



March 19, 2019

Molly C. Dwyer
Clerk of Court
The James R. Browning Courthouse
95 7th Street
San Francisco, CA 94103

Re: *Arizona Libertarian Party v. Hobbs*, No. 17-16491

To the Clerk:

Pursuant to Federal Rule of Appellate Procedure 28(j) and Circuit Rule 28-6, Appellants (“the Libertarians”) respectfully cite the following authorities as relevant to points raised during the hearing held on March 12, 2019.

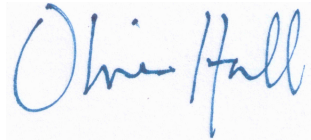
A.R.S. § 16-804(B), which entitles political parties to continuing representation on Arizona’s general election ballot based on their number of registered voters, was enacted in 1992. *See* 1992, Ariz. Sess. Laws 1302. No party except the Republicans, Democrats and Libertarians has ever qualified for the general election ballot pursuant to Section 16-804(B). *See* Arizona Secretary of State, *Voter Registration Counts*, available at <https://azsos.gov/elections/voter-registration-historical-election-data/voter-registration-counts>. These authorities are relevant to the Court’s query as to whether Arizona has “an ability to limit how many parties are on the ballot with some reasonable restrictions”. [Video Transcript at 12:22–13:08.]

Additionally, as applied in 2018, Section 16-322 imposed a statewide signature requirement of 6,223 for Republicans, 5,801 for Democrats and 3,153 for Libertarians. *See* Arizona Secretary of State, *Running for Office*, available at <https://azsos.gov/elections/running-office/running-statewide-office>. These figures translate to 0.47 percent of party members for Republicans, 0.49 percent of party members for Democrats and 9.74 percent of party members for Libertarians. *See*

Arizona Secretary of State, *Voter Registration & Historical Data*, available at <https://azsos.gov/elections/voter-registration-historical-election-data>. These figures are relevant to the Secretary's claim that "the state is not asking the Libertarian Party to do something different than any of the other established parties." [Vid. Tr. at 22:50 – 22:59.]

Finally, before Sections 16-321 and 16-322 were amended in 2015, Libertarian candidates typically ran unopposed in the primary election. See Secretary of State, *Historical Election Results & Information*, available at <https://azsos.gov/elections/voter-registration-historical-election-data/historical-election-results-information>. This authority is relevant to the Court's analysis of whether these provisions are "a reasonable means of achieving the state's desired ends". *Soltysik v. Padilla*, 910 F.3d 438, 448 (9th Cir. 2018) (citations omitted).

Respectfully submitted,



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Counsel to Appellants