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

REPUBLICAN PARTY OF ARIZONA,
LLC, *et al.*,

Plaintiffs,

v.

STATE OF ARIZONA, *et al.*,

Defendants.

No. CV2025-022859

**PLAINTIFFS' CROSS-MOTION
FOR SUMMARY JUDGMENT**

(Assigned to the Hon. Michael Herrod)

1 Pursuant to Arizona Rule of Civil Procedure 56, Plaintiffs Republican Party of
2 Arizona (“RPAZ”), Republican National Committee (“RNC”), and Gina Swoboda
3 respectfully move for entry of summary judgment in their favor on the Complaint’s sole
4 count—*i.e.*, that A.R.S. § 16-103(E), which permits certain individuals who have “never
5 resided” in Arizona to vote in this State’s elections, violates Article VII, § 2(A) of the
6 Arizona Constitution.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 INTRODUCTION

9 Residency is foundational to “the basic conception of a political community.” *Dunn*
10 *v. Blumstein*, 405 U.S. 330, 344 (1972). Confining the franchise to *bona fide* residents of a
11 polity secures accountability from elected representatives to the people they serve and
12 aligns voters’ electoral decisions with the collective interests of the state or locality. To
13 “reserv[e] to the people the right of self-government,” *Chula Vista Citizens for Jobs and*
14 *Fair Competition v. Norris*, 782 F.3d 520, 532 (9th Cir. 2013), the Arizona Constitution
15 provides that “[n]o person shall be entitled to vote” in this State “unless such person . . .
16 shall have resided” here, although it defers to the Legislature’s judgment to calibrate the
17 specific duration of the requisite residency. Ariz. Const. art. VII, § 2(A).

18 A.R.S. § 16-103(E), which permits individuals who have “never resided in the
19 United States” to vote in Arizona elections if their parent is registered to vote in the State,
20 is, on its face, irreconcilable with this constitutional command. And, as the Court
21 recognized in denying the Defendants’ motion to dismiss, these Plaintiffs, which include
22 Arizona’s largest political party, are appropriate parties to present for judicial resolution a
23 live and concrete controversy concerning § 16-103(E)’s constitutionality. Direct
24 participants in the electoral process not only are “affected by” laws extending the franchise
25 to unconstitutionally ineligible individuals, A.R.S. § 12-1832, but possess “a concrete and
26 particularized interest in the rules that govern the counting of votes in their elections,
27 regardless of whether those rules harm their electoral prospects or increase the cost of their
28

campaigns.” *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 82 (2026). The Plaintiffs accordingly are entitled to a declaration of § 16-103(E)’s unconstitutionality and injunctive remedies against its enforcement or effectuation.

FACTUAL BACKGROUND

A.R.S. § 16-103 was amended in 2005 to add subsection (E), which states that “[a]ny United States citizen who has never resided in the United States and whose parent is a United States citizen who is registered to vote in this state is eligible to register to vote and may vote in this state using a federal write-in early ballot as prescribed by section 16-543.02.” 2005 Ariz. Laws ch. 271 § 1. A 2008 bill made conforming changes to A.R.S. § 16-593, which defines residence for voting purposes. *See* 2008 Ariz. Laws ch. 273 § 19.

These “never resident” voters obtain and cast ballots through the mechanisms created by the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, *et seq.* (“UOCAVA”), and cognate state statutes, *see* A.R.S. §§ 16-543, 16-543.02. Crucially, however, UOCAVA does **not** entitle these individuals to vote in Arizona’s federal or state elections. UOCAVA applies to two categories of persons. The first is active-duty members of the military or merchant marine (and their spouses and dependents) who are “absent from the place of residence where [they are] otherwise qualified to vote.” 52 U.S.C. § 20310(1). The second is “overseas voters,” a category that consists of three subgroups: (a) an “absent uniformed services voter” (as defined above) who is stationed outside the United States on Election Day, (b) “a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States;” and (c) “a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.” *Id.* § 20310(5).

The upshot is that UOCAVA permits covered voters to register and obtain a ballot in federal elections if—**and only if**—those individuals (notwithstanding their current absence from the State) otherwise are “qualified to vote” under the laws of the State in

1 which they reside or were previously domiciled. UOCAVA does not mandate that the
2 States extend voting rights to persons who have never set foot in their borders or otherwise
3 preempt *bona fide* residency requirements established by a state constitution or statute. It
4 is for exactly that reason that a Department of Defense official has advised the Secretary of
5 State’s office in 2024 that “Never Resided is actually one of those that is left to the state.
6 It’s different in every state and some states don’t even allow Never Resided citizens to
7 vote.” See Pl. Separate Statement of Facts (“SSOF”) ¶ 9. Accordingly, while individuals
8 who register pursuant to § 16-103(E) often are classified as UOCAVA voters for data
9 collection and recordkeeping purposes, that imprecise nomenclature should not obscure that
10 no federal law entitles these individuals to register and vote in Arizona elections.

11 Facts adduced in discovery have corroborated the Complaint’s allegations that this
12 cohort of “never resident” voters is overwhelmingly Democrat, both in absolute terms and
13 relative to the partisan composition of the broader electorate. See Compl. ¶¶ 27–31.
14 Plaintiffs issued subpoenas to the recorders of six counties that collectively comprise
15 approximately 91% of Arizona’s active registered voter population for documents reflecting
16 the registrations and voting histories of these “never residents.” SSOF ¶¶ 10–11. The
17 subpoenas yielded records for at least 403 unique voters; of them, 226 (56.1%) are
18 Democrats, thirty-four (8.4%) are Republicans, and the remainder have designated no
19 political party affiliation or are members of smaller or unrecognized political parties. *Id.* ¶¶
20 14–15. In stark contrast, Republicans represent 35.5% of the overall electorate in these six
21 counties, while Democrats account for just 27.7%. *Id.* ¶¶ 11–13. By any metric, § 16-
22 103(E) is causing, on net, an electorate that is more Democrat in its composition than it
23 would be if the franchise were limited to individuals who had established domicile in
24 Arizona.

25 The materials obtained in discovery do not disclose the reasons why these registrants
26 have never resided in the United States, and their various personal circumstances are not
27 relevant to § 16-103(E)’s constitutionality in any event. It bears noting, however, that, by
28 and large, these individuals almost certainly are *not* the children of military service

members. A voting age individual relying on § 16-103(E) to register to vote in Arizona would have been not only born overseas, but never resided in the United States at any time during the succeeding 18 or more years. Given that continuous military deployments generally never extend beyond roughly 220 days or 440 days in any given time period, *see* 10 U.S.C. § 991, it is implausible that a military service member’s child would spend her entire life residing overseas; and if she does, it is for reasons that are unrelated to her parent’s service obligations.

STANDARD OF REVIEW

“The court shall grant summary judgment if the moving party shows that there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law.” Ariz. R. Civ. P. 56(a); *see also Orme School v. Reeves*, 166 Ariz. 301, 305 (1990) (“Clearly, summary judgment should be granted when the evidence presents no genuine issue of material fact.”); *S. Point Energy Ctr. LLC v. Ariz. Dept of Revenue*, 253 Ariz. 30, 33 ¶ 10 (2022).

ARGUMENT

I. Plaintiffs Have Standing Because Voting By Ineligible Registrants Harms, and at Least Directly Affects, Their Legal Interest in a Fair Electoral Process

Three preliminary principles that undergird Arizona’s standing doctrine merit mention.

First, Arizona courts generally are “informed, but not bound, by federal standing jurisprudence.” *Dobson v. State ex rel. Comm’n on Appellate Court Appointments*, 233 Ariz. 119, 122 ¶ 9 (2013); *see also Sears v. Hull*, 192 Ariz. 65, 69 ¶ 16 (1998) (invoking U.S. Supreme Court precedent). To the extent they diverge, the Arizona standard is more permissive because standing is merely a “prudential consideration”—rather than a jurisdictional prerequisite—in this State’s courts. *See Biggs v. Cooper ex rel. Cnty. of Maricopa*, 236 Ariz. 415, 418 ¶ 8 (2014); *see also Fay v. Fox in and for Cnty. of Maricopa*, 251 Ariz. 537, 541 ¶ 22 (2021) (“Unlike in federal courts, where it is a constitutional

prerequisite, standing in Arizona is a prudential consideration.”). Put another way, the undersigned is aware of no instance in which an Arizona court has adopted a conception of standing that is narrower or more rigorous than that espoused by the federal courts.

Second, “[f]or purposes of determining standing, we assume that the plaintiffs are correct on the merits.” *Montenegro v. Fontes*, 260 Ariz. 443 ¶ 19 (2025). The Defendants accordingly cannot establish an absence of standing with the circular supposition that § 16-103(E) inflicts no injury on the Plaintiffs because the statute is valid and constitutional.

Third, when (as here) the Plaintiffs seek only non-monetary remedies, it suffices that “at least one Plaintiff has standing.” *Natural Grocers v. Rollins*, 157 F.4th 1143, 1157 (9th Cir. 2025) (adding that in such circumstances, the court need not “consider the standing of the other Plaintiffs”); *see also City of Tucson v. Pima Cnty.*, 199 Ariz. 509, 514 ¶ 14 (App. 2001).

With those precepts in mind, this Court previously found that the Plaintiffs had pleaded a *prima facie* competitive injury traceable to § 16-103(E), as well as a right under the Arizona Declaratory Judgments Act, A.R.S. § 12-1831, *et seq.* (“DJA”), to “a determination of who are legal voters under the Arizona Constitution.” Under Advisement Ruling (Oct. 22, 2025) at 3–4. Discovery has corroborated the presumed facts underlying the Court’s ruling, and an intervening decision of the United States Supreme Court has vindicated its legal reasoning.

A. Electoral Participants, Such as Political Parties, Have Standing to Challenge Laws or Procedures Governing Voting Eligibility and Processes

Following the Court’s ruling on the Motion to Dismiss, the U.S. Supreme Court’s opinion in *Bost* reified an intuitively obvious principle that previously was only latent in the case law: those who vie for votes in the electoral arena “have an interest in a fair process.” 607 U.S. at 77. That interest is intrinsically and inevitably injured by the enforcement of unconstitutional laws, regulations or procedures governing the registration and voting processes because it “deprive[s]” the plaintiff “of a fair process and an accurate result.” *Id.* This variant of harm is unique to participants in electoral competitions, and thus engenders

standing because it “is distinct from that suffered by the ‘people generally.’” *Id.* at 78.

Bost is significant; it forged a new variant of competitive standing—or arguably a new facet of standing doctrine itself—in the specific context of public elections. Specifically, it ratifies two key propositions that are especially germane to this dispute.

First, a plaintiff need not prove that the challenged law will cause—or even affect in any articulable way—electoral outcomes. *See Bost*, 607 U.S. at 79 (rejecting the argument that “plaintiff-candidates must show some substantial risk that a [challenged] rule will cause them to lose the election, prevent them from achieving a legally significant vote threshold, or damage their reputation or finances”). To be fair, prior cases expositing competitive standing likewise declined to denote the existence of a legal injury by reference to election results. *See infra*. But *Bost* extinguished any residual doubt; the notion that standing is contingent upon a challenged law’s capacity to produce election wins or losses “finds no support in Article III’s case or controversy requirement or [the Supreme Court’s] case law interpreting that requirement. And it is practically untenable as it is undemocratic.” *Id.*

Second, the existence or absence of “monetary harm” is irrelevant. *Id.* at 82. This point distinguishes political competitor standing from the concept of organizational standing that sometimes is invoked by non-profit or public interest groups that claim a philosophical or ideological interest in some aspect of the political process but do not actually compete in it. To sustain organizational standing, such entities must demonstrate “a real harm that is specific to the organization,” which may be “evidence[d]” by “a diversion a resources.” *Ariz. All. for Retired Ams. v. Mayes*, -- F.4th --, 2026 WL 2277101, at *6, *7 (9th Cir. Aug. 7, 2026). In the realm of political competitor standing, by contrast, the existence of a cognizable injury is not dependent upon the plaintiff’s incurrence of marginal financial costs attributable to the challenged law. *See Bost*, 607 U.S. at 82. Rather, an independently redressable injury inheres in “[t]he counting of unlawful votes,” *id.* at 78, irrespective of whether such votes are outcome-determinative or require additional financial expenditures to prevent or offset.

Although *Bost* featured candidate plaintiffs, its reasoning transposes easily to

political parties. The crux of *Bost* is that laws or regulations that are alleged to undermine “a fair process and an accurate result,” *id.* at 77, inflict on candidates a particularized injury because candidates are direct “competitors” in the electoral field and hence “have an obvious stake in how the result is determined and regarded,” *id.* at 79. The same is true of political parties. Indeed, the U.S. Supreme Court recently recognized—as a matter of constitutional law—that the “relationship of parties and their candidates” is so “thoroughly intertwined” that political parties enjoy a First Amendment right to engage in unlimited coordinated advocacy with their candidates, a prerogative that extends to no other actor in the political process. *Nat’l. Republican Senatorial Comm. v. Fed. Election Comm’n.*, 146 S. Ct. 2404, 2418 (2026).¹ For precisely this reason, a federal court, citing *Bost*, recently held that a political party committee had standing to challenge the lawfulness of a presidential executive order regulating voter registration. *See League of United Latin Am. Citizens v. Executive Office of the President*, 818 F. Supp. 3d 34, 86 (D.D.C. 2026) (“[B]ecause a ‘party affiliate’ of an active candidate may also exercise political-competitor standing, the Democratic Party Plaintiffs affiliated with Plaintiffs Jeffries and Schumer and other active Democratic candidates throughout the country have standing to raise the same challenge.” (citation omitted)); *see also Texas Democratic Party v. Benkiser*, 459 F.3d 582, 588 (5th Cir. 2006) (commenting that “after the primary election, a candidate steps into the shoes of his party, and their interests are identical”); *Mecinas v. Hobbs*, 30 F.4th 890, 899 (9th Cir. 2022) (holding that political party committee had standing to challenge statute governing the ordering of candidates’ names on the ballot). The injury for which the RPAZ and RNC seek redress in this case is exactly the same one that sustained standing in *Bost*, to wit—a law that permits “[t]he counting of unlawful votes,” 607 U.S. at 78, by constitutionally ineligible individuals.

Even if *Bost* were inapplicable, however, the Plaintiffs have established a

¹ Arizona law has long permitted unlimited coordination between its recognized political party committees and their nominees. *See* A.R.S. §§ 16-901(14), 16-911(B)(4)(b), 16-922(E).

competitive injury that is fairly traceable to A.R.S. § 16-103(E). Preliminarily, even pre-*Bost* cases emphasized that a political party plaintiff need not prove that the challenged statute or rule “has changed (or will imminently change) the actual outcome of a partisan election.” *Mecinas*, 30 F.4th at 899. Rather, the essence of the harm “is the burden of being forced to compete under the weight of a state-imposed disadvantage.” *Id.* And the disadvantage exacted on the Plaintiffs by § 16-103(E) is actualized in the voter registration rolls. As noted above, more than 56% of these “never resident” registrants are Democrats, while barely 8% are Republicans. SSOFF ¶ 15. By contrast, Republicans comprise approximately 35% of the active electorate in these same jurisdictions, while Democrats account for only about 28%. *Id.* ¶ 12.

To posit, as the Defendants did at the motion to dismiss stage, that § 16-103(E) is facially neutral and that the Plaintiffs could simply register more Republican voters under its auspices is to miss the point. The relevant injury derives from being compelled to “complete for office in contests tainted by” constitutionally ineligible votes. *Shays v. Fed. Election Comm’n.*, 414 F.3d 76, 85 (D.C. Cir. 2005). It is the fact that § 16-103(E) enables the unconstitutional insertion of Democrat votes—regardless of whether it could be utilized by Republicans as well—that is the locus of the competitive harm. *See id.* at 86 (explaining that it was irrelevant for standing purposes that the regulations challenged by candidate plaintiffs did not confer “special benefits” on their rivals).

In sum, the gravamen of this case is that § 16-103(E) directs the “counting of unlawful votes” by individuals whom the Arizona Constitution prohibits from voting in Arizona elections, and thereby “deprive[s]” the Republican Party and its candidates “of a fair process and an accurate result.” *Bost*, 607 U.S. at 77. This encapsulates a concrete and particularized injury, regardless of whether votes cast pursuant to § 16-103(E) “help, hurt, or have no effect on . . . [Republicans’] electoral prospects.” *Id.* And even if a more tangible nexus to election outcomes were necessary, it is indisputable that the overwhelmingly Democrat skew of § 16-103(E) registrants does, in fact, produce an electorate that is more unfavorable to the Republican Party and its candidates. However small their numbers might

1 be, they embody a possible margin of victory or loss in a close race, and this “potential loss
2 of an election” is itself a species of competitive harm. *Mecinas*, 30 F.4th at 899.

3 **B. A.R.S. § 16-103(E)’s Constitutionality Presents an Actual Controversy**
4 **Amenable to Declaratory Relief**

5 Even if the Court rejects *Bost*’s holding that electoral unfairness constitutes an actual
6 injury to competitors in the political arena, this detriment at the very least corresponds to
7 rights and interests vindicable through a declaratory judgment. The DJA provides that
8 “[a]ny person . . . whose rights, status or other legal relations are affected by a statute . . .
9 may have determined any question of construction or validity arising under the . . . statute.”
10 A.R.S. § 12-1832. This jurisdictional grant “is to be liberally construed and administered.”
11 *Id.* § 12-1842. Importantly, “actual injury is not required” to obtain declaratory relief. *Ariz.*
12 *Creditors Bar Ass’n. v. State*, 257 Ariz. 406, 410 ¶ 12 (App. 2024) (citing *Mills v. Ariz. Bd.*
13 *of Tech. Registration*, 253 Ariz. 415 (2022)). Rather, there need only be [1] “‘an actual
14 controversy ripe for adjudication’ and [2] ‘parties with a real interest in the questions to be
15 resolved.’” *Ariz. Creditors*, 257 Ariz. at 410 ¶ 12 (citation omitted).

16 Both elements are present in this case. The question of § 16-103(E)’s
17 constitutionality is not speculative or contingent; the statute undisputedly is being
18 implemented and provides the sole legal predicate for at least 403 registrations associated
19 with actual and identifiable Arizona voters. *Contrast Mills*, 253 Ariz. at 424 ¶ 25
20 (commenting that a declaratory judgment claim is not viable if it is “dependent on future
21 events and contingencies”). Further, the Plaintiffs (and, at the very least, the RPAZ and
22 RNC) have a “real interest in the question” of A.R.S. § 16-103(E)’s validity. The RPAZ
23 sponsors and engages in voter registration activities, and thus is directly governed by the
24 statutes, including § 16-103(E), that denote a legally sufficient voter registration. *See Ariz.*
25 *Sch. Bds. Ass’n., Inc. v. State*, 252 Ariz. 219, 225 ¶ 20 (2022) (holding that plaintiffs,
26 “including a trade association with members living and working in Pima County, were
27 affected by the [challenged] bill’s alleged impediments to the county’s ‘ability to exercise
28 local control to protect its residents’” via mask mandates and similar disease control

measures).

And this direct interest is crystallized in a specific and quantifiable detriment. As discussed above, § 16-103(E) has actually and proximately enabled the addition of at least 226 more Democrat voters to the rolls, compared to only 34 Republicans. SSOFF ¶ 15; *contrast Nat'l. Republican Comm. v. Fontes*, 2025 WL 3511098, *6 ¶ 19 (Ariz. App. Dec. 5, 2025) (finding lack of standing where “the RNC has failed to explain how the challenged [Elections Procedures Manual] provisions ‘make the competitive landscape worse’ for it or its candidates than it would be without the provisions”). This concrete and observable partisan skew that is fairly traceable to § 16-103(E) easily evinces a “real interest” by the RPAZ and RNC in the statute’s constitutionality.

Accordingly, even assuming *arguendo* that none of the Plaintiffs is legally “injured” by A.R.S. § 16-103(E), they certainly are “interested parties” in an “actual controversy” over the statute’s constitutional validity. *Ariz. Creditors*, 257 Ariz. at 412 ¶ 19.

II. A.R.S. § 16-103(E) Violates Article VII, § 2(A) of the Arizona Constitution

A.R.S. § 16-103(E) is facially inconsistent with Article VII, § 2(A) of the Arizona Constitution, which disqualifies individuals who have never resided in Arizona from voting in this State’s elections. When confronted with a question of constitutional interpretation, courts “start with the plain meaning of the constitutional text.” *Knight v. Fontes*, 261 Ariz. 29 ¶ 19 (2025). Here, Article VII, § 2(A) instructs, in relevant part, that no person may vote in an Arizona election unless he or she has “resided in the state for the period of time preceding such election as prescribed by law.” Two propositions are embedded in that phrase. The first is that it is the Legislature’s prerogative to denominate a specific “period of time” (*i.e.*, a duration) for the requisite residence. The second, however, is that an individual must—as a constitutional prerequisite to voting—actually “have resided in this state.”² Stated another way, there must be an antecedent “residence” to which the

² Plaintiffs do not dispute that, *once an individual has established residency*, UOCAVA and parallel state statutes may entitle him to continue to vote in Arizona during temporary absences for certain reasons. The constitutional infirmity in § 16-103(E) is that it extends voting privileges to individuals who have *never* resided in Arizona for *any* period of time.

Legislature’s durational criterion applies.

Notably, this distinction aligns with the federal constitutional dichotomy “between bona fide residence requirements and durational residence requirements.” *Dunn*, 405 U.S. at 343. Mandates that an individual must reside in the State to qualify as a voter “preserve the basic conception of a political community, and therefore [can] withstand close constitutional scrutiny.” *Id.* at 344. By contrast, laws requiring that this residence period extend for some certain number of weeks or months before voting rights can be acquired present more legally nuanced and factually contextual questions. *Compare id.* at 360 (invalidating one-year residency requirement) with *Martson v. Lewis*, 410 U.S. 679, 680 (1973) (upholding Arizona’s 50-day durational residency requirement, adopted by statute following *Dunn*, as justified by the “the realities of Arizona’s registration and voting procedures”). It is hence unsurprising and entirely sensible that the Arizona Constitution codifies a *bona fide* residence prerequisite while delegating more fact-sensitive durational questions to the Legislature’s discretion.

The Defendants’ apparent position that Article VII, § 2(A) does not, by its own terms, contain *any* residence requirement whatsoever is discredited by both the constitutional text and the provision’s structural evolution. When expounding constitutional language, courts “seek to give effect to every word, so as to render superfluous none of the text,” and “also read the provision at issue in its broader context.” *Burns v. Ariz. Pub. Serv. Co.*, 254 Ariz. 24, 30 ¶ 23 (2022). The Legislature is presumptively empowered to prescribe the qualifications necessary for voting. *See* Ariz. Const. art. VII, § 12 (“There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.”); *see also State ex rel. Napolitano v. Brown*, 194 Ariz. 340, 342 ¶ 5 (1999) (“In Arizona, the legislature . . . has plenary power to consider any subject within the scope of government unless the provisions of the Constitution restrain it.”). If Article VII, § 2(A) really does (as Defendants seemingly maintain) mean only that there is a residence requirement if the Legislature decides to adopt one, it would be simply a redundant recitation of the Legislature’s existing presumptive

1 authority. That is an untenable construction.

2 In the same vein, concepts of residence recur throughout Article VII, which further
3 erodes the theory that residence for voting purposes is purely a matter of statutory
4 cognizance. For example, Section 3 specifies various circumstances under which a person
5 shall not “be deemed to have gained or lost a residence.” Section 6 addresses the residence
6 status of military servicemembers. If Article VII, § 2(A) were agnostic on the question of
7 whether Arizona residence is a qualification for voting, these provisions would be
8 surplusage at best and internally discordant at worst. *See generally Fann v. State*, 251 Ariz.
9 425, 435 ¶ 28 (2021) (rejecting argument that the word “grant” as used in a constitutional
10 provision included public monies because that interpretation would make “superfluous”
11 neighboring, more narrow provisions that specifically addressed public funds).

12 Finally, the amendment of Article VII, § 2(A) in 2000 belies the notion that it wholly
13 excised any residence requirement from the Constitution. The original iteration of Article
14 VII, § 2(A) ratified in 1912 imposed a one-year durational residency mandate—a
15 prerequisite that later was deemed violative of the federal Constitution. *See Dunn*, 405 U.S.
16 at 360 (striking down Tennessee’s one-year residency requirement); *Burns v. Fortson*, 410
17 U.S. 686, 687 (1973) (holding that a 50-day durational residence requirement “approaches
18 the outer constitutional limits in this area”).

19 The 2000 amendment deleted the one-year residence requirement and replaced it
20 with a formulation that still conditions voting eligibility on “hav[ing] resided in this state”
21 but devolves questions of duration to the Legislature. This language was proposed to the
22 electorate by the Legislature as one component of a constitutional amendment that,
23 according to its title, related to “constitutional textual terminology.” *See House Concurrent*
24 *Resolution 2004*, Forty-Fourth Arizona Legislature, Second Regular Session, *available at*
25 <https://www.azleg.gov/legtext/44leg/2r/laws/hcr2004.htm>. The remaining provisions of
26 the amendment confirmed that the minimum voting age is eighteen (rather than twenty-
27 one), removed gendered pronouns, and modified language describing certain disabilities.
28 As summarized in its official Fact Sheet, HCR 2004 was intended only to correct “obsolete

1 language” and conform the state constitution to federal constitutional commands. *See* Fact
2 Sheet, HCR 2004 (2000), available at <https://tinyurl.com/43r8sp6f>; *see also* *Ballesteros v.*
3 *Am. Std. Ins. Co. of Wis.*, 226 Ariz. 345, 349–50 ¶ 20 (2011) (citing legislative Fact Sheets
4 in construing enactment). It is “is highly improbable that [the Legislature] would have
5 buried,” *Yates v. United States*, 574 U.S. 528, 546 (2015), in an amendment framed as a
6 collection of technical revisions a wholesale abolition of any and all constitutional residency
7 prerequisites for voting.

8 In sum, Article VII, § 2(A) limits the franchise only to persons who “have resided in
9 this state” for some period of time that the Legislature prescribes. Because A.R.S. § 16-
10 103(E), by its terms, extends voting privileges to individuals who have “never resided” in
11 Arizona, it is facially unconstitutional.

12 **III. Plaintiffs Are Entitled to Declaratory and Injunctive Remedies**

13 As set forth *supra* Section I, at least one Plaintiff has standing to challenge § 16-
14 103(E)’s constitutionality. Having established that § 16-103(E) is, on its face, inconsistent
15 with Article VII, § 2(A) of the Arizona Constitution, Plaintiffs are entitled to a declaration
16 pursuant to A.R.S. § 12-1832 that individuals who have never resided in Arizona are
17 constitutionally ineligible to register and to vote in Arizona elections. *See generally* *Brush*
18 *& Nib Studio, LC v. City of Phoenix*, 247 Ariz. 269, 280 ¶ 39 (2019) (recognizing
19 declaratory relief as an appropriate remedy in a constitutional challenge to legislation); *see*
20 *also* *Ariz. Sch. Bds. Ass’n*, 252 Ariz. at 225 ¶ 20 (same).

21 In addition, the Court should enjoin § 16-103(E)’s implementation, effectuation, or
22 enforcement, pursuant to Arizona Rule of Civil Procedure 65 and/or A.R.S. § 12-1801. As
23 explained in Section I.A above, § 16-103(E)’s unconstitutional expansion of the electorate
24 to include ineligible individuals “deprive[s]” competitors in the electoral process, such as
25 the RPAZ and the RNC, “of a fair process and an accurate result.” *Bost*, 607 U.S. at 77.
26 That denotes a redressable injury, regardless of whether it “harm[s] [Republican
27 candidates’] electoral prospects or increase[s] the costs of their campaigns,” *id.* at 82.
28

1 Because Plaintiffs have demonstrated § 16-103(E)'s irreconcilability with a superseding
2 constitutional provision, "they need not satisfy the" remaining elements of the customary
3 multi-factor standard for injunctive relief. *Ariz. Pub. Integrity All. v. Fontes*, 250 Ariz. 58,
4 64 ¶ 26 (2020).

5 **CONCLUSION**

6 For the foregoing reasons, the Court should enter summary judgment in the
7 Plaintiffs' favor, declare that A.R.S. § 16-103(E) is facially unconstitutional, and enjoin its
8 implementation, enforcement, and effectuation.³

9
10 RESPECTFULLY SUBMITTED this 24th day of August, 2026.

11
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27 ³ To the extent it authorizes registration and voting by individuals who have never resided
28 in Arizona, the Court should extend the same declaratory and injunctive remedies to A.R.S.
§ 16-593(A)(9).

1 **ORIGINAL** of the foregoing filed electronically via TurboCourt on the 24th day of August,
2 2026 with:

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