



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**REPUBLICAN NATIONAL COMMITTEE, *et al.*, v. ADRIAN
FONTES
CV-25-0089-PR**

PARTIES:

Petitioner/Defendant: Adrian Fontes, in his official capacity as Arizona Secretary of State (“Secretary”).

Respondents/Plaintiffs: Republican National Committee; Republican Party of Arizona, LLC; and Yavapai County Republican Party (collectively, “RNC”).

FACTS:

This case concerns two different areas of the law. As part of Arizona’s election laws, the Secretary is directed to draft an Elections Procedures Manual (“EPM”) every other year. 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 before the general election. A.R.S. § 16-452(B). Upon approval, the EPM must be issued no later than December 31 of that year. *Id.*

The Arizona Administrative Procedure Act (“APA”) dictates how certain state agencies make rules under A.R.S. §§ 41-1001 to 41-1057.

On July 31, 2023, the Secretary published a draft of the EPM, which was duly approved and published on December 30, 2023. On February 9, 2024, RNC filed suit challenging the EPM, arguing that the promulgation of the EPM was subject to the rule-making provisions of the APA. The trial court disagreed and held that the EPM was not subject to the APA’s rule-making requirements. RNC appealed, and the court of appeals reversed, finding that the EPM was subject to the APA’s rule-making requirements and that the 2023 EPM did not substantially comply with that process. The Secretary filed a petition for review in this Court challenging the court of appeals’ decision.

ISSUES:

1. Must Arizona officials follow both Section 16-452’s unique statutory process and the APA’s rulemaking process when issuing the EPM?
2. If so, should that decision apply only prospectively to future EPMs?

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