

SUPREME COURT OF ARIZONA

ARIZONA PUBLIC INTEGRITY) Arizona Supreme Court
ALLIANCE, and Arizona nonprofit) No. CV-20-0253-**AP/EL**
Corporation; TYLER MONTAGUE, an)
individual,) Court of Appeals
) Division One
Plaintiffs/Appellants,) No. 1 CA-CV 20-0458
)
v.) Maricopa County
) Superior Court
ADRIAN FONTES in his official) No. LC2020-000252-001
capacity as Maricopa County)
Recorder; FRAN McCARROL in her)
official capacity as Clerk of)
the Maricopa County Board of)
Supervisors; CLINT HICKMAN,)
JACK SELLERS, STEVE CHUCRI, BILL) **FILED 09/10/2020**
GATES, AND STEVE GALLARDO, in)
their official capacities as)
members of the Maricopa County)
Board of Supervisors; MARICOPA)
COUNTY, a political subdivision)
of the State of Arizona,)
)
Defendants/Appellees.)
)
)

AMENDED ORDER

The Court, by a panel consisting of Chief Justice Brutinel, Justice Gould, Justice Lopez, and Justice Beene, has considered the briefs of the parties, the record, the trial court's ruling, and the relevant statutes and case law in this expedited election matter.

Plaintiffs sought to enjoin the Maricopa County Recorder and the Maricopa County Board of Supervisors from including a particular instruction ("New Instruction") with mail-in ballots for the 2020 general election. The New Instruction informed voters that that they could vote for one candidate and, if they made a mistake, could cross

out their selection and vote for a different candidate.

On September 4, 2020, the trial court determined that although Plaintiffs showed a likelihood of success on the merits, Plaintiffs did not meet the other criteria to warrant a preliminary injunction. The trial court, therefore, denied Plaintiffs' application for a preliminary injunction.

The Court finds Defendants exceeded their authority by proposing to include the New Instruction. While election statutes have changed, the permissible voter instructions, as authorized by A.R.S. § 16-502 and the Election Procedural Manual, have not. Further, we conclude that Plaintiffs have satisfied the requirements for obtaining a preliminary injunction.

IT IS ORDERED reversing the trial court's order.

IT IS FURTHER ORDERED enjoining election officials, the Maricopa County Recorder and its vendors from inserting the "New Instruction" in the envelopes with the ballots for the November 3, 2020 general election.

An opinion will follow.

DATED this 10th day of September, 2020.

/s/
ROBERT BRUTINEL
Chief Justice

TO:

Alexander Michael del Ray Kolodin

Christopher A Viskovic

Chris Ford

Joseph Eugene La Rue

Thomas P Liddy

Emily M Craiger

Joseph Branco

Joseph A Kanefield

Brunn W Roysden III

Linley Wilson

Jennifer Wright

Hon. James D Smith

Hon. Jeff Fine

Amy M Wood

pm