Yes/No” language for SCR 1004:

A “yes” vote shall have the effect of amending the Arizona Constitution to: (1) prohibit the State and its political subdivisions from imposing taxes or fees on any person based on vehicle miles traveled, ~~such as in an electric car, for personal and some commercial use~~; and (2) further prohibit the creation of any rule that monitors or limits a person’s vehicle miles traveled without the person’s voluntary consent. ~~This measure would not apply to: (1) interstate agreements established to administer or report fuel taxes or registration fees for interstate commercial vehicles or (2) to vehicles owned by the State and its political subdivisions.~~

A “no” vote shall have the effect of maintaining the current constitutional language related to vehicle taxation.

²³ SCR 1004, Proposed Ariz. Const. Art. IX § 26(A)(1)-(2).

VII. Proposition XX

Current Draft Descriptive Title and “Yes/No” Language:

DESCRIPTIVE TITLE: CREATES ELIGIBILITY REQUIREMENTS AND RESTRICTS THE USE OF FUNDS FOR EMPOWERMENT SCHOLARSHIP ACCOUNTS (“ESA’S”), COMMONLY KNOWN AS “SCHOOL VOUCHERS.”

A “yes” vote shall have the effect of limiting eligibility for Empowerment Scholarship Accounts (“ESAs”) to families earning less than \$150,000 per year, increased by 2% annually to adjust for inflation, with limited exceptions; prohibiting the use of ESA funds on luxury items and purchases for items and supplies not directly associated with education curriculum; further prohibiting the payment of ESA funds to family members of the recipient except for students with disabilities; requiring schools that receive ESA funds to register annually, fingerprint personnel, and be accredited or administer state assessments to their students; further requiring tutors and tutoring organizations to register annually, fingerprint personnel and meet other criteria; and additionally requiring that ESA funds that were allocated for the preceding year but not spent before July 1 be returned to the Department of Education’s classroom site fund for distribution to public school districts for specific purposes. Additionally establishes reporting requirements, funding from revenue in the medical marijuana fund for state agency administration and oversight of the program, investigatory authority for the Attorney General, and an oversight committee made up of legislators and members of the public. Lastly, requires schools and tutoring organizations receiving ESA funds to follow state law regarding immoral, illegal and unprofessional conduct of their employees and directs the state Board of Education to adopt the rules necessary to implement this Act

A “no” vote shall have the effect of maintaining the current ESA voucher program.

Concerns: The proposed ballot language should be revised to remove references to “school vouchers.” The term “vouchers” is a politically loaded and ambiguous term that is not used in the ESA statutes or the proposed ballot measure.²⁴ The term is unnecessary to convey the effect that a yes/no vote would have on existing law.

Proposed Revised Descriptive Title and “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the Descriptive Title and “Yes/No” language for Proposition XX:

²⁴ See A.R.S. § 15-2401 through 2406.

DESCRIPTIVE TITLE: CREATES ELIGIBILITY REQUIREMENTS AND RESTRICTS THE USE OF FUNDS FOR EMPOWERMENT SCHOLARSHIP ACCOUNTS (“ESA’S”), ~~COMMONLY KNOWN AS “SCHOOL VOUCHERS.”~~

A “yes” vote shall have the effect of limiting eligibility for Empowerment Scholarship Accounts (“ESAs”) to families earning less than \$150,000 per year, increased by 2% annually to adjust for inflation, with limited exceptions; prohibiting the use of ESA funds on luxury items and purchases for items and supplies not directly associated with education curriculum; further prohibiting the payment of ESA funds to family members of the recipient except for students with disabilities; requiring schools that receive ESA funds to register annually, fingerprint personnel, and be accredited or administer state assessments to their students; further requiring tutors and tutoring organizations to register annually, fingerprint personnel and meet other criteria; and additionally requiring that ESA funds that were allocated for the preceding year but not spent before July 1 be returned to the Department of Education’s classroom site fund for distribution to public school districts for specific purposes. Additionally establishes reporting requirements, funding from revenue in the medical marijuana fund for state agency administration and oversight of the program, investigatory authority for the Attorney General, and an oversight committee made up of legislators and members of the public. Lastly, requires schools and tutoring organizations receiving ESA funds to follow state law regarding immoral, illegal and unprofessional conduct of their employees and directs the state Board of Education to adopt the rules necessary to implement this Act

A “no” vote shall have the effect of maintaining the current ESA ~~voucher~~ program.

VIII. HCR 2021

Current Draft Descriptive Title and “Yes/No” Language:

DESCRIPTIVE TITLE: PROHIBITS LOCAL GOVERNMENTS FROM IMPOSING A TRANSACTION PRIVILEGE (“SALES”) TAX OR FEE ON GROCERIES WITHOUT VOTER APPROVAL.

A “yes” vote shall have the effect of: (1) prohibiting a city, town, or other taxing jurisdiction from levying a sales tax on the sale of food items for home consumption from January 1, 2025, to June 30, 2027; and (2) after that time, requires a jurisdiction to obtain voter approval before levying a new or additional sales tax on groceries and limits that tax to a maximum rate of 2%.

A “no” vote shall have the effect of maintaining the current laws relating to municipal taxation.

Concerns: The ballot language is inaccurate or misleading because the prohibition on adopting or increasing a new sales tax or fee applies from June 30, 2025 to June 30, 2027 — not January 1, 2025.²⁵ In addition, the proposed ballot language is drafted in a way that implies that local governments are entirely banned from taxing the sale of food items for home consumption from June 30, 2025, through June 30, 2027. However, for local governments that levied these taxes prior to January 1, 2025, HCR 2021 only limits the local government's ability to increase that pre-existing tax. Nothing in HCR 2021 purports to invalidate these pre-existing taxes.

Proposed Revised Descriptive Title and “Yes/No” Language: In light of the foregoing concerns, the Legislature proposes the following edits to the Descriptive Title and “Yes/No” language for HCR 2021:

DESCRIPTIVE TITLE: ~~PROHIBITS LIMITS~~ LOCAL GOVERNMENTS
~~ABILITY TO IMPOSE FROM IMPOSING OR INCREASE~~ A TRANSACTION
PRIVILEGE (“SALES”) TAX OR FEE ON GROCERIES WITHOUT VOTER
APPROVAL.

A “yes” vote shall have the effect of limiting a city, town, or other taxing jurisdiction from increasing or imposing a sales tax or fee on food and certain nonalcoholic beverages intended for home consumption as follows: (1) for a city, town, or other taxing jurisdiction that had approved such a tax or fee by January 1, 2025, prohibits that jurisdiction from increasing the tax between June 30, 2025 and June 30, 2027; (2) for a city, town, or other taxing jurisdiction that had not approved such a tax or fee by January 1, 2025, prohibits the jurisdiction from adopting a new tax or fee between June 30, 2025 and June 30, 2027; and (3) after June 30, 2027, ~~prohibiting a city, town, or other taxing jurisdiction from levying a sales tax on the sale of food items for home consumption from January 1, 2025, to June 30, 2027; and (2) after that time,~~ requires a jurisdiction to obtain voter approval before levying a new or additional sales tax on groceries and limits that tax to a maximum rate of 2%.

A “no” vote shall have the effect of maintaining the current laws relating to municipal taxation.

The Legislature understands the importance of ballot language and has proposed the foregoing amendments purely to ensure that descriptive titles and “yes/no” language is neutral, accurate, and encompasses all critical provisions of the proposed measures. These are common

²⁵ HCR 2021, Proposed A.R.S. § 42-6015(C)(1)(c), (C)(2)(b); *see also* Leg. Council Analysis of HCR 2021, <https://www.azleg.gov/alispdfs/Council/2026BallotMeasures/Adopted%20analysis%20HCR2021%20-%202025.pdf>

sense revisions designed to ensure compliance with A.R.S. § 19-125(D). Please contact me if you have any questions or would like to schedule a call to discuss these requests.

Sincerely,

Snell & Wilmer L.L.P.



Joseph Kanefield

cc: Joshua Whitaker
Nathan Arrowsmith
Kara Karlson
Karen Hartman-Tellez
Tracy Olson