

Description	Amount
----- CASE# CV2024-018789 -----	
ELECTION CONTEST:NEW	333.00

TOTAL AMOUNT	333.00
Receipt# 29855449	

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10 Attorneys for Plaintiff

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF MARICOPA

13
14 MAKE ELECTIONS FAIR,
an Arizona political action committee,

15
16 Plaintiff,

17 v.

18 Rep. BEN TOMA, in his official capacity as
Speaker of the Arizona House of
19 Representatives; Sen. WARREN
PETERSEN, in his official capacity as
20 President of the Arizona Senate; Sen. MITZI
EPSTEIN, in her official capacity as an
21 Arizona State Senator; Sen. SHAWNNA
BOLICK, in her official capacity as an
22 Arizona State Senator; Sen. SONNY
BORRELLI, in his official capacity as an
23 Arizona State Senator; Sen. BRIAN
FERNANDEZ, in his official capacity as an
24 Arizona State Senator; Sen. SINE KERR, in
25 her official capacity as an Arizona State
Senator; Sen. JUAN MENDEZ, in his
26 official capacity as an Arizona State
Senator; Rep. LUPE CONTRERAS, in his
27 official capacity as a member of the Arizona
House of Representatives; Rep. TRAVIS
28 GRANTHAM, in his official capacity as a

No. CV 2024-018789

**VERIFIED COMPLAINT FOR
SPECIAL ACTION**

(Election Case/Challenge to Publicity
Pamphlet Analysis Pursuant to A.R.S.
§ 19-124)

1 member of the Arizona House of
2 Representatives; Rep. NANCY
3 GUTIERREZ, in her official capacity as a
4 member of the Arizona House of
5 Representatives; Rep. TERESA
6 MARTINEZ, in her official capacity as a
7 member of the Arizona House of
8 Representatives; Rep. QUANG NGUYEN,
9 in his official capacity as a member of the
10 Arizona House of Representatives;
11 Rep. STEPHANIE STAHL HAMILTON, in
12 her official capacity as a member of the
13 Arizona House of Representatives; and
14 ADRIAN FONTES, in his official capacity
15 as Secretary of State of Arizona,

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Defendants.

11 This is a challenge to the publicity pamphlet analysis adopted by Legislative
12 Council for I-14-2024, an initiative measure, and is brought pursuant to the Arizona Rules
13 of Procedure for Special Actions, A.R.S. § 19-124(C), and A.R.S. § 12-2021. For its
14 Verified Complaint, Plaintiff alleges the following:

15 1. Plaintiff Make Elections Fair (the “Committee”) is an Arizona political
16 action committee registered with the Secretary of State.

17 2. The Committee is the sponsor and proponent of the Make Elections Fair
18 Arizona Act, I-14-2024 (the “Initiative”), a statewide initiative measure.

19 3. Defendant Representative Ben Toma is the Speaker of the Arizona House
20 of Representatives and the Chair of the Legislative Council. He is named in his official
21 capacity.

22 4. Defendant Senator Warren Petersen is the President of the Arizona Senate
23 and the Vice Chair of the Legislative Council. He is named in his official capacity.

24 5. Defendants Senators Mitzi Epstein, Shawna Bolick, Sonny Borrelli, Brian
25 Fernandez, Sine Kerr, and Juan Mendez, and Representatives Lupe Contreras, Travis
26 Grantham, Nancy Gutierrez, Teresa Martinez, Quang Nguyen, and Stephanie Stahl
27 Hamilton are all members of the Legislative Council. They are named in their official
28 capacities.

1 13. The Initiative also permits the use of voter rankings to determine which
2 candidate prevails in a race, but does not require their use unless the Legislature, the
3 Secretary, or the people decide to advance more than two candidates from the primary to
4 the general election for an office to which one candidate will be elected. Voter rankings
5 have been used in general elections with open primaries in other jurisdictions as a means
6 of ensuring that successful candidates have a broad base of support among the electorate
7 when more than two candidates compete against each other.

8 14. The Initiative’s impact on elections for the Arizona State Legislature would
9 be significant. Now, many legislative seats are determined in low-turnout partisan
10 primaries. That would end if this Initiative passes. There would be no more partisan
11 primaries to determine which legislative candidates advance to the general election.

12 15. The same is true for other state and county offices and the U.S. House of
13 Representatives and Senate. All voters would have the right to vote for any candidate in
14 their jurisdiction in a nonpartisan primary.

15 16. On July 3, 2024, the Committee submitted 584,124 petition signatures to
16 the Secretary—far in excess of the 383,923 valid signatures needed to qualify for the
17 November 2024 ballot.

18 17. The Secretary continues to process the petition signatures.

19 **THE LEGISLATIVE COUNCIL’S ANALYSIS OF THE INITIATIVE**

20 18. The Legislative Council is a committee of legislators that is established by
21 statute and assigned specific statutory responsibilities. A.R.S. § 19-124(C) provides that
22 “the legislative council . . . shall prepare and file with the secretary of state an impartial
23 analysis of the provisions of each ballot proposal of a measure or proposed amendment.
24 The analysis shall include a description of the measure and shall be written in clear and
25 concise terms avoiding technical terms whenever possible. The analysis may contain
26 background information, including the effect of the measure on existing law . . . if the
27 measure or referendum is approved or rejected.”

28 19. The Legislative Council’s analysis of each ballot measure will appear in a

1 publicity pamphlet, a copy of which will be sent to every household in the state that
2 contains a registered voter. A.R.S. § 19-123(A)(4), (C).

3 20. “[T]he purpose of the required analysis is to assist voters in rationally
4 assessing an initiative proposal by providing a fair, neutral explanation of the proposal’s
5 contents and the changes it would make if adopted.” *Tobin*, 231 Ariz. at 193, ¶ 10 (citation
6 omitted).

7 21. On July 3, 2024, the staff of Legislative Council released draft analyses of
8 14 referendum and initiative measures, including the Initiative. The draft Legislative
9 Council analysis of the Initiative is attached as **Exhibit 2**.

10 22. The draft analysis first provided background information, which logically
11 began with primary elections: “The Arizona Constitution currently requires the
12 Legislature to enact a direct primary election law for the nomination of candidates for all
13 elective state, county and city offices, including federal congressional offices. The
14 candidates from each political party who advance from the primary election then face
15 each other in the general election, where the candidate receiving the highest number of
16 legal votes is declared elected.”

17 23. However, when describing the changes the Initiative would effect, the draft
18 analysis misleadingly and confusingly began with, and inappropriately emphasized, voter
19 rankings: “Proposition ___ would amend the Arizona Constitution to: 1. Allow for the
20 use of voter rankings at all elections held in this state to determine which candidate
21 received the highest number of legal votes (see also paragraph 4 below).”

22 24. Only then did the draft analysis describe how the Initiative would “2.
23 Revise the primary election procedures.” It subordinated the mandated changes to the
24 primary.

25 25. On July 8, 2024, the Legislative Council met to consider the draft analysis.
26 A video of the meeting is available at: [https://www.azleg.gov/videoplayer/?clientID=](https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024071002)
27 [6361162879&eventID=2024071002](https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024071002) (the “Video”).

28 26. Counsel for the Committee expressed concerns that the draft analysis took

1 matters out of order and could be confusing to voters. The Committee’s counsel therefore
2 proposed moving the description of the voter-ranking changes the Initiative would *allow*
3 after the primary-election changes the Initiative would *require*. [See Video at 3:14:43.]

4 27. Without making that change or any others, and without any discussion, the
5 Legislative Council unanimously adopted the draft analysis as its final analysis. The
6 Legislative Council’s adopted analysis for the Initiative is attached as **Exhibit 3**.

7 28. The Legislature itself is referring a competing constitutional amendment to
8 the general election ballot that would embed partisan primaries in the state constitution.
9 The Legislature’s measure reinforces the status quo, contrary to the Initiative.

10 **CLAIMS FOR RELIEF**

11 **Count 1: Declaratory and Injunctive Relief – Violation of A.R.S. § 19-124(C)**

12 29. The Committee incorporates the allegations set forth in the foregoing
13 paragraphs in this Complaint as if fully set forth herein.

14 30. Legislative Council’s analysis of any proposed ballot measure must be
15 “impartial” and must describe the measure in “clear and concise terms.” A.R.S. § 19-
16 124(C). The statute requires “the legislative council to produce a neutral explanation of
17 initiative proposals, avoiding argument or advocacy, and describing the meaning of the
18 measure, the changes it makes and its effect if adopted.” *Fairness & Accountability in*
19 *Ins. Reform v. Greene*, 180 Ariz. 582, 591 (1994). “An impartial analysis and description
20 [thus] requires the legislative council to eschew advocacy and to adopt, instead, an
21 evenhanded assessment that neither omits, exaggerates, nor understates material
22 provisions of an initiative measure.” *Id.* at 593. Critically, the analysis “must be free from
23 any misleading tendency,” including by “amplification.” *Tobin*, 231 Ariz. at 194, ¶ 13
24 (quoting *Greene*, 180 Ariz. at 590).

25 31. The analysis of the Initiative that Legislative Council adopted is neither
26 clear nor impartial, and it will tend to mislead voters.

27 32. The analysis improperly amplifies the changes the Initiative would *permit*
28 (but would not necessarily *require*) regarding the use of voter rankings. The Initiative’s

1 primary focus, however, is the changes it requires to primary-election procedures.

2 33. Among other things, the Initiative *requires* that all qualified electors who
3 are otherwise eligible to vote for an office be able to vote in the primary election
4 regardless of the qualified elector's, or any candidate's, political party affiliation or
5 nonaffiliation; that all candidates who qualify for election to an office be placed on the
6 same ballot for the primary election regardless of the candidate's political party affiliation
7 or nonaffiliation; that all candidates for an office, regardless of political party affiliation
8 or nonaffiliation, have the same signature requirements to qualify for the primary election
9 ballot for the office; and that an otherwise qualified elector be able to sign a candidate
10 nomination petition without regard to the elector's or candidate's political party affiliation
11 or nonaffiliation. These required changes are described in numbered *paragraph 2* of the
12 analysis adopted by Legislative Council.

13 34. The Initiative also *prescribes* a range of the number of candidates who may
14 advance from the primary to the general election, subject to determination or amendment
15 by the Legislature, the Secretary, or the people through initiative or referendum. These
16 changes are described in numbered *paragraph 3* of the analysis adopted by Legislative
17 Council.

18 35. The adopted analysis relegates to numbered *paragraph 5* the Initiative's
19 prohibition on the use of public monies to administer political party elections, and to
20 numbered *paragraphs 6 and 7* the Initiative's first substantive section, which guarantees
21 that no person will be denied a ballot or be restricted from voting for a candidate because
22 of the person's political party affiliation or nonaffiliation.

23 36. Instead, in numbered *paragraph 1*, the analysis first describes changes the
24 Initiative makes to clarify that the use of voter rankings to determine which person or
25 persons received the highest number of legal votes at an election is not prohibited.
26 Paragraph 1 then cross-references numbered *paragraph 4* of the analysis, which describes
27 general-election procedures that may include the use of voter rankings if the Legislature,
28 the Secretary, or the people decide that a certain number of candidates for an office should

1 advance from the primary to the general election.

2 37. By beginning with the changes the Initiative permits regarding the use of
3 voter rankings, the adopted analysis improperly amplifies those *permitted* changes and
4 improperly understates the Initiative's *required* changes to primary-election procedures.

5 38. In a related context, the Arizona Supreme Court has long recognized the
6 "commonly known and accepted fact that where there are a number of candidates for the
7 same office, the names appearing at the head of the list have a distinct advantage."
8 *Kautenburger v. Jackson*, 85 Ariz. 128, 131 (1958). The same primacy effect would
9 obtain here, where the item at the top of Legislative Council's ballot analysis—voter
10 rankings—would attract voters' attention to the exclusion of items lower on the list.

11 39. The adopted analysis thus will tend to mislead voters into believing that the
12 Initiative's primary focus is on voter rankings, when it is not.

13 40. The adopted analysis may also mislead voters into believing that the use of
14 voter rankings is automatically required if the Initiative passes. Numbered paragraph 4(c)
15 of the analysis says "[t]he Legislature may enact a law to determine the process to be used
16 for voter rankings," and "[i]f the Legislature does not enact a law on voter rankings, the
17 Secretary of State shall determine the process to be used for voter rankings." But the
18 Initiative does not require anyone to use voter rankings or determine the process for voter
19 rankings *unless* the Legislature, the Secretary, or the people independently choose to
20 advance more than two candidates from the primary to the general election for an office
21 to which one candidate will be elected.

22 41. It also misleads voters by ignoring that the Initiative's primary focus is on
23 nonpartisan primary elections and on treating voters and candidates equally.

24 42. The adopted analysis will also tend to confuse voters. First, as already
25 explained, the analysis will confuse voters about whether the use of voter rankings is
26 required by the Initiative itself. Second, the analysis begins with what is allowed
27 (regarding the use of voter rankings), and then proceeds to what is required (regarding
28 primary elections)—an illogical and confusing order. Third, and relatedly, although the

1 background-law section of the analysis logically begins with primary elections and
2 proceeds to general elections, the body of the analysis does not follow that same order.
3 Fourth, numbered paragraph 1 of the adopted analysis cross-references paragraph 4—a
4 cross-reference that makes sense only if the reader understands the required changes
5 described in numbered paragraphs 2 and 3 of the adopted analysis.

6 43. The decision to amplify voter rankings over the mandated changes to
7 primary elections has no rational basis, and Legislative Council offered none.

8 44. This choice resulted in a biased analysis that buries the primary-election
9 reforms the Initiative requires.

10 45. Particularly given the number of ballot measures the voters will be asked to
11 consider in the November election—currently 14—it is imperative that each ballot
12 analysis achieve the analysis’ purpose: “[T]o assist voters in rationally assessing [each]
13 initiative proposal by providing a fair, neutral explanation of the proposal’s contents and
14 the changes it would make if adopted.” *Tobin*, 231 Ariz. at 193, ¶ 10. The biased,
15 confusing, and misleading analysis the Legislative Council adopted for the Initiative fails
16 to do so.

17 46. The analysis violates A.R.S. § 19-124 and the related caselaw.

18 47. The Committee has no plain, adequate, and speedy remedy at law to compel
19 Defendants to comply with Arizona law and provide voters the information they are
20 entitled to receive regarding the Initiative.

21 **Count 2: Mandamus**

22 48. The Committee incorporates the allegations set forth in the foregoing
23 paragraphs of this complaint as if fully set forth herein.

24 49. Pursuant to A.R.S. § 19-124(C), the Legislative Council must prepare “an
25 impartial analysis of the provisions of each ballot proposal.”

26 50. Defendants have a duty to comply with A.R.S. § 19-124(C), but they have
27 failed to adopt impartial and clear language in the analysis of the Initiative.

28 51. As a result, Arizona voters will not be provided with an impartial

1 description of the Initiative and may be improperly persuaded to vote against the measure.

2 52. The Committee has no plain, adequate, and speedy remedy at law to compel
3 Defendants to comply with Arizona law.

4 53. The Committee is entitled to and requests that this Court issue a Writ of
5 Mandamus pursuant to A.R.S. § 12-2021 to require Defendants to adopt an impartial
6 analysis of the Initiative that remedies the defects identified in this Complaint.

7 **REQUEST FOR RELIEF**

8 WHEREFORE, the Committee requests the following relief:

- 9 1. A declaration that the Legislative Council analysis of the Initiative violates
10 A.R.S. § 19-124(C);
- 11 2. An injunction prohibiting the Secretary from including the Legislative
12 Council analysis in the Publicity Pamphlet for the 2024 election;
- 13 3. A writ of mandamus compelling Defendants to adopt an analysis of the
14 Initiative that remedies the defects identified in this Complaint;
- 15 4. An order awarding the Committee attorneys' fees and costs; and
- 16 5. An order awarding the Committee such other relief as may be appropriate.

17 RESPECTFULLY SUBMITTED this 17th day of July, 2024.

18 OSBORN MALEDON, P.A.

19 By Mary R. O'Grady/ooe
20 Mary R. O'Grady
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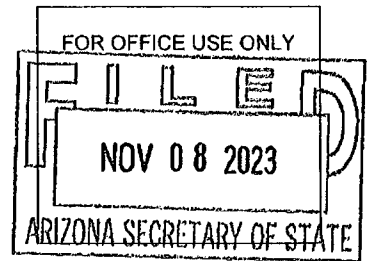
Attorneys for Plaintiff
Make Elections Fair

EXHIBIT 1



STATE OF ARIZONA

Application for Serial Number Initiative Petition A.R.S. § 19-111



The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

Statutory Measure [] Constitutional Amendment [x] Date of Application 11/08/2023 Signatures Required 383,923 Deadline for Filing 07/03/2024 Serial Number Issued I-14-2024

This Constitutional amendment expands choices in primaries, eliminates party-based restrictions on election participation, and applies the same rules to candidates for the same office. It prohibits using public monies for party elections, including presidential preference elections not open to all voters. For primaries for state, county, and Congressional offices, candidates for the same office have the same signature requirements and appear on the same ballot. Everyone eligible to vote for an office may vote for any candidate and sign any candidate petition regardless of party affiliation. Parties may support candidates. Law may allow candidates to list party affiliation, as provided in amendment. For 1-winner races, 2 to 5 candidates may advance to the general, as provided by law. For multi-winner races, additional candidates advance. If 3 or more candidates may advance in 1-winner races, voter rankings are used at the general. If implementing legislation isn't operative by 11/1/2025, Secretary of State decides how many candidates advance and the voter ranking process, if any, subject to legislative modification as provided in the amendment. Legislature may change the number of candidates for an office who advance once every 6 years. Amendment is exempt from revenue source requirement.

Sarah Smallhouse

Name of Applicant 830 North 4th Avenue Address Phoenix AZ 85003 City State Zip (602) 528-3684 Telephone Number info@makeelectionsfairaz.com E-mail Address

Make Elections Fair PAC

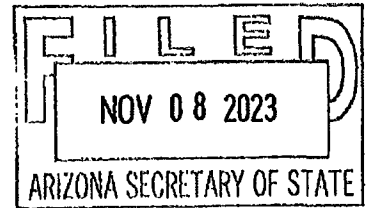
Committee Name 101454 Committee ID No. Sarah Smallhouse Chairperson Chuck Coughlin Treasurer 830 North 4th Avenue Committee Address Phoenix AZ 85003 City State Zip (602) 528-3684 Committee Telephone Number info@makeelectionsfairaz.com Committee E-mail Address

By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

- [x] That I have received and will review the accompanying instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated. [x] That at the time of filing, I was provided instructions regarding accurate completion of the Statewide Initiative Petition form.

SBSmallhouse Applicant Signature

11-7-23 Date



OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING ARTICLE VII, SECTIONS 2, 7, 10 AND 11, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII, CONSTITUTION OF ARIZONA, BY ADDING SECTION 19; RELATING TO ELECTIONS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Short Title

This Constitutional Amendment shall be known as the "Make Elections Fair Arizona Act".

Sec. 2. Purpose and intent

The Make Elections Fair Arizona Act is intended to ensure that all voters are treated equally and all candidates for an office compete according to the same rules; that the People of Arizona freely choose their elected officials, without the controlling influence of partisan politics; and that elected officials are accountable to the People rather than political parties. To accomplish these goals, this Constitutional Amendment creates a primary system in which people may vote for the candidate of their choice, regardless of the political party of the voter or the candidate. It also provides additional flexibility regarding general elections.

Sec. 3. Article VII, section 2, Constitution of Arizona, is amended to read:

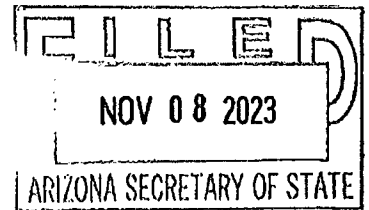
2. Qualifications of voters; disqualification

Section 2. A. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or ~~upon~~ ON any question ~~which~~ THAT may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of eighteen years or over, and shall have resided in the state for the period of time preceding such election as prescribed by law, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word "citizen" shall include persons of the male and female sex.

B. The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the state, or any political division or municipality thereof, on account of sex OR OF POLITICAL PARTY AFFILIATION OR NONAFFILIATION, and the right to register, to vote and to hold office under any law now in effect, or ~~which~~ THAT may hereafter be enacted, is hereby extended to, and conferred ~~upon~~ ON males and females alike.

C. NO PERSON SHALL BE DENIED A BALLOT FOR PUBLIC OFFICE NOR BE RESTRICTED FROM SELECTING ANY CANDIDATES FOR PUBLIC OFFICE BASED ON THE PERSON'S POLITICAL PARTY AFFILIATION OR NONAFFILIATION.

E.D. No person who is adjudicated an incapacitated person shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.



Sec. 4. Article VII, section 7, Constitution of Arizona is amended to read:

7. Highest number of votes received as determinative of person elected; voter rankings

Section 7. In all elections held by the people in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected. THIS SECTION DOES NOT PROHIBIT THE USE OF VOTER RANKINGS TO DETERMINE WHICH PERSON OR PERSONS RECEIVED THE HIGHEST NUMBER OF LEGAL VOTES.

Sec. 5. Article VII, section 10, Constitution of Arizona is amended to read:

10. Direct primary election law

Section 10. A. The Legislature shall enact a direct primary election law that complies with the requirements of this section and that provides for the nomination of candidates for all elective State, AND county, and city offices, AND candidates for United States Senator and for Representative in Congress. ~~Any person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the political parties that is qualified for the ballot.~~

B. ALL QUALIFIED ELECTORS WHO ARE OTHERWISE ELIGIBLE TO VOTE FOR AN OFFICE MAY VOTE IN THE PRIMARY ELECTION REGARDLESS OF THE QUALIFIED ELECTOR'S, OR ANY CANDIDATE'S POLITICAL PARTY AFFILIATION OR NONAFFILIATION.

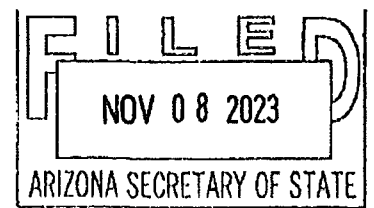
C. ALL CANDIDATES WHO QUALIFY FOR ELECTION TO AN OFFICE SHALL BE PLACED ON THE SAME BALLOT FOR THE PRIMARY ELECTION REGARDLESS OF THE CANDIDATE'S POLITICAL PARTY AFFILIATION OR NONAFFILIATION.

D. ALL CANDIDATES FOR AN OFFICE, REGARDLESS OF POLITICAL PARTY AFFILIATION OR NONAFFILIATION, SHALL HAVE THE SAME SIGNATURE REQUIREMENTS TO QUALIFY FOR THE PRIMARY ELECTION BALLOT FOR THE OFFICE. AN OTHERWISE QUALIFIED ELECTOR MAY SIGN A CANDIDATE NOMINATION PETITION WITHOUT REGARD TO THE POLITICAL PARTY AFFILIATION OR NONAFFILIATION OF THE QUALIFIED ELECTOR OR THE CANDIDATE.

E. THIS SECTION DOES NOT PROHIBIT A POLITICAL PARTY FROM ENDORSING OR OTHERWISE SUPPORTING A CANDIDATE AS PROVIDED BY LAW.

F. IF APPLICABLE LAW ALLOWS A CANDIDATE TO LIST THE CANDIDATE'S POLITICAL PARTY AFFILIATION NEXT TO THE CANDIDATE'S NAME ON THE BALLOT, THE BALLOT MUST ALSO INCLUDE A STATEMENT THAT A CANDIDATE'S POLITICAL PARTY AFFILIATION IS NOT AN INDICATION THAT A CANDIDATE HAS BEEN NOMINATED OR ENDORSED BY THAT POLITICAL PARTY, BUT ONLY REFLECTS THE POLITICAL PARTY REGISTRATION OF THE CANDIDATE.

G. AS PROVIDED BY LAW, FOR ANY OFFICE TO WHICH ONE CANDIDATE IS TO BE ELECTED, NOT FEWER THAN TWO CANDIDATES AND NOT MORE THAN FIVE CANDIDATES MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION. FOR ANY OFFICE TO WHICH TWO CANDIDATES ARE TO BE ELECTED, NOT FEWER THAN FOUR CANDIDATES AND NOT MORE THAN SEVEN CANDIDATES MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION. FOR ANY OFFICE TO WHICH THREE CANDIDATES ARE TO BE ELECTED, NOT FEWER THAN SIX CANDIDATES AND NOT MORE THAN EIGHT CANDIDATES MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION. A CANDIDATE'S POLITICAL PARTY



AFFILIATION OR NONAFFILIATION CANNOT BE CONSIDERED WHEN DETERMINING HOW MANY OR WHICH CANDIDATES ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION.

H. IF THE LEGISLATURE DOES NOT ENACT A LAW UNDER SUBSECTION G OF THIS SECTION THAT BECOMES OPERATIVE ON OR BEFORE NOVEMBER 1, 2025, THE SECRETARY OF STATE SHALL DETERMINE THE NUMBER OF CANDIDATES FOR EACH OFFICE WHO MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION, CONSISTENT WITH THE REQUIREMENTS SET FORTH IN SUBSECTION G OF THIS SECTION. IF THREE OR MORE CANDIDATES MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION FOR AN OFFICE TO WHICH ONE CANDIDATE WILL BE ELECTED, AND THE LEGISLATURE HAS NOT PRESCRIBED BY LAW A PROCESS BY WHICH VOTER RANKINGS ARE USED TO DETERMINE WHICH CANDIDATE IS ELECTED TO AN OFFICE AT THE GENERAL ELECTION, THE SECRETARY OF STATE SHALL PRESCRIBE A PROCESS THAT COMPLIES WITH SECTION 11 OF THIS ARTICLE. LEGISLATION MAY AMEND THE SECRETARY OF STATE'S DETERMINATIONS MADE PURSUANT TO THIS SUBSECTION, EXCEPT THAT THE LEGISLATURE MAY NOT MODIFY THE SECRETARY'S DETERMINATION AS TO THE NUMBER OF CANDIDATES THAT MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION LESS THAN SIX YEARS AFTER THE SECRETARY'S DETERMINATION IS MADE. THIS SUBSECTION DOES NOT RESTRICT THE POWER OF QUALIFIED ELECTORS TO CHANGE, THROUGH AN INITIATIVE OR REFERENDUM, THE NUMBER OF CANDIDATES WHO MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION.

I. EACH CANDIDATE FOR OFFICES THAT HAVE PRIMARY ELECTIONS SUBJECT TO THIS SECTION MAY APPEAR ON THE GENERAL ELECTION BALLOT ONLY IF THE CANDIDATE QUALIFIES FOR THE GENERAL ELECTION THROUGH A PRIMARY ELECTION OR, THROUGH A PROCESS PRESCRIBED BY LAW, FILLS A VACANCY CREATED BY THE DEATH OR WITHDRAWAL OF A CANDIDATE WHO IS NOMINATED AT THE PRIMARY ELECTION

J. NOT MORE THAN ONCE EVERY SIX YEARS, THE LEGISLATURE MAY ENACT LEGISLATION CHANGING THE NUMBER OF CANDIDATES WHO MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION FOR AN OFFICE. THIS SUBSECTION DOES NOT RESTRICT THE POWER OF QUALIFIED ELECTORS TO CHANGE, THROUGH AN INITIATIVE OR REFERENDUM, THE NUMBER OF CANDIDATES WHO MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION.

K. THIS SECTION IS NOT SUBJECT TO THE REQUIREMENTS IN ARTICLE IX, SECTION 23.

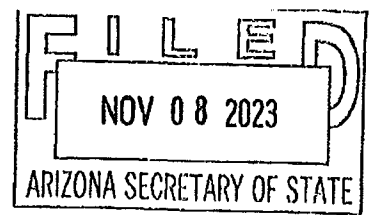
Sec. 6. Article VII, section 11, Constitution of Arizona is amended to read:

11. General elections; date; candidate ranking; definition

Section 11. A. There shall be a general election of representatives in congress, and of state, county, and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to statehood and biennially thereafter.

B. IF ONLY TWO CANDIDATES MAY ADVANCE TO THE GENERAL ELECTION FOR AN OFFICE TO WHICH ONE CANDIDATE WILL BE ELECTED, THE CANDIDATE WHO RECEIVES THE MAJORITY OF VOTES CAST FOR THAT OFFICE AT THE GENERAL ELECTION IS ELECTED.

C. IF THREE OR MORE CANDIDATES MAY ADVANCE FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION FOR AN OFFICE TO WHICH ONE CANDIDATE WILL BE ELECTED, VOTER RANKINGS SHALL BE USED TO DETERMINE WHICH CANDIDATE IS ELECTED FOR THAT OFFICE AT THE GENERAL ELECTION. THIS PROCESS, AT A MINIMUM, SHALL ALLOW A VOTER TO RANK ALL CANDIDATES FOR AN OFFICE IN ORDER OF THE VOTER'S PREFERENCE. IF A MAJORITY OF VOTES



CAST FOR THAT OFFICE AT THE GENERAL ELECTION DO NOT RANK A SINGLE CANDIDATE AS THE VOTERS' FIRST CHOICE PREFERENCE, THE PROCEDURES SHALL PROVIDE FOR THE TABULATION OF ALL VOTES LEGALLY CAST FOR THAT OFFICE AND TAKE INTO ACCOUNT VOTERS' RANKINGS OF CANDIDATES TO DETERMINE WHICH CANDIDATE IS ELECTED. VOTER RANKINGS MAY BE USED IN OTHER ELECTIONS AS PROVIDED BY LAW.

D. FOR THE PURPOSES OF THIS SECTION, "MAJORITY OF VOTES CAST" MEANS A MAJORITY OF ALL VOTES CAST FOR ALL CANDIDATES FOR A PARTICULAR OFFICE.

E. THIS SECTION IS NOT SUBJECT TO THE REQUIREMENTS IN ARTICLE IX, SECTION 23.

Sec. 7. Article VII, Constitution of Arizona is amended to add a new Section 19 that reads:

19. Prohibition on Expenditure of Public Monies for Political Party Elections

Section 19. A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, PUBLIC MONIES SHALL NOT BE SPENT TO ADMINISTER POLITICAL PARTY ELECTIONS, INCLUDING, WITHOUT LIMITATION, THE ELECTION OF PRECINCT COMMITTEE OFFICERS, THE PRESIDENTIAL PREFERENCE ELECTION, AND PARTISAN PRIMARY ELECTIONS TO NOMINATE A CANDIDATE FOR PUBLIC OFFICE. THIS SECTION APPLIES TO ALL JURISDICTIONS IN THIS STATE, INCLUDING CHARTER CITIES.

B. PUBLIC MONIES MAY BE USED TO ADMINISTER A PRESIDENTIAL PREFERENCE ELECTION IF ALL PERSONS WHO ARE REGISTERED AS NO PARTY PREFERENCE OR INDEPENDENT AS THE POLITICAL PARTY OF PREFERENCE OR WHO ARE REGISTERED WITH A POLITICAL PARTY THAT IS NOT QUALIFIED FOR REPRESENTATION ON THE BALLOT MAY VOTE IN THE ELECTION OF ANY ONE OF THE POLITICAL PARTIES THAT ARE QUALIFIED FOR THE BALLOT.

Sec. 8. Severability

The People of Arizona declare their intention that the provisions of this Constitutional Amendment are severable. If any provision of this Constitutional Amendment is held to be invalid for any reason by a court, the remaining provisions of this Amendment will be severed from the void portion and given the fullest possible force and application.

Sec. 9. Applicability

If approved by the voters, this Constitutional Amendment shall apply to elections occurring after July 1, 2026.

Sec. 10. Legal Defense

The People of Arizona desire that this Constitutional Amendment be defended if it is challenged in court. They therefore declare that the political committee registered to circulate petitions in support of this Constitutional Amendment, or any of its members, shall have standing to defend this Constitutional Amendment on behalf of and as the agent of the People of Arizona in any legal action brought to challenge the validity of this Constitutional Amendment or any of its provisions.

EXHIBIT 2

PROPOSITION __
[I - 14 - 2024]

Make Elections Fair Arizona Act

ANALYSIS BY LEGISLATIVE COUNCIL

Legislative Council Staff Draft

1 The Arizona Constitution currently requires the Legislature to enact a direct primary
2 election law for the nomination of candidates for all elective state, county and city offices,
3 including federal congressional offices. The candidates from each political party who advance
4 from the primary election then face each other in the general election, where the candidate
5 receiving the highest number of legal votes is declared elected.

6 Proposition __ would amend the Arizona Constitution to:

7 1. Allow for the use of voter rankings at all elections held in this state to determine which
8 candidate received the highest number of legal votes (see also paragraph 4 below).

9 2. Revise the primary election procedures as follows:

10 (a) All candidates who qualify for election to an office would be placed on the same
11 primary election ballot regardless of each candidate's political party affiliation or nonaffiliation.
12 Each of the candidates would have the same signature requirement to qualify for the primary
13 election ballot. A qualified elector would be allowed to sign a candidate nomination petition
14 without regard to the political party affiliation or nonaffiliation of the qualified elector or the
15 candidate.

16 (b) All qualified electors eligible to vote for an office would be allowed to vote in the
17 primary election, regardless of the political party affiliation or nonaffiliation of the qualified
18 elector or the candidate.

19 (c) A political party may endorse or otherwise support a candidate as provided by law. If
20 an applicable law allows a candidate's political party affiliation to be listed on the ballot next to
21 the candidate's name, the ballot must include a statement that the listed affiliation is not an
22 indication that the candidate has been nominated or endorsed by the listed political party.

23 (d) A candidate for an office that has a primary election may only appear on the general
24 election ballot if the candidate qualifies through the primary election or fills a vacancy caused by
25 the death or withdrawal of a candidate who was nominated at the primary election. (A candidate
26 for an office that has a primary election would no longer be able to appear as a "write-in" candidate
27 for the general election).

28 3. Provide a range of the number of candidates that may advance from the primary election
29 to the general election, subject to a determination or amendment by the Legislature, the Secretary
30 of State or the qualified electors, as follows:

31 (a) If one candidate for an office is to be elected in the general election, two to five
32 candidates may advance from the primary election. If two candidates for an office are to be elected
33 in the general election, four to seven candidates may advance from the primary election. If three
34 candidates for an office are to be elected in the general election, six to eight candidates may

1 advance from the primary election. A candidate's political party affiliation or nonaffiliation cannot
2 be considered in determining which or how many candidates advance from the primary election.

3 (b) Within those ranges, the Legislature may enact a law to determine the actual number
4 of candidates that would advance. The number of candidates advancing may differ for each
5 specific office. If the Legislature does not enact a law that is operative on or before November 1,
6 2025, the Secretary of State shall determine the actual number of candidates that would advance.
7 After the initial determination is made by the Legislature or the Secretary of State, the Legislature
8 may enact a law to amend the actual numbers not more than once every six years. The qualified
9 electors, however, may amend the actual numbers through the existing initiative or referendum
10 process at each general election.

11 4. Revise the general election procedures as follows:

12 (a) If two candidates advance to the general election for an office to which one will be
13 elected, the candidate who receives the majority of votes cast is elected.

14 (b) If three or more candidates advance to the general election for an office to which one
15 will be elected, voter rankings shall be used to determine which candidate is elected.

16 (c) The Legislature may enact a law to determine the process to be used for voter rankings.
17 If the Legislature does not enact a law on voter rankings, the Secretary of State shall determine the
18 process to be used for voter rankings. At a minimum, the voter rankings process must allow a
19 voter to rank all candidates for an office in order of the voter's preference.

20 5. Prohibit the use of any public monies to administer political party elections (including
21 precinct committee officer elections and partisan primary elections), except that public monies
22 may be used to administer a presidential preference election if all persons who are registered as
23 "no party preference" or independent, or who are registered with a political party that is not
24 qualified for representation on the ballot, may vote in the presidential preference election of any
25 one of the parties that is qualified for representation on the ballot.

26 6. Provide that the right of a United States citizen to vote and hold office in this state shall
27 not be denied or diminished because of political party affiliation or nonaffiliation.

28 7. Provide that a person shall not be denied a ballot or be restricted from selecting a
29 candidate based on the person's political party affiliation or nonaffiliation.

30 If approved by the voters, Proposition ___ would apply to elections occurring after July 1,
31 2026.

EXHIBIT 3

PROPOSITION __
[I - 14 - 2024]

Make Elections Fair Arizona Act

ANALYSIS BY LEGISLATIVE COUNCIL

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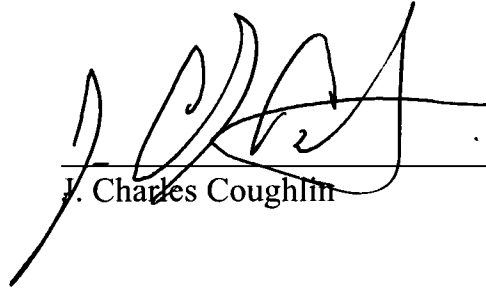
VERIFICATION

J. Charles Coughlin, Treasurer of the Make Elections Fair political action committee, hereby states as follows:

1. I have read the foregoing Verified Complaint for Special Action and either have personal knowledge of the truth of the factual allegations or believe them to be true on information and belief.

2. I declare under penalty of perjury of the laws of the State of Arizona that the foregoing is true and correct.

9-17-24
Date



J. Charles Coughlin