



**NOTICE OF PUBLIC MEETING
AND POSSIBLE EXECUTIVE SESSION OF THE
STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION**

Location: **Citizens Clean Elections Commission**
 1110 W. Washington, Suite 250
 Phoenix, Arizona 85007

Date: **Friday, November 28, 2025**

Time: **9:00 a. m.**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on November 28, 2025. This meeting will be held at 9:00 a.m. **This meeting will be held virtually. The Zoom meeting room will be open by 8:45 a.m. at the latest.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at ccec@azcleanelections.gov.

The meeting may be available for live streaming online at <https://www.youtube.com/c/AZCCEC>. You can also visit <https://www.azcleanelections.gov/clean-elections-commission-meetings>. Members of the Citizens Clean Elections Commission may attend in person, by telephone, video, or internet conferencing.

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Please note that members of the public that choose to use the Zoom video link must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may use the Zoom raise hand feature and once called on, unmute themselves on Zoom once the meeting is open for public comment.

Members of the public may participate via Zoom by computer, tablet or telephone. A dial-in option is also available but you will not be able to use the Zoom raise hand feature, so the meeting administrator will assist phone attendees. Please keep yourself muted unless you are prompted to speak.

The Commission may allow time for public comment on any item on the agenda. Commission members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing Commission staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Authorizing Outside Counsel to File a Judicial Action seeking Reversal or Delay of the Secretary of State's October 16, 2025 decision to grant request of No Labels Party to change its name to Arizona Independent Party.

The Commission may vote to go into Executive Session, which will not be open to the public, for the purpose of obtaining legal advice on this agenda item, pursuant to A.R.S. § 38-431.03(A)(4).

III. Public Comment.

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism.

IV. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1110 W Washington St, #250, Phoenix, AZ 85007.

Dated this 25th day of November, 2025
Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

Katie Hobbs
Governor

Thomas M. Collins
Executive Director



Mark S. Kimble
Chair

Steve M. Titla
Galen D. Paton
Christina Werther
Sam Crump
Commissioners

**State of Arizona
Citizens Clean Elections Commission**

1110 W. Washington St. - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

November 21, 2025

The Hon. Adrian Fontes
1700 W. Washington St.
Phoenix, AZ 85007

Dear Secretary Fontes:

Re: Request for Reconsideration or Delay of October 16 Name Change Decision

I am writing on behalf of the Arizona Citizens Clean Elections Commission regarding your office's October 16 decision approving a request by Paul Johnson to rename the No Labels Party as the Arizona Independent Party. We understand your office's important role in administering elections and respect the responsibilities placed with you. At the same time, we must share significant concerns about the immediate effects this change will have on voters, voter education, and county election administration.

Voter Confusion

For decades, Arizona voters have used the word "independent" to mean unaffiliated with any political party. That understanding is consistent across polling, national election research, and everyday voter experience. Abruptly introducing a political party with the word "Independent" in its name—without prior public notice—creates a real risk that voters will unintentionally join a party they did not mean to join, potentially limiting their ballot choices in the coming primary. Experiences in other states with similarly named parties show that this kind of confusion is common and difficult to correct once it occurs. *E.g.*, John Myers, Christine Mai-Duc & Ben Welsh, *Are you an independent voter? You aren't if you checked this box*, Los Angeles Times (Apr. 17, 2016), <https://static.latimes.com/american-independent-party-california-voters> (reporting that a poll of the California American Independent Party found 73 percent of its registrants believed they were unaffiliated).

We have recent examples of confusion in Arizona just a few years ago, when, as you know, voting changes before the 2016 presidential preference election led to long lines at voting locations and voter frustration. Rebekah L. Sanders, *Who Knew Beforehand About Arizona's Disastrous Presidential-Primary Election Plan?*, Ariz. Republic (June 24, 2016), <https://www.azcentral.com/story/news/politics/elections/2016/06/24/who-knew-beforehand-arizonas-disastrous-presidential-primary-election-plan/85556756/>.

We also know from local research that that independent voters do not consider themselves members of a party, nor do they want to be. Erica S. McFadden et al., *Who Is Arizona's Independent Voter?* (Morrison Inst. for Pub. Policy, Ariz. State Univ. Nov. 2015), https://morrisoninstitute.asu.edu/sites/g/files/litvpz841/files/independent_voters_study.pdf.

Speaking from my own experience as a poll worker in Pima County for many years, our open primary still requires considerable explanation for ordinary voters who are choosing how they want to participate in the state primary. The confusion that will arise here is easy to illustrate. A voter unintentionally selects Arizona Independent Party on the State's online registration portal. The voter then receives their 90-day notice or votes early in person or on Election Day. They request a Democratic or Republican Party ballot only to be told they are only eligible for an Arizona Independent Party ballot. What is more, if the voter requests a nonpartisan local ballot, that request will be denied.

Many voters also assume that being "independent" means they will have access to a single primary ballot containing all party candidates. County recorders consistently report that independent voters ask whether there is an "independent ballot" that includes every partisan race. Under the new name, a voter who mistakenly registers with the Arizona Independent Party or selects an AIP ballot expecting broad choices will instead see only AIP candidates. This mismatch between voter expectation and the actual content of the ballot will cause frustration and significant confusion at a critical stage of the election process.

Voter Education Challenges

The Commission is responsible for statewide voter education, including the sole official voter education guide that will be sent to all households before the primary. We have participated in discussion with a variety of stakeholders with questions about how to explain this change and how to prevent voters from misunderstanding their options. Clear and consistent messaging is essential in registration, in online systems, and when voters choose a primary ballot. Implementing this shift on the current timeline does not provide sufficient opportunity to prepare those materials or ensure voters receive accurate information.

Counties Administrative Capacity

County recorders and election departments are already deep into preparations for the 2026 cycle. The burden that counties face to update their registration processes, retrain staff, or adjust their voter-facing materials by the December 1 effective date is unreasonable. Late changes of this magnitude will strain limited resources and increase the likelihood of mistakes.

We believe that there are serious legal problems with the process by which you reached this decision. One immediate problem: under the 2023 Election Procedures Manual, which is in force counties are bound to use the term "No Labels Party." Ariz. Sec'y of State, *2023 Elections Procedures Manual* (approved Dec. 30, 2023; updated Jan. 11, 2024) at 24, 145, 151 (specifying treatment of the "No Labels Party" in particular procedures), https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf. The December 1 implementation date will put counties out of compliance with existing rules, while there has not been a full public airing of your proposed changes to the pending EPM.

Request

In light of these challenges, we respectfully request that your office reconsider and reverse its October 16 approval or, at minimum, delay implementation until the current election cycle ends. Given the impending effective date and intervening holiday, we request that you advise us no later than the end of day Tuesday, November 25th.

Respectfully,
Mark Kimble
Chair, Arizona Citizens Clean Elections Commission



State of Arizona
Citizens Clean Elections Commission

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MEMORANDUM

To: Commissioners

From: Thomas Collins

Date: 11/18/25

Subject: Process, Policy & Voter Education issues arising from No Labels Party name change request & approval

Introduction

The Secretary of State's October 16, 2025 decision raises questions about alignment with established election-administration practice. *See* Letter from Ariz. Sec'y of State to Paul Johnson, Chair, No Labels Party (Oct. 16, 2025) (responding to Oct. 8, 2025 name-change request). By approving the No Labels Party's request to rename itself the Arizona Independent Party, the Secretary authorized an action with wide implications for party recognition, voter registration, and the meaning of the term "independent" in Arizona law and in common parlance among administrators and voters themselves.

This memorandum outlines the Secretary of State's October 16 decision and identifies the administrative, legal, and voter-education issues that now arise for election officials. The analysis highlights outstanding implementation questions and statutory considerations that may require clarification, particularly given the long-established use of the term "independent" to describe unaffiliated voters. The memo is intended to support informed Commission discussion and preparation for potential policy, operational, or communication needs without predetermining any course of action.

The Commission has express authority over voter education, including producing the only state government guide to elections that will be issued to voters before the primary. That guide includes not only profiles of all eligible candidates, but also detailed information on voter participation in the primary election. The Commission works in partnership with County Recorders and election departments to provide information on elections throughout the state, including participation of voters and candidates.

Summary and Background

The Secretary of State Office's decision was issued without any apparent prior public notice and will take effect on December 1, 2025. In the weeks following the announcement, county recorders and stakeholders have raised concerns about administrative impact, potential voter confusion, and related changes to the state procedures. These developments now intersect with the Commission's statutory responsibilities for voter education and nonpartisan public information.

The Secretary of State's Decision

According to the Secretary's approval letter, the decision rests on two core premises:

(1) that Arizona statutes do not address political party name changes and, in the Secretary's view, statutory silence should be interpreted to permit actions not expressly prohibited; and

(2) that political parties possess broad First Amendment associational rights, and therefore the Secretary should defer to a party's internal determination to change its name. The Secretary has also publicly stated that this interpretation requires state election agencies to discontinue the use of the word "independent" to describe unaffiliated voters.

Timeline of Key Events

October 8, 2025 – The No Labels Party, through its chair Paul Johnson, submitted a written request to the Secretary of State seeking to change the party's name to the Arizona Independent Party.

October 16, 2025 – The Secretary approved the request, reasoning that because Arizona law does not expressly prohibit party-name changes, such an action is permitted, and that political parties enjoy broad First Amendment rights to manage their internal affairs.

October 17, 2025 – Axios Phoenix reported the decision publicly. The announcement was the first indication that such a name change had been considered or approved. Jeremy Duda, *No Labels Becomes Arizona Independent Party*, Axios Phoenix (Oct. 17, 2025), <https://www.axios.com/local/phoenix/2025/10/17/no-labels-arizona-independent-party>.

Early November 2025 – The Arizona Republic reported concern among county recorders about potential confusion for voters and noted statements from Secretary Fontes indicating that election agencies could no longer use the word independent to describe unaffiliated voters. Ray Stern, *Party Name Change Could Lock Some Independent Voters Out of Key Arizona Primaries*, Arizona Republic (Nov. 4, 2025) (quoting Secretary Fontes as stating “[t]he word 'independent' will now be associated with the Arizona Independent Party as an official party. . . . We have been using the moniker 'independent' and the word 'independent' to speak to the notion that you're not affiliated with a party. Well, now there's a party labeled 'independent' — we can't do that anymore.”). <https://www.azcentral.com/story/news/politics/arizona/2025/11/04/party-name-change-could-lock-some-independents-out-of-key-az-primaries/87057004007/>

Current Status

The name change is scheduled to take effect December 1, 2025, according to the Secretary of State’s approval memorandum. We are awaiting further information from the Secretary’s Office but we anticipate several immediate effects of the decision including:

1. Updating the voter registration records of No Labels Party members and issuing related notice to those voters.
2. Updating Motor Vehicle Division voter registration interface.
3. Amending guidance in the pending Election Procedures Manual.
4. Preparing for requests from independent voters during the state primary election.

Because of the particular name the Secretary of State’s Office approved we anticipate ongoing voter confusion.

Independent voters who make a voter registration selection that is not consistent with their intent will find themselves unexpectedly limited in their choices of candidates for whom they can sign petitions and primary ballots they would otherwise be eligible to cast.

For instance, independents may choose a ballot of the Democratic, Republican or No Labels parties. (Note: Libertarian and Green are currently closed to independents). Independents can also choose a nonpartisan local ballot. Many do, since they again don't want to be affiliated with a party. If they mistakenly register with AIP, they can no longer choose a nonpartisan local election ballot (if it exists for their jurisdiction). John Myers, Christine Mai-Duc & Ben Welsh, *Are you an independent voter? You aren't if you checked this box*, Los Angeles Times (Apr. 17, 2016), <https://static.latimes.com/american-independent-party-california-voters> (reporting that a poll of the California American Independent Party found 73 percent of its registrants believed they were unaffiliated).

Commission staff members have been in contact with County Recorders regarding voter education around the decision.

The decision is particularly challenging because it arises deep in the election cycle. For example, candidates began gathering petition signatures almost a year before the request was made. The draft Election Procedures Manual was submitted to the Attorney General's Office and the Governor's Office a week before the request based on a statutory deadline and after long and public discussion of the draft.

Finally, implementing any significant new policy in the midst of the election cycle taxes resources that, in many cases, are already committed for the coming year.

Issues for Commission Consideration

This development raises three interrelated issues for the Commission's review and discussion:

Legal: Whether the Secretary's decision to approve the party-name change was consistent with Arizona's statutory framework and established precedent recognizing the state's interest in preventing voter confusion.

Policy: Whether the Secretary's subsequent decision to demand the discontinuation of the use of the word independent to describe unaffiliated voters is advisable.

Voter Education: How the Commission can effectively educate voters and support county recorders and election officials by providing clear, accurate, and consistent voter information during the transition period.

The sections that follow address these questions in turn: Section 1 analyzes the legal reasoning behind the name-change decision, Section 2 considers the

implications of abandoning the term independent, and Section 3 outlines potential voter-education strategies within the Commission’s existing authority and resources.

Section 1. The Secretary’s Decision was a departure from typical procedure

The Secretary of State’s October 16 decision marks a significant departure from established election-administration practice. (A more detailed analysis is available in the Appendix).

On October 16, 2025, the Secretary of State’s office approved the No Labels Party’s request to change its name to the Arizona Independent Party. The office reasoned that because state law does not expressly address party-name changes, such an action is permitted, and that parties have broad First Amendment rights to manage their own affairs. This interpretation effectively treats the Secretary’s role as ministerial once the party asserts that it follows its internal procedures.

The decision presents administrative and legal considerations that warrant clarification:

A. Statutory and Administrative Framework

1. Statutory consistency. It overlooks the comprehensive statutory framework governing how political parties are created and maintained, which presumes continuity between the petitioned name and the recognized party.

2. Party rights v. state interests. It adopts an expansive view of political-party autonomy that appears inconsistent with case law balancing party rights against the state’s interests in orderly elections.

B. Procedural steps and agency authority

1. Procedural requirements. It implements a policy of general applicability without the procedural safeguards of public notice and comment.

2. Agency authority. It relies on a permissive standard—that what is not prohibited is allowed—raising questions about the alignment with established administrative principles requiring affirmative statutory authorization for agency action.

Although a court could defer to the Secretary’s discretion, the statutory, constitutional, and procedural vulnerabilities are substantial. The decision’s implications reach beyond this instance, potentially shaping future questions of party recognition and voter registration and influencing the outcome of elections themselves.

Section 2. Election officials should continue using the word “independent” to describe voters that are not affiliated with a party.

For at least as long as Arizona has allowed independent voters to vote in state primaries, close to 30 years, voters, the public, the press and election officials, and state statutes and rules have used the term independent to refer to voters who are not affiliated with a party.

Established Use of “Independent” in Practice and Law

According to one expert staff consulted, public polling and political analysts use the word, “independent” consistently to mean unaffiliated with any political party. Major sources—from ANES and Gallup to Pew and national exit polls—treat it as the standard category for nonpartisan voters. Redefining “independent” in Arizona to signify membership in a specific party contradicts this long-established national usage and is likely to confuse voters and distort data.

An ASU Morrison Institute/Clean Elections study also confirms that independent voters are independent because they do not want to be in a party. Erica S. McFadden et al., Who Is Arizona’s Independent Voter? (Morrison Inst. for Pub. Policy, Ariz. State Univ. Nov. 2015), https://morrisoninstitute.asu.edu/sites/g/files/litvpz841/files/independent_voters_study.pdf.

The word “independent” is used in statutes directing how voters are to be issued ballots in the state primary, A.R.S. § 16-467(B), who may sign a candidate petition for particular candidates, A.R.S. § 16-321(F)(3), and the form of nominating petitions themselves, A.R.S. § 16-314. Importantly, the word “independent” is used throughout the Clean Elections Act to address such important issues as the qualifications of commission members, A.R.S. § 16-955(A), and how candidates who are not in a party qualify for funding, A.R.S. § 16-951.

Limiting use of the term “independent” swims upstream against the common, professional, and legal, usage of the term. And given the confusion in other states, this idea would likely cause more confusion than less by seemingly restricting officials from speaking to voters in terms they understand. In this case that confusion would potentially tend to benefit the No Labels Party during the time they are attempting to achieve continued recognition on the ballot.

In short, Staff encourages the Commission and other election officials to continue to utilize the word “independent” to describe independent voters who are not affiliated with a registered party.

Section 3. Voter Education

Purpose and Scope of Voter-Education Response

The practical challenge now is ensuring that Arizona voters continue to understand independent in its established sense while distinguishing it from membership in the Arizona Independent Party. Addressing that challenge will require an ongoing, coordinated, fact-based voter-education strategy focused on voter touchpoints rather than broad public messaging.

This is not an awareness campaign. It is an education effort embedded in the ordinary interactions voters have with the registration and primary system—at recorder offices, through online registration portals, during MVD transactions, and when selecting or requesting a primary ballot. The goal is to make sure that, wherever a voter encounters these systems, the information presented is consistent, accurate, and neutral. Similarly, candidates, and the voters they are trying reach, will encounter confusion as they decide whether to qualify for the ballot under A.R.S. § 16-341, which allows independent candidates to avoid a primary and move to the general election ballot because the candidate is not affiliated with a party.

Strategic Orientation

The Commission’s statutory voter-education role positions it to provide strategic coordination and leadership. Three priorities should guide this work:

Consistency of Language

All state and county election entities should use the same plain-language definitions for independent, unaffiliated, and Arizona Independent Party. Consistency across forms, portals, and training materials is the most effective safeguard against confusion.

Clarity at Points of Contact

Education should occur where voters make choices—when registering, updating their information, or requesting a primary ballot—not through mass advertising. Staff interactions and materials at these touchpoints should clearly explain that independent voters are unaffiliated and remain eligible to choose a party ballot in the primary.

Unified Presentation

Even when implemented locally, voter information should look and sound cohesive statewide. Common phrasing, tone, and accessibility standards help ensure voters receive the same message regardless of county or platform.

Ongoing Coordination

Because county recorders administrate voter registration, the Commission should establish an ongoing strategic coordination meeting with representatives of the recorders and other election partners. This standing forum would:

- Align terminology and explanatory language used in voter-facing materials.
- Identify and respond to emerging confusion or misinformation during registration and early voting.
- Share best practices for communicating with voters in offices, by mail, and online.
- Ensure that statutory or procedural changes are reflected consistently statewide.

Regular consultation through this forum will allow the Commission and counties to adapt voter-education efforts as circumstances evolve, maintaining a single, clear message to Arizona voters.

Role of the Commission

Within existing authority and resources, the Commission's contribution should be to lead, convene, coordinate, and maintain alignment. By reinforcing a shared vocabulary and supporting county-level implementation through collaboration rather than new spending, the Commission can preserve voter confidence and understanding during a period of administrative change.

Appendix – Detailed Legal Analysis

This memorandum provides an overview and analysis of the Secretary of State's October 16 decision for board discussion and policy guidance.

In its October 16, 2025 letter approving the No Labels Party's request to change its name to the Arizona Independent Party, the Secretary of State's office grounded its decision on two premises. First, it wrote that "[t]he Arizona Revised Statutes do not address the issue of political parties changing their names. In the absence of statutory authority, the general rule is to presume that conduct not prohibited is permitted." Second, the office stated that this interpretation was consistent with "the First and Fourteenth Amendments' guarantee of freedom of speech and freedom of political association and the courts' broad deference to political parties to govern themselves internally."

Together, these points reflect a narrow framing of the Secretary's role—one that treats the office's duty as ministerial once the party's chair asserts compliance with internal procedures. A court could, in theory, defer to that interpretation, particularly if it viewed the issue as within the Secretary's discretionary authority. *Ariz. Water Co. v. Ariz. Dep't of Water Res.*, 208 Ariz. 147, 154 ¶ 30 (2004) ("[When] the legislature has not spoken definitively to the issue at hand, 'considerable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer.'"); but see *Roberts v. State*, 253 Ariz. 259, 270 ¶ 42 (explaining that where a major policy decision is at issue, "the legislature must first make the policy choice before delegating authority to an agency").

Even assuming discretion exists, the analysis in the Secretary's letter departs from established statutory and constitutional principles and omits key procedural considerations.

1. Agency Authority

By invoking a presumption that conduct is allowed absent prohibition, the Secretary's office applied a standard suitable to private activity, not to state action. Election administration is inherently governmental. *Smith v. Allwright*, 321 U.S. 649, 664–65 (1944) (holding that a political party could not evade constitutional prohibitions on racial discrimination in voting by labeling its primary "private"). The proper question is not whether the party was free to act but whether the Secretary was statutorily authorized to approve the action. *Facilitec, Inc. v. Hibbs*, 206 Ariz. 486, 489 ¶ 10 (2003) ("an agency can only exercise the powers delegated

by the legislature”). Treating statutory silence as permission effectively reverses that principle.

2. Statutory Interpretation

The conclusion that there is “no law” governing party-name changes overlooks the comprehensive statutory scheme detailing how political parties are created and maintained. The legislature has provided a structured process for initiating a new party—from petition signature collection to qualification for continued recognition through votes or registration. A.R.S. §§ 16-801 to 807. Because a party can secure continued ballot status within two election cycles through votes or registration, the framework assumes stability in a party’s name and identity. A.R.S. § 16-804.

It is inconsistent with that statutory design to permit unilateral name changes that impose new administrative burdens or create voter confusion. The petition form itself requires a party name; as that form was created by the Secretary of State’s office, its design supports the conclusion that no mid-cycle name change was intended. *See No Labels Party of Arizona v. Fontes*, No. 24-563, slip op. at 27 n. 11 (9th Cir. July 11, 2025) (noting that where a party changed position after petitioning, “there is no telling whether the Party would have gathered the requisite signatures to be recognized as a new party in Arizona”), <https://cdn.ca9.uscourts.gov/datastore/opinions/2025/07/11/24-563.pdf>. Such a change risks confusion among voters and election officials and conflicts with legislative intent for continuity in party recognition.

3. First Amendment Considerations

Political parties’ associational rights are assessed under the *Anderson–Burdick* balancing framework, which examines (1) the severity of any burden imposed and, if that burden is not severe, (2) whether the regulation is justified by the state’s important regulatory interests. *No Labels Party*, slip op. at 12–13 (describing the *Anderson–Burdick* test), <https://cdn.ca9.uscourts.gov/datastore/opinions/2025/07/11/24-563.pdf>.

The Secretary’s letter does not analyze competing state interests or situate the decision within the broader statutory context. That omission leaves unresolved how the office balanced associational rights against the state’s recognized interests in preventing voter confusion, protecting the integrity of party qualification, and maintaining orderly elections—all concerns expressly acknowledged by the Ninth Circuit in *No Labels*. Moreover, the possibility of unwanted association with the

party by voters is a real one. John Myers, Christine Mai-Duc & Ben Welsh, *Are you an independent voter? You aren't if you checked this box*, Los Angeles Times (Apr. 17, 2016), <https://static.latimes.com/american-independent-party-california-voters> (reporting that a poll of the California American Independent Party found 73 percent of its registrants believed they were unaffiliated).

4. Implementation

The Secretary's office is implementing the approval across multiple election systems, including updates to voter-registration databases, revisions to the pending Election Procedures Manual, and coordination with the Motor Vehicle Division to modify voter-registration options and references to independent voters. These operational steps demonstrate that the decision functions as a statewide policy directive, not a case-specific interpretation.

5. Rulemaking and Procedure

By authorizing a new category of party-name change without formal notice or comment, the Secretary effectively adopted a rule of general applicability. Under Arizona law, such actions require public process. Ariz. Att'y Gen., Agency Handbook ch. 11, § 11.2, at 11-2 (rev. 2018), www.azag.gov/sites/default/files/2025-05/agency_handbook_chapter_11.pdf ("The term 'rule' covers a broad spectrum of policy statements, standards, guidelines, and directives that apply generally to a segment of the public in the future."). Because this policy is distinct from the statutory procedures governing the Election Procedures Manual, it may have required independent procedural steps to ensure transparency and fairness.

Conclusion

The Secretary's October 16 decision introduces significant legal and administrative uncertainty within Arizona's election framework. The reasoning relies on statutory silence where affirmative authority is typically required, omits any balancing of state and party interests, and implements a de facto policy change without rulemaking.

These factors present foreseeable risks of voter and administrative confusion. Although a court could uphold the decision by extending broad deference to the Secretary's discretion, such deference would represent a departure from ordinary limits on agency power.

For the Commission, the key point is practical: this precedent affects how voters encounter party terminology, how election officials administer registration and ballots, and how the Commission explains these distinctions to the public. Continued monitoring and inter-agency coordination are warranted to maintain voter clarity and public confidence in election administration.



Thomas Collins

Independents

1 message

Glenda Groyer

Tue, Nov 25, 2025 at 9:56 AM

To: ccec@azcleanelections.gov

To the commission,

Please let us have our own party with this name. Its been FAR too long, having only two viable parties. We really need more... that's another issue...

Thank you,

Glenda Groyer

PUBLIC COMMENT