

KRISTIN K. MAYES
ATTORNEY GENERAL
Office of the Arizona Attorney General
2005 North Central Avenue
Phoenix, AZ 85004-1592
(602) 542-3333

Hayleigh S. Crawford (No. 032326)
Syreeta A. Tyrell (No.034273)
Alexa G. Salas (No. 039722)
Hayleigh.Crawford@azag.gov
Syreeta.Tyrell@azag.gov
Alexa.Salas@azag.gov
Attorneys for Defendant the State of Arizona

Karen J. Hartman-Tellez (No. 021121)
Kara Karlson (No. 029407)
Kyle Cummings (No. 032228)
Karen.Hartman@azag.gov
Kara.Karlson@azag.gov
Kyle.Cummings@azag.gov
Attorneys for Defendant Arizona
Secretary of State Adrian Fontes

ARIZONA SUPERIOR COURT
MARICOPA COUNTY

REPUBLICAN PARTY OF ARIZONA
LLC, an Arizona limited liability
company and political party committee;
REPUBLICAN NATIONAL
COMMITTEE, a national political party
committee; and GINA SWOBODA, an
individual,

Plaintiffs,

v.

STATE OF ARIZONA, a body politic;
and ADRIAN FONTES, in his official
capacity as the Secretary of State of
Arizona,

Defendants.

No. CV2025-022859

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' CROSS-MOTION
FOR SUMMARY JUDGMENT**

(Assigned to the Hon. Michael Herrod)

1 Plaintiffs ask the Court to declare that A.R.S. § 16-103(E) is facially
2 unconstitutional and seek an injunction against its implementation. But Plaintiffs lack
3 standing and cannot make the requisite showing on the merits to overcome the
4 presumption that A.R.S. § 16-103(E) is constitutional.

5 In their Cross-Motion, Plaintiffs contort the analysis in *Bost v. Illinois State Board*
6 *of Elections*, 607 U.S. 71 (2026) to support their standing in this case based on a theory
7 of competitive injury. But to the contrary, *Bost* reaffirms the need for Plaintiffs to prove
8 they have a personal stake in the alleged controversy before the Court, which they have
9 not done. Nor do Plaintiffs have standing under Arizona’s Uniform Declaratory
10 Judgments Act (“DJA”), A.R.S. §§ 12-1831, *et seq.*, because they have repeatedly failed
11 to demonstrate that any of their “rights, status or other legal relations” are presently and
12 concretely “affected by” A.R.S. § 16-103(E)—a law that allows a small group of U.S.
13 citizens to register to vote for federal candidates.

14 Plaintiffs have also failed to establish that they are entitled to summary judgment
15 on the merits of their claim that A.R.S. § 16-103(E) violates article VII, § 2 of the Arizona
16 Constitution. First, the Legislature has constitutional authority to make laws regarding
17 qualifications for voting, including residency, and A.R.S. § 16-103(E) is a proper exercise
18 of that authority. Second, Plaintiffs’ facial challenge to the statute fails to demonstrate
19 that there is no circumstance in which A.R.S. § 16-103(E) can be applied constitutionally.

20 For these reasons, the Court should deny Plaintiffs’ Cross-Motion for Summary
21 Judgment and grant summary judgment for Defendants.

22 **RELEVANT BACKGROUND**

23 A complete explanation of the relevant background is set forth in Defendants’
24 Motion for Summary Judgment (at 1-3), which is incorporated by reference herein.

1 **ARGUMENT**

2 **I. Plaintiffs’ lawsuit fails because there is no justiciable controversy and they**
3 **lack standing.**

4 Justiciability is an indispensable threshold matter requiring Plaintiffs to “seek[]
5 judicial relief from actual or threatened injuries.” *Mills v. Ariz. Bd. of Tech. Registration*,
6 253 Ariz. 415, 420 ¶ 11 (2022). Accordingly, Arizona courts enforce a rigorous standing
7 requirement. *See, e.g., Fernandez v. Takata Seat Belts, Inc.*, 210 Ariz. 138, ¶ 6 (2005).
8 Indeed, plaintiffs must establish standing absent “exceptional circumstances.”¹ *Sears v.*
9 *Hull*, 192 Ariz. 65, 71 ¶ 24-25 (1998). And, Plaintiffs must have standing for each claim
10 asserted and each form of relief requested. *See, e.g., Home Builders Ass’n Cent. Ariz. v.*
11 *Kard*, 219 Ariz. 374, 376-80, ¶¶ 7-27 (App. 2008) (affirming dismissal of requests for
12 damages and injunctive relief but not declaratory relief).

13 **A. Plaintiffs do not have standing for injunctive relief.**

14 Standing requires proof of three elements: injury-in-fact, causation, and a
15 likelihood that a favorable decision will redress a plaintiff’s claimed injury. *See, e.g.,*
16 *Fernandez*, 210 Ariz. at 140 ¶ 7; *Strawberry Water Co. v. Paulsen*, 220 Ariz. 401, 406
17 ¶ 8 (App. 2008). Here, Plaintiffs lack standing to obtain injunctive relief because A.R.S.
18 § 16-103(E) causes them no injury-in-fact.

19 **1. Plaintiffs have no distinct and palpable injury.**

20 To establish standing, Plaintiffs must first show that A.R.S. § 16-103(E) inflicts
21 on them an actual or threatened injury that is “distinct and palpable.” *Fernandez*, 210
22 Ariz. at 140 ¶ 6. Here, Plaintiffs claim (at 5-8) to have suffered a competitive injury. But,
23 as explained in Defendants’ Motion for Summary Judgment (at 8-11), that theory is
24 inapplicable here and, even if it were applicable, does not show that A.R.S. § 16-103(E)
25 injures Plaintiffs.

26
27 ¹ Plaintiffs have not argued that any such circumstances exist here and thus waive the
28 issue. *See, e.g., Westin Tucson Hotel Co. v. State Dep’t of Revenue*, 188 Ariz. 360, 936
(App. 1997) (“[A] claim raised for the first time in a reply is waived.”) (citation omitted).

1 Arizona’s “distinct and palpable” injury requirement means that a plaintiff must
2 establish a “personal stake” in the purported controversy and an injury that is
3 particularized to them. *Strawberry Water*, 220 Ariz. at 406 ¶ 8. Plaintiffs have not
4 established a personal stake in challenging the constitutionality of A.R.S. § 16-103(E).
5 Plaintiffs’ argument is, at best, that they have an interest in the constitutionality of
6 provisions governing voter registration in Arizona, of which A.R.S. § 16-103(E) is one.
7 But, “a litigant’s standing cannot be based on the generalized interest of all citizens in
8 constitutional governance.” *City of S. Lake Tahoe v. Cal. Tahoe Reg’l Planning Agency*,
9 625 F.2d 231, 237 (9th Cir. 1980) (cleaned up); *see also Ariz. Creditors Bar Ass’n v.*
10 *State*, 257 Ariz. 406, 410 ¶ 11 (App. 2024) (explaining that “generalized harm that is
11 shared alike by all or a large class of citizens” is insufficient to confer standing) (citation
12 omitted).

13 Courts have repeatedly rejected the sufficiency of “generalized harm that is shared
14 alike by all or a large class of citizens” to establish standing. *E.g., Sears*, 192 Ariz. at 69
15 ¶ 16. Specifically, courts asked to decide questions of Arizona election law have
16 concluded that voters and organizations that participate in elections, including the Party
17 Plaintiffs here, lacked standing because they asserted only generalized harms. *RNC v.*
18 *Fontes*, No. 2 CA-CV 2024-0241, 2025 WL 3511098, at *5-*6 ¶¶ 15, 19 (Ariz. App. Dec.
19 5, 2025) (finding that RNC lacked standing to challenge election rules regarding, *inter*
20 *alia*, voter registration); *Ariz. Free Enter. Club v. Fontes*, No. 2 CA-CV 2024-0221, 2025
21 WL 2462952, at *5 ¶ 26 (Ariz. App. Aug. 27, 2025) (concluding that voter lacked
22 standing when he had not “articulated any interest in the issue that could not be
23 generalized to all other Arizona voters”).² Federal courts have done the same. *See Lake*
24

25
26 ² Although these decisions are not binding precedent, they are instructive, and may be
27 cited for their persuasive value. *See* Ariz. R. Sup. Ct. 111(c). Pursuant to Ariz. R. Sup.
28 Ct. 111(c)(3), a copy of *RNC* is attached hereto. A copy of *Ariz. Free Enter. Club* was
attached to Defendants’ Separate Statement of Facts (“DSOF”) as Exhibit I. The other
unreported decisions cited in this Response are attached to the DSOF as Exhibits J and
K.

1 v. *Fontes*, 83 F.4th 1199, 1203 (2023) (finding that plaintiff voters lacked standing in part
2 because they did “not appear to allege a particularized injury . . . they at most assert a
3 generalized interest in seeing that the law is obeyed, an interest that is neither concrete
4 nor particularized”) (internal quotation marks omitted); *Mussi v. Fontes*, No. CV-24-
5 01310-PHX-DWL, 2024 WL 4988589, at *6 (D. Ariz. Dec. 5. 2024) (holding that
6 plaintiffs, including Gina Swoboda, lacked standing to challenge voter registration list
7 maintenance practices because their claim “amounts to the sort of generalized grievance
8 that lacks the particularization necessary to qualify an injury-in-fact”).

9 Plaintiffs here rely on a general interest in the validity of election laws as “electoral
10 participants.” *See* Cross-Mot. at 5. To be sure, political parties are generally involved in
11 the electoral process in a way that is different from the average voter. But a political party
12 does not inherently have a distinct legally cognizable interest in every election-related
13 law that exists. Even a political party must show that it has a distinct interest in a law
14 concerning voting that causes it a unique and real harm. That is the locus of the “personal
15 stake” requirement.

16 *Bost* does not change that conclusion. *Bost*’s holding rests on the finding that
17 *candidates running for office* have a “personal stake” “in their own election.” 607 U.S.
18 at 78-79. It thus reaffirms the importance of the personal stake requirement, rather than
19 excuse it. *Bost* signals a consideration that the status of candidates vying for votes “in
20 their own elections” are set apart from all citizens, all voters, and even political parties
21 because they can be directly injured in various ways by a law that controls the process
22 governing their *own* election. *Id.* at 77-78.

23 Here, no Plaintiff is a candidate vying for votes in any specific election.
24 Additionally, A.R.S. § 16-103(E) does not govern election process or procedure, unlike
25 the challenged Illinois procedure for counting mail-in ballots after election day in *Bost*.
26 *Id.* at 74. Therefore, *Bost*’s candidate-specific, process-based interest analysis and
27 holding do not support finding that Plaintiffs have suffered an injury-in-fact from A.R.S.
28 § 16-103(E). Plaintiffs cannot insert themselves in place of “candidates” and ignore the

1 fact that A.R.S. § 16-103(E) does not speak to election process or procedure to say *Bost*
2 extends to them. It does not.

3 *Bost*'s finding of standing is expressly limited to candidates and is grounded in the
4 conclusion that a candidate for office "has a personal stake in the rules that govern the
5 counting of votes *in his election*." *Id.* at 76 (emphasis added); *see also id.* at 87 (Jackson,
6 J., dissenting) (disagreeing with the majority's decision to create a "bespoke candidate-
7 standing rule").³ It does not, as Plaintiffs claim (at 6), forge a "new variant of competitive
8 standing" to create an injury personal to Plaintiffs concerning A.R.S. § 16-103(E). *Bost*
9 is simply not a competitive injury case. Indeed, the Seventh Circuit rejected the
10 "competitive injury" theory, *see* 607 U.S. at 76, and the Supreme Court did not disturb
11 that conclusion. Rather, it grounded standing on a candidate's distinct process-based
12 interest. *Id.* at 77-78; *see also id.* at 86 (Barrett, J., concurring in judgment) (observing
13 that the majority adopted a form of candidate standing that is unrelated to "competitive
14 disadvantage"). Accordingly, no matter how Plaintiffs contort *Bost*, it is inapplicable to
15 resurrect Plaintiffs' theory of competitive injury.

16 **2. Even if Arizona recognized a competitive injury theory, it does**
17 **not give Plaintiffs standing here.**

18 Plaintiffs have established no distinct and palpable harm under a competitive
19 injury theory more generally. First, the Arizona Supreme Court has not recognized a
20 competitive injury theory of standing. *See, e.g., RNC*, 2025 WL 3511098, at *5 ¶ 17.
21 This Court should not do so in the first instance.

22 Second, Plaintiffs fail to even allege—much less prove with evidence—that A.R.S.
23 § 16-103(E) "force[s] them to compete under the weight of a state-imposed
24 disadvantage." Cross-Mot. at 8. They suggest that they are being forced to compete for
25 offices in contests tainted by constitutionally ineligible votes, but have shown only that
26 in a sample of about 400 UOCAVA voters, more are registered as Democrats than

27 ³ To the extent Plaintiffs' argument is that A.R.S. § 16-103(E) adds more voters to the
28 voting rolls, it is materially no different from a vote dilution claim that this Court already
found is not viable here. *See* Oct. 24, 2025 Under Advisement Ruling ("Ruling") at 4.

1 Republicans. There is *no* evidence about the rate at which A.R.S. § 16-103(E) voters
2 actually participate in casting ballots, or that they vote consistent with their registered
3 party affiliation. Indeed, RPAZ concedes that party registration does not equate to votes.
4 *See* DSOF at 12. At this phase in the litigation, where Plaintiffs seek summary judgment
5 as a matter of law, they cannot rely on mere presumption and inference. The existence of
6 registered Democrats, in a vacuum, does not a competitive injury make. And in fact, as
7 pointed out in Defendants’ Motion for Summary Judgment, A.R.S. § 16-103(E) has not
8 created a registration disadvantage to party Plaintiffs whatsoever. Defs.’ Mot. at 10-11.

9 Notably, Plaintiffs have unsuccessfully pushed their contention of competitive
10 injury before. In *RNC v. Fontes*, party Plaintiffs challenged, *inter alia*, rules relating to
11 voter registration and alleged that they “promote[] the election of Republican candidates”
12 and have an interest in “the competitive environment affecting Republican candidates.”
13 2025 WL 3511098, at *5 ¶ 14. Party Plaintiffs contended that they therefore “are
14 necessarily affected by a legally erroneous rule,” and that “political parties in general
15 have a ‘broad interest . . . against being forced to compete in an illegally structured
16 environment.’” *Id.* The Arizona Court of Appeals rejected these contentions as
17 generalized assertions of harm insufficient to confer standing under Arizona law. *Id.* ¶ 15.

18 What was critical to the court’s competitive injury ruling in *RNC v. Fontes* is also
19 pivotal here. First, the court noted that the RNC did not identify any Arizona Supreme
20 Court decision recognizing the doctrine of competitive injury in Arizona. *See id.* ¶ 17.
21 Plaintiffs similarly fail to identify any such decision here. Second, the court found
22 Plaintiffs’ claim of competitive injury factually distinguishable from *Mecinas*, on which
23 Plaintiffs also rely here. *Id.* ¶ 18. The cases finding a competitive injury—*Mecinas* and
24 others discussed in Defendants’ motion (at 8-9)—are all distinguishable from Plaintiffs’
25 alleged injury. Unlike A.R.S. § 16-103(E), the laws, rules, and actions challenged in
26 those cases either directly regulate candidates, impose a competitive structure, induce an
27 unfair process between parties, or create political leverage that inherently disadvantages
28 a candidate’s (or party’s) electoral chances. *See* Defs.’ Mot. at 9-10. In contrast, the

1 existence of A.R.S. § 16-103(E), which merely allows certain U.S. citizens to register to
2 vote (and affiliate with any party or no party) plainly does not create unfairness that gives
3 rise to a competitive injury.

4 Plaintiffs thus lack standing to obtain injunctive relief.⁴

5 **B. Plaintiffs fail to establish standing for relief under the DJA.⁵**

6 Plaintiffs attempt to resurrect their standing under the DJA. The DJA must be
7 “liberally construed” to accomplish its remedial purpose. A.R.S. § 12-1842. Even so,
8 courts do not issue judgments based on “a mere difference of opinion.” *Ariz. State Bd. of*
9 *Dirs. for Junior Colls. v. Phoenix Union High Sch. Dist.*, 102 Ariz. 69, 73 (1967). That
10 is, essentially, what Plaintiffs seek here.

11 To obtain relief under the DJA, Plaintiffs must establish three statutorily
12 irreducible elements: (1) a “right[, status or other legal relation[.],” (2) that is concretely
13 “affected by a statute,” (3) under which a “question of . . . validity” arises. A.R.S. § 12-
14 1832. Only then can there be “‘an actual controversy ripe for adjudication’ and ‘parties
15 with a real interest in the questions to be resolved.’” *Ariz. Creditors Bar Ass’n*, 257 Ariz.
16 at 410 ¶ 12 (citing *Mills*, 253 Ariz. at 423 ¶ 25 (2022)).

17 Plaintiffs argue (at 9) that an “actual controversy” exists because the “question of
18 A.R.S. § 16-103(E)’s constitutionality is not speculative or contingent.” But Plaintiffs’
19 barebones factual record indicates that this assertion amounts to nothing more than their
20 disagreement with the propriety of A.R.S. § 16-103(E). That is no basis for a declaratory
21 judgment. *See Ariz. State Bd. of Dirs. for Junior Colls.*, 102 Ariz. at 73; *Arizona Free*

23 ⁴ As explained in Defendants’ motion, Plaintiffs cannot establish standing for the
24 additional reason that there is a lack of a causal nexus between their alleged harm and
25 A.R.S. § 16-103(E). *See* Defs.’ Mot. at 11-12. Plaintiffs failed to argue this element of
standing in their Cross-Motion.

26 ⁵ Plaintiffs’ motion makes no argument and provides no facts to support Ms. Swoboda’s
27 standing under the DJA. *See* Mot. at 9-10. In any case, Ms. Swoboda lacks that standing.
28 This Court has already rejected Ms. Swoboda’s alleged vote dilution injury, *see* Ruling
at 4, and, as Defendants explained, Defs.’ Mot. at 6-7, Ms. Swoboda’s purported
“interest” in A.R.S. § 16-103(E) is “shared alike by all or a large class of citizens,” *Sears*,
192 Ariz. at 69, ¶ 16, and is entirely unaffected by A.R.S. § 16-103(E).

1 *Enter. Club*, 2025 WL 2462952, at *5 ¶ 26 (holding that “a disagreement . . . about what
2 the law requires” cannot confer standing under the DJA); DSOF ¶ 18, Ex. I.

3 Of course, Defendants do not dispute that this question *could* be proper for
4 adjudication under the DJA, *see* Ruling at 4, but only when brought by a party whose
5 “rights, status or other legal relations *are affected by* a statute,” A.R.S. § 12-1832
6 (emphasis added). Plaintiffs are not such parties.

7 Discovery has made clear that Plaintiffs are in no way “affected by” A.R.S. § 16-
8 103(E). And Plaintiffs’ own authorities confirm that this nexus is indispensable under
9 the DJA. In *Mills*, for example, the Arizona Supreme Court granted the plaintiff standing
10 only as to the statutes that, based on “presently existing facts,” threatened his right to
11 “speak freely” and “earn a living.” 253 Ariz. at 424-25 ¶ 30. Similarly, in *Arizona*
12 *Creditors Bar*, the court held that plaintiffs had standing only as to the claims for which
13 they were “sufficiently affected” by the challenged law. 257 Ariz. at 411-12 ¶¶ 16, 20-
14 21. There, plaintiffs were “regulated parties” “squarely . . . impacted by” a law that made
15 it “more difficult [for them] to collect on judgments” and decreased the amounts they
16 could garnish. *Id.* at 411 ¶ 16. Finally, in *Arizona School Boards Association v. State*,
17 the court held that plaintiffs, including a school board trade association, had standing to
18 challenge a state law prohibiting local governments from regulating the spread of
19 infectious disease because some of those plaintiffs worked in schools “affected by” their
20 county’s inability to “exercise local control to protect its residents.” 252 Ariz. 219, 225,
21 ¶ 20 (2022).

22 Here, by contrast, Plaintiffs provide no facts demonstrating that A.R.S. § 16-
23 103(E) threatens any of their rights as party organizations, as in *Mills*, or otherwise affects
24 the conditions in which they operate, as in *Arizona School Boards*. Nor can Plaintiffs
25 establish that A.R.S. § 16-103(E) directly regulates them or their core functions, as in
26 *Arizona Creditors Bar*.

27 Plaintiffs argue that A.R.S. § 16-103(E) “directly govern[s]” their voter
28 registration activities by “denot[ing] a legally sufficient voter registration.” Cross-Mot.

1 at 9. But discovery confirmed that Plaintiffs do not target for registration individuals
2 potentially eligible to vote under A.R.S. § 16-103(E). *See* DSOF ¶ 15. Nor do they claim
3 to have registered, nor even have been asked to assist in registering any person to vote,
4 under A.R.S. § 16-103(E). Thus, Plaintiffs have neither alleged nor proven that A.R.S. §
5 16-103(E) impacts their *actual* voter registration activities. *See RNC v. Fontes*, 2025 WL
6 3511098, at *5 ¶ 16 (rejecting RNC’s standing to challenge election procedures that “do
7 not impose affirmative obligations” on it).

8 Plaintiffs also argue (at 10) that A.R.S. § 16-103(E) voters’ “partisan skew” gives
9 them a “real interest” in the statute’s constitutionality. But Plaintiffs’ attempt to
10 repackage their competitive injury as a “direct interest” in the law is unavailing. In *RNC*
11 *v. Fontes*, the court rejected the RNC’s attempt to assert a competitive injury under the
12 DJA because the challenged election procedures there “appl[ied] equally to all candidates
13 and parties and [did] not disadvantage the RNC or its candidates in particular.” As
14 discussed above, the same is true for A.R.S. § 16-103(E). Ultimately, as in *RNC v. Fontes*,
15 Plaintiffs must “explain how [A.R.S. § 16-103(E)]’s enforcement detrimentally affects
16 [their] rights, status, or other legal obligations such that a real controversy exists.” 2025
17 WL 3511098, at *5 ¶ 16. Because they have not done so, they are not entitled to judgment
18 as a matter of law.

19 **II. The Arizona Legislature has constitutional authority to determine the**
20 **contours of the term “resided in.”**

21 **A. The Legislature has properly defined residence in A.R.S. § 16-103(E).**

22 On the merits, Plaintiffs’ argument rests on a fallacy—that through A.R.S. § 16-
23 103(E) the Legislature eliminated residence as a voting qualification. *See* Cross-Mot. at
24 10. In fact, all the Legislature did by enacting A.R.S. § 16-103(E) was make clear that
25 Arizona residence extends to a small group of U.S. citizens who have never lived in the
26 United States, but are the children of Arizona-registered voter parents who maintain
27 Arizona residency under UOCAVA and the Arizona Constitution. Section 16-103(E)
28 simply recognizes Arizona residency for otherwise eligible voters whose sole touchpoint

1 of U.S. residency is their parent’s Arizona residence.

2 Plaintiffs suggest that the single mention of the word “resided” in the constitutional
3 phrase “resided in the state for the period of time . . . prescribed by law,” Ariz. Const. art.
4 VII, § 2(A), is both a durational residence requirement and a “*bona fide*” residence
5 requirement, the latter of which cannot be legislatively altered. Cross-Mot. at 10-11. But
6 that is not the case. The Legislature has express authority to determine qualifications for
7 voting and to define residence in a way that includes § 16-103(E) voters who do not have
8 a physical presence in Arizona.

9 Arizona’s constitution generally gives the Legislature plenary authority to enact
10 laws, which include statutes setting forth definitions. *See Seisinger v. Siebel*, 220 Ariz.
11 85, 92 ¶ 26 (2009) (“Article 4, Part 1, Section 1 of the Arizona Constitution vests the
12 legislature . . . with the ‘legislative authority’ of the State. The legislature has plenary
13 power to deal with any topic unless otherwise restrained by the Constitution.”); *e.g.*,
14 A.R.S. § 1-215 (providing forty-six definitions for statutory terms). The Constitution
15 provides that “[t]here shall be enacted registration and other laws to secure the purity of
16 elections and guard against abuses of the elective franchise.” Ariz. Const. art. VII, § 12.
17 And the particular provision at issue in this case, Ariz. Const. art. VII, § 2, specifically
18 directs the Legislature to make laws about the residence requirements for voter
19 registration. Indeed, Plaintiffs acknowledge the Legislature’s constitutionally mandated
20 role in setting voter qualifications. Cross-Mot. at 11 (stating that “[t]he Legislature is
21 presumptively empowered to prescribe qualifications necessary for voting”) (citing Ariz.
22 Const. art VII, § 12); *see also Ahrens v. Kerby*, 44 Ariz. 337, 341 (1934) (stating that
23 article VII, § 2 “do[es] not prescribe the qualifications of electors”).

24 Exercising its constitutional authority, the Legislature enacted A.R.S. § 16-101(B),
25 which provides that for purposes of A.R.S. Title 16, “‘resident’ means an individual who
26 has actual physical presence in this state . . . combined with an intent to remain.” The
27 Legislature also provided that “[e]very resident of this state is qualified to register to vote
28 if the resident” meets six other eligibility requirements. A.R.S. § 16-101(A). But the

1 “physical presence” aspect of the “resident” definition is not chiseled in stone, and the
2 Legislature has provided different ways to satisfy that statutory requirement. *See* A.R.S.
3 §§ 16-101(B); -103(A) (permitting registration by those temporarily absent from the
4 state).

5 This is entirely consistent with the Arizona Constitution, which also recognizes
6 that physical presence in Arizona is not always necessary to establish residence. For
7 example, it provides that “no person shall be deemed to have gained or lost a residence
8 by reason of being present or absent while employed in the service of the United States,
9 or while a student at any institution of learning, or while kept at any institution or other
10 shelter at public expense, or while confined in any public jail or prison.” Ariz. Const. art.
11 VII, § 3. Nor does physical presence in Arizona always establish residency under the
12 Arizona Constitution, which provides that military personnel shall not be “deemed a
13 resident of this state” as a consequence of being stationed in Arizona. *Id.* § 6. Simply
14 put, there is no universally applicable constitutional definition of residence in Arizona.

15 Accordingly, consistent with article VII, § 2(A)’s purpose to protect the voting
16 rights of citizens of voting age and the practical statutory definitions of residence, the
17 Legislature enacted A.R.S. § 16-103(E) to provide that a small subset of U.S. citizens
18 may register to vote for federal offices even if they do not meet A.R.S. § 16-101(B)’s
19 residence definition. *See* A.R.S. § 16-103(E) (“Any citizen who has never resided in the
20 and whose parent is a citizen who is registered to vote in this state is eligible to register
21 to vote and may vote in this state using a federal write-in early ballot . . .”). Doing so
22 was entirely within the Legislature’s constitutional authority.

23 Plaintiffs nevertheless posit that A.R.S. § 16-103(E) contradicts the Arizona
24 Constitution by permitting individuals who are not “bona fide” members of the Arizona
25 political community to vote. Cross-Mot. at 11. That fundamentally misunderstands what
26 the statute accomplishes. Far from allowing persons with no connection to Arizona to
27 register here, A.R.S. § 16-103(E) recognizes and preserves a pre-existing Arizona locus—
28 a parents’ residence—for a small group of U.S. citizens who would otherwise be rendered

1 stateless.

2 This is wholly consistent with Arizona courts' interpretation of the concept of
3 domicile, which is synonymous with residence. *See Clark v. Clark*, 71 Ariz. 194, 197
4 (1950) (relying on Ariz. Const. art. VII, §§ 3 and 6 relating to residence for voting
5 purposes to determine domicile). A person's domicile of origin is acquired at birth and
6 is the domicile of one of his parents. *See* Restatement 2d Conflict of Laws § 14 (1971);
7 *see also DeWitt v. McFarland*, 112 Ariz. 33, 33 (1975) (citing the Restatement); *Cornell*
8 *v. Desert Fin. Credit Union*, 254 Ariz. 477, 483 ¶ 23 (2023) ("In the absence of binding
9 precedent, we follow the Restatement if it sets forth sound legal policy."). As such, a
10 child whose domicile is in Arizona based on their parent's Arizona residence—as
11 evidenced by the parent's Arizona voter registration—has legal Arizona residence even
12 without physical presence within the State. *See* A.R.S. § 16-103(E) (allowing registration
13 only if the voter's parent is registered to vote in Arizona); *see also, e.g.,* A.R.S. § 15-
14 1802(B)(1) (giving in-state college tuition to students whose parents' domicile "is in this
15 state and the parent is entitled to claim the person as an exemption for state and federal
16 tax purposes"); Restatement 2d Conflict of Laws § 14, comment *b* ("On occasion, a child's
17 domicil[e] of origin will be in a place where the child has never been.").

18 As the Federal Voting Assistance Program explains to UOCAVA voters, they
19 "need a voting residence to vote via absentee ballot—even if [they] are only voting for
20 federal offices. [Their] election office needs [their] exact voting residence address to send
21 [them] the correct ballot for [their] voting precinct." *See* Voting Residence,
22 [https://www.fvap.gov/uploads/FVAP/OutreachMaterials/FVAP_VotingResidence_Over](https://www.fvap.gov/uploads/FVAP/OutreachMaterials/FVAP_VotingResidence_Overseas.pdf)
23 [seas.pdf](https://www.fvap.gov/uploads/FVAP/OutreachMaterials/FVAP_VotingResidence_Overseas.pdf). To ensure that U.S. citizen children of UOCAVA voters with Arizona residency
24 are not disenfranchised, A.R.S. § 16-103(E) provides that those U.S. citizen children's
25 residence traces back to their parents' residence. It is both logical and constitutional to
26 permit an eligible voter with a documented connection to Arizona (and no other state) to
27 register to vote in Arizona.

1 **B. Plaintiffs’ facial challenge fails because there are constitutional**
2 **applications of A.R.S. § 16-103(E).**

3 Plaintiffs argue that the “various personal circumstances” of A.R.S. § 16-103(E)
4 voters are “not relevant” to the constitutional question before this Court. Cross-Mot. at
5 3. But those personal circumstances demonstrate constitutional applications of A.R.S.
6 § 16-103(E), which defeats Plaintiffs’ facial challenge to the law. *See Stanwitz v. Reagan*,
7 245 Ariz. 344, 349 ¶ 19 (2018) (requiring the challenger to “establish that no set of
8 circumstances exists under which the [statute] would be valid”) (cleaned up). In
9 deposition, RPAZ’s representative testified that the Party proposed and championed
10 A.R.S. § 16-103(E) to apply to “17-year-old dependents of military stationed overseas
11 that turn 18 while their parent is stationed overseas.” DSOF ¶ 10. According to RPAZ,
12 “Republicans passed the [b]ill . . . to assist [such voters] in getting registered.” *Id.* There
13 is no constitutional difference between these § 16-103(E) voters and others.

14 In their Cross-Motion, however, Plaintiffs surmise (without any factual support)
15 that § 16-103(E) voters “almost certainly are not the children of military service
16 members” due to the standard length of military deployments. Cross-Mot. at 4. Of
17 course, if the Legislature intended A.R.S. § 16-103(E) to apply only to service members’
18 children, it could have written the statute to say that, but it did not. Instead, it applies to
19 all UOCAVA voters’ adult U.S. citizen children—whose parents may, for example, work
20 for the National Oceanic and Atmospheric Administration, be a part of the diplomatic
21 corps, or work for a private company overseas. *See* 52 U.S.C. § 20310(5), (7). Even if
22 § 16-103(E) voters were limited to children of uniformed service members, Plaintiffs’
23 argument ignores the fact that members of the military may meet a partner while deployed
24 overseas, that partnership may result in the birth of a child, but that the child and the non-
25 service member partner may not move with the service member who returns to Arizona
26 at the end of the overseas deployment. That child is no less a U.S. citizen with a
27 constitutional right to vote once he or she is 18 years old, and the Arizona Legislature
28 properly gives such a child a path to vote for federal candidates.

1 Other states that have addressed similar challenges found constitutional
2 applications of statutes like A.R.S. § 16-103(E). In *RNC v. Evnen*, for example, a
3 Nebraska court gave a hypothetical example of parents on a long-term religious mission
4 who maintained their Nebraska domicile. No. CI 26-2329, slip op. at 11 (Neb. Dist. Ct.
5 Aug. 12, 2026) (DSOF ¶ 20, Ex. K). Their child, who had never physically resided in the
6 United States, adopted his parent’s domicile. *Id.* The court found that example sufficient
7 to defeat plaintiffs’ facial challenge to a law nearly identical to A.R.S. § 16-103(E). *Id.*;
8 *see also RNC v. Benson*, No. 25-000181-MZ, slip op. at 12 (Mich. Ct. Claims Apr. 22,
9 2026) (DSOF ¶ 19, Ex. J) (upholding state constitutional challenge to Michigan statute
10 that is materially indistinguishable from A.R.S. § 16-103(E)).

11 Whether a § 16-103(E) voter is a child of a service member, a missionary, or any
12 other UOCAVA-eligible Arizona voter, there are myriad reasons that a young adult could
13 meet the requirements of A.R.S. § 16-103(E). The many constitutional applications of
14 the statute defeat Plaintiffs’ facial challenge, and the Court should uphold A.R.S. § 16-
15 103(E) as a constitutional exercise of the Legislature’s authority. *See Fann v. State*, 251
16 Ariz. 425, 433-34 (2021) (explaining a statute is presumed constitutional and “where
17 there is a reasonable, even though debatable, basis for the statute, [the court] will uphold
18 it unless it is clearly unconstitutional”).

19 **CONCLUSION**

20 For the foregoing reasons, the Court should deny Plaintiffs’ Cross-Motion and
21 grant summary judgment for Defendants.
22
23
24
25
26
27
28

1 RESPECTFULLY SUBMITTED this 28th day of September, 2026.

2 **KRISTIN K. MAYES**
3 **ATTORNEY GENERAL**

4 By /s/ Syreeta A. Tyrell
5 Hayleigh S. Crawford
6 Syreeta A. Tyrell
7 Alexa G. Salas

8 *Attorneys for Defendant the*
9 *State of Arizona*

10 By /s/ Karen J. Hartman-Tellez
11 Karen J. Hartman-Tellez
12 Kara Karlson
13 Kyle Cummings

14 *Attorneys for Defendant Arizona*
15 *Secretary of State Adrian Fontes*

16 The foregoing document was electronically filed
17 and served through AZTurboCourt
18 this 28th day of September, 2026 to:

19 Hon. Michael Herrod
20 Maricopa County Superior Court
21 101 West Jefferson Street
22 ECB 911
23 Phoenix, Arizona 85003

24 Kory Langhofer
25 Thomas Basile
26 Statecraft PLLC
27 649 North Fourth Avenue, First Floor
28 Phoenix, Arizona 85003
kory@statecraftlaw.com
tom@statecraftlaw.com
Attorneys for Plaintiffs

/s/ Karen J. Hartman-Tellez

2025 WL 3511098

Only the Westlaw citation is currently available.
This Decision Does Not Create Legal Precedent And
May Not Be Cited Except As Authorized By Applicable
Rules.

Not For Publication

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P.
28(a)(1), (f).

Court of Appeals of Arizona, Division 2.

REPUBLICAN NATIONAL COMMITTEE;
Republican Party of Arizona, LLC; and Yavapai
County Republican Party, Plaintiffs/Appellants,
v.

Adrian FONTES, in his official capacity as Arizona
Secretary of State, Defendant/Appellee,
Voto Latino, Arizona Alliance for Retired Americans,
Democratic National Committee, and Arizona
Democratic Party, Intervenor-Defendants/Appellees.

No. 2 CA-CV 2024-0241

Filed December 5, 2025

Appeal from the Superior Court in Maricopa County No.
CV2024050553 The Honorable **Frank W. Moskowitz**, Judge

Attorneys and Law Firms

Kurt M. Altman P.L.C., Phoenix By **Kurt Altman** and
Ashley Fitzwilliams and First & Fourteenth PLLC, Colorado
Springs, Colorado By **Christopher O. Murray**, Pro Hac Vice,
and **Julian R. Ellis, Jr.**, Pro Hac Vice Counsel for
Plaintiffs/Appellants

Kristin K. Mayes, Arizona Attorney General By Kara
Karlson and **Karen J. Hartman-Tellez**, Senior Litigation
Counsel, and **Kyle Cummings**, Assistant Attorney General,
Phoenix Counsel for Defendant/Appellee

Coppersmith Brockelman PLC, Phoenix By **D. Andrew
Gaona** and **Austin C. Yost** and Elias Law Group LLP,
Washington, D.C. By Lalitha D. Madduri Counsel for
Intervenor-Defendants/Appellees Voto Latino and Arizona
Alliance for Retired Americans

Perkins Coie LLP, Phoenix By **Alexis E. Danneman** and
Matthew R. Koerner and Herrera Arellano LLP, Phoenix By
Roy Herrera, **Daniel A. Arellano**, and Austin T. Marshall

Counsel for Intervenor-Defendants/Appellees Democratic
National Committee and Arizona Democratic Party
Presiding Judge **Gard** authored the decision of the Court, in
which Chief Judge **Staring** and Judge **O'Neil** concurred.

MEMORANDUM DECISION

GARD, Presiding Judge:

*1 ¶1 The Republican National Committee, Republican
Party of Arizona, LLC, and Yavapai County Republican
Party (collectively “the RNC”) argue that multiple provisions
of the Arizona Secretary of State's 2023 Elections
Procedures Manual (EPM) contradict or directly conflict
with state and federal statutes. Among other arguments, the
Secretary and intervenors Voto Latino and Arizona Alliance
for Retired Americans assert the RNC lacks standing to
challenge the identified provisions under the Uniform
Declaratory Judgments Act (DJA).¹ See **A.R.S. §§ 12-1831**
to **12-1846**. We agree that the RNC has failed to satisfy
Arizona's “rigorous standing requirement.” **Fernandez v.**
Takata Seat Belts, Inc., 210 Ariz. 138, ¶ 6 (2005). We
therefore affirm the superior court's judgment dismissing this
action for failure to state a claim upon which relief can be
granted. See **Ariz. R. Civ. P. 12(b)(6)**.

Factual and Procedural Background

¶2 The chief election officer for the State of Arizona, the
Secretary of State, is tasked every other year with drafting an
EPM “to achieve and maintain the maximum degree of
correctness, impartiality, uniformity and efficiency on the
procedures for [elections].” **A.R.S. §§ 16-142(A), 16-
452(A), (B)**. The Secretary must submit the manual to the
governor and the attorney general for approval no later than
October 1 of each odd-numbered year preceding a general
election. **§ 16-452(B)**. Upon approval, the EPM must be
issued no later than December 31 of that year. *Id.* Once
issued, “the EPM has the force of law” and any violation of a
rule it contains is punishable as a class two misdemeanor.
Ariz. Pub. Integrity All. v. Fontes, 250 Ariz. 58, ¶ 16 (2020);
§ 16-452(C). On December 30, 2023, the Secretary
published the most recent EPM with the approval of the
governor and attorney general.

¶3 Shortly thereafter, the RNC filed a verified special action complaint for declaratory and injunctive relief. Count I alleged that the EPM's promulgation was subject to the rulemaking process set forth in the Arizona Administrative Procedure Act (APA), [A.R.S. §§ 41-1001 to 41-1093.08](#), and that the Secretary had failed to comply with the APA's notice-and-comment requirements. Because a rule is invalid unless adopted in substantial compliance with the APA, *see* § 41-1030(A), the RNC sought a declaration invalidating the EPM and an injunction prohibiting its enforcement until and unless the Secretary complies with the rulemaking process.

¶4 The RNC also set forth eight alternative counts, seeking declarations that specific EPM provisions conflict with state and federal laws. Because an EPM provision that exceeds its statutory authority or conflicts with statutory requirements is void, the RNC sought a declaration invalidating the identified provisions. *See Ariz. All. for Retired Ams., Inc. v. Crosby*, 256 Ariz. 328, ¶ 18 (App. 2023) (“[A]n EPM regulation that either exceeds its statutory authority or contradicts statutory requirements ‘does not have the force of law.’ ” (quoting *Leibsohn v. Hobbs*, 254 Ariz. 1, ¶ 22 (2022))). The RNC specifically challenged:

- *2 • Chapter 1, § IX(C)(2)(b), which directs a county recorder, upon receiving a summary report from a jury commissioner indicating a registered voter has professed non-citizenship, not to cancel the voter's registration if the voter either previously provided Documentary Proof of Citizenship (DPOC) or registered to vote before DPOC was required. The RNC alleged this provision conflicts with [A.R.S. § 16-165\(A\)\(10\)](#), which requires a recorder to send such a voter notice that the voter's registration will be canceled if the voter does not provide DPOC within thirty-five days. (Count II)
- Chapter 1, § II(A), which allows federal-only voters to vote in Presidential Preference Elections (PPEs); Chapter 10, § II(F)(1)(f)(i), which requires provisional ballots submitted by federal-only voters in PPEs to be tabulated; Chapter 2, § I(B)(1), which allows federal-only voters to be placed on the Active Early Voter List (AEVL) after first proving their identities; and Chapter 2, § V(B), which deems a federal-only voter's use of a federal form without providing DPOC an “invalid ground[] for challenging an early ballot.” The RNC alleged these provisions conflict with [A.R.S. § 16-127](#), which disqualifies persons who have not provided

DPOC from voting in presidential elections and receiving early ballots by mail. (Counts III and IV)

- Chapter 1, § II(A)(8)(a), and Chapter 1, § IX(C)(2)(a), which state that, in verifying the citizenship of registrants, county recorders “currently” have no obligation to check certain databases because they either lack access to those databases or have access only for limited purposes. The RNC alleged that these provisions conflict with [A.R.S. §§ 16-121.01\(D\)](#) and [16-165](#), which require county recorders to consult specific databases under certain circumstances. (Count V)
- Chapter 1, § XI(C)(1), which recognizes that a signature component of a registrant's record is generally confidential and may be “viewed or accessed by a member of the public only for purposes of verifying signatures on a candidate, initiative, referendum, recall, new party, or other petition or for purposes of verifying candidate filings.” The RNC alleged that this provision conflicts with [A.R.S. § 16-168\(F\)](#), which the RNC interprets to permit access to signatures for broad “elections purposes.” (Count VI)
- Chapter 2, § I(B)(1), which permits a non-uniformed-services or overseas voter on the AEVL to make a one-time request to have a ballot mailed to an address outside of Arizona. The RNC alleged that this provision conflicts with [A.R.S. § 16-544\(B\)](#), which permits only uniformed-services or overseas voters to use an address outside of Arizona for the AEVL. (Count VII)
- Chapter 2, § V(A), which requires that challenges “be submitted in writing after an early ballot is returned to the County Recorder and prior to the opening of the early ballot affidavit envelope” and that any challenges “received before the early ballot is returned or after the affidavit envelope containing the ballot has been opened must be summarily denied as untimely.” The RNC alleged that this provision conflicts with [A.R.S. § 16-552\(D\)](#), which sets forth the procedure for challenging early ballots and permits such challenges any time before the ballot is deposited in the ballot box. (Count VIII)
- Chapter 8, § VIII(B), which requires a voter to attest when submitting a provisional ballot that the voter understands that voting the incorrect ballot style in the wrong precinct or county will result in his or her vote not being counted, and Chapter 9, § VI(B)(1)(f), which

requires an election official to permit a voter whose name does not appear on the precinct's signature roster to vote a provisional ballot in the correct style for the voter's assigned precinct and to advise the voter that the ballot will be counted after it is confirmed the voter is eligible to vote and has not already voted. The RNC alleged that this provision conflicts with A.R.S. § 16-122, which directs that “[n]o person shall be permitted to vote unless such person's name appears as a qualified elector in both the general county register and in the precinct register or list of the precinct and election districts or proposed election districts in which such person resides,” subject to certain statutory exceptions. (Count IX)

*3 ¶5 A few days later, the RNC moved for a preliminary injunction on the APA claim, as well as on six of the eight alternative claims challenging particular EPM provisions. The Secretary opposed the request and moved to dismiss the complaint for lack of standing and failure to state a claim under Rule 12(b)(1) and (6), Ariz. R. Civ. P. Intervenor Voto Latino and Arizona Alliance for Retired Americans also moved to dismiss on various grounds including standing.

¶6 The superior court granted the motion to dismiss. Although the court expressed “concerns about whether [the RNC has] standing for some or all of their claims,” it did not expressly rule on that issue. Instead, it concluded that the APA's procedures did not apply to the EPM because § 16-452 provides an independent procedure to promulgate a valid EPM. The court also upheld each of the challenged provisions, finding they did not contradict or directly conflict with federal or state laws. The court entered final judgment in the Secretary's favor, and the RNC appealed.

¶7 In March 2025, we reversed the superior court's dismissal, concluding that the EPM is subject to the APA's rulemaking procedures and that the Secretary had not substantially complied with those procedures in promulgating the 2023 EPM. *Republican Nat'l Comm. v. Fontes*, ___ Ariz. ___, ¶ 2, 566 P.3d 984, 987 (App. 2025). In October 2025, however, our supreme court vacated our opinion after concluding the APA did not apply to the EPM's promulgation and reinstated the first three pages of the superior court's May 2024 decision. It further remanded the case for us to address the RNC's alternative arguments that the above-listed EPM provisions are invalid.

Discussion

¶8 The Secretary and intervenors Voto Latino and Arizona Alliance of Retired Americans encourage us to affirm the superior court's dismissal without reaching the merits of the RNC's claims because the RNC lacks standing to challenge the specific EPM provisions at issue. See *Sears v. Hull*, 192 Ariz. 65, ¶ 9 (1998) (court does not address merits of claim if plaintiff lacks standing). The Secretary maintains that the challenged rules govern election officials—not the RNC—and that the RNC has failed to show a “real or imminent threat of harm” from the rules’ enforcement. Likewise, Voto Latino and the Arizona Alliance for Retired Americans assert the RNC has “fail[ed] to explain how ... the enforcement of any of the individually challenged provisions harms—or even affects—them in any way.” The RNC's response to these arguments focuses primarily on its APA claim. As to its substantive challenges to the EPM, the RNC asserts that its expenditure of resources for election purposes, its general interest in elections administration, and the potential for criminal prosecution under § 16-452(C) is sufficient to establish standing under the DJA.

¶9 We review questions of standing de novo.² *Ariz. Creditors Bar Ass'n v. State*, 257 Ariz. 406, ¶ 8 (App. 2024). “[T]he question of standing in Arizona is not a constitutional mandate since we have no counterpart to the ‘case or controversy’ requirement of the federal constitution.” *Armory Park Neighborhood Ass'n v. Episcopal Cmty. Servs. in Ariz.*, 148 Ariz. 1, 6 (1985); see Ariz. Const. art. VI; U.S. Const. art. III, § 2, cl. 1. And “[t]he consequence of not having a case or controversy requirement in our Constitution is that in Arizona, standing is a prudential consideration rather than a mandatory prerequisite to suit.” *Montenegro v. Fontes*, ___ Ariz. ___, ¶ 18, 576 P.3d 692, 697 (2025); see also *Strawberry Water Co. v. Paulsen*, 220 Ariz. 401, ¶ 7 (App. 2008) (standing “only raises ‘questions of prudential or judicial restraint’ ” (quoting *Armory Park Neighborhood Ass'n*, 148 Ariz. at 6)).

*4 ¶10 Nonetheless, Arizona has “established a rigorous standing requirement.” *Fernandez*, 210 Ariz. 138, ¶ 6. “The requirement is important: the presence of standing sharpens the legal issues presented by ensuring that true adversaries are before the court and thereby assures that our courts do not issue mere advisory opinions.” *Sears*, 192 Ariz. 65, ¶ 24. As a result, we waive the standing requirement only in “exceptional circumstances.” *Id.* ¶ 25. In most cases, we apply the standing doctrine “as a matter of judicial restraint

to ensure courts ‘refrain from issuing advisory opinions, that cases be ripe for decision and not moot, and that issues be fully developed between true adversaries.’ ” *Mills v. Ariz. Bd. of Tech. Registration*, 253 Ariz. 415, ¶ 23 (2022) (quoting *City of Surprise v. Ariz. Corp. Comm’n*, 246 Ariz. 206, ¶ 8 (2019)).

¶11 In our prior opinion, we concluded the RNC had standing to seek a declaration that the APA applied and that the Secretary's failure to comply with its procedures in promulgating the EPM invalidated the manual. *Republican Nat’l Comm.*, ___ Ariz. ___, ¶¶ 15, 27, 566 P.3d at 990, 993-94; see *Samaritan Health Sys. v. Ariz. Health Care Cost Containment Sys. Admin.*, 198 Ariz. 533, ¶ 22 (App. 2000) (“Parties may seek declaratory relief against an agency through A.R.S. section 41-1034 [if] ... the plaintiff asserts that a rule is invalid due to an agency's failure to comply with the applicable statutory procedures when promulgating the rule.”). Central to our reasoning was the APA's broad standing provision, which permits “[a]ny person who is or may be affected by a rule” to sue to enforce the APA's requirements. § 41-1034(A) (emphasis added). This provision, however, does not apply to the RNC's substantive EPM challenges, which arise only under the DJA, §§ 12-1831 to 12-1846. We must therefore determine if the RNC has standing to raise its substantive claims under that statute.

¶12 Unlike the APA, the DJA does not allow a party to redress a possible, but uncertain, future harm. *Ariz. Creditors Bar Ass’n*, 257 Ariz. 379, ¶ 12 (relief sought must be “based on an existing state of facts, not those which may or may not arise in the future,” and any decision on the matter must not be advisory (quoting *Land Dep’t v. O’Toole*, 154 Ariz. 43, 47 (App. 1987))). Standing under the DJA is, however, broad. *Id.* The statute allows a party “whose rights, status or other legal relations are affected by a statute” to have a court determine “any question of construction or validity arising under the ... statute” and to “obtain a declaration of rights, status or other legal relations thereunder.” § 12-1832.

¶13 Actual injury or prejudice is not required, and because a declaratory-judgment action is remedial in nature it “should be ‘liberally construed and administered.’ ” *Ariz. Sch. Bds. Ass’n v. State*, 252 Ariz. 219, ¶ 16 (2022) (quoting *Podol v. Jacobs*, 65 Ariz. 50, 54 (1946)). But there still must be “an actual controversy ripe for adjudication” and “parties with a real interest in the questions to be solved.” *Bd. of Supervisors of Maricopa Cnty. v. Woodall*, 120 Ariz. 379, 380 (1978); see § 12-1842 (purpose of the DJA is to “settle

and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations”); *Ariz. Creditors Bar Ass’n*, 257 Ariz. 379, ¶ 12 (“While broad, [the DJA] does not permit courts to act as legislators by setting policy or issuing advisory opinions—standing is still required.”). “No proceeding will lie under the declaratory judgment acts to obtain a judgment which is advisory only or which merely answers a moot or abstract question; a mere difference of opinion will not suffice.” *Ariz. State Bd. of Dir. for Junior Colls. v. Phx. Union High Sch. Dist. of Maricopa Cnty.*, 102 Ariz. 69, 73 (1967).

*5 ¶14 In its complaint, the RNC explained that each of its county, state, and national party committees “promote[] the election of Republican candidates” and have “an interest in the administration” and “procedural integrity of Arizona elections,” as well as “the competitive environment affecting Republican candidates.” The RNC alleged that it would be forced to divert resources “if election rules are not made consistent with Arizona law.” The RNC reiterates those arguments on appeal and emphasizes that, because the EPM governs “the conduct of persons campaigning, voting, observing, administering, and reporting on elections,” and because the failure to follow the EPM is a crime, the RNC, as well as its candidates and volunteers, are necessarily affected by a legally erroneous rule. It also contends that political parties in general have a “broad interest ... against being forced to compete in an illegally structured environment.”

¶15 These arguments, however, assert a “generalized harm that is shared alike by all or a large class of citizens” and typically “is not sufficient to confer standing.” *Ariz. Creditors Bar Ass’n*, 257 Ariz. 406, ¶ 12 (quoting *Sears*, 192 Ariz. 65, ¶ 16). Further, the RNC's allegation that the provisions compromise its ability to promote candidates establishes, at most, an “injury to its advocacy,” which also does not confer standing. See *Ariz. Sch. Bds. Ass’n*, 252 Ariz. 219, ¶ 18. Nor can the RNC establish standing merely by asserting that an erroneous EPM provision could require it to expend resources unnecessarily. *Id.* (rejecting argument that organization has standing to challenge statute's constitutionality “if it demonstrates merely that the contested statute drained its resources and frustrated its mission”).

¶16 Moreover, the challenged provisions, for the most part, govern the duties and obligations of county recorders and other elections officials but do not impose affirmative obligations on the RNC. For example, the provisions

challenged in Count II of the RNC's complaint establish how county recorders must respond to a registered voter's sworn admission of non-citizenship, and those challenged in Count V concern county recorders' duties to consult certain databases to verify citizenship. Likewise, the provisions at issue in Counts III, IV, VII and IX concern when and how certain groups of persons may vote, a question that does not directly implicate the RNC's interests. And while the provisions challenged in Count VI, which restricts public access to the signature component of a registrant's record, and Count VIII, which concerns the time for challenging an early ballot, impact political parties and the public at large, the RNC does not explain how those provisions' enforcement detrimentally affects its rights, status, or legal obligations such that a real legal controversy exists. *See* § 12-1832.

¶17 Nor are we persuaded by the RNC's reliance on *Mecinas v. Hobbs*, 30 F.4th 890, 898 (9th Cir. 2022), to argue that the competitive-standing doctrine applies. As a threshold matter, the RNC directs us to no decision in which our supreme court has recognized competitive standing, and we are not bound by federal jurisprudence addressing Article III standing. *See Dobson v. State ex rel. Comm'n on App. Ct. Appointments*, 233 Ariz. 119, ¶ 9 (2013) (because Arizona lacks case-or-controversy requirement, "this Court is informed, but not bound, by federal standing jurisprudence").

¶18 In any event, *Mecinas* is distinguishable. There, the Ninth Circuit considered whether the Democratic National Committee (DNC) had standing to challenge Arizona's ballot order statute, which "require[d] that, in each county, candidates affiliated with the political party of the person who received the most votes in that county in the last gubernatorial race be listed first on the general election ballot." 30 F.4th at 894. Since the statute's enactment, candidates belonging to the Republican Party had been listed first on most ballots. *Id.* Applying the competitive-standing doctrine, the court reasoned: "If an allegedly unlawful election regulation makes the competitive landscape worse for a candidate or that candidate's party than it would otherwise be if the regulation were declared unlawful, those injured parties have the requisite concrete, non-generalized harm to confer standing." *Id.* at 898. The court concluded that the DNC had "standing to sue based on the ongoing, unfair advantage conferred to their rival candidates" by the statute. *Id.*

*6 ¶19 Here, the RNC has failed to explain how the challenged EPM provisions "make[] the competitive landscape worse" for it or its candidates than it would be without the provisions. *Id.* Even assuming, without deciding, that the provisions are erroneous, they apply equally to all candidates and parties and do not disadvantage the RNC or its candidates in particular. For all of these reasons, we conclude the RNC lacks standing on this record to seek a declaratory judgment that the challenged provisions of the EPM conflict with statute and are therefore invalid.⁴

Disposition

¶20 For the foregoing reasons, we affirm the superior court's decision dismissing the RNC's complaint.

All Citations

Not Reported in Pac. Rptr., 2025 WL 3511098

Footnotes

- ¹ The Democratic National Committee and Arizona Democratic Party have also intervened in this matter, but they do not challenge the RNC's standing.
- ² Although the superior court did not resolve the standing question, we may affirm its dismissal on any basis supported by the record. See *R.O.I. Props. LLC v. Ford*, 246 Ariz. 231, ¶ 13 (App. 2019).
- ³ To the extent the RNC relies on *Arizona Public Integrity Alliance v. Fontes*, 250 Ariz. 58, ¶¶ 11-12 (2020), to assert that it possesses a sufficient beneficial interest in the action to confer standing, we disagree. *Arizona Public Integrity Alliance* involved a mandamus action, which by statute “allows a ‘party beneficially interested’ in an action to compel a public official to perform an act imposed by law.” *Id.* (quoting A.R.S. § 12-2021). The RNC here has not sought mandamus relief.
- ⁴ We recently arrived at the same conclusion in an unpublished decision involving similar facts and the Republican Party of Arizona, which is also a party here. See *Ariz. Free Enter. Club v. Fontes*, No. 2 CA-CV 2024-0221 (Ariz. App. Aug. 27, 2025) (mem. decision). In that case, various organizations sought a declaratory judgment that a provision of the 2019 and 2023 EPMs governing signature comparisons on early ballots contradicted state law. *Id.* ¶¶ 2, 18-21, 27-36. We concluded the Republican party lacked standing to seek such a judgment because its interest involved only “the uniform enforcement of the statutory scheme,” which is “the type of interest that could be asserted by any Arizona voter.” *Id.* ¶ 32. We likewise found the Republican party's argument that the EPM provision impeded its efforts to encourage voters to cure their defective ballot signatures too hypothetical to confer standing. *Id.* ¶ 34.