SUPREME COURT OF ARIZONA

HEATHER TURLEY, Plaintiff/Appellant, v. RICHARD COLWELL, et al., Defendants/Appellees.	)	Arizona Supreme Court No. CV-24-0197-AP/EL Maricopa County Superior Court No. CV2024-022057 **FILED 8/22/2024**

DECISION ORDER

On August 21, 2024, the superior court entered its order rejecting the Plaintiff's complaint challenging the Make Elections Fair Act under A.R.S. §§ 19-121.03(B) and 19-122(C). The superior court dismissed the challenge for a number of reasons. We need only affirm on one basis to uphold the dismissal of this challenge, which we do in the interest of time.

Section 19-121.03(B) provides that "[a]ny citizen may challenge in the superior court the certification made by a county recorder pursuant to A.R.S. § 19-121.02 within five calendar days of the receipt thereof by the Secretary of State." As the superior court observed, under A.R.S. § 19-121.01(B), the Secretary must "select, at random, five percent of the total signatures eligible for verification by the county recorders of the counties in which the persons signing the petition claim to be qualified electors," and transmit those to the counties. The counties then "determine which

signatures of individuals whose names were transmitted shall be disqualified" for certain enumerated reasons. § 19-121.02(A). As pertinent here, "[i]f a petitioner signed more than once, all but one otherwise valid signature shall be disqualified." § 19-121.02(A)(8).

Plaintiff's challenge sought to disqualify duplicate signatures under § 19-121.03(B), alleging, "[c]ertain signatures included in the County Recorder's five percent sample set are duplicates of ones that were executed earlier *elsewhere* in the Initiative Petition." Complaint ¶ 28 (emphasis added). Plaintiff contends she "is entitled to new certifications by the Defendant County Recorders that invalidate duplicate signatures," and a recalculation of the invalidity rate. *Id.* ¶ 31.

As the superior court found, the county recorder defendants "followed section 19-121.01(B) to the letter." "Had the Legislature intended for the Recorders' validation to look beyond the sampled signatures and compare them to the rest of the signatures on the petition sheets, they would have provided in section 19-121.01(B) for the Secretary of State to transmit all of the petition sheets to the Recorders."

The Court, en banc, having considered Maricopa County's Notice of Decision Deadline for Ballot Printing, Plaintiff/Appellant's Opening Brief, Pima County Recorder's Answering Brief and Make Elections Fair Pac's Answering Brief, unanimously affirms the superior court. There is no statutory basis to grant the relief requested.

Therefore,

IT IS ORDERED affirming the superior court and dismissing this challenge with prejudice.

IT IS FURTHER ORDERED the Clerk shall issue the mandate forthwith.

DATED this 22nd day of August, 2024.

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

TO:
Roy Herrera
Daniel A Arellano
Austin T Marshall
Jane Ahern
William J Kerekes
Jack O'Connor
Joseph E La Rue
Rosa Aguilar
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Scott Matthew Johnson
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Travis Charles Hunt
Emma Cone-Roddy
Joshua J. Messer
Gideon Cionelo
Hon Jeff Fine, Clerk
Hon John R Hannah Jr, Judge
Liz Gomez
Alberto Rodriguez
ASC Judicial Assistants
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