

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-064149

03/18/2026

HONORABLE GREG S. COMO

CLERK OF THE COURT

C. Lacey

Deputy

ARIZONA CITIZENS CLEAN ELECTIONS
COMMISSION, et al.

WILLIAM A RICHARDS

v.

ADRIAN FONTES

KAREN HARTMAN-TELLEZ

KURT MICHAEL ALTMAN
JUSTIN R DEPAUL
ROY HERRERA
TERI HOURIHAN
6635 W HAPPY VALLEY RD
STE A104-621
GLENDALE AZ 85310
ANTHONY J RAMIREZ
SAMANTHA L FOX
JAYLIA YAN
JOSHUA MICHAEL WHITAKER
PHILIP G MAY
MATTHEW ADLER
UZOMA NKWONTA
ROBERT GOLAN-VILELLA
JILLIAN L ANDREWS
CHRISTOPHER O MURRAY
JUDGE COMO
DOCKET CV TX

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MINUTE ENTRY

There is a “LATER” at the end of this minute entry.

Prior to the commencement of the proceedings, Eve Burton is sworn to perform the duties of the court reporter. Additionally, Defendants' exhibits 1 through 34 are submitted electronically.

Central Court Building - Courtroom 401

9:00 a.m. This is the time set for an Evidentiary/Preliminary Injunction Hearing. Arizona Citizens Clean Elections Commission, Mark Kimble, and Tom Collins are represented by counsel, William A. Richards and Samantha L. Fox. Adrian Fontes, in his official capacity as the Secretary of State for the state of Arizona, is represented by counsel, Karen J. Hartman-Tellez, Joshua M. Whitaker, and Jaylia Yan. The Arizona Democratic Party is represented by counsel, Uzoma Nkwonta, Robert Golan-Vilella, and Jillian L. Andrews. The Republican National Committee and the Republican Party of Arizona, LLC are represented by counsel, Kurt M. Altman and Christopher O. Murray. The Arizona Independent Party is represented by counsel, Justin R. DePaul, Philip G. May, and Matthew Adler. No other parties are present nor represented in the proceedings.

Court reporter, Eve Burton, is present. A record of the proceedings is also made digitally.

Brief discussion is held regarding allocation of time.

Argument is presented to the Court.

10:17 a.m. Court stands at recess.

10:39 a.m. Court reconvenes with the respective parties and counsel present.

Court reporter, Eve Burton, is present. A record of the proceedings is also made digitally.

Argument continues.

For reasons stated on the record,

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IT IS ORDERED taking the matter under advisement.

11:52 a.m. Matter concludes.

LATER:

The Court now issues its ruling on the summary judgment motions filed by the Arizona Democratic Party, the Republican National Committee and Republican Party of Arizona, LLC, and the Arizona Citizens Clean Elections Commission (collectively “Plaintiffs”).

Undisputed Facts

The following facts are undisputed¹:

The Secretary of State Adrian Fontes (the Secretary) is a duly elected government official of the State of Arizona occupying an office created by the Arizona Constitution. The Secretary has the statutory responsibility to receive and review petitions from political parties seeking representation on Arizona ballots.

In 2023, the No Labels Party of Arizona (NOL) collected enough valid voter signatures to gain new party recognition and access to the ballot under A.R.S. § 16-801 and 803. The petition sheets submitted by the NOL stated that the new political party for which signers sought recognition “shall be known as No Labels Party.” JSOF, Exhibit 4.

On March 8, 2023, the Secretary issued a statement that “the No Labels Party exceeds the minimum signature requirement and, therefore, qualifies as a new party for federal, statewide and legislative races in the 2024 Primary and General Elections under Arizona Law.” The Secretary estimated that NOL collected a total of 41,663 valid signatures.

Because NOL achieved recognition by petition in March 2023, it is entitled to representation as a political party on the official ballot through the November 2026 General Election.

On October 8, 2025, Paul Johnson, the NOL Board Chair, provided the Secretary a Memorandum in Support of Name Change Request, with the subject “Notification of Intent to Change Party Name to ‘Arizona Independent Party.’” JSOF, Exhibit 6.

¹ These facts were agreed to by the parties in their Joint Statement of Facts (“JSOF”) filed on February 13, 2026.

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On October 16, 2025, the Secretary provided NOL/AIP a letter with the subject “Reply to October 8, 2025 Memo Regarding Name Change,” indicating that the new name would be formally recognized effective December 1, 2025. JSOF, Exhibit 7.

In the October 16 approval letter, the Secretary acknowledges: “The Arizona Revised Statutes do not address the issue of political parties changing their names. In the absence of statutory authority, the general rule is to presume that conduct not prohibited is permitted.” JSOF, Exhibit 7.

On November 29, 2025, the Secretary issued a document entitled “No Labels Party Name Change Guidance” (the “Guidance Document”) to County Recorders, Election Directors, and staff regarding implementation of NOL/AIP’s name change. JSOF, Exhibit 12.

The Secretary’s Guidance Document states: “The No Labels Party changed their name to the Arizona Independent Party on 12/1/2025. Those voters registered as ‘No Labels Party’ are registered with the Arizona Independent Party as of 12/1/2025.” JSOF, Exhibit 12.

The Guidance Document further instructs the County Recorders that they must “convert voters currently registered as the No Labels Party (NOL) to the Arizona Independent Party (AIP)” by December 1, 2025. JSOF, Exhibit 12.

Legal Analysis

Standing for Arizona Citizens Clean Elections Commission

The Secretary challenges whether the Arizona Citizens Clean Elections Commission (ACCEC) has both standing and capacity to bring its Complaint for declaratory relief.

ACCEC has standing to bring this action. The Declaratory Judgment Act allows a party “whose rights, status or other legal relations are affected by a statute” to obtain a declaration of its rights or other legal relations thereunder. A.R.S. § 12-1832. The party need not show an actual injury, but there must be “an actual case or controversy ripe for adjudication” and “parties with a real interest in the questions to be resolved.” *Bd. of Supervisors of Maricopa Cnty. v. Woodall*, 120 Ariz. 379 (1978).

ACCEC has been vested with significant responsibilities regarding Arizona’s election process. *See* A.R.S. § 16-940. These responsibilities include issuing the Voter Education Guide and accepting and distributing Clean Elections funds. A.R.S. § 16-956. These responsibilities are affected by the Secretary’s recognition of the No Labels Party’s name change.

The Court finds that the ACCEC has both standing and capacity to bring this action. Regardless, no one disputes that the Arizona Democratic Party and the Republican Party of Arizona have standing to bring their claims for declaratory relief.

The Secretary Lacks Authority to Approve a Party’s Name Change on the Ballot

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The Secretary is an officer in the executive branch of Arizona's government. Ariz. Const. art. 5 § 1(A). As such, the Secretary's powers and duties are only as "shall be prescribed by law." Ariz. Const. art. 5 § 9. Unlike some other states, Arizona's constitutional officers have "no inherent or common law authority." *State ex rel. Brnovich v. Ariz. Bd. of Regents*, 250 Ariz. 127, 130, ¶ 8 (2020) (discussing powers of Arizona Attorney General).

Arizona statutes set forth the Secretary's duties. Among his duties, the Secretary is responsible for recognition of new political parties, and to determine ballot access for these parties' candidates. A.R.S. §§ 16-801-804. These statutes provide a detailed process that the Secretary must follow to recognize a political party. For instance, the Secretary must determine if the party has submitted enough valid signatures to appear on the ballot. A.R.S. § 16-803(I). If the party meets the signature threshold, they are entitled to appear "on the official ballot through the next two regularly scheduled general elections for federal office immediately following recognition of the political party." A.R.S. § 16-801(B).

The No Labels Party followed the statutory process and was properly recognized as a political party. The Arizona Independent Party did not follow this process. It obtained no signatures from Arizona voters. It submitted no petitions to the Secretary.

Unlike the process for recognizing a new political party, Arizona law has no statutes which describe how a party may change its name. The Secretary admitted this when he approved the NOL/AIP name change: "The Arizona Revised Statutes do not address the issue of political parties changing their names." The Secretary argues that his authority to approve a name change is inherent in his general election duties. This directly conflicts with the Arizona Supreme Court's holding that executive branch officers have "no inherent or common law authority." *Brnovich, supra*.

Permitting a political party to change its name without going through the statutory signature-gathering process is not a ministerial act by the Secretary. The signature-gathering process serves important policy purposes. It ensures that a party appearing on the ballot has a meaningful level of support among Arizona voters. Relatedly, it prevents a plethora of parties with minimal or no support from appearing on the ballot. When a person signs a petition on behalf of an aspiring party, it is reasonable to infer that they are largely motivated by how the party describes itself, i.e., the *party's name*. Would the same 41,000 people who signed petitions to recognize the No Labels Party have signed to support the "Arizona Nazi Party" or the "Arizona Anarchists"?

By approving a party's requested name change, without it obtaining the necessary signatures for party recognition, the Secretary permits a political bait and switch. A party can gather signatures using an innocuous sounding name and then change it to something completely different. If the Secretary is to have such power, it must be prescribed by the Arizona Constitution or state statutes. It is not.

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Equally problematic is the Secretary's guidance to County Recorders that they must now register all No Labels Party members as AIP members. These voters did not register as members of the Arizona Independent Party. The Secretary does not have statutory authority to dictate which party a voter belongs to. The decision belongs to the voter. A.R.S. § 16-652(A)(5) ("The [registration] form shall allow the registrant to ... mark the party preference and shall include a blank line for other party preference options.").

Arizona's Ballot Access Laws Do Not Violate NOL's Constitutional Rights

Both the Secretary and NOL/AIP argue that the Secretary was essentially compelled to recognize No Labels' name change request as a matter of constitutional law. They contend that, to do otherwise, would interfere with the party's right to freedom of association.

Arizona does not have a procedure for a party, once formally recognized, to use a different name on the ballot. To do so, the party must complete the process of obtaining the required number of valid signatures under the name it seeks to use on the ballot. There is no other path for a party to appear on the ballot, under *any* name. The question, then, is whether requiring a party to go through the signature gathering process anew violates the party's rights under the First and Fourteenth Amendments.

All election laws impose some burden on the expressive and associational rights protected by the First Amendment. *Walden v. Kozinski*, 153 F.4th 118, 134 (2nd Cir. 2025). But because the Constitution affords States broad power to regulate elections, they inevitably must "enact reasonable regulations of parties, elections and ballots to reduce election- and campaign – related disorder." *Id.* quoting *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 357 (1997).

Most courts apply the *Anderson-Burdick* test to cases challenging the constitutionality of state election laws. *Walden, supra*. Under this test, the court must weigh the burdens imposed on the plaintiff against the precise interests put forward by the State, taking into consideration the extent to which those interests make it necessary to burden the plaintiffs' rights. *Id.*

The Secretary argues that *Anderson-Burdick* does not apply because Arizona law does not address a party name change. NOL/AIP ignores *Anderson-Burdick* altogether, presumably for the same reason. The Court disagrees with their reasoning because Arizona provides a way for a party to gain ballot access under a different name – by going through the party recognition process under A.R.S. §§ 16-801-804.

Applying *Anderson-Burdick*, the Court finds that it does not violate a party's associational rights to require it to follow the new party recognition process when it seeks to appear on the ballot under a different name. First, the burden on the party is not substantial. NOL already accomplished party recognition once. Second, the State has legitimate reasons to require parties to appear on the ballot using the name in which they gained ballot access. Doing so promotes transparency by ensuring that a party does not use a popular or favorable-sounding

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name to gather signatures, only to appear on the ballot as something altogether different. Furthermore, signature-gathering shows there is “a significant modicum of support” for candidates appearing under the Arizona Independent Party banner. *Kannarr v. Hardy*, 118 Ariz. 224, 225 (1978). It also avoids voter confusion by maintaining party identity. The Secretary himself acknowledges that “there’s going to be voter confusion” if the name change remains in place.²

In sum, the Court finds that Secretary Fontes lacked authority to approve the request of the No Labels Party to the Arizona Independent Party. As such, his approval of the name change is ultra vires and void.

Disposition

IT IS ORDERED:

1. Granting the Motions for Summary Judgment filed by the Arizona Democratic Party, the Republican National Committee and Republican Party of Arizona, LLC, and the Arizona Citizens Clean Elections Commission.
2. Declaring void as an ultra vires act the Arizona Secretary of State’s recognition of the Arizona Independent Party.
3. Declaring void as an ultra vires act the Arizona Secretary of State’s October 16, 2025, letter formally recognizing the No Labels Party’s request to change its name to the Arizona Independent Party. (Joint Statement of Facts, Exhibit 7).
4. Declaring void as an ultra vires act the Arizona Secretary of State’s Guidance Document, effective December 1, 2025, to the County Recorders and other election officials (Joint Statement of Facts, Exhibit 12).
5. Denying all other relief sought by the Plaintiffs.
6. No further matters remain pending. Final judgment is entered under Arizona Rule of Procedure 54(c).

DATED this 19th day of March, 2026.

/s/ HONORABLE GREGORY S. COMO

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JUDICIAL OFFICER OF THE SUPERIOR COURT

² See Arizona Democratic Party’s Statement of Facts, ¶ 21, which the Secretary does not dispute. See Secretary of State’s Opposing Statement of Facts at p. 28.