

**IN THE SUPREME COURT
STATE OF ARIZONA**

JUSTIN HEAP,

Petitioner,

v.

THOMAS GALVIN, *et al.*,

Respondents.

No. CV-26-0189-SA

Court of Appeals
No. 1 CA-CV 26-0446

Maricopa County Superior Court
No. CV2025-020621
No. CV2025-022266
(Consolidated)

**MARICOPA COUNTY BOARD OF SUPERVISORS MAJORITY'S
RESPONSE TO PETITION FOR SPECIAL ACTION**

Kory Langhofer, Ariz. Bar No. 024722

kory@statecraftlaw.com

Thomas Basile, Ariz. Bar. No. 031150

tom@statecraftlaw.com



649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
(602) 382-4078

Counsel for Maricopa County Board of Supervisors

TABLE OF CONTENTS

INTRODUCTION	1
JURISDICTION	5
ARGUMENT	7
I. THE COURT OF APPEALS CORRECTLY FOUND THAT THE BOARD IS LIKELY TO SUCCEED ON THE MERITS	9
A. The Court of Appeals Signaled Its Disagreement with the Trial Court’s Legal Conclusions	10
B. <i>Purcell</i> Modifies Application of the <i>Smith</i> Factors in This Context	11
C. The Board’s Merits Arguments Are Correct	15
1. “County Recorder or Other Officer in Charge of Elections” Does Not Mean “County Recorder or His Designee”	15
2. The Board Has Complied with A.R.S. § 11-601(2) by Funding and Making Available to the Recorder a Shared IT System and Staff	21
II. THE TRIAL COURT’S INJUNCTION INFRINGES ON THE BOARD’S STATUTORY AUTHORITY AND WILL DESTABILIZE THE ADMINISTRATION OF UPCOMING ELECTIONS	25
A. Transfer of IT Systems	25
B. Reassignments of Key Election Administration Functions	28
III. CONSIDERATIONS OF EQUITY AND THE PUBLIC INTEREST FAVOR A STAY	28
CONCLUSION	30

TABLE OF AUTHORITIES

Cases

<i>Arizona Public Integrity Alliance v. Fontes</i> , 250 Ariz. 58 (2020).....	14
<i>Am. Encore v. Fontes</i> , 152 F.4th 1097 (9th Cir. 2025)	12
<i>Ariz. Early Childhood Dev. & Health Bd. v. Brewer</i> , 221 Ariz. 467 (2009).....	5
<i>Arizona Pres. Found. v. Pima Cmty. Coll. Dist. Bd.</i> , 259 Ariz. 539 (App. 2025).....	8
<i>Associated Indem. Corp. v. Warner</i> , 143 Ariz. 567 (1985).....	7, 30
<i>Bd. of Sup’rs. v. Rio Rico Volunteer Fire Dist.</i> , 119 Ariz. 361 (App. 1978).....	22
<i>Bilke v. State</i> , 206 Ariz. 462 (2003).....	15
<i>City of Flagstaff v. Ariz. Dept. of Admin.</i> , 255 Ariz. 7 (App. 2023).....	10, 27
<i>City of Phoenix v. Butler</i> , 110 Ariz. 160 (1973).....	3
<i>Cooper Indus., Inc. v. Aviall Servs., Inc.</i> , 543 U.S. 157 (2004).....	14
<i>Democratic Nat’l Comm. v. Wis. State Legislature</i> , 141 S. Ct. 28 (2020).....	1
<i>Fann v. State</i> , 251 Ariz. 425 (2021).....	8

<i>Fontes v. Lewis</i> , CV-24-0251-T/AP, 2024 WL 4625950 (Ariz. Oct. 25, 2024).....	12, 13
<i>Gregory v. Thompson</i> , 159 Ariz. 512 (App. 1989).....	22
<i>IB Prop. Holdings, LLC v. Rancho Del Mar Apartments Ltd. P’ship</i> , 228 Ariz. 61 (App. 2011).....	26
<i>Lake v. Hobbs</i> , 623 F. Supp. 3d 1015 (D. Ariz. 2022)	29
<i>League of Women Voters of Fla., Inc. v. Fla. Sec’y of State</i> , 32 F.4th 1363 (11th Cir. 2022)	11
<i>Leiva-Perez v. Holder</i> , 640 F.3d 962 (9th Cir. 2011)	8
<i>Logan v. Forever Living Prods. Int’l, Inc.</i> , 203 Ariz. 191 (2002).....	23
<i>Lohr v. Bolick</i> , 249 Ariz. 428 (2020).....	13
<i>Malliotakis v. Williams</i> , 146 S. Ct. 809 (2026).....	29
<i>Maricopa Cnty. Recorder Stephen Richer v. Arizona Sec’y of State Adrian Fontes</i> , CV-24-0221-SA, 2024 WL 4299099 (Ariz. Sept. 20, 2024).....	13
<i>Maricopa Cnty. v. Dann</i> , 157 Ariz. 396 (1988).....	21
<i>Merrill v. Milligan</i> , 142 S. Ct. 879 (2022).....	12, 13
<i>Mussi v. Hobbs</i> , 255 Ariz. 395 (2023).....	17
<i>Nat’l. Institutes of Health v. Am. Pub. Health Ass’n.</i> ,	

145 S. Ct. 2658 (2025).....	27
<i>Nken v. Holder</i> , 556 U.S. 418 (2009).....	28
<i>Piner v. Superior Court in and for Cnty. of Maricopa</i> , 192 Ariz. 182 (1998).....	6
<i>Planned Parenthood of Greater Texas Surgical Health Services v. Abbott</i> , 571 U.S. 1061 (2013).....	8
<i>Planned Parenthood v. Mayes</i> , 257 Ariz. 137 (2024).....	16
<i>Premier Physicians Grp., PLLC v. Navarro</i> , 240 Ariz. 193 (2016).....	18
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006).....	1, 11, 13
<i>Republican Nat’l Comm. v. Fontes</i> , No. 2 CA-CV 2024-0241 (Ariz. App. Oct. 28, 2024)	13
<i>Republican Nat’l. Comm. v. Democratic Nat’l. Comm.</i> , 589 U.S. 423 (2020).....	1, 11
<i>Roberts v. State</i> , 253 Ariz. 259 (2022).....	4
<i>Robson Ranch Mountains, L.L.C. v. Pinal Cnty.</i> , 203 Ariz. 120 (App. 2002).....	16
<i>Sierra Tucson, Inc. v. Bergin</i> , 239 Ariz. 507 (App. 2016).....	6
<i>Silence v. Betts</i> , 258 Ariz. 84 (App. 2024).....	7

<i>Smith v. Ariz. Citizens Clean Elections Comm’n</i> , 212 Ariz. 407 (2006).....	8
<i>State Farm Auto. Ins. Co. v. Orlando</i> , 259 Ariz. 531 (2025).....	16
<i>State v. Dugan</i> , 113 Ariz. 354 (1976).....	15
<i>State v. Eddington</i> , 228 Ariz. 361 (2011).....	18
<i>State v. Estrada</i> , 201 Ariz. 247 (2001).....	10
<i>State v. Guerra</i> , 161 Ariz. 289 (1989).....	6
<i>State v. Harm</i> , 236 Ariz. 402 (App. 2015).....	20
<i>State v. Lucero</i> , 204 Ariz. 363 (App. 2003).....	6
<i>State v. Payne</i> , 223 Ariz. 555 (App. 2009).....	23
<i>Tucson Estates Prop. Owners Ass’n, Inc. v. McGovern</i> , 239 Ariz. 52 (App. 2016).....	7
<i>United States v. Nishiie</i> , 996 F.3d 1013 (9th Cir. 2021)	18
<i>Voice of Surprise v. Hall</i> , 255 Ariz. 510 (2023).....	4
<i>Washington v. Trump</i> , 145 F.4th 1013 (9th Cir. 2025)	27

Statutes

A.R.S. § 11-201(A)	19, 21
A.R.S. § 11-251(1)	21
A.R.S. § 11-251(2)-(3)	24
A.R.S. § 11-251(3)	26
A.R.S. § 11-409	17
A.R.S. § 11-601(2)	4
A.R.S. § 16-103	19
A.R.S. § 16-112(B).....	23
A.R.S. § 16-121.01	19
A.R.S. § 16-128.....	23
A.R.S. § 16-131	19
A.R.S. § 16-134.....	23
A.R.S. § 16-135.....	23
A.R.S. § 16-142(A)	23
A.R.S. § 16-161	23
A.R.S. § 16-165.....	19, 23
A.R.S. § 16-165(E)-(G).....	23
A.R.S. § 16-168(J).....	23
A.R.S. § 16-241(D)	17
A.R.S. § 16-250(A)	17
A.R.S. § 16-311(F).....	26
A.R.S. § 16-411	24

A.R.S. § 16-411(B).....	24, 26
A.R.S. § 16-511(B).....	24, 26
A.R.S. § 16-531	24
A.R.S. § 16-531(A)	26
A.R.S. § 16-535(A)	26
A.R.S. § 16-544.....	19
A.R.S. § 16-579.01	28
A.R.S. § 16-579.02.....	28
A.R.S. § 16-579(B).....	24, 26
A.R.S. § 16-601	17
A.R.S. § 16-621	28
A.R.S. § 16-621(A)	17
A.R.S. § 16-803(A)	17
A.R.S. § 16-928(A)(2).....	26
A.R.S. § 38-461	17
A.R.S. § 38-462	17
A.R.S. § 42-17101	21

Other Authorities

Ariz. Op. Atty. Gen. No. I22-004 (Oct. 28, 2022)	17
State of Arizona, ELECTRONIC VOTING SYSTEMS INSTRUCTIONS & PROCEDURES MANUAL (July 1994).....	16

Rules

Ariz. R. P. Spec. Action 4(c).....	7
Ariz. R. P. Spec. Action 12(a).....	5
Ariz. R. P. Spec. Action 12(c)(1)	6
Ariz. R. P. Spec. Action 12(c)(5)	6

Constitutional Provisions

Ariz. Const. art. XII, § 4.....	20
---------------------------------	----

The Maricopa County Board of Supervisors majority, through Kate Brophy McGee, Thomas Galvin, Debbie Lesko, and Steve Gallardo, in their respective official capacities (the “Board”), respectfully submits this response in opposition to Maricopa County Recorder Justin Heap’s Petition for Special Action (the “Petition”), pursuant to the Court’s Order of June 29, 2026.

INTRODUCTION

The Court of Appeals’ stay vindicated “a basic tenet of election law: When an election is close at hand, the rules of the road should be clear and settled.” *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31 (2020) (Kavanaugh, J., concurring). This commonsense imperative is also a maxim of equity and an admonition of judicial restraint. It finds its formal doctrinal embodiment in the so-called *Purcell* principle—*i.e.*, because “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls,” *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006), “courts should ordinarily not alter the election rules on the eve of an election,” *Republican Nat’l. Comm. v. Democratic Nat’l. Comm.*, 589 U.S. 423, 424 (2020).

A more compelling illustration of the *Purcell* principle’s conceptual soundness and practical necessity would be difficult to find. In the Recorder’s self-servingly sanitized rendition of events, the trial court’s injunction merely rejiggered

certain arcane bureaucratic tasks and reshuffled control of IT resources. The facts, though, tell a markedly different story. The injunction detonates disruptions across multiple facets of election administration, including Election Day operations, ballot chain of custody, and tabulation. And it confronts the Board with the Catch-22 of either forfeiting control over its own IT infrastructure—which, in the trial court’s analytical framework, itself inflicts an irreparable harm—or squandering millions of taxpayer dollars for a redundant system.

Nor has the Recorder tempered the injunction’s impracticable terms with responsibility and restraint. To the contrary, he fires a frenzied fusillade of near-daily threats of sanctions, felony prosecutions, and bar complaints, and even demanded that the trial court levy contempt fines (nominally against the Board but functionally against Maricopa County taxpayers) of \$100,000 *per day*. *See* SUPP.APP0008, 0012-15; APP047-96. Chasing phantoms, he has charged the Board with violating the federal Stored Communications Act, fueled by the false delusion that the Board had hacked his Chief of Staff’s email account. *See* SUPP.APP0024-28. And as the Recorder’s own filings in this Court attest, his objectives are a perpetually moving target; the Recorder’s Supplemental Brief unveiled an array of proposals that differ markedly from those presented in the Petition’s “interim plan.”

This is not sustainable. The Court of Appeals rightly recognized that the injunction has precipitated “real-world consequences in elections about to begin” [APP129]—precisely the instability that the *Purcell* principle aspires to prevent. And even if *Purcell* were by itself an insufficient predicate for a stay, the Court of Appeals expressly concluded that the Board is likely to succeed on the merits. That is because the trial court’s injunction is premised on two significant legal errors.

First, in holding that the statutory phrase “county recorder or other officer in charge of elections” means “county recorder or his designee,” the trial court transgressed the cardinal canon that the judiciary cannot “rewrite statutes” and “substitute its judgment for that of the Legislature.” *City of Phoenix v. Butler*, 110 Ariz. 160, 162 (1973). One cannot extract from the words comprising that phrase any concept of delegation, chain-of-authority or the like. The correct construction—which is consonant with the text’s plain meaning and the term’s usage in Arizona election administration—is that, when a statute states that a function or duty may be performed by one of the “other officer[s] in charge of elections,” the Board, which controls the funding attached to that function, may authorize the task to be performed by the Board-appointed Maricopa County Elections Director, who undisputedly is an “officer in charge of elections.”

Second, in announcing that the Board must surrender to the Recorder’s direct “custody or control” integrated IT systems and personnel that both the Recorder and

the Board utilize for critical functions, the trial court again sought to “inflate, expand, stretch, or extend a statute to matters not falling within its express provisions.” *Roberts v. State*, 253 Ariz. 259, 266 ¶ 10 (2022) (citation omitted). The Board is obligated merely to fund the “necessary expenses incurred in the conduct of” the Recorder’s office. A.R.S. § 11-601(2). It has discharged this duty by providing the Recorder with full access to, and use of, IT functionalities and support staff that correspond to his statutory duties. In contriving a freestanding right of the Recorder to “custody or control” over county resources on which he relies—including even resources on which Board staff rely—the trial court not only strayed far outside any recognizable semblance of the statutory text, but backed itself into an oxymoron. If a county office is, in fact, entitled to “custody or control” over the functionalities and staff it uses, then the trial court’s injunction precipitates a violation of itself; transfer of the integrated IT structure to the Recorder will deprive the Board of “custody or control” over *its* IT systems and staff.

“[M]isinterpreting or misapplying the law” is, by definition, an abuse of discretion that necessitates a vacatur of a resulting injunction. *Voice of Surprise v. Hall*, 255 Ariz. 510, 513 ¶ 11 (2023). And when, as here, such a legal error threatens immediate injury to the public’s interest in the stable administration of elections that is not counterbalanced by any equally compelling equitable benefit—and the

Recorder’s personal feelings of validation are not such a benefit—the Court of Appeals properly stayed the injunction while its lawfulness is reviewed on appeal.

JURISDICTION

Whatever the importance of the legal questions at stake, the Petition offers a poor vehicle for resolving them. This Court’s “special action jurisdiction is ‘highly discretionary.’” *Ariz. Early Childhood Dev. & Health Bd. v. Brewer*, 221 Ariz. 467, 468 ¶ 2 (2009) (citation omitted). The lodestar of the jurisdictional inquiry is “whether remedy by appeal is equally plain, speedy, and adequate.” *Ariz. R. P. Spec. Action 12(a)*. On this point, the Petition stumbles at the threshold. The substantive legal issues at stake already are the subject of a pending appeal in the Court of Appeals; merits briefing will commence next month.

The Petition’s jurisdictional arguments also wither under the glare of the Rule 12 factors. The Board acknowledges that the relevant legal issues are important and, at least in some sense, questions of first impression. But the Recorder struggles to satisfy any of the remaining criteria favoring review. No question has been designated for review pursuant to Rule 13; no party has raised a privilege or immunity claim; there is no plausible contention that the dispute is on the verge of becoming moot (at least absent a voluntary settlement agreed to by both parties); no issue implicates child welfare; far from advancing litigation efficiency, the Petition only injects additional factual and logistical complications into a pending election;

and the Court of Appeals’ stay order finds plausible (if not compelling) justification in the law.

Conversely, the Petition’s extensive reliance on—and introduction of additional—factual questions counsels strongly against special action review. *See* Ariz. R. P. Spec. Action 12(c)(1), (5). As the Board’s June 25 Report catalogued, the Recorder’s Petition reveals for the first time an ostensible “interim plan” that was never raised or argued in the lower courts. No sooner had the Board pointed out the operational flaws and inconsistencies in the “interim plan” than the Recorder engineered in his Supplemental Brief an entirely new iteration that diverged in key respects from the original “interim plan.” But an appellate court “do[es] not weigh the evidence; that is the function of the fact-finder.” *State v. Lucero*, 204 Ariz. 363, 366 ¶ 20 (App. 2003) (citing *State v. Guerra*, 161 Ariz. 289, 293 (1989)); *see also Piner v. Superior Court in and for Cnty. of Maricopa*, 192 Ariz. 182, 184 ¶ 8 (1998) (emphasizing that special action jurisdiction generally is not appropriate when lower court rulings reach the court “without a full factual record,” noting that “allowing endless, piecemeal review burdens the litigants and courts with prolonged and costly procedures”); *Sierra Tucson, Inc. v. Bergin*, 239 Ariz. 507, 509 ¶ 6 (App. 2016) (declining special action jurisdiction where the petition would require the “court to resolve factual disputes and weigh competing interests of the parties”).

In sum, the underlying legal issues are, when presented in the procedural posture of the Court of Appeals’ stay order, riddled with fluid and transient factual questions that render them ill-suited for special action review. The Court accordingly should decline to accept jurisdiction.

ARGUMENT

As the Recorder seemingly acknowledges, he can obtain relief only by establishing that the Court of Appeals abused its discretion in granting the stay. *See* Ariz. R. P. Spec. Action 4(c). In general, “[a] court abuses its discretion when its discretion is ‘manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons.’” *Silence v. Betts*, 258 Ariz. 84, 87 ¶ 7 (App. 2024) (citation omitted). When applying the abuse of discretion rubric, the question “is not whether the judges of this court would have made an original like ruling, but whether a judicial mind, in view of the law and circumstances, could have made the ruling without exceeding the bounds of reason.” *Tucson Estates Prop. Owners Ass’n, Inc. v. McGovern*, 239 Ariz. 52, 56 ¶ 12 (App. 2016) (quoting *Associated Indem. Corp. v. Warner*, 143 Ariz. 567 (1985)). Similarly, the U.S. Supreme Court has indicated that it will “not vacate a stay entered by a court of appeals unless that court clearly and demonstrably erred in its application of accepted standards.” *Planned Parenthood of Greater Texas Surgical Health Services v. Abbott*, 571 U.S. 1061

(2013) (Scalia, J., concurring in denial of application to vacate stay) (internal quotations and citations omitted).

“As in the context of preliminary injunctions, Arizona courts determining the propriety of a stay pending appeal consider four factors: (1) whether the requesting party has a strong likelihood of success on the merits; (2) whether irreparable harm will result if the stay is not granted; (3) whether the harm to the requesting party outweighs the harm to the opposing party; and (4) whether public policy favors granting the stay.” *Arizona Pres. Found. v. Pima Cmty. Coll. Dist. Bd.*, 259 Ariz. 539 ¶ 12 (App. 2025) (citing *Smith v. Ariz. Citizens Clean Elections Comm’n*, 212 Ariz. 407 (2006)).

When applying these criteria in the preliminary injunction context, this Court has conceptualized them as a “sliding scale” under which “the moving party may establish either 1) probable success on the merits and the possibility of irreparable injury; or 2) the presence of serious questions and [that] the balance of hardships tip[s] sharply in favor of the moving party.” *Fann v. State*, 251 Ariz. 425, 432 ¶ 16 (2021). “If anything, a flexible approach is even *more* appropriate in the stay context” because “stays are typically less coercive and less disruptive than are injunctions.” *Leiva-Perez v. Holder*, 640 F.3d 962, 966 (9th Cir. 2011).

The Recorder relies heavily on the notion that the Court of Appeals “never analyzed th[e] statutory questions” in dispute and thus committed an error of law.

Pet. at 4. But this argument misfires on three levels. First, the *Purcell* principle modifies the *Smith* factors to heed the unique practical, logistical, and institutional concerns precipitated by injunctions issued in close proximity to elections. Second, the Court of Appeals did, in fact, find unambiguously that the Board is likely to succeed on the merits. Third, even if it did not, this Court can and should independently reach the same conclusion.

Further, the Court of Appeals acted well within the expansive bounds of permissible discretion in deciding that the injunction's immediate implementation threatened the Board with irreparable harm, and that the balance of hardships and public policy favored a stay.

I. The Court of Appeals Correctly Found That the Board Is Likely to Succeed on the Merits

The Court of Appeals' reasoned assessment that "the Board is very likely to succeed on the merits" [APP129] is well-founded. The Recorder insists that the Court of Appeals relied too heavily on *Purcell*, which he characterizes as "an equitable timing consideration" that Arizona courts "have never adopted." Pet. at 18, 19. He is incorrect on all counts. The Court of Appeals did address the merits; *Purcell* informs the entirety of the *Smith* factors, not merely equitable "timing" concerns; and this Court has expressly ratified *Purcell*'s place in Arizona law.

A. The Court of Appeals Signaled Its Disagreement with the Trial Court’s Legal Conclusions

The Recorder’s contention that the Court of Appeals was impervious to the legal questions in dispute finds refutation in the court’s reasoning. The stay order outlined in some detail the incongruous—if not absurd— consequences ensuing from the trial court’s injunction, including the disruption of ballot chains of custody, the Recorder’s claim to “commandeer space within the Board’s polling places,” and bifurcation of the unitary county canvass—to buttress its finding of the Board’s likely success. These repercussions, in turn, all find their genesis in the trial court’s construction of the statutory phrase “county recorder or other officer in charge of elections.”

The Court of Appeals’ analysis was not detailed or exhaustive. But, like a preliminary injunction, a stay is merely an interim remedy that reflects an appellate court’s initial appraisal of the merits—not a final and definitive adjudication of them. *Cf. City of Flagstaff v. Ariz. Dept. of Admin.*, 255 Ariz. 7, 13–14 ¶ 24 (App. 2023) (noting that a preliminary injunction is only a “tentative ruling and ‘only a predication about the merits’” (citation omitted)). The Court of Appeals’ commentary on the operational problems engendered by the injunction implicitly but necessarily cast doubt on the trial court’s interpretive conclusions. *See generally State v. Estrada*, 201 Ariz. 247, 251 ¶ 16 (2001) (“[W]e interpret and apply statutory language in a way that will avoid an untenable or irrational result.”).

B. *Purcell* Modifies Application of the *Smith* Factors in This Context

The Recorder’s assertion that the Court of Appeals committed legal error is premised on his assertions that *Purcell* (1) is a narrow equitable consideration that is detached from the merits and (2) does not apply in Arizona. Both assumptions are wrong.

First, *Purcell* modifies, and in some respects subsumes, the traditional four-factor *Smith* test when an injunction threatens to disrupt the administration of imminent elections. The seminal case itself makes the point explicitly; in vacating a lower court injunction against Arizona’s enforcement of its voter ID laws, the Supreme Court emphasized that it was “express[ing] no opinion here on the correct disposition . . . or on the ultimate resolution of these cases.” *Purcell*, 549 U.S. at 5.

To be sure, the interplay between *Purcell* and the customary four-factor standard for injunctive relief or a stay defies a definitive consensus. Some courts conceptualize *Purcell* as largely displacing the four-factor test. *See, e.g., Republican Nat’l. Comm. v. Democratic Nat’l. Comm.*, 589 U.S. 423, 424 (2020) (describing *Purcell* as embodying the proposition that courts “should ordinarily not alter the election rules on the eve of an election,” and not addressing the merits of the underlying claims); *League of Women Voters of Fla., Inc. v. Fla. Sec’y of State*, 32 F.4th 1363, 1370 (11th Cir. 2022) (opining that “the ‘traditional test for a stay’

likewise ‘does not apply’ in the particular circumstances” of pre-election injunctions).

Others posit that *Purcell* is better understood as a “sensible refinement of ordinary stay principles for the election context” that skews the traditional standard’s elements to favor the *status quo*. *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring) (adding that a plaintiff can overcome *Purcell* by showing, among other things, that “the underlying merits are entirely clearcut in favor of the plaintiff”); *see also generally Am. Encore v. Fontes*, 152 F.4th 1097, 1121 (9th Cir. 2025) (explaining that *Purcell* requires courts to “assess the particular circumstances of each case in light of the concerns expressed by the *Purcell* court to determine whether an injunction is proper” (citations omitted)).

The Court need not decide here which variant of *Purcell* is more persuasive. The point is that the Court of Appeals correctly understood *Purcell* as holistically informing the entirety of the stay analysis—and not merely as a discrete consideration that is confined to one facet of the four-factor test.

Second, this Court not only has expressly incorporated *Purcell* into Arizona law, but also recognized its impact on the usual multi-pronged standard for equitable relief. *See Fontes v. Lewis*, CV-24-0251-T/AP, 2024 WL 4625950 (Ariz. Oct. 25, 2024). There, the trial court had declined to enter a preliminary injunction against a provision of the Elections Procedures Manual regulating certain voting procedures

at Election Day polling locations. While citing the traditional four-factor test, the Court made clear that it was affirming solely “based on the [trial] court’s ruling” with respect to the balance of hardships, which in turn was predicated on *Purcell*. *Id.* at *2. The Court’s brief order did not parse the interrelationship between the four-factor test and *Purcell*. But in affirming exclusively on *Purcell* grounds—without independently analyzing the underlying legal claims—the Court (like the Court of Appeals here) correctly and unmistakably imparted that *Purcell* counsels “a sensible refinement of ordinary stay principles for the election context.” *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring); *see also Maricopa Cnty. Recorder Stephen Richer v. Arizona Sec’y of State Adrian Fontes*, CV-24-0221-SA, 2024 WL 4299099, at *3 (Ariz. Sept. 20, 2024) (citing *Purcell* in denying petition for last minute pre-election change to certain voters’ registration status); Order, *Republican Nat’l Comm. v. Fontes*, No. 2 CA-CV 2024-0241 (Ariz. App. Oct. 28, 2024) (denying entirely on *Purcell* grounds a motion to preliminarily enjoin EPM provision), available at <https://tinyurl.com/4ahaknrk>.¹

The Recorder’s attempt to contrive a conflict between *Lewis* and *Arizona Public Integrity Alliance* (“AZPIA”) *v. Fontes* finds little to sustain it. After holding

¹ The Recorder dismisses *Lewis* as an unpublished disposition. But it retains significant persuasive force as a recent expression of this Court’s election law jurisprudence. And the Court has drawn on unpublished rulings in election cases to fortify later decisions. *E.g.*, *Lohr v. Bolick*, 249 Ariz. 428, 432 ¶ 16 (2020).

that the then-Maricopa County Recorder had issued unlawful ballot instructions, the *AZPIA* Court observed that “the County was able to remove the New Instruction and mail early ballots by the . . . deadline,” and hence “suffered no prejudice” from the plaintiffs’ alleged delay in filing suit. 250 Ariz. 58, 65 ¶¶ 29, 30 (2020). *AZPIA* never cited *Purcell*, and there is no indication that any party had ever invoked it. Extruding from *AZPIA* a rejection of a principle that was never raised, argued, or decided is, at the very least, a dubiously counterintuitive mode of reasoning. *See generally Cooper Indus., Inc. v. Aviall Servs., Inc.*, 543 U.S. 157, 170 (2004) (observing that questions “neither brought to the attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents.” (citation omitted)).

More to the point, *AZPIA* is wholly consonant with *Purcell*. The Court found no laches problem because the Recorder had taken timely corrective action and “suffered no prejudice.” 250 Ariz. at 65 ¶ 30. Here, by contrast, the Court of Appeals made extensive findings concerning the injunction’s disruptive reverberations for both election workers and voters—precisely the risk that *Purcell* aims to extinguish.

In short, the Court of Appeals correctly apprehended the *Purcell* principle as modifying—if not necessarily superseding—the customary four-factor *Smith* test. In doing so, it maintained fidelity to both *Purcell* itself and this Court’s disposition

in *Lewis*. Because the Recorder has not adduced any colorable error of law in the Court of Appeals' approach, the Court can and should deny special action relief.

C. The Board's Merits Arguments Are Correct

Even if the Court of Appeals' assessment of the merits were somehow deficient, this Court can affirm a lower court's ruling "on any grounds which were within the issues, such as whether the correct legal result was reached even though it was based on the wrong reason." *State v. Dugan*, 113 Ariz. 354, 356 (1976). To that end, the Court can and should find that the trial court's injunction was premised on two significant legal errors, thus warranting a stay.

1. "County Recorder or Other Officer in Charge of Elections" Does Not Mean "County Recorder or His Designee"

When a statute provides that a task may be carried out by "the county recorder or other officer in charge of elections," the Board-appointed Elections Director may permissibly perform that function. The trial court's holding that the phrase instead "permit[s] designation by the county recorder of another officer to exercise that function when necessary," APP040 ¶ 17, is detached from the statute's plain text and dissonant with contextual and historical indicia of its intended meaning.

The focal point in any interpretive inquiry is "the language of the statute itself." *Bilke v. State*, 206 Ariz. 462, 464 ¶ 11 (2003). A proper textual exegesis requires "giv[ing] effect to each word of the statute," *id.*, which entails "reading each word, phrase, clause, and sentence in such a way to ensure that no part of the statute

is void or trivial,” *Planned Parenthood v. Mayes*, 257 Ariz. 137, 142 ¶ 15 (2024). Just as each word within a discrete provision must be fully effectuated, courts also “consider statutes that are *in pari materia*—of the same subject or general purpose—for guidance and to give effect to all of the provisions involved.” *State Farm Auto. Ins. Co. v. Orlando*, 259 Ariz. 531 ¶ 10 (2025) (citation omitted).

To that end, it is crucial to disaggregate the key statutory phrase—“county recorder or other officer in charge of elections”—into its component parts. The meaning of the term “county recorder” is undisputed. Further, the Recorder has expressly stipulated that the Board-appointed Elections Director qualifies as an “officer in charge of elections.” Rec. Response to Bd.’s MSJ at 5 (Sept. 2, 2025). That concession comports with the term’s entrenched regulatory use. Every EPM published between at least 1994 and 2014 explained that “[t]he Board of Supervisors may appoint an officer in charge of elections to be in charge of all functions the Board does not direct personally. The officer in charge of elections shall be vested with the delegated authority of the Board and is responsible directly to the Board for actions taken in [sic] their behalf.” State of Arizona, ELECTRONIC VOTING SYSTEMS INSTRUCTIONS & PROCEDURES MANUAL (July 1994) at 6, *available at* <https://azmemory.azlibrary.gov/nodes/view/309156>; *see also Robson Ranch Mountains, L.L.C. v. Pinal Cnty.*, 203 Ariz. 120, 129 ¶ 26 (App. 2002) (finding that the Board’s clerk is the “officer in charge of elections” for ballot measures); Ariz.

Op. Atty. Gen. No. I22-004 (Oct. 28, 2022) (“In Cochise County, the ‘officer in charge of elections’ for purposes of A.R.S. § 16-602 appears to be the Director of the County Elections Department.”).²

The fulcrum of the interpretive question accordingly is the meaning and import of the word “**or**.” The trial court imputed to the term a grant of delegation that implicitly transmogrified “officer in charge” into “recorder’s designee.” That ambitious semantic leap, though, suffers from three interrelated flaws.

First, it transgresses the cardinal canon that courts cannot “read into a statute something which is not within the manifest intention of the legislature as indicated by the statute itself.” *Mussi v. Hobbs*, 255 Ariz. 395, 402 ¶ 34 (2023) (citation omitted). No fair reading can yield from the phrase “county recorder or other officer in charge of elections” invisible verbs of delegation.

Second, it spawns redundancy. Every county officer always can, by operation of law, delegate his statutory duties to properly appointed deputies, clerks, and subordinates. *See* A.R.S. §§ 38-461, 38-462, 11-409. That is as it must be; no one contends that Recorder Heap could or does personally perform every task assigned by statute to “the county recorder.” Thus, the phrase “county recorder,” when used

² The trial court fleetingly credited the Recorder’s argument that the term “other officer” refers to the Recorder’s municipal-level counterpart. APP040 ¶ 18. But as it implicitly acknowledged in the next paragraph, that construction is discredited by various statutes that explicitly envision the “officer in charge” as a county official. *E.g.*, A.R.S. §§ 16-250(A), 16-803(A), 16-241(D), 16-601, 16-621(A)).

alone, necessarily embraces delegations to the Recorder’s staff and deputies. It follows that by construing “other officer in charge of elections” to mean “county recorder’s designee,” the trial court rendered the terms “county recorder” and “county recorder or other officer in charge of elections” equivalent and conterminous. But that evinces a problem. If the “terms mean the same thing, then one [phrase] is redundant, and we generally construe statutes so that no part is rendered redundant or meaningless.” *State v. Eddington*, 228 Ariz. 361, 363 ¶ 9 (2011).

Third, the trial court’s analysis is irreconcilable with the intrinsic meaning of the term “or.” As this Court and others have explained, “[w]hen two disjunctive terms modify the same action, each possibility must make sense standing alone.” *Premier Physicians Grp., PLLC v. Navarro*, 240 Ariz. 193, 197 ¶ 18 (2016); *see also United States v. Nishiie*, 996 F.3d 1013, 1023 (9th Cir. 2021) (“As a general rule, the use of a disjunctive in a statute indicates alternatives and requires that they be treated separately.” (citation omitted)). Thus, when a statute says that a given activity may be performed by either “the county recorder or other officer in charge of elections,” the grant of authority to the “officer in charge” is an independent alternative to its discharge by the county recorder. By contrast, the trial court effectively inverted the canon, rendering the phrase “officer in charge” dependent on, and subordinate to, the antecedent reference to the “county recorder.” The result

is dissonant with both basic maxims of construction and the plain meaning of the words.

A return to the plain text conduces clarity. The Board is the presumptive repository of Maricopa County's governmental powers, *see* A.R.S. § 11-201(A). As even the trial court acknowledged, it retains substantial discretion in exercising its control over the County's finances, property, and resources. *See* APP038 ¶¶ 4–5. It follows that when a statute provides that a task can be carried out by “the county recorder or other officer in charge of elections,” the Board may permissibly condition fiscal appropriations or other authorizations on the activity's assignment to the Elections Director.

The Recorder deploys two primary arguments to prop-up the trial court's untenable interpretation, *see* Pet. 32–34; neither persuades.

First, the Recorder's curious reliance on the *expressio unius* canon and the canon against surplusage defeats his own interpretive theory. Dozens of statutes in Title 16 assign a task or duty to “the county recorder” alone, and omit the disjunctive alternative “or other officer in charge of elections.” *See, e.g.*, A.R.S. §§ 16-103, 16-121.01, 16-131, 16-165, 16-544. As discussed above, the term “county recorder” includes, as a matter of law, his deputies and designees. Thus, the Recorder's theory obliterates any articulable distinction between these two statutory phrases. That is a textbook transgression of the maxim that “when the legislature chooses different

words within a statutory scheme, we presume those distinctions are meaningful and evidence an intent to give a different meaning and consequence to the alternate language.” *State v. Harm*, 236 Ariz. 402, 407 ¶ 19 (App. 2015).³

Second, the Recorder echoes the trial court’s invocation of an unidentified and evidently non-textual “constitutional” constraint on statutory delegations or subdelegations among county officers. But the Constitution itself vests in the Legislature an unqualified power to delineate each county officer’s respective duties and the relationships between these officers. *See* Ariz. Const. art. XII, § 4 (“The duties, powers, and qualifications of such officers shall be as prescribed by law.”). Unless and until the Recorder can find in the Constitution actual written words that limit the Legislature’s power to subdivide or subdelegate various duties among county officers, his “constitutional” argument is not viable. (This point is addressed further in the Board’s response to the legislative leaders’ *amicus curiae* brief).

In sum, semantic, contextual, and contemporaneous manifestations of legislative intent indicate uniformly that, when a task may be performed by “the county recorder” *or, in the alternative*, by “the officer in charge of elections,” then

³ By contrast, the Board’s interpretation does not render “county recorder or other officer” synonymous with “board of supervisors or other officer.” The latter formulation uniquely imparts that the county recorder is not presumptively authorized to perform the relevant task or activity.

the Board-appointed Elections Director may carry out the function, irrespective of whether the Recorder has ‘consented.’

2. The Board Has Complied with A.R.S. § 11-601(2) by Funding and Making Available to the Recorder a Shared IT System and Staff

The trial court’s holding that the Board must vest in the Recorder unilateral “custody or control” of shared IT resources and staff is unmoored from A.R.S. § 11-601(2)’s plain text, which requires only that the Board finance “necessary expenses incurred in” the Recorder’s “conduct of [his] office[.]”

A.R.S. § 11-601 denotes certain costs and liabilities as “county charges,” to include county officers’ “necessary expenses” in carrying out their statutory responsibilities. These “county charges” are payable by the Board, as the repository of the county government’s general powers and pursuant to its authority to “[d]etermine the budgets of all elected and appointed county officers.” A.R.S. § 11-201(A). This budgetary responsibility also entails making contracts on the county’s behalf and managing the county’s real property. *See id.* §§ 11-251(1), 42-17101, *et seq.* As the trial court itself agreed, “[t]he power and responsibility for producing a balanced county budget rests with the board of supervisors.” *Maricopa Cnty. v. Dann*, 157 Ariz. 396, 399 (1988). The Board’s budgetary and resource allocation decisions are conclusive as long as they are not “arbitrary or capricious” or an “abuse of discretion.” *Bd. of Sup’rs. v. Rio Rico Volunteer Fire Dist.*, 119 Ariz. 361, 364

(App. 1978). A corollary is that the “court is not a super-board of supervisors” and cannot “substitute [its] judgment for that of the board of supervisors.” *Gregory v. Thompson*, 159 Ariz. 512, 515 (App. 1989).

The Board accordingly can discharge its duty under A.R.S. § 11-601(2) by financing and making available to the Recorder IT capabilities and personnel that are necessary to carry out the Recorder’s statutory responsibilities. The Board has done exactly that through shared IT services. There is no evidence that the Board has ever cut-off IT access for the Recorder’s Office or that he is unable to fulfill his statutory duties to manage and maintain the voter registration rolls. *See, e.g.*, SUPP.APP0044-51. And even the trial court did not purport to find that a few sporadic and inadvertent failures—which *any* complex IT system inevitably will suffer—constituted a constructive denial of statutorily necessary resources to the Recorder’s Office.

Instead, the trial court conjured out of A.R.S. § 11-601(2) an ostensible legal right of a county officer not only to receive and access but also to exercise “custody or control” over the equipment, materials, and staff his office utilizes. Unable to fashion a credible textualist rationale for its holding, the trial court instead cited a 2015 advisory opinion by the Arizona Attorney General. As an initial matter, an “Attorney General’s opinion does not constitute precedent regarding statutory construction.” *Logan v. Forever Living Prods. Int’l, Inc.*, 203 Ariz. 191, 194 ¶ 10

n.4 (2002) (adding that “[o]pinions of the Attorney General are due our respect, but are advisory and not binding”); *see also State v. Payne*, 223 Ariz. 555, 568 ¶ 44 (App. 2009) (“[W]e do not find the attorney general’s opinion [regarding county’s authority to levy a fee] applicable or persuasive here.”).

More importantly, the opinion’s reasoning is incongruent with the unique statutory and practical mechanics of election administration, which encompasses complex and interconnected components that are rarely the sole province of any single actor. Take, for example, voter registration—an area in which the Recorder (correctly) claims numerous responsibilities. While the county recorders are charged with the tasks of accepting, processing, and updating registrations, *see* A.R.S. §§ 16-134, 16-135, 16-161, 16-165, it actually is the Secretary of State who is the “chief elections officer” for most voter registration purposes, *see id.* § 16-142(A). In this capacity, the Secretary must establish and maintain a statewide voter registration database, liaise with the Department of Transportation to ensure the availability of voter registration opportunities through the MVD, and aggregate and distribute court records and other informational resources necessary for voter list maintenance. *See id.* §§ 16-168(J), 16-112(B), 16-128, 16-165(E)-(G). This fragmentation of authority even in the area of voter registration is dissonant with the Recorder’s struggle to extract from the statutes an illusory right of “custody or control” over registration databases and other resources.

Even within county government, the Legislature undisputedly has dispersed the authority to run elections between the Recorder and the Board. As a consequence, the various facets of Maricopa County’s elections infrastructure are deeply intertwined. For example, the Geographic Information Service that the Recorder claims as his own is used by the Board to carry out its own statutory duty to draw precinct boundaries and designate Election Day voting locations. *See* A.R.S. §§ 11-251(2)-(3), 16-411(B). Similarly, the Elections Department requires use of numerous functions and modalities in the IT system, such as the election board worker system, the voting location command center, and even the voter registration database (so that the e-pollbooks deployed to voting locations can access real-time voter registration and voting history data). *See* SUPP.APP0032-39, 0054; A.R.S. §§ 16-411, -511(B), -531, -579(B).

In this critical respect, the trial court’s holding proves too much. If a statutory authorization to perform a certain task implies a subsidiary prerogative to unilaterally commandeer the equipment, personnel or other resources associated with it, then a transfer of the elections management suite of applications (known as “VRAS/ERO”) to the Recorder would transgress *the Board’s* parallel right of control over the means necessary to carry out *its own* statutory duties. In other words, compliance with the injunction would beget a corresponding violation of the legal principle it adopts.

In sum, by funding and providing the Recorder’s Office with access to IT capabilities and support staff necessary to perform his statutory duties, the Board has complied with A.R.S. § 11-601(2). Nothing in that statute or any precedent construing it sustains the trial court’s novel notion that the Recorder is entitled to “custody or control” of shared county property or that the Board must commit \$10 million to \$50 million in taxpayer funds to redundant and duplicative systems. And even if such funds had been set aside as a contingency, the new systems would require 12 months to potentially several years to build, meaning that immediate implementation is impossible without creating a mirror image problem (*i.e.*, alienating the Board from “custody and control” of the same shared systems on which it also relies). *See* SUPP.APP0070-73.

II. The Trial Court’s Injunction Infringes on the Board’s Statutory Authority and Will Destabilize the Administration of Upcoming Elections

Both facets of the trial court’s injunction exact direct and immediate harms by abrogating the Board’s authority and impeding its ability to carry out those aspects of election administration that the Legislature has entrusted to its control.

A. Transfer of IT Systems

The paradox—or perhaps more accurately, untenability—of the trial court’s injunction is that it inflicts the very injury that it purports to remedy. According to the trial court, A.R.S. § 11-601(2) obligates the Board not only to fund and make available IT capabilities and staff, but to surrender them to the Recorder’s “custody

or control.” But uncontroverted evidence demonstrated that the Elections Department relies on modules and functions within VRAS/ERO to perform the Board’s own statutory duties, including (a) drawing precinct boundaries and mapping Election Day voting locations,⁴ (b) syncing the e-pollbooks used on Election Day to real-time voter registration and voting history information,⁵ (c) verifying prospective poll workers’ eligibility,⁶ and (d) accepting and maintaining candidates’ ballot access and campaign finance filings.⁷ *See* SUPP.APP0032-39. If, as the trial court held, deprivation of custody and control over the IT systems constitutes an irreparable injury to the affected county officer, then the Board’s compelled surrender of VRAS/ERO and related functionalities to the Recorder’s exclusive control would inflict a corresponding harm on the Board.

The trial court’s command that the Board could instead finance a duplicative IT infrastructure for the Recorder entails a different, but equally irreparable, injury. Harms of a monetary nature can be considered remediable—but only if they are compensable by monetary damages. *See generally IB Prop. Holdings, LLC v. Rancho Del Mar Apartments Ltd. P’ship*, 228 Ariz. 61, 65 ¶ 10 (App. 2011) (recognizing that “[m]onetary damages may be an adequate remedy at law”). The

⁴ *See* A.R.S. §§ 11-251(3), 16-411(B).

⁵ *See* A.R.S. §§ 16-511(B), 16-579(B).

⁶ *See* A.R.S. §§ 16-531(A), 16-535(A).

⁷ *See* A.R.S. §§ 16-311(F), 16-928(A)(2).

design and development of a parallel IT system for the Recorder’s exclusive use will cost at least an estimated \$10 million and possibly as much as \$50 million. *See* SUPP.APP0070-72 ¶¶ 7–11.

Such a massive outlay would upend Maricopa County’s budget, and these financial dislocations cannot be undone should the trial court’s injunction later be vacated. The Board cannot feasibly recoup money that the Recorder pays to the third party vendors and consultants needed to develop the duplicate IT system. *See Nat’l. Institutes of Health v. Am. Pub. Health Ass’n.*, 145 S. Ct. 2658 (2025) (holding that “loss of money” is an irreparable harm “if the funds ‘cannot be recouped’ and are thus ‘irrevocably expended’” (citation omitted)). And even if some sort of clawback from the Recorder’s Office were legally possible, it would risk collateral damage to critical public services. *See Washington v. Trump*, 145 F.4th 1013, 1036 (9th Cir. 2025) (holding that state plaintiffs had established irreparable injury in the form of budgetary impacts, explaining that “economic harm is irreparable when monetary damages are unavailable”); *contrast City of Flagstaff v. Ariz. Dept. of Admin.*, 255 Ariz. 7, 13 ¶¶ 18–21 (App. 2023) (finding no irreparable harm where city could “replenish[] the funds into [its] coffers” and already had a budget surplus).

Thus, even if the injunction were on plausible legal footing, its immediate enforcement would cause operational or budgetary harms on the Board that cannot be recompensed with money damages.

B. Reassignments of Key Election Administration Functions

The destabilizing practical repercussions of the trial court’s ruling are a byproduct of its textual implausibility. The operative phrase “county recorder or other officer in charge of elections” regularly appears in statutes governing facets of election administration that even the Recorder seemingly agrees fall within the Board’s purview, including Central Counting Center activities and Election Day voting location operations. *See* A.R.S. §§ 16-621, 16-579.01, 16-579.02. By plucking discrete tasks from the Board and vesting them instead in the Recorder, the injunction sunders what had been unitary processes and procedures and instead fragments them across two different (and often discordant) centers of authority. The Board has already outlined these consequences in its Report (at 14–22 & Appendix) and the declaration of Elections Director Scott Jarret, *see* SUPP.APP0074-83. These judicially compelled reconfigurations are not merely of abstract or bureaucratic interest; they directly and pervasively affect the administration of imminent elections.

III. Considerations of Equity and the Public Interest Favor a Stay

In litigation between governmental parties, the final two stay factors (to wit, the balance of equities and public policy) “merge.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). That makes sense; elected officials’ equitable interests do not transcend or supersede those of the public they serve. In that vein, *Purcell* channels a broader

truth that judicially induced, last-minute changes to election systems are generally improvident because they pose the (interrelated) dangers of burdening elections workers and complicating the voting experience.

Seeking to stifle *Purcell*'s compelling salience, the Recorder tries to engineer a distinction between “voter-facing” procedures and “internal” matters. *See* Pet. at 21, 22. But this putative dichotomy is both doctrinally and practically illusory. *See Lake v. Hobbs*, 623 F. Supp. 3d 1015, 1031–32 (D. Ariz. 2022) (observing that courts should “refrain from enjoining election laws too close in time to an election if the changes will create administrative burdens for election officials”); *Malliotakis v. Williams*, 146 S. Ct. 809, 810 (2026) (Alito, J., concurring in grant of stay) (explaining that an injunction “may be inequitable if it is issued shortly before an election, when candidates, *election officials*, and voters have relied on the rules in place at that time” (emphasis added)). And as the Board has previously outlined, overhauls of “internal” processes can and likely will beget uncertainty and even attrition among County elections personnel, which in turn will impact “voter facing” election operations. *See* Report at 14; Appendix A.

Finally, the Recorder contends that the Board has caused any purported hardships by not immediately complying with the trial court's injunction. *See* Pet. at 39–40. But this curious reasoning misses the entire point of a stay; if a party could immediately and, without incurring any significant burden or prejudice, comply with

the judgment, it would not qualify for a stay in the first place. In any event, the Recorder was on notice of the Board's intention to seek a stay since at least April 30. Any delay in reaching the Court of Appeals is attributable largely to the trial court's refusal to enter a signed appealable order until May 18, notwithstanding the Board's repeated requests for it. More substantively, as detailed in the sworn declaration of Elections Director Scott Jarrett, *see* SUPP.APP0074-83, the repercussions for Board staff, poll workers, and voters that emanate from the trial court's seismic disruption of the prevailing allocation of election administration duties on the eve of the 2026 elections far exceed whatever putative inconveniences the Recorder's team might incur. At the very least, the Court of Appeals did not "exceed the bounds of reason," *Assoc. Indem.*, 143 Ariz. at 571, in so calibrating the balance of hardships.

CONCLUSION

For the foregoing reasons, the Court should (1) decline special action jurisdiction, or, alternatively, (2) deny special action relief on the grounds that the Court of Appeals did not abuse its discretion in issuing a stay pending appeal.

RESPECTFULLY SUBMITTED this 2nd day of July, 2026.

STATECRAFT PLLC

By: /s/ Thomas Basile

Kory Langhofer

Thomas Basile

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

*Attorneys for Maricopa County Board of
Supervisors*