



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**CENTER FOR ARIZONA POLICY, INC., et al. v. ARIZONA
SECRETARY OF STATE, et al.
CV-24-0295-PR**

PARTIES:

Petitioners/Plaintiffs/Appellants: Center for Arizona Policy, Inc., Arizona Free Enterprise Club, Doe I, and Doe II

Respondents/Defendants/Appellees: Arizona Secretary of State and Arizona Citizens Clean Elections Commission

Respondents/Intervenors/Appellees: Voters' Right to Know and Arizona Attorney General

FACTS:

The Voters' Right to Know Act (the "Act") was added to the Arizona Revised Statutes by an initiative measure approved by voters in the November 2022 election. The Act requires certain persons to disclose sources of campaign donations that exceed \$5,000 and are used for "campaign media spending." The Act also establishes recordkeeping responsibilities for certain persons and certain donors.

Plaintiffs filed a lawsuit alleging that the Act violates the free speech guarantees set forth in the Arizona Constitution, both facially and as applied to them. The superior court dismissed Plaintiffs' complaint. Plaintiffs then appealed.

The court of appeals determined that exacting scrutiny should be applied in determining whether the Act violates the Arizona Constitution. The court then found that the Act does not facially violate free speech rights because it is substantially related and narrowly tailored to important government interests. The court also found that the Act does not violate free speech as applied to Plaintiffs.

ISSUES (as rephrased by the Arizona Supreme Court):

1. Is the Voters' Right to Know Act facially unconstitutional under the Ariz. Constitution?
2. If not, did the court of appeals properly dismiss Plaintiffs-Appellants' as-applied challenge?

The parties are admonished to address whether the tiers of scrutiny under federal First Amendment jurisprudence are applicable to Ariz. Const. art. 2, § 6.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.