

SUPREME COURT OF ARIZONA

PROGRESS ARIZONA, PROGRESS) Arizona Supreme Court
ARIZONA PAC, JOEL EDMAN,) No. CV-24-0179-AP/EL
)
Plaintiffs/Appellants,) Maricopa County
) Superior Court
v.) No. CV2024-016113
)
STATE OF ARIZONA, ADRIAN FONTES,) **FILED 8/22/2024**
)
Defendants/Appellees.)
)
_____)

DECISION ORDER

The Court, en banc, has considered the briefs, the record, the superior court's order, and the relevant authorities and case law in this expedited election appeal concerning Senate Concurrent Resolution 1044 ("SCR 1044"), a proposed measure for the November 2024 General Election.¹ SCR 1044 seeks to implement amendments to the Arizona Constitution, including certain provisions within article 6.

Appellants challenged the legal sufficiency of SCR 1044 on grounds that it violated the separate amendment rule. See Ariz. Const. art. 21, § 1 ("If more than one proposed amendment is submitted at any election, the proposed amendments shall be submitted in such a manner that the electors may vote for or against such proposed amendments separately."). In particular, Appellants argued that SCR 1044 section 8's provisions establishing legislative involvement in judicial performance review processes are separate from the earlier provisions in SCR 1044 that address judicial retention elections. Accordingly, Appellants filed an application for preliminary injunction that would bar the State and its agents from placing SCR 1044 on the November 2024 ballot.

¹ Justices Bolick and King are recused.

After hearing arguments from the parties, the superior court entered an order denying Appellants' request for injunctive relief. The court concluded that SCR 1044 satisfies the separate amendment rule, and it denied all relief sought in the Appellants' verified complaint. The court also rejected Appellants' argument that the title of SCR 1044 is misleading. Appellants have timely appealed. The sole issue raised on appeal is whether SCR 1044 complies with the separate amendment rule. On appeal, Appellants do not raise any argument relative to SCR 1044's title.

For the reasons explained by the superior court, we unanimously conclude that Appellants have failed to show that SCR 1044 violates article 21, section 1 of the Arizona Constitution. The Court finds that SCR 1044 complies with the separate amendment rule because its provisions are topically related and sufficiently interrelated so as to form a consistent and workable proposition that, logically speaking, should stand or fall as a whole. See *McLaughlin v. Bennett*, 225 Ariz. 351, 354 ¶ 8 (2010).

Therefore,

IT IS ORDERED affirming the superior court's decision.

IT IS FURTHER ORDERED that the Secretary of State shall leave SCR 1044 on the November 2024 general election ballot.

IT IS FURTHER ORDERED directing the Clerk to issue the mandate forthwith.

DATED this 22nd day of August, 2024,

_____/s/_____
ANN A. SCOTT TIMMER
Chief Justice

TO:

James E Barton II

Jacqueline Mendez Soto

Daniella Fernandez Lertzman

Nathan Arrowsmith

Kara Karlson

Karen J Hartman-Tellez

Kyle R Cummings

Kory A Langhofer

Thomas J Basile

Brunn W Roysden III

Andrew W Gould

Brennan AR Bowen

Hon. Jeff Fine

Hon. John David Napper

Alberto Rodriguez