

ARIZONA SUPREME COURT

JUSTIN HEAP,	)	No. CV-26-0189-SA
	)	
Petitioner,	)	Court of Appeals Division One
	)	No. 1-CA-CV 26-0446
v.	)	
	)	Maricopa County Superior
THOMAS GALVIN, et al.,	)	Court Case Nos.: CV2025-
	)	020621 and CV2025-02266
Respondents.	)	
	)	
	)	

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE LEAGUE OF UNITED LATIN AMERICAN CITIZENS AND THE LEAGUE OF WOMEN VOTERS OF ARIZONA

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** Application for Pro Hac Vice
Forthcoming*

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The League of United Latin American Citizens (“LULAC”) and the League of Women Voters of Arizona (“LWV-AZ”) respectfully move this Court, pursuant to Rule 16 of the Arizona Rules of Civil Appellate Procedure, for leave to file the accompanying amicus curiae brief (attached as Exhibit 1) in support of the Maricopa Board of Supervisors in response to the Petition for Special Action filed by Maricopa County Recorder Justin Heap. The Maricopa County Board of Supervisors—through Supervisors Kate Brophy McGee, Thomas Galvin, Debbie Lesko, and Steve Gallardo—consents, and Maricopa County Board Supervisor Mark Stewart does not object, to Proposed Amici’s filing of an amicus brief in this matter. Petitioner County Recorder Justin Heap opposes. Accordingly, Proposed Amici file this Motion for Leave.

INTEREST OF PROPOSED AMICI CURIAE

Proposed Amici are two nonprofit organizations dedicated to protecting the right to vote, with members and constituencies who live and vote in Maricopa County.

LULAC is the largest and oldest Latino civil rights organization in the United States, with more than 420 councils nationwide and over 570,000 members. Founded in 1929, LULAC’s mission is to improve the

lives of Latino families throughout the United States and to protect their civil rights, including their voting rights. The Arizona State Council of LULAC has more than 6,000 members across at least 18 local councils statewide. The council in Maricopa County has over 1,600 members and thousands of constituents. LULAC's core mission includes to register voters and help get-out-the-vote. LULAC has held voter registration drives and get-out-the-vote activities ahead of the July 21 Primary Election. Many of LULAC's members and constituents in Maricopa County plan to vote in that election.

LWV-AZ is a non-partisan, grassroots organization dedicated to empowering voters and defending democracy. For over 80 years, LWV-AZ has dedicated itself to protecting and promoting democratic government through robust voter education and registration. LWV-AZ consists of both a statewide organization and five local chapters with 850 members statewide—all of whom are eligible voters and over a third of whom live and vote in Maricopa County.

To advance its core mission, LWV-AZ educates voters about upcoming elections—including the voter registration process, works to encourage individuals to vote, and participates in statewide coalitions

with other organizations that share similar goals. LWV-AZ's volunteers help tens of thousands of citizens in Arizona register to vote, check their registration status, and update their information. LWV-AZ has held voter registration drives and voter education activities ahead of the July 21 Primary Election. LWV-AZ's members and constituents in Maricopa County plan to vote in that election.

LULAC and the LWV-AZ have a strong interest in protecting the right to vote for their members and constituencies and in preserving voter confidence in the democratic process. Amici have devoted substantial time and resources to encouraging their members and constituents to vote and assuring them that ballots cast in compliance with Arizona laws will be counted. In this dispute, however, Recorder Heap has asserted that the 2026 Primary Election, if conducted under the Court of Appeals' stay, will bear a "shadow over the validity of [its] results" and that "no appellate decision can un-administer it." Pet. at 43. That rhetoric threatens Amici's work by undermining public confidence and voter participation in the electoral process. Amici therefore seek leave to file their amicus brief to explain why Arizona law does not

support Recorder Heap's suggestion and to help preserve voter confidence and participation in the election.

WHY THE PROPOSED AMICUS BRIEF WOULD ASSIST THE COURT

Under the Arizona Rules of Civil Appellate Procedure, a court may permit an amicus brief when amici “can provide information, perspective, or argument that can help the appellate court beyond the help that the parties’ lawyers provide.” Ariz. R. Civ. App. P. 16(b)(1)(C)(iii).

Proposed Amici’s brief would assist the Court by offering a distinct voter-focused perspective and addressing a narrow legal issue that has not been the primary focus of any existing briefing. Rather than repeat the parties’ statutory arguments, the proposed brief would address Recorder Heap’s erroneous assertion that an election conducted under the Court of Appeals’ stay would have a “shadow [cast] over the validity of [its] results” and that “no appellate decision can un-administer it.” Pet. at 43. The brief would also reflect the perspective of organizations dedicated to protecting the right to vote and representing voter members and constituencies. This Court has similarly permitted the League of Women Voters of Arizona to file amicus briefs in other voting and election cases. *See, e.g., Maricopa Cnty. Recorder Stephen Richer v. Arizona Sec’y*

of State Adrian Fontes, No. CV-24-0221-SA, 2024 WL 4299099, at *1 (Sept. 20, 2024); *Sherman v. City of Tempe*, 202 Ariz. 339, 340 (2002). To date, the filings in this case have been made by current or former Maricopa County or statewide officials, making a non-governmental, voter-centered perspective especially valuable to the Court.

Counsel for Proposed Amici has reviewed the relevant filings in this case. The proposed amicus brief will not delay these proceedings.

CONCLUSION

For these reasons, Proposed Amici respectfully request that this Court grant leave to file the accompanying amicus curiae brief.

RESPECTFULLY SUBMITTED this 2nd day of July, 2026.

COPPERSMITH BROCKELMAN PLC

By: /s/ Sambo (Bo) Dul
Sambo (Bo) Dul

DEMOCRACY DEFENDERS FUND

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Forthcoming*

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EXHIBIT 1

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INTRODUCTION

Maricopa County Recorder Justin Heap’s Petition for Special Action claims that the 2026 Primary Election, if administered under the Court of Appeals’ stay, will bear a “shadow over the validity of [its] results” and that “no appellate decision can un-administer it.” Pet. for Special Action at 43, *Heap v. Galvin*, No. 1 CA-CV 26-0446 (June 19, 2026). This premise is not only legally baseless, but also practically dangerous. Recorder Heap’s rhetoric threatens to erode voter confidence and participation, and it plants the seeds for unfounded post-election contests by those unhappy with the election results. Amici the League of United Latin American Citizens and the League of Women Voters of Arizona respectfully urge this Court to reject the notion that election administration in compliance with a binding court order can become “invalid” merely because a higher court may later modify or overturn that order. Arizona law, settled presumptions of validity and finality, and common sense all dictate otherwise.

First, an election administered under a valid appellate stay is lawful because officials complying with it act under color of law, and any subsequent vacatur of that order would operate prospectively, not

retroactively. **Second**, the de facto officer doctrine independently protects the validity of election-administration acts performed under color of authority, regardless of how the underlying authority dispute is resolved. **Third**, Arizona’s statutory scheme for election contests, A.R.S. § 16-672(A), does not allow would-be election challengers to recast inter-office administrative-authority disputes—or compliance with a binding court order (even if that order is later overturned)—as proper bases for contesting election results after the fact. **Fourth**, Arizona’s well-established presumption of election validity and its substantial compliance doctrine foreclose any effort to void an election based on a bureaucratic authority dispute that does not affect voter eligibility, ballot counting, or the fairness of the election.

For these reasons, Recorder Heap’s appeal to a false specter—a “shadow” of invalidity over the 2026 Primary or General Election—does not support his request for this Court’s extraordinary intervention, on an emergency timeline, into an interlocutory stay determination. More importantly, whatever this Court decides about the stay or the merits of the underlying dispute, Amici urge the Court to make clear that administering an election in compliance with a duly-issued court order

casts no doubts or “shadows” over the legal validity of the election or its results. Eligible Arizona voters should be able to participate in the upcoming elections with full confidence that their ballots will count, regardless of how the underlying dispute between the county officials is ultimately resolved.

INTEREST OF AMICI CURIAE

Amici Curiae are two nonprofit organizations committed to protecting the right to vote, each with members and constituencies who live and vote in Maricopa County.

The League of United Latin American Citizens (“LULAC”) is the largest and oldest Latino civil rights organization in the United States, with more than 420 councils nationwide and over 570,000 members. Founded in 1929, LULAC’s mission is to improve the lives of Latino families throughout the United States and to protect their civil rights, including their voting rights. The Arizona State Council of LULAC has more than 4,000 members across at least 18 local councils statewide. The council in Maricopa County has more than 1,600 members and thousands of constituents. LULAC’s core mission includes to register voters and help them exercise their right to vote.

LULAC has held voter registration drives and is conducting get-out-the-vote efforts ahead of the July 21 Primary Election. Many of LULAC's members and constituents in Maricopa County plan to vote in that election.

The League of Women Voters of Arizona ("LWV-AZ") is the League's Arizona state affiliate. It is a non-partisan, grassroots organization dedicated to empowering voters and defending democracy. For more than 80 years, LWV-AZ has worked to protect and promote democratic government through robust voter education and registration. LWV-AZ includes a statewide organization and five local chapters, with 850 members statewide. Over a third of its members reside in Maricopa County, and many plan to vote in the upcoming election.

In line with their mission, Amici have devoted time and resources to mobilizing volunteers, constituents, and members in Maricopa County in advance of the 2026 Primary Election. Amici are encouraging their members and constituents to participate in both the upcoming Primary Election and the General Election and are assuring them that their votes will be counted. The present dispute threatens that effort by undermining public confidence in the electoral process. To preserve

confidence and ensure continued participation, Amici respectfully urge the Court to confirm that any election conducted under the Court of Appeals' stay is valid.

ARGUMENT

This amicus brief addresses one narrow but important point: however the Court ultimately resolves the stay or the parties' underlying administrative dispute, the Court should reject the suggestion that compliance with the Court of Appeals' stay would taint the upcoming elections. Each doctrine described below—obedience to court orders, de facto authority, statutory limits on election contests, the presumption of validity and in favor of finality, and substantial compliance—points to the same conclusion: voters should not bear the consequences of an intragovernmental dispute over election administration. This Court should reject Recorder Heap's "shadow of invalidity" rhetoric and protect voter confidence in our election processes, foreclose opportunistic post-election challenges, and reinforce the stability and finality of elections that Arizona law prizes.

I. An Election Conducted Under a Valid Appellate Stay Is Lawful and Remains Valid.

A stay pending appeal suspends the operative effect of the judgment below and preserves the status quo while appellate review proceeds. It should go without saying that officials who conform their conduct to such an order are not flouting the law; they are obeying a binding directive issued by a court with jurisdiction. Any suggestion to the contrary—based on the possibility that the stay may later be reversed—would improperly lend support to the flawed premise that any lower court ruling can never be binding simply because it is subject to modification or reversal by a higher court. *See* Pet. for Special Action at 6, *Heap v. Galvin*, No. 1 CA-CV 26-0446 (June 19, 2026). Both Arizona law and common sense compel the opposite result.

Arizona law has always required parties to comply with court orders governing their dispute unless and until those orders are reversed through proper proceedings. *See Broomfield v. Maricopa Cnty.*, 112 Ariz. 565, 568 (1975) (“It is a settled principle of law that an order issued by a court with jurisdiction over the subject matter must be obeyed by the parties until that order is reversed by orderly and proper proceedings.”); *State v. Chavez*, 123 Ariz. 538, 540–41 (App. 1979) (same) (citation

omitted). Nothing in Arizona law creates an exception for election officials or for stays issued by the Court of Appeals. *See* Ariz. R. Civ. App. P. 7(c) (allowing “an appellate court . . . to stay proceedings while an appeal is pending” and to “suspend . . . an injunction while an appeal is pending”); *see also Crosby v. Fish in & for Cnty. of Maricopa*, 259 Ariz. 127, 148, ¶ 17 (App. 2024) (describing election officials’ duties as “non-discretionary” under a binding superior court order).

Nor would a later reversal retroactively invalidate actions taken while the stay was in force. Any later reversal operates prospectively, not retroactively. *See State v. Murray*, 194 Ariz. 373, 375 (1999) (“The substantive legal consequence of past events is determined by the law in effect at the time of the event....”). In other words, a possible later reversal does not transform conduct that was lawful when performed into an illegality after the fact. *See A. P. Brown Co. v. Superior Ct. In & For Pima Cnty.*, 16 Ariz. 38, 40 (App. 1971) (“The effect of a stay of proceedings is to prevent the taking of any further steps in the action during the period of the stay.”).

This means that an election administered pursuant to a stay—even if the stay could be reversed later—cannot be deemed unlawful on that

basis alone once that election has already occurred. A contrary rule would be unworkable. If compliance with an operative court order could later be treated as unlawful solely because the order was reversed, public officials and regulated parties would face an impossible choice: obey the order and risk later invalidation or disregard it and risk sanctions for noncompliance. Arizona law does not require that instability, and election administration could not function under it.

II. The De Facto Officer Doctrine Independently Protects Maricopa County Voters.

The de facto officer doctrine provides an independent basis to affirm that an election held under the stay is valid. Arizona’s de facto officer doctrine protects the public from bearing the consequences of disputes over an officeholder’s authority. What this translates to is that official acts performed under color of title are valid when they involve the public or third parties, even if the official’s authority is later found defective.

The doctrine is longstanding. Even before statehood, the Supreme Court of the Territory of Arizona explained that “it is well settled that a person actually obtaining an office, with the legal indicia of title, is a legal officer, until ousted, so far as his official acts are concerned, they are as valid as if his title were not disputed.” *Jeffords v. Hine*, 2 Ariz. 162, 168–

69 (1886); *see also Jennings v. Woods*, 194 Ariz. 314, 332 (1999) (holding that an ineligible Arizona Corporation Commissioner’s acts were “valid and legally binding” because he served under color of a known election).

To have the “legal indicia of title,” an individual must not be a “mere intruder,” must have been duly elected or appointed, and must have taken the oath of office if required. *Jennings*, 194 Ariz. at 332. The official acts also must “involve the interests of the public and third persons.” *Rogers v. Frohmiller*, 59 Ariz. 513, 521 (1942). The doctrine reflects the public’s interest in “the continuous and unbroken discharge of official duty,” without waiting to litigate competing claims to office. *Jeffords*, 2 Ariz. at 168–69. It exists “to protect the public from the chaos and uncertainty,” *In re Est. of de Escandon*, 215 Ariz. 247, 249–50 (App. 2007), and to promote “principles of policy and justice.” *Rogers*, 59 Ariz. at 521.

Arizona courts have applied the doctrine in election-related cases to avoid disenfranchisement. In *Johnson v. Maehling*, 123 Ariz. 15, 16 (1979), for example, this Court held that signatures on a recall petition remained valid even though the deputy registrars who registered the voters had been improperly appointed by the county recorder. The Court

reasoned that voiding those signatures “would disenfranchise a significant number of citizens who have indicated a sincere desire to remove certain board members from office,” and it knew “of no principle of law or equity which would justify such a drastic infringement upon this constitutionally established right.” *Id.* at 19. This Court therefore held that the registrars were de facto officers and that the voters’ signatures were valid. *See id.*

Here, an election administered under the current structure satisfies the de facto officer test. The election administrators took the oath of office and therefore possess the “legal indicia of title” to their positions. *Jennings*, 194 Ariz. at 332. Even if it were later argued that the “wrong official” performed certain administrative functions in the upcoming elections, those acts would remain “valid and legally binding” so long as they were undertaken in service of the public and under color of authority. *Id.* The de facto officer doctrine therefore prevents a later allocation-of-authority ruling from being used to unsettle votes cast in reliance on the election process.

III. Administrative Authority Disputes and Compliance with Court Orders Are Not Grounds for a Post-Election Contest.

Arizona law recognizes only specified grounds to contest election results. *See, e.g., Griffin v. Buzard*, 86 Ariz. 166, 168 (1959); *Sorenson v. Superior Court*, 31 Ariz. 421, 422–23 (1927). Those grounds are limited to: (1) official misconduct by election boards; (2) ineligibility of the person whose right to office is being contested; (3) bribery or other offenses against the franchise committed by the contestee; (4) illegal votes; or (5) an “erroneous count of votes” showing “the person declared elected . . . did not in fact receive the highest number of votes.” A.R.S. § 16-672(A). Only claims falling within these exclusive, statutory bases are cognizable. *Henderson v. Carter*, 34 Ariz. 528, 534–35 (1928) Courts “are not permitted to read into [the election contest statute] what is not there.” *Grounds v. Lawe*, 67 Ariz. 176, 187 (1948).

None of those statutory bases for contesting an election under A.R.S. § 16-672(A) could possibly apply here. The ineligibility of the person election, bribery or other offense, and erroneous-count grounds are irrelevant, and even the election board canvassing misconduct or illegal votes grounds are plainly inapplicable. Election officials who comply with a binding appellate stay governing only which county

officials administer certain election tasks do not commit misconduct. And this intra-office administrative dispute has no logical connection to whether any ballot was lawfully cast or counted.

No “misconduct.” Compliance with a binding court order—here, the stay—cannot constitute election “misconduct” under Arizona’s election-contest statute. *See* A.R.S. § 16-672(A)(1). Arizona’s courts presume election officials act in “good faith.” *Hunt v. Campbell*, 19 Ariz. 254, 264 (1917). The post-election contest statute does not define “misconduct,” *see* A.R.S. § 16-672(A)(1), and ordinary usage means “intentional wrongdoing” or “improper behavior.” Misconduct, MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/misconduct> (last accessed June 25, 2026).

Arizona courts have likewise held that “honest mistakes or mere omissions” will not void an election absent fraud or an effect on the results. *Williams v. Fink*, No. 2 CA-CV 2018-0200, 2019 WL 3297254, at *4 (Ariz. Ct. App. July 22, 2019); (citation omitted) (unreported, cited pursuant to Ariz. R. Sup. Ct. 111(c)); *see also Findley v. Sorenson*, 35 Ariz. 265, 269, 276 P. 843, 844 (1929). Courts also decline to invalidate elections where officials have not abused their discretion. *See Ward v.*

Jackson, No. CV 2020-015285, at *7 (Ariz. Super. Ct. Dec. 4, 2020), *aff'd* by *Ward v. Jackson*, No. CV-20-0343-AP/EL, 2020 WL 8617817, at *3 (Ariz. Dec. 8, 2020) (unreported, cited pursuant to Ariz. R. Sup. Ct. 111(c)). Compliance with a binding court order is the opposite of intentional wrongdoing, improper behavior, a mistake, or an abuse of discretion; instead, courts have treated violating court orders—not compliance with them—as misconduct. *See, e.g., Borowsky v. Brooks*, No. 1 CA-CV 23-0699, 2024 WL 5165450, at *6 (Ariz. App. Dec. 19, 2024); *Randall v. Maricopa Cnty.*, No. 1 CA-CV 14-0431, 2016 WL 889607, at *2 (Ariz. App. Mar. 8, 2016).

No “illegal votes.” The election-contest statute’s “illegal votes” provision is likewise inapplicable. A.R.S. § 16-672(A)(4). “Illegal votes” may include votes cast by ineligible voters or the disenfranchisement of eligible voters. *See, e.g., Huggins v. Superior Ct. In & For Cnty. of Navajo*, 163 Ariz. 348, 349 (1990); *Clay v. Town of Gilbert*, 160 Ariz. 335, 337–38 (App. 1989); *see also LaChance v. Cnty. of Cochise*, 258 Ariz. 68, 74 (App. 2024), review denied and ordered depublished, 259 Ariz. 127 (2025) (stating that “illegal votes” can “encompass[] disenfranchisement” because the power of properly cast votes “is amplified”). But this case

concerns an interoffice allocation of administrative authority, not allegations of ineligible voters voting or eligible voters being prevented from voting. Recorder Heap’s own filings confirm the point: this case “alters no voter qualification, registration deadline, ballot format, voting location, identification requirement, or rule governing whether a ballot is lawful.” Petition for Special Action at 5, *Heap v. Galvin*, No. 1 CA-CV 26-0446 (June 19, 2026) (emphasis added); *see also* Recorder’s Suppl. Br. on Operational Issues for 2026 Primary Election at 44, *Heap v. Galvin*, No. 1 CA-CV 26-0446 (June 25, 2026) (stating that “[t]he available record identifies no voter who received a different ballot, missed a deadline, encountered a closed site, or was unable to vote” because a certain election administrator engaged in certain election tasks). Because this dispute does not affect the lawfulness of any vote, it cannot support a post-election contest.

IV. The Presumption of Validity and Substantial Compliance Principle Also Protect Maricopa County Voters.

Even when a statutorily-recognized ground for an election contest exists, Arizona applies a “strong public policy favoring stability and finality of election results.” *Donaghey v. Att’y Gen.*, 120 Ariz. 93, 95 (1978). “[A]ll reasonable presumptions must favor the validity of an

election,” and courts will not set aside election results for administrative or technical irregularities that do not affect the election’s fairness or outcome. *Moore v. City of Page*, 148 Ariz. 151, 159–60 (App. 1986). Thus, even assuming arguendo that administration of an election pursuant to a later-overturned court order could fit within a valid election contest ground (it cannot), those circumstances alone would not justify voiding an election after the fact. And Arizona courts require that “the procedures leading up to an election” must be challenged pre-election and “cannot be questioned after the people have voted.” *Tilson v. Mofford*, 153 Ariz. 468, 470 (1987); *see also Kerby v. Griffin*, 48 Ariz. 434, 444–446 (1936) (same).

Consistent with the presumption of validity, the substantial compliance principle is well established in Arizona election law. In *Findley*, this Court explained that, absent a statute requiring strict compliance, strict “compliance with [the statutes governing election officials] is not indispensable to the validity of the proceedings themselves.” 35 Ariz. at 269. “Honest mistakes or mere omissions on the part of the election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not void an election, unless they

affect the result, or at least render it uncertain.” *Id.* The reason is straightforward: “a fair election and an honest return should be considered as paramount in importance to minor requirements which prescribe the formal steps to reach that end.” *Id.* at 844.

Arizona courts have repeatedly applied substantial compliance to uphold elections despite technical statutory defects. For example, in *Hicks v. Krigbaum*, 13 Ariz. 237, 243 (1910), this Court upheld an election despite defective notice in one newspaper because the election date had been published in several others, concluding there had been “sufficient compliance with the statute.” In *Abbey v. Green*, 28 Ariz. 53, 74 (1925), the Court sustained a recall election because the petition “was in substantial compliance with the law,” even though some signers omitted required address information. And in *Moore*, the Court affirmed a special bond election despite technical statutory deficiencies. 148 Ariz. at 153.

The Court of Appeals likewise refused to invalidate an election after it had already occurred, where an administrative assistant without proper authority participated in the canvass. *See Wenc v. Sierra Vista Unified Sch. Dist. No. 68*, 210 Ariz. 183, 184 (App. 2005). Although the assistant “did not possess the legal authority,” the court held that “[t]hat

error [] d[id] not compel [the court] to void the canvass or, ultimately, the election result.” *Id.* at 185. Absent fraud, dishonesty, incompetence, or “any specific legislative instruction that such an error requires us to overturn the result of an election,” courts have made clear that “[i]t is the object of elections to ascertain a free expression of the will of the voters.” *Id.* at 186. Accordingly, “the determination of the intent of the voter is the question of primary importance.” *Id.*

The substantial compliance principle is dispositive here. Even if a court later held that a different Maricopa County official should have performed a particular administrative task, that conclusion would at most identify an administrative error in the allocation of duties. It would not show fraud, voter confusion, ineligible voting, disenfranchisement, an erroneous count, or any statutory command requiring invalidation. Substantial compliance therefore further forecloses any effort to use this authority dispute to cast doubt on the upcoming elections’ validity. *See, e.g.,* A.R.S. § 16-447(B).

V. The Public Interest Favors Protecting Voters, Promoting Public Confidence, and Preserving Finality of Elections.

Amici have spent substantial time and resources urging their members and constituents to vote, while assuring them that their

ballots—cast in compliance with Arizona laws—will be counted. Amici therefore urge this Court to make clear what Arizona law already provides: an election conducted pursuant to the Court of Appeals’ stay is valid—whatever the ultimate resolution of the parties’ dispute here—and every eligible vote must be counted. This Court has long embraced that principle, recognizing “the need to preserve citizens’ legitimate right to vote.” *Ward*, No. CV 2020-015285, at *6, *aff’d* by *Ward*, 2020 WL 8617817, at *3 (unreported); *see also* *McComb v. Superior Ct. In & For Cnty. of Maricopa*, 189 Ariz. 518, 529 (App. 1997), as amended (July 25, 1997) (concurring op.) (cautioning against “frustrat[ing]” “voters, who informed themselves, participated in the election, and attempted to shape policy through their votes”).

Consistent with that principle, this Court has recently refused to “disenfranchise voters en masse from participating in state contests” based on a longstanding administrative error in the statewide voter registration system. *Maricopa Cnty. Recorder Stephen Richer v. Arizona Sec’y of State Adrian Fontes*, No. CV-24-0221-SA, 2024 WL 4299099, at *3 (Ariz. Sept. 20, 2024) (unreported, cited pursuant to Ariz. R. Sup. Ct. 111(c)). Recorder Heap’s “shadow of invalidity” theory would invite

precisely the instability and thwarting of voters’ reliance and expectations the Court rejected there. It threatens public confidence in Arizona’s constitutional guarantee of “free and equal” elections and in the right to vote itself. *See* Ariz. Const. art. VII, § 2; *Chavez v. Brewer*, 222 Ariz. 309, 320 (App. 2009) (holding that Arizona’s constitutional right to a “free and equal” election is implicated when votes are not properly counted). This Court should decline any invitation to cast doubt on the right to vote—a “fundamental political right” that is “preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

Recorder Heap’s rhetoric also undercuts “the strong public policy favoring stability and finality of election results,” on which his own petition relies. *Donaghey*, 120 Ariz. at 95; *see also* Pet. for Special Action at 42, *Heap v. Galvin*, No. 1 CA-CV 26-0446 (June 19, 2026). Maricopa County voters are entitled to rely on established election procedures administered by officials complying with binding court orders. Even Recorder Heap acknowledges the importance of “preserv[ing] choices on which voters . . . have already relied.” Recorder’s Suppl. Br. on Operational Issues for 2026 Primary Election at 11, *Heap v. Galvin*, No. 1 CA-CV 26-0446 (June 25, 2026); *see also id.* at 44 (claiming he is not

seeking to “change voter expectations”). This Court should therefore reject the premise that an election becomes suspect merely because officials complied with a binding court order subject to further review.

CONCLUSION

For these reasons, this Court should make clear that, regardless of how the stay or the merits of the underlying administrative dispute are resolved, administering the 2026 Primary Election—and the 2026 General Election—in compliance with the Court of Appeals’ order casts no doubts or “shadows” over the legal validity of the election’s administration or its results.

RESPECTFULLY SUBMITTED this 2nd day of July, 2026.

COPPERSMITH BROCKELMAN PLC

By: /s/ Sambo (Bo) Dul
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Forthcoming*

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