

RICHARDS & MOSKOWITZ PLC

William A. Richards (013381)

Samantha L. Fox (040812)

1850 N. Central Avenue, Suite 2010

Phoenix, Arizona 85004

Phone: (602) 595-7800

brichards@rmazlaw.com

sfox@rmazlaw.com

Attorneys for Arizona Citizens

Clean Elections Commission

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

ARIZONA CITIZENS CLEAN
ELECTIONS COMMISSION, an agency of
the State of Arizona,

Plaintiff,

v.

ADRIAN FONTES, in his Official Capacity
as the Arizona Secretary of State,

Defendant.

Case No. CV

COMPLAINT

Plaintiff Arizona Citizens Clean Elections Commission (hereinafter, the “Plaintiff” or “Commission”) brings this action against Defendant Arizona Secretary of State Adrian Fontes (“Secretary”), seeking a declaratory judgment pursuant to the Arizona Uniform Declaratory Judgments Act, A.R.S. § 12-1831, *et seq.* (the “UDJA”), along with other appropriate relief, as set forth below. For its Complaint, the Commission alleges as follows:

1. On October 16, 2025, the Secretary purported to approve the No Labels Party’s request to rename itself the “Arizona Independent Party,” an action for which no statutory authority exists. Since then, the Secretary has issued guidance statewide to election officials to implement the name change decision. By assigning a new meaning to the statutory term “independent,” the Secretary’s

1 decision effectively nullifies that term as enacted in the Citizens Clean Elections Act and overrides
2 the Commission's statutory discretion to use it in voter education, candidate guidance, and the
3 statewide voter guide, leaving the Commission unable to apply the term as the Legislature and
4 voters intended. This forced ambiguity will cause widespread voter confusion during registration,
5 petition signing, qualifying contributions, and primary-ballot selection in the 2026 cycle. The
6 Commission therefore seeks a declaration that the Secretary's unauthorized name change decision
7 and attempts to implement the name change are void and unenforceable.

8 **THE PARTIES**

9 2. The Commission is a duly created and authorized governmental entity of the State of
10 Arizona, established and granted authority by enactment through the voters of the State of Arizona
11 of enabling statutes known as the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article
12 2 (A.R.S. §§ 16-940 – 16-961) (hereafter, the "CCEA").

13 3. The Defendant Arizona Secretary of State is a duly elected government official of the
14 State of Arizona occupying an office of limited authority created by the Arizona Constitution at
15 Article 5, Section 1. The Secretary is being sued in his official capacity.

16 4. The Commission hereby seeks entry of a final judgment pursuant to the Court's powers
17 under the UDJA declaring that the Secretary of State has undertaken ultra vires action in violation
18 of Arizona law when he approved on or about October 16, 2025, a name change for a political
19 party formerly recognized in accordance with Arizona election law as the "No Labels Party of
20 Arizona" ("NLP") to the party name of "Arizona Independent Party" ("AIP")¹, and further
21 declaring that the Secretary's approval of the name change is therefore null and void and of no
22 effect.

23 5. The Secretary's name change approval for the NLP/AIP exceeded the Secretary's
24 limited legal authority, violated the CCEA, unlawfully attempted to nullify and intrude upon the
25 powers and responsibilities delegated by the voters of Arizona to the Commission through their
26

27 ¹ The political party for which the Secretary approved the name change is referred to herein as
28 the "NLP/AIP."

1 enactment of the CCEA, will cause various forms of material interference with the powers, duties,
2 and programs of the Commission, and will impose resource hardships and unnecessary diversion
3 of the limited resources the Commission requires to fulfill its statutory obligations.

4 6. The Secretary's actions in approving the name change for the NLP/AIP organization
5 also violate the Arizona statutory requirements for how a political party may qualify for
6 recognition and ballot access.

7 7. The Secretary's expressed rationale for the name change approval is inconsistent with
8 governing law, relies on non-existent principles of law, and failed entirely to consider the real and
9 material adverse impacts of the approval on the currently registered voters of Arizona, on persons
10 who plan to register to vote in Arizona in the future, and on the county and other governmental
11 election officials who are responsible for the registration of voters and the conduct of elections in
12 Arizona. Among those adverse impacts are disenfranchisement of persons who previously
13 registered as affiliated with the No Labels Party of Arizona, undue confusion and frustration of
14 voters, impairment of the efficiency and accuracy of Arizona's election systems, and the resulting
15 discouragement of persons eligible to vote in Arizona elections from participating in the electoral
16 process. Such impacts directly and materially undermine the purposes of the CCEA, which include
17 without limitation the establishment of an improved election system in Arizona and the
18 encouragement of increasing numbers of eligible voters to participate in Arizona elections.

19 **JURISDICTION AND VENUE**

20 8. The Court has jurisdiction over this action pursuant to Ariz. Const., art. VI, § 14 and
21 A.R.S. § 12-123.

22 9. Venue in this Court is proper pursuant to A.R.S. § 12-140(16),(17).

23 **GENERAL ALLEGATIONS**

24 **I. The Plaintiff Commission was Statutorily Created to Administer, Enforce, and** 25 **Achieve the Arizona Voters' Objectives Under the CCEA.**

26 10. The CCEA was passed by Arizona voters in November 1998, *see* Proposition 200,
27 1999 Ariz. Sess. Laws 1942, 1942–65 (codified at A.R.S. §§ 16-940 – 16-961), and created a
28 clean elections system.

1 11. The fact that the CCEA was proposed and enacted via a voter initiative petition is
2 legally significant, as it qualifies the CCEA provisions for constitutionally-mandated protection
3 from repeal or amendment in accordance with the terms of the Arizona Voter Protection Act
4 (Proposition 105), which amended Ariz. Const., art. IV, pt. 1, § 1 as a result of its passage in the
5 1998 General Election. *See Arizona Advoc. Network Found. v. State*, 250 Ariz. 109, 120 (App.
6 2020), *as amended* (Nov. 9, 2020) (holding that because the Commission was authorized by the
7 express provisions of the CCEA to undertake certain investigations, “the legislature may not limit
8 that authority unless it complies with the VPA”) (*citing State v. Maestas*, 244 Ariz. 9, 13, ¶ 1
9 (2018)).

10 12. The CCEA is administered by a five-member, non-partisan Commission, which is
11 the Plaintiff in this action. A.R.S. § 16-955.

12 13. The express purposes of the CCEA include creating a clean elections system that
13 will encourage citizen participation and confidence in the political process, improve the integrity
14 of Arizona State government, and promote freedom of speech under the U.S. and Arizona
15 Constitutions. A.R.S. § 16-940(A); *see also About Us*, Citizens Clean Elections Commission,
16 <https://www.azcleanelections.gov/about-us> (last visited Nov. 30, 2025). Actions of state
17 government that discourage citizen participation in the election process are inconsistent with the
18 objectives of the CCEA, infringe on the objectives of the CCEA, and interfere with and impede
19 the Commission’s ability to fulfill its powers and responsibilities under CCEA.

20 14. Actions of state government that cause confusion or frustration of persons eligible
21 to participate as voters discourage citizen participation in the political process. Such actions are
22 therefore also inconsistent with the objectives of the CCEA, infringe on the objectives of the
23 CCEA, and interfere with and impede the Commission’s ability to fulfill its powers and
24 responsibilities under the CCEA.

25 15. The CCEA imbues the Commission and its staff with certain key, unique powers
26 and responsibilities within Arizona state government, including: (1) the operation of voter
27 education efforts that support its statutory mission; (2) the supervision and governance of an
28 optional campaign financing program available to qualified statewide office and legislative

1 candidates; and (3) campaign finance enforcement. *See* A.R.S. §§ 16-941 – 16-951, 16-953 – 16-
2 954, 16-956 – 16-961.

3 16. Actions of state government that create impediments to, require commitment of
4 additional resources for, or interfere with the Commission’s execution and fulfillment of the
5 powers and responsibilities outlined in the foregoing paragraph are inconsistent with the
6 objectives of the CCEA, infringe on the objectives of the CCEA, and interfere with and impede
7 the Commission’s ability to fulfill its powers and responsibilities under the CCEA.

8 17. To fulfill the objectives of the CCEA, the Commission utilizes an annual budget
9 derived from the sources of revenue authorized by statute for inclusion in the Citizens Clean
10 Election Fund (the “Fund”). A.R.S. § 16-949. Those sources include election-related civil
11 penalties, civil and criminal fine and penalty surcharges, and qualifying contributions on behalf
12 of candidates who seek public campaign financing. The purpose of monies in the Fund is to fund
13 the administrative costs of the Commission, the campaigns for candidates who qualify for public
14 campaign funding under A.R.S. § 16-950, and the costs of voter education programs provided by
15 the Commission to fulfill its statutory mission.

16 18. The Commission’s use of monies in the Fund is further limited by statutory
17 restrictions, including a maximum annual spending limitation, and limits on what percentages of
18 the Commission’s authorized annual spending from the Fund may be used for “reasonable and
19 necessary expenses of administration and enforcement” and for “reasonable and necessary
20 expenses associated with public education” efforts related to the CCEA. A.R.S. § 16-949(A)-(C).
21 Because of the limitations on the funds available annually to facilitate the Commission’s
22 fulfillment of its statutory responsibilities, the Commission uses careful judgment in selecting
23 expenditures and structuring its spending to maximize fulfillment of its statutory responsibilities
24 under, and the statutory objectives of, the CCEA.

25 19. Given the foregoing budgetary circumstances, actions by other state officials that
26 create impediments to or interference with, or otherwise materially complicate the Commission’s
27 fulfillment of its statutory responsibilities, create unnecessary and challenging budgetary
28

1 pressures and resource drain that undermines the Commission’s ability to fulfill the objectives of,
2 and its responsibilities under, the CCEA.

3 20. Due to the authority and responsibilities delegated to the Commission in the CCEA,
4 the Commission and its staff occupy a unique role and hold a unique set of responsibilities within
5 the Arizona election system.

6 21. The Commission is uniquely authorized by its enabling legislation to undertake, and
7 uniquely responsible for executing, communications on a variety of critical topics with a variety
8 of the key, necessary participants in the election process, including: (1) individuals eligible to be
9 voters in Arizona; (2) candidates for public office; (3) representatives for candidates’ campaign
10 organizations; (4) officials of state-recognized political parties; and (5) state and county election
11 officials.

12 22. Among its communications with persons eligible to vote in Arizona elections, the
13 Commission is empowered to and does publish a document entitled the “Voter Education Guide,”
14 also known as the “Candidate Statement Pamphlet,” which provides voters information on the
15 voting process and statements from the candidates running for statewide, legislative, county-wide,
16 and county supervisory offices for both the state’s primary and general elections. *See* A.R.S. §
17 16-956(A)(1); *2024 Voter Education Guide, Primary Election*, Citizens Clean Elections
18 Commission, [https://storageccec.blob.core.usgovcloudapi.net/public/docs/1027-
19 Web_English_AllDistricts_FINAL.pdf](https://storageccec.blob.core.usgovcloudapi.net/public/docs/1027-Web_English_AllDistricts_FINAL.pdf).

20 23. The Voter Education Guide has in past elections acknowledged to Arizonans that
21 “it can be difficult and frustrating to find official, nonpartisan election information,” and that “[the
22 Commission’s] goal is to educate and inform, not influence, and we hope this Voter Education
23 Guide helps you cast your ballot confidently.” *Id.* By publication of the Voter Education Guide,
24 the Commission is responsible for providing Arizona voters the only state government-issued,
25 nonpartisan explanation of key components of the Arizona voting and elections systems for
26 primary voters, the only state guide that addresses candidate information in either the primary or
27 general election, and the only state guide that is delivered to every voting household in English
28 and Spanish.

1 24. The Voter Education Guide provides every voting household critical information
2 about: (1) the upcoming primary or general election; (2) dates of important election-related events
3 (such as early voting dates); (3) processes for voter registration; (4) details on how to vote in an
4 election; (5) information about voter assistance resources and contacts; (6) explanations about
5 voter ID requirements at the polls; (7) an explanation of the offices with candidates standing for
6 election in the upcoming election; and (8) statements from candidates that provide biographical
7 information and, if they wish, information about items like their principles, perspectives, and/or
8 priorities on matters that may be of interest to prospective voters. *See, e.g., id.* The guide includes
9 specific instructions to “Independents.” *Id.* at 9.

10 25. For example, in 2024, the primary Voter Education Guide explained that
11 “Independents CAN vote in the Primary (you do not need to re-register with a party)” and
12 explained that “Independent voters must choose which ballot type they want to vote” including
13 Democratic, Republican or local nonpartisan options. *Id.* at 10.

14 26. The Commission provides additional voter education information through content
15 on its website covering a wide variety of topics that may be critical to facilitating voter
16 engagement, voter understanding, and voter satisfaction with the election system and experience.
17 *See, e.g., Voting*, Citizens Clean Elections Commission, <https://www.azcleelections.gov/voting>
18 (last visited Dec. 1, 2025). Such informational sources include the Voter Education video series
19 offering videos that help educate Arizonans on everything from the structure and responsibilities
20 of the levels of American and Arizona government, how to register to vote, how Arizona’s ballot-
21 by-mail system works, election security issues, and what to do before one votes on Election Day.
22 *See Voter Ed. Videos*, Citizens Clean Elections Commission,
23 <https://www.azcleelections.gov/voter-education-series> (last visited Dec. 1, 2025).

24 27. The Commission also sponsors and arranges for production of candidate debates for
25 various offices so that voters and other members of the public can hear directly from candidates
26 on topics of potential importance to the Arizona electorate. *See* A.R.S. § 16-956(A)(2).

27 28. Given the foregoing, the objectives of the CCEA include ensuring that the
28 Commission serves as a primary statewide source of informative, educational information that

1 will make registration to vote and voting materially easier and more convenient for Arizona
2 residents eligible to vote, that will inform voters and prospective voters about upcoming elections
3 and the candidates and propositions they will be asked to vote on at such elections, and that will
4 thereby increase voter convenience, efficiency, satisfaction, and motivation to vote, while
5 eliminating or materially reducing the sorts of confusion, frustration, or resentment that might
6 undermine or discourage voter participation.

7 **II. The Arizona Elections Law Provides for Recognition of New Political Parties, But**
8 **Does Not Provide for Party Name Changes of the Type Approved for the**
9 **NLP/AIP; Consequently, the Secretary’s Decision to Approve the Name Change**
10 **is Unauthorized, Null, and Void.**

11 29. Arizona law provides for the recognition of new political parties, and the Arizona
12 statutes have created a specific process, supervised by the Arizona Secretary of State, by which
13 political parties must apply for and prove themselves qualified under the specific requirements of
14 Arizona law to be recognized as a political party in this state. *See* A.R.S. §§ 16-801 – 16-804.

15 30. Formal recognition of a political party by the Arizona Secretary of State entitles the
16 new party to be represented by candidates who are members of that party on ballots for primary
17 and general elections. *See* A.R.S. § 16-801. Additionally, parties are entitled to representation on
18 the Presidential Preference Election Ballot. A.R.S. § 16-244.

19 31. The Arizona statutes expressly provide that a “new political party” may file with the
20 Secretary of State a petition for recognition of “a new political party” not less than two hundred
21 fifty days before the primary election for which the new party seeks recognition. A.R.S. § 16-
22 803(A). The petition must include signatures of qualified and registered Arizona voters sufficient
23 in number to meet the minimum, valid petition signature requirements at A.R.S. § 16-801. *See*
24 *also* A.R.S. § 16-803.

25 32. While the Arizona statutes described above expressly authorize the Secretary of
26 State to recognize “new party” petitioners that meet the minimum petition and voter signature
27 requirements, *see* A.R.S. § 16-803(I), the Arizona statutes nowhere authorize any recognized party
28 to petition for a name change, nor do the Arizona statutes authorize the Secretary of State to accept

1 or allow any name change for an existing, recognized political party. *Compare* A.R.S. § 16-801,
2 *et seq.*

3 33. Because the Secretary of State is an office of limited jurisdiction/authority under
4 Arizona law, its powers are limited to those delegated to it by the Arizona Constitution and valid
5 statutes.

6 34. Because the Arizona Constitution and statutes provide no delegation of authority to
7 the Secretary of State to approve party name change petitions for political parties already
8 recognized under Arizona law, the Secretary of State had no legal authority to accept or approve
9 the name change petition filed by NLP for the name change to “Arizona Independent Party.”

10 35. When a state official acts in excess of that official’s delegated legal authority, their
11 acts are deemed null and void. *See, e.g., Legacy Found. Action Fund v. Citizens Clean Elections*
12 *Comm’n*, 243 Ariz. 404, 406 (2018) (“An order is void if it exceeds the jurisdiction of the court or
13 agency rendering it.”) (citing *Am. Asphalt & Grading Co. v. CMX, LLC*, 227 Ariz. 117, 119, ¶ 11
14 (2011); *Dallas v. Ariz. Corp. Comm’n*, 86 Ariz. 345, 348 (1959) (“We hold, therefore, that the
15 action of the Commission canceling the certificate in question was entered without jurisdiction
16 and such orders are declared to be void and of no effect.”). Such actions may be declared invalid,
17 and even enjoined. *See, e.g., Boruch v. State ex rel. Halikowski*, 242 Ariz. 611, 616 (App. 2017)
18 (noting that Arizona appellate courts have concluded that a court is not prevented from granting
19 injunctive relief when a public officer enforces a public statute in a manner that exceeds the
20 officer’s power) (citing *McCluskey v. Sparks*, 80 Ariz. 15 (1955)).

21 36. The Secretary acted in excess of the authority of his office in approving the name
22 change petition of the NLP/AIP, rather than requiring the leadership of the reorganized group to
23 follow the process required for obtaining recognition under Arizona law for a new political party.
24 The Secretary’s decision to approve the petition as a mere name change is therefore null and void
25 and should be declared invalid by this Court.

26 37. The Secretary has also issued guidance to County Recorders that seeks to implement
27 the name change decision. A copy of that guidance is attached here as **Exhibit C**. To the extent
28 this guidance attempts to implement, or require changes in the Arizona election process in

1 response to, the NLP/AIP name change decision, the Secretary's new guidance actions are legally
2 unauthorized, invalid and unenforceable.

3 38. If the Secretary refuses to accept and act upon the decision of this Court in declaring
4 the Secretary's actions are beyond the Secretary's legal authority (*ultra vires*), then this Court will
5 have power to enjoin the Secretary and all other interested persons from acting on the Secretary's
6 name change decision and associated guidance, direction, or instructions resulting from or
7 implementing that decision.

8 **III. The Secretary's Actions Conflict with and Nullify the Arizona Statutory and**
9 **Judicial Terminology for Voters who Register as Having No Affiliation with a**
10 **State Recognized Political Party, and Impair and Interfere with Multiple**
11 **Statutory Duties of the Commission.**

12 39. The Secretary's approval of the NLP's request to rename itself the Arizona
13 Independent Party directly impairs multiple statutory duties assigned exclusively to the Plaintiff
14 under the Citizens Clean Elections Act.

15 **A. The Creation of a Political Party Identifying its Members as "Independent"**
16 **Voters in Arizona Nullifies and Redefines the Legislature's and Courts' Use of**
17 **the term "Independent" Without Legal Authority to Do So.**

18 40. The Secretary has no legal authority to change the meaning of, ignore, or nullify the
19 meaning of terms used in Arizona statute or judicial precedent. But, that is what his decision to
20 rename the NLP/AIP does here.

21 41. After all, the Secretary expects by simply "re-naming" the NLP/AIP organization,
22 all voters registered as members of it will now be classified by election officials throughout the
23 state as Arizona Independent Party voters.

24 42. But the state law already employs, and has long historically employed, the terms
25 "Independent Voter" and "Independent Candidate" to mean precisely the opposite that the
26 Secretary is now requiring Arizona election officials to classify as an "Independent" voter.

27 43. To assess the likelihood of voter confusion and frustration that will be caused by the
28 Secretary's approval of the NLP/AIP name change, the Court must consider the fact that the new
name – Arizona Independent Party – coopts a name "Independent" that for decades under Arizona

1 law has been a statutory term and judicial designation for a voter who has registered to vote with
2 no recognized party affiliation.

3 44. As one example, the Arizona election statutes at A.R.S. § 16-321(F)(3) include in
4 the definition of “qualified signer” of a nominating petition “[a] qualified elector who is **registered**
5 **as independent** or no party preferred.” (emphasis added).

6 45. Similarly, the election statutes at A.R.S. § 16-467(B) actually cover the primary
7 ballot options of “**a voter who is registered as independent**,” allowing them to “designate the
8 ballot of only one of the political parties that is entitled to continued representation on the ballot
9 and the judge of the election shall give the elector only that political party’s [primary] ballot.”
10 (emphasis added).

11 46. A.R.S. § 16-645(B), governing the canvass of precinct votes in primary elections,
12 requires reporting to the Secretary of State by local election officials of the number of “partisan
13 [recognized party] ballots selected in that primary election by voters who **registered . . . as**
14 **independents . . .**” (emphasis added).

15 47. The term “independent” is used similarly in the CCEA to refer to one who is not
16 affiliated with any state government-recognized party.

17 48. For instance, the statutes at § 16-950(E) provide: “To qualify for clean elections
18 funding, a candidate must have met the requirements of this section and either be **an independent**
19 **candidate** or meet the following standards . . .” (emphasis added).

20 49. A.R.S. § 16-951(A)(2-3), (D) similarly refer to an “independent candidate.”

21 50. The CCEA itself defines “independent candidate” as “a candidate who has properly
22 filed nominating papers and nominating petitions with signatures pursuant to section 16-341.”
23 A.R.S. § 16-961(F)(2). A.R.S. § 16-341 provides the process by which “[a]ny **qualified elector**
24 **who is not a registered member of a political party** that is recognized pursuant to” A.R.S. Title
25 16 “may be nominated as a candidate for public office otherwise than by primary election or by
26 party committee . . .” (emphasis added).

27 51. The Arizona courts have consistently referred to voters who are not registered as
28 members of a political party recognized under Arizona law as “independent voters.” *See, e.g.,*

1 *Browne v. Bayless*, 202 Ariz. 405, 408, ¶¶ 9-11 (2002); *Clifton v. Decillis*, 187 Ariz. 112, 113
2 (1996) (referring to prospective candidate at “registered Independent” who sought candidate
3 nomination petition signatures from “registered Independents in her district.”); *Save Our Vote*,
4 *Opposing C-03-2012 v. Bennett*, 231 Ariz. 145, 148 (2013) (“In the primary, only voters who are
5 registered with a particular party, or not registered with another recognized party
6 (e.g., *independent voters*), may vote the party's ballot.” (emphasis added)).

7 52. The Secretary’s action forces election officials across the state to now and hereafter
8 recognize thousands of voters registered as “No Labels” party voters as “Arizona Independent”
9 party voters, ignoring the direct clash that calling party-affiliated voters “Independent” creates
10 with existing statutory and judicial terminology. In effect, the Secretary has acted to nullify the
11 Legislature’s and courts’ election to use the term “Independent” voter to refer to a non-party
12 affiliated voter exclusively.

13 53. And, by effectively redefining “independent” to include voters who are members of
14 one, specific political party, the Secretary has introduced ambiguity into statutory and regulatory
15 terms the Commission must use to carry out its statutory duties to provide public education to
16 voters, candidates, and contributors, A.R.S. § 16-949(C), and to administer public-funding
17 provisions that distinguish between party-affiliated and independent candidates, A.R.S. §§ 16-950
18 to 16-951. That ambiguity increases the risk that voters will be misinformed in significant ways
19 and that candidates may misunderstand the applicable funding formulas.

20 54. At a minimum, the Secretary’s decision will contribute to chaos and confusion
21 among election officials, voters and candidates who try to navigate the inherent inconsistency of
22 using the term “Independent” voter to refer to both a voter who has registered affiliation with a
23 recognized party and those voters who have, conversely, purposefully registered themselves as
24 totally unaffiliated with any recognized party.

25 55. Worse, the Secretary has no legal authority to create such a terminology clash with
26 established statutes, to nullify the meaning of “independent voter” or “registered as an
27 independent voter” in statute, or to somehow force the Legislature and courts to modify the
28

terminology they, Arizona election officials, and Arizona voters and candidates have historically used to prevent the confusion the Secretary has elected to bring on.

56. The Commission's voter education obligations under the CCEA directly implicate voters' associational rights under the First Amendment. Campaign contributions are protected by the First Amendment. *McConnell v. FEC*, 540 U.S. 93, 231 (2003) (recognizing associational rights in campaign contributions).

57. To use just the clean elections qualification process as an example, voters acting as qualifying contributors under the CCEA may give to any candidate regardless of party or independent status. Those who give via the online E-Qual platform, are offered the opportunity to give \$5 to any state or district legislative candidate seeking clean funding, while they are offered the opportunity to electronically sign the petition of any state or district legislative candidate for which they are qualified to sign. The qualifications are different for the two parts of E-Qual.

58. Accordingly, a voter who joins NLP/AIP can no longer sign a petition for a Democratic candidate, but can give to a Democratic candidate for funding purposes. An independent can both sign the petition and give to the candidate.

59. Creating a political party recognized as the Arizona Independent Party will adversely impact those voters' constitutional associational choices as they must decipher whether the candidate represents a party or no party.

60. The Secretary's actions will further frustrate and impose substantial, additional burdens on the Commission in fulfilling its duties to both oversee the CCEA campaign support program and educating voters, candidates and election officials across the state. The nullification of the "independent" terminology used in the relevant elections statutes, and resulting additional confusion over everything from voter registration options to independent voter primary voting rights, and even voter rights to support the CCEA campaign support qualification efforts of candidates, will create unjustifiably greater challenges for the Commission in attempting to avoid or mitigate such confusion amongst voters, candidates, political parties, and election officials, and to ensure that the Arizona systems of elections operates with increasing efficiency and expanding voter enthusiasm and participation.

61. Thus, the Secretary has undertaken a legally unauthorized action that nullifies legislative language and creates substantial confusion among voters, candidates, and election officials in an arena the Arizona voters have sought to make more clear, predictable, voter-friendly, and easy to use through enactment of the CCEA. The Secretary's actions have harmed, and will continue to harm the Commission and its staff in unique, particularized ways that undermine and violate their statutory rights and responsibilities.

B. The Secretary's Actions Will Create Substantial Voter Confusion and Frustration Because the Facts Indicate the New Party Will Be Hardly Recognizable to the Vast Majority of the More Than 42,000 Voters Whose Voter Registrations Will Be Automatically Altered to Make them Members of the New AIP.

62. The Secretary's actions create a virtual certainty of substantial voter confusion and frustration given the process the Secretary used to approve the name change, and by the name the Secretary has allowed the party to use as its official party designation for Arizona election purposes.

63. First, the Secretary acted in very short order on a petition that impacts the voter registration of some 42,000-plus Arizona voters currently registered as members of the No Labels party. But he did so, on information and belief, with no advance warning or notice to those voters, and no opportunity for them to be heard on the change that will make them members of a new, and different party structure and purpose.

64. On October 8, 2025, Paul Johnson, the Board Chair of the NLP/AIP provided the Secretary a Memorandum in Support of Name Change Request (the "October 8th Memo") requesting his recognition of the decision by the new NLP/AIP Board of Directors (the "NLP BOD") to change the party name to the Arizona Independent Party effective December 1, 2025, and allowing recognition of the new party name on the ballot for the 2026 statewide primary and general elections. A copy of that October 8th Memo is attached hereto as **Exhibit A**.

65. Just over one week later, on October 16, 2025, the Secretary provided the NLP/AIP a letter approving the name change and indicating that the new name would be formally recognized

1 effective December 1, 2025 (the “October Decision”). A copy of that October Decision is attached
2 hereto as **Exhibit B**.

3 66. Indeed, except for those voters who have followed the limited media reporting on
4 this issue and have recognized its impact on their particular registration, the vast majority of
5 NLP/AIP members registered in Arizona have no way of yet knowing that they are now
6 considered by the Secretary to belong to the Arizona Independent Party, and to be limited in the
7 future to voting on the primary ballot of that party. True “independent” or non-party affiliated
8 voters that blamelessly register with NLP/AIP will have no ability to vote on a different
9 recognized party’s primary ballot.

10 67. For NLP/AIP voters, the first time they are likely to learn first-hand the
11 consequences that the Secretary’s actions have converted them to being registered to vote as a
12 member of the new NLP/AIP party will be when they obtain a ballot for the next primary or
13 general election they vote in. Such surprise to tens of thousands of registered voters will logically
14 cause many to be upset, frustrated, and confused.

15 68. Indeed, once such voters have a chance to investigate just what party the Secretary’s
16 hasty actions have now made them a member of, substantial voter agitation is to be expected.

17 69. After all, the facts indicate a material divergence between what the NLP/AIP
18 promised its members, and what the newly named organization promises voters.

19 70. The NLP/AIP collected enough voter signatures to gain access to the Arizona ballot
20 in 2023.

21 71. On information and belief, prior to the Secretary’s decision approving the
22 NLP/AIP’s name change application, there were more than 42,000 Arizona voters who were
23 registered as members of the NLP.

24 72. The Arizona NLP was officially affiliated with the national No Labels Party
25 organization which was formed to back a centrist alternative in the 2024 presidential election and
26 which gained ballot access in 20 other states. *See Danielle Kurtzleben, No Labels, Which Sought*
27 *to Challenge Biden and Trump, Ends its 2024 Presidential Bid*, NPR,
28

1 <https://www.npr.org/2024/04/04/1242890689/no-labels-election-presidential-candidate> (Apr. 4,
2 2024).

3 73. As part of its party election efforts in 2024, the NLP leadership sought to prevent
4 any candidates from qualifying for the Arizona general election ballot as an NLP candidate other
5 than for the offices of United States President and Vice President. *See No Labels Party of Arizona*
6 *v. Fontes*, 142 F.4th 1226, 1228 (9th Cir. 2025). In other words, the NLP policy in the 2024
7 election was to prohibit members of its party from obtaining a spot on the Arizona general election
8 ballot for any federal or state office other than President and Vice President.

9 74. Meanwhile, Paul Johnson, who at the time co-chaired Make Elections Fair AZ, was
10 seeking to back a ballot initiative that would have created an open primary system in Arizona. On
11 information and belief, Mr. Johnson was not a member of the NLP in 2024, and held no leadership
12 or governing position with the NLP.

13 75. After their ballot proposition failed, however, Johnson and his colleagues “began to
14 think about creating or forming our own party.” *See* Wayne Schutsky, *No Labels Arizona Plans*
15 *to Run Candidates Up and Down the Ballot in 2026*, [https://www.kjzz.org/elections/2025-07-](https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-plans-to-run-candidates-up-and-down-the-ballot-in-2026)
16 [31/no-labels-arizona-plans-to-run-candidates-up-and-down-the-ballot-in-2026](https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-plans-to-run-candidates-up-and-down-the-ballot-in-2026) (July 31, 2025).

17 76. On information and belief, the NLP became functionally inactive as an Arizona
18 political party after the 2024 general election and the corresponding end of the national No Labels
19 Party’s 2024 presidential bid.

20 77. On information and belief, rather than seeking to obtain recognition of a new party
21 pursuant to the provisions of Arizona law at A.R.S. § 16-801, *et seq.*, Mr. Johnson and political
22 colleagues of his began discussions with members of the NLP about taking leadership control
23 within the NLP, Mr. Johnson sought and obtained appointment as chairman of the NLP, and the
24 NLP reorganized its state committee to include Mr. Johnson. In a public meeting of the
25 Commission on November 28, 2025, Mr. Johnson spoke and explained that “we” had taken over
26 the NLP, and that he is one of the three members who apparently make up the NLP/AIP’s state
27 committee.
28

1 78. On information and belief, Mr. Johnson has described the NLP/AIP after its
2 reorganization under his leadership as a new party, having been quoted as stating “the new state
3 party’s goals largely align with the national No Labels organization.” See Wayne Schutsky, *No*
4 *Labels Arizona Plans to Run Candidates Up and Down the Ballot in 2026*,
5 [https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-plans-to-run-candidates-up-and-](https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-plans-to-run-candidates-up-and-down-the-ballot-in-2026)
6 [down-the-ballot-in-2026](https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-plans-to-run-candidates-up-and-down-the-ballot-in-2026) (July 31, 2025).

7 79. On information and belief, and consistent with statements Mr. Johnson made at the
8 public meeting of the Commission on November 28, 2025, soon after taking over the NLP/AIP’s
9 leadership, Mr. Johnson and others began considering a name change and a change to the bylaws
10 that would create opportunities for down-ballot candidates to gain access to the Arizona ballot as
11 NLP/AIP candidates.

12 80. Mr. Johnson and others claiming affiliation with the NLP/AIP further suggested at
13 the November 28th Commission meeting that the NLP/AIP organization was changed and the
14 name change to Arizona Independent Party was applied to recruit independent candidates to
15 bypass statutory requirements that otherwise exist to independent (non-party-affiliated)
16 candidates gaining Arizona ballot access by creating a “party” that any person could use through
17 their voter registration as a member of that party to gain ballot access at the primary and general
18 elections.

19 81. In other words, the public representations of the current NLP/AIP chair and others
20 claiming affiliation with the NLP/AIP have indicated that the NLP/AIP currently intends to not
21 facilitate or promote association of voters or candidates around shared principles, policies, or
22 public governance objectives, but to principally operate as a recognized political party so that as
23 many persons who want to gain access to an Arizona ballot as a member of a recognized “party”
24 can do so irrespective of their individual political beliefs and thereby avoid the alternative
25 nomination or write-in options that exist for persons who choose to have no affiliation with a
26 recognized political party.

27 82. The foregoing suggestions appear contradicted by the AIP’s website content, which
28 indicates that the party is operating to promote particularized policies, reflected in statements

1 promoting that the U.S. military is the “strongest in the world,” that there should be “strong
2 borders and a workable immigration system,” and an “all-of-the-above energy strategy” with oil,
3 gas, nuclear, and renewables. *See Arizona Independent Party Homepage*,
4 <https://www.arizonaindependentparty.com/> (last visited Nov. 29, 2025) ([https://perma.cc/HD5A-
5 HKDD](https://perma.cc/HD5A-HKDD)).

6 83. The Commission has no interest in or criticism of the objectives of the NLP/AIP as
7 suggested in the public comments of their leaders and affiliates, or as alternatively explained
8 through their website commentary. Rather, the foregoing is relevant because it provides the factual
9 context from which the Court will conclude that the actions of the Secretary in approving the name
10 change request of the NLP/AIP create: (1) the real, palpable likelihood of substantial voter
11 disenfranchisement, confusion, surprise, and frustration; (2) the associated real impacts of these
12 issues on the efficient operation of the Arizona election system; (3) the material discouragement
13 of voter understanding and participation in Arizona elections that are hallmark responsibilities of
14 the Commission under the statutory command given to it by the voters of the Arizona; and, (4)
15 evade the terms that govern independent candidates running for office. *See, e.g.,* A.R.S. §§ 16-
16 341, 16-961(F)(2).

17 84. First, it is clear that the change of party names is not the only material change that
18 has modified the NLP, changing its former structure and objectives. Logic dictates that when such
19 changes are made known to the former NLP affiliated voters, it can cause alarm among its original
20 members, leaving them reticent to continue their affiliation. In fact, at least one individual
21 professing himself an NLP-registered Arizona voter and candidate appeared before the
22 Commission at its November 28, 2025 public meeting and declared his opposition to the name
23 change. *See 2025 Special General Election Candidates*, Secretary of State,
24 <https://apps.arizona.vote/electioninfo/Election/72> (listing candidate Richard Grayson as a NOL or
25 No Labels candidate for the 2025 Congressional District 7 Election).

26 85. And the number of unhappy and confused former NLP members could be
27 significant. Mr. Johnson has indicated that of the more than 42,000 registered NLP members, his
28 group polled approximately 1,800 people and around “two to one” of those polled approved of

1 the name change. This approval represents approximately 4% of the party. The remaining 96%
2 either oppose the name change or have not had their opinion factored into the decision. Yet, if
3 extrapolated to the entire NLP/AIP membership as Mr. Johnson apparently prefers, Mr. Johnson's
4 numbers would indicate that a substantial fraction of the current NLP/AIP members (perhaps as
5 many as 1/3rd of the 42,000, or over 14,000 members) do not agree to the name change.

6 86. The AIP therefore represents a new faction, not only of Arizona voters, but of the
7 former NLP membership. The Secretary was therefore dealing with a new entity with potentially
8 split members. The Secretary was legally required to have the new group follow the same process
9 as required for any other new party seeking to gain recognition providing them the ability to appear
10 on the ballot. *See* A.R.S. § 16-801. By allowing the NLP/AIP to bypass those statutory
11 requirements for recognition, the Secretary acted well outside his legal authority.

12 87. In response to criticism that NLP/AIP members could be disenfranchised by the
13 unilateral change of their affiliation by the Secretary, the Secretary shifted the burden to the voters
14 themselves by suggesting that unhappy voters who had their party changed to the AIP name could
15 go through the process to change their new party affiliation. *See* Howard Fischer, *Clean Elections*
16 *Votes to Sue Over No Labels Party Name Change*, Pinal Central,
17 [https://www.pinalcentral.com/arizona_news/clean-elections-votes-to-sue-over-no-labels-party-](https://www.pinalcentral.com/arizona_news/clean-elections-votes-to-sue-over-no-labels-party-name-change/article_e4f592ee-6e56-4cdd-a1f6-af5561797a01.html)
18 [name-change/article_e4f592ee-6e56-4cdd-a1f6-af5561797a01.html](https://www.pinalcentral.com/arizona_news/clean-elections-votes-to-sue-over-no-labels-party-name-change/article_e4f592ee-6e56-4cdd-a1f6-af5561797a01.html) (Nov. 28, 2025).

19 88. Again, the Secretary lacks the legal authority to change these voter's party affiliation
20 to begin with, let alone shift the burden onto voters who never consented to their affiliation being
21 changed.

22 89. And due to the process by which the Secretary has undertaken to make this change,
23 any future change by such unhappy former NLP members would not be retroactive. Therefore,
24 these voter's unintended affiliation with the NLP/AIP, for however long it lasts before they realize
25 their affiliation was changed by the Secretary, will remain as part of the State's database of their
26 prior registrations. This, in turn, will impact their voting rights.

27 90. As noted above, A.R.S. § 16-467(B) entitles someone registered as "independent"
28 to elect from the various recognized parties' primary ballots during a primary election. By law,

1 that option is not available to member of the NLP/AIP. There can be no doubt this will cause
2 substantial voter frustration, anger, and/or discouragement.

3 91. Misleading voters—whether done with intention or carelessness—should be a
4 serious concern to all of those tasked with administering fair elections and educating Arizona
5 voters.

6 92. The risk of voters being misled and confused is not a hypothetical.

7 93. The Secretary has already observed that “[e]verybody recognizes that there’s going
8 to be voter confusion.” See Ray Stern, *Party Name Change Could Lock Some Voters Out of Key*
9 *Arizona Primary Elections*, Ariz. Republic (Nov. 4, 2025),
10 [https://www.azcentral.com/story/news/politics/arizona/2025/11/04/party-name-change-could-](https://www.azcentral.com/story/news/politics/arizona/2025/11/04/party-name-change-could-lock-some-independents-out-of-key-az-primaries/87057004007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=undefined&gca-ft=0&gca-ds=sophi)
11 [lock-some-independents-out-of-key-az-primaries/87057004007/?gnt-cfr=1&gca-cat=p&gca-](https://www.azcentral.com/story/news/politics/arizona/2025/11/04/party-name-change-could-lock-some-independents-out-of-key-az-primaries/87057004007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=undefined&gca-ft=0&gca-ds=sophi)
12 [uir=true&gca-epti=undefined&gca-ft=0&gca-ds=sophi](https://www.azcentral.com/story/news/politics/arizona/2025/11/04/party-name-change-could-lock-some-independents-out-of-key-az-primaries/87057004007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=undefined&gca-ft=0&gca-ds=sophi).

13 94. In fact, the NLP/IPA logo, which is used on the party’s website and on its
14 candidates’ websites, is itself misleading by just using the word “Independent.”



25 95. To suggest as the Secretary has, that any resulting confusion amongst voters
26 resulting in mistaken registrations could be remedied by the voters themselves taking subsequent
27 steps to change their registration misses the point.
28

1 96. It is a well-recognized fact that voters who become frustrated by aspects of the
2 election system are likely to retreat from participation in elections. In fact, the voters' stated
3 objectives for the CCEA even implicitly acknowledge this fact. *See* A.R.S. § 16-840(A).

4 97. Moreover, commentary on the website of the national No Labels Party website
5 recognizes that "[f]rustrated Americans are increasingly raging at the other side or receding from
6 politics altogether." <https://nolabels.org/> (last visited Dec. 1, 2025).

7 98. Thus, the Secretary was aware, or had reason to be aware, that when he made the
8 decision to approve the NLP/AIP name change petition, he was setting up thousands of voters for
9 potential disenfranchisement, confusion, and discouragement. The Secretary knew, or should have
10 known, that his decision was going to undermine and impede the Arizona voters' objectives in
11 enacting the CCEA—to increase and improve the voter experience, voter understanding, and voter
12 participation rates in Arizona.

13 **C. The Secretary's Errors Especially Harm the Commission by Creating**
14 **Material, Adverse Impacts on and Impediments to the Commission's**
15 **Fulfillment of its Statutory Mission.**

16 99. The unauthorized action, statutory nullification, voter confusion, frustration and
17 discouragement described above create special, material adverse impacts and impediments to the
18 Commission fulfilling its responsibilities and achieving the legislative objectives of the CCEA.

19 100. First and foremost, the Plaintiff Commission is the state institution that is expressly
20 authorized to support and manage the Clean Elections Fund programs for campaign support, to
21 enforce expenditure compliance, and to provide voter education, so the responsibility to try and
22 eliminate and untangle that confusion will be the Commission's responsibility. The Commission
23 will need to apply its powers of supervision, candidate support, expenditure compliance
24 enforcement, and voter education in novel, and heretofore unnecessary ways, to mitigate the
25 variety of disruption to the State of Arizona's election system that will be caused by the
26 Secretary's renaming decision.

27 101. In light of the Secretary's rushed approval process, the expedited timing needed to
28 meet near-term election needs, the lack of consistent or helpful guidance from the Secretary and

1 his staff of election officials, and issues with the now highly inconsistent uses of the word
2 “independent” between the law and the new party name, this educational effort will require a
3 substantial diversion of Commission resources. That commitment of resources may be impossible
4 given statutory restrictions on the Commission’s funding uses, will divert resources from other
5 critical candidate support, campaign expenditure enforcement, and voter education efforts needed
6 to fulfill the statutory objectives of the CCEA.

7 **D. The Secretary’s Decision Qualifies as Arbitrary and Capricious, and as an**
8 **Abuse of Discretion, Which Also Renders the Decision Null and Void and**
9 **Unenforceable.**

10 87. Even when the Secretary of State has been granted some discretion under Arizona
11 law to make particular decisions, the Secretary cannot do so in a manner that is arbitrary and
12 capricious, or that constitutes an abuse of discretion. *See Chavez v. Brewer*, 222 Ariz. 309, 315
13 (App. 2009) (acknowledging that where Secretary of State had discretion to make voting machine
14 selections, to prevail on the merits a party challenging the Secretary’s selection had to
15 “demonstrate that Secretary Brewer acted in an arbitrary and capricious manner in selecting the
16 voting machines at issue”) (citing *Ariz. State Highway Comm’n v. Superior Court*, 81 Ariz. 74, 79
17 (1956); *Yes on Proposition 200 v. Napolitano*, 215 Ariz. 458, 465, ¶ 12 (App. 2007) (“When an
18 official has discretion about how to perform a function, mandamus is available to require him to
19 act properly [] only if the official abuses that discretion.”) (internal quotation omitted)).

20 88. A government official acts arbitrarily and capriciously “when [the official] does not
21 examine ‘the relevant data and articulate a satisfactory explanation for its action including a
22 ‘rational connection between the facts found and the choice made.’” *Compassionate Care*
23 *Dispensary, Inc. v. Arizona Dep’t of Health Servs.*, 244 Ariz. 205, 213 (App. 2018) (quoting *Motor*
24 *Vehicle Mfrs. Ass’n of U.S. v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983) (quoting
25 *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962))).

26 89. The Secretary did not examine information relevant to the petition for name change
27 submitted by NLP/AIP.
28

1 90. First, on information and belief, the Secretary did not consider the fact that the NLP
2 had become inoperative in Arizona after the 2024 General Election, that it had become “taken
3 over” by Mr. Johnson and others he was leading, and that Mr. Johnson and other leaders of the
4 NLP/AIP had revised the organization and its bylaws to facilitate new objectives that promoted
5 down-ballot candidates and opened the organization up to use by any interested person who
6 desired to use an affiliation with the organization just to avoid the requirements of Arizona law
7 that must be complied with or met by non-party-affiliated candidates or write-in candidates to
8 appear on an Arizona election ballot.

9 91. Also, on information and belief, the Secretary did not fully or properly consider the
10 fact that the well over 40,000 Arizonans who registered to vote under the NLP affiliation would
11 immediately be subjected by the Secretary’s decision to being designated party members of the
12 new organization structured under Mr. Johnson’s take-over and leadership without prior notice or
13 an opportunity to opt-out of further affiliation with that party.

14 92. By failing to analyze the impacts on already registered voters identified in the
15 foregoing paragraph, the Secretary failed to account for the fact that tens of thousands of Arizona
16 voters were now likely to: (1) remain ignorant of the fact that they will be registered as a member
17 of what is effectively a new party with new operating principles and efforts, new leadership, and
18 new by-laws; (2) be confused by what has happened to their party affiliation in their Arizona voter
19 registration records; or (3) be upset, frustrated, discouraged, or angered by the decision to
20 unilaterally change their party affiliation to the new NLP/AIP designation without prior notice to
21 them and without giving them an explanation of all the implications under Arizona law to that
22 change in their voter status and an opportunity to opt out.

23 93. Under Arizona law, a voter whose registration status indicates no affiliation with or
24 membership in any recognized political party is allowed to obtain in the primary election a primary
25 ballot of another recognized political party of their choice, and to cast valid votes to be counted
26 in that party’s primary election. A.R.S. § 16-467(B).

27 94. However, for all those voters who were registered as NLP party members, but whom
28 the Secretary’s decision requires to be automatically converted to NLP/AIP party members, they

1 will only be allowed to cast primary election votes using the NLP/AIP primary ballot so long as
2 the party is entitled to continued representation on the primary ballot per A.R.S. § 16-804.

3 95. To the extent any of the over 40,000 Arizona voters currently registered as NLP/AIP
4 party members remain unaware before the next primary elections that they have been assigned to
5 the NLP/AIP party as registered party members, but wish upon learning that information to
6 disassociate with the NLP/AIP party and register instead as what has traditionally been considered
7 an “independent” or non-party-affiliated status, such voters will likely be disenfranchised from
8 exercising the rights of a true “independent” or non-party-affiliated voter in those next primary
9 elections. Instead, they may be forced to only use a primary ballot for those candidates running in
10 the NLP/AIP primary election. On information and belief, the Secretary did not adequately
11 consider this interference with the rights and expectations of such voters under Arizona law.

12 96. Likewise, the Secretary’s decision appears intended to require the MVD, through
13 whose website many Arizonans exercise their voter registration choices, to change the options
14 available to newly registering voters, or voters seeking to change recognized party affiliations on
15 the MVD website. Logically, where the website now provides a drop-down menu giving
16 registrants the option to select affiliation with previously recognized parties like the Republican
17 and Democrat parties, the menu will add an “Arizona Independent” or like party name.

18 97. For example, as of December 1, 2025, the Service Arizona website operated by
19 MVD provides that voters can select the “No Labels Party” or “No Party Preference
20 (Independent).”
21
22
23
24
25
26
27
28

1

2

3

4

5

6

7

8

9

10

11

12

13

14 98. On information and belief, if this website menu would update it would leave either
 15 “Arizona Independent Party” and “No Party Preference” without the term “(Independent),” or else
 16 use the word “Independent.” Thus, a reasonable voter who wanted to be a true independent could
 17 reasonably select the Arizona Independent Party.

18 99. On information and belief, the MVD would have to provide an option for voters to
 19 select to register as Arizona Independent Party on its voter registration website.

20 100. True independents or voters who either are not or do not wish to be affiliated with
 21 a political party face surprise and confusion. The Secretary has issued guidance to County
 22 Recorders indicating how voters who register using a paper state voter registration form to register
 23 as independent voters should be treated in terms of whether they are requesting to become
 24 independent voters or independent party members. *See Exhibit C.*

25 101. On information and belief MVD employees and other agencies who offer an
 26 opportunity to register to vote while providing services will have to answer questions about the
 27 difference between independent voters and becoming a member of a party. *See 52 U.S.C.A. §*
 28 *20504(a)(1)* (requiring state driver’s license applications to serve as voter registration applications

1 for federal elections); 52 U.S.C.A. § 20506(a)(1) (requiring states to designate agencies for the
2 registration of voters for federal elections); *id.* at (a)(4)(ii) (requiring designated agencies to
3 provide “[a]ssistance to applicants in completing voter registration application forms, unless the
4 applicant refuses such assistance”); A.R.S. § 16-140(A) (“All public assistance agencies and
5 disabilities agencies in this state shall provide the opportunity to register to vote for those persons
6 who apply for benefits or appear at the agency to renew, recertify or change address
7 information.”).

8 102. But because the term “independent” has so long been used in Arizona election law
9 and practices to refer to voters who wish to have no affiliation with any party, and/or who wish to
10 have the option to select among the recognized party’s primary ballots to exercise their primary
11 election voting rights, it is logically certain that some voters will be confused and select affiliation
12 with the “independent” party option while believing (incorrectly) that they are registering to vote
13 with no political party affiliation.

14 103. Again, for such voters, they will be forced at their first primary election to settle
15 only for voting on the primary slate on the NLP/AIP ballot, and will be robbed of their opportunity
16 under Arizona law as what has historically been identified as an “independent voter” to elect
17 among the other recognized parties’ primary ballots which ballot they will use for primary voting.
18 Many voters subjected to such mistakes and their consequences will logically end up surprised or
19 shocked, angered, frustrated, and discouraged by the Arizona election system.

20 104. The potential for the type of mass voter confusion outlined above also imposes
21 substantial burdens on the Commission to revamp its voter education efforts and invest substantial
22 additional funds and resources to try and stave off as much of such confusion, frustration, and
23 discouragement as it can.

24 105. The Arizona statutes leave formal voter education on the state level in large part to
25 the Commission, but the Secretary’s errors, if left unaddressed, would require substantial editing
26 of the Voter Education Manual, of the Commission’s website information and video series, as
27 well as substantial new outreach and education efforts. Such new efforts will be especially critical
28 to try and mitigate the voter confusion that is likely to last for many years among persons seeking

1 to register or change party affiliation being presented with an “Arizona Independent” option they
2 do not recognize as a recognized party affiliation, but falsely assume renders them entitled to all
3 rights of a voter registered with no party affiliation.

4 106. On information and belief, the Secretary’s decision to approve the NLP/AIP name
5 change therefore promises that the Commission will need to commit and divert significant
6 amounts of its financial and personnel resources to simple “damage control” against voter
7 disappointment, discouragement, anger, and confusion caused by this action of the Secretary. Yet,
8 because the Commission faces statutory restrictions on how much of its available funds it can use
9 for such efforts, its new educational efforts are unlikely to fully mitigate the confusion and voter
10 frustration that the Secretary’s decision will be creating.

11 107. On information and belief, the Secretary took insufficient account of the foregoing
12 realities and likelihoods, did no study of how many voters will be negatively impacted, did no
13 study of how such negative consequences might be avoided or mitigated, and did not adopt,
14 require, or suggest any actions by either the NLP/AIP party or his own office or staff designed to
15 avoid or mitigate such negative consequences of his decision.

16 108. On information and belief, the Secretary also did not take account of, study, or
17 analyze how the negative consequences of his decision in terms of voter confusion, anger,
18 frustration, disenfranchisement, and discouragement would: (1) impair the Commission’s ability
19 to fulfill the objectives of the CCEA and its responsibilities thereunder; (2) impose new and
20 unnecessary financial and other resource burdens on the Commission to try and mitigate harms to
21 voters and voter enthusiasm for participation in elections; or (3) depress voter engagement and
22 participation in Arizona elections despite any new efforts the Commission might undertake.

23 109. Where the Secretary undertakes actions that he is not legally authorized to take and
24 thereby interferes with the Commission’s efforts to fulfill its objectives and responsibilities
25 imposed by the CCEA, the Secretary’s actions can be deemed arbitrary and capricious, or an abuse
26 of discretion.

27 110. Given the objectives of the CCEA to ensure that Arizona elections are made easier
28 to understand and participate fully in, that Arizona voters are encouraged to vote and are well

1 informed and educated about the voter registration process, and that voters understand the distinct
2 legal impacts of registering as a recognized political party member or as what has traditionally
3 under Arizona law been considered an “independent” voter, any failures to consider and address
4 the matters outlined above have negatively impacted or impeded the Commission’s ability to carry
5 out its CCEA responsibilities and improve voter participation.

6 111. Because the Secretary has, on information and belief, engaged in such failure to
7 consider, study, and act upon relevant facts necessary to preserve, protect and fully implement the
8 objective of the CCEA, the Secretary’s actions are in excess of his authority and null and void. In
9 the alternative, such actions are arbitrary and capricious and an abuse of discretion. The Court
10 should declare the Secretary’s decision to approve the name change to be invalid and
11 unenforceable.

12 **E. The Secretary’s Professed Legal and Factual Reasons for Approving the**
13 **Name Change Rely on Inaccurate Interpretation of Law and Violate**
14 **Established Standards Under Arizona Law for Defining the Legally**
15 **Authorized Actions of an Office of Limited Jurisdiction.**

16 112. In his memorandum approving the name change petition, the Secretary offered his
17 rationale for a conclusion that the approval was not just legally appropriate, but required. But the
18 Secretary’s analysis was legally flawed.

19 113. First, the Secretary relied upon a conclusion that under Arizona law if the name
20 change approval was not expressly prohibited, then the Secretary had legal authority to issue it.

21 114. The foregoing analysis is the opposite of the Arizona law governing offices of
22 limited jurisdiction like the Secretary’s. Such an office has *only* the powers that are actually
23 delegated to them by other appropriate sources of law—namely through state constitutional
24 provisions or statutory legislation properly enacted by the Legislature or the voters.

25 115. The Secretary can identify no such source of law that authorized his approval of the
26 name change. To the contrary, the Arizona statutes governing how a political party can obtain
27 recognition starkly omit any authorization to approve such a name change. Under the controlling
28 Arizona law limiting the Secretary from acting unless specifically authorized to act by appropriate

1 legal sources of authority, the Secretary was forbidden from approving the name change and acted
2 ultra vires and in violation of his limited authority in doing so.

3 116. As a result, the Secretary's actions were null and void.

4 117. The Secretary's rationale also professed that First Amendment rights of the
5 NLP/AIP compelled his approval of the name change. However, this reflects a misunderstanding
6 of the relevant First Amendment law which does not instill any such absolute right in a political
7 party or its members to use any name they elect. Quite the contrary, the relevant law indicates any
8 First Amendment rights of expression that might be associated with a political party name can
9 yield to other valid government considerations, such as the risk of creating voter confusion or
10 otherwise disrupting the election process.

11 118. In this case, the Secretary had no legal obligation under First Amendment principles
12 to approve the name change. Instead, he not only would have had authority to deny it based on all
13 the chaos, confusion, elections system disruption, and other issues outlined above, he would have
14 been compelled to do so because he had no authority to approve the change and doing so resulted
15 in nullifying the express use of the "independent voter" and "independent candidate" terms in the
16 CCEA and other elections statutes, and in undermining the Commission's authority and ability to
17 fulfill the objectives of the CCEA and its responsibilities thereunder.

18 119. The Secretary's rationale for acting was therefore arbitrary and capricious, reflects
19 an abuse of discretion, and also proves that he was acting in violation of law when he approved
20 the NLP/AIP name change. His actions were null and void.

21 **IV. The Secretary's Approved Name Change, And His Subsequent Guidance**
22 **Regarding the Future Use of the Word "Independent," Conflicts with the**
23 **Elections Procedure Manual.**

24 120. The current Elections Procedures Manual ("EPM"), as well as the 2025 draft EPM
25 which is currently awaiting approval from the Governor and the Attorney General, both refer to
26 unaffiliated voters as "independent."

27 121. The Secretary has received critical feedback from other agencies, counties, and
28 concerned parties.

1 122. On November 21, 2025, Plaintiff wrote a letter to the Secretary outlining its
2 concerns, including that the 2023 EPM, which is currently in force, requires counties to use the
3 term “No Labels Party.” *See* Ariz. Sec’y of State, *2023 Elections Procedures Manual* (approved
4 Dec. 30, 2023; updated Jan. 11, 2024) at 24, 145, 151 (specifying treatment of the “No Labels
5 Party” in particular procedures),
6 [https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024](https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf)
7 [.pdf](https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf). A copy of that letter is attached hereto as **Exhibit D**.

8 123. The December 1, 2025 implementation date will put counties out of compliance
9 with existing rules, while there has not been a full public airing of the Secretary’s proposed
10 changes to the pending EPM.

11 124. Many counties and their recorders have expressed significant concern to the
12 Secretary about the name change and the process by which it was approved.

13 125. On November 25, 2025, the Arizona Department of Transportation Motor Vehicle
14 Division (“MVD”) sent a letter to the Secretary indicating that it could not comply with
15 implementing the name change in its voter registration system effective December 1, 2025
16 because doing so may violate the EPM, which is a misdemeanor. A copy of that letter is attached
17 hereto as **Exhibit E**.

18 126. On November 29, 2025, the Arizona Democratic Party sent a letter to the Secretary
19 indicating that his endorsement of the name change undermined ballot access statutory
20 framework, was contrary to Arizona law, was inconsistent with the EPM, and would require
21 substantial modifications to the EPM. A copy of that letter is attached hereto as **Exhibit F**.

22 127. As examples, the Democratic Party letter noted that the topic of voter registration is
23 expressly addressed in the EPM, as reflected in the provisions of the draft 2025 EPM that the
24 Secretary submitted to the Governor and Attorney General on October 1, 2025, containing a
25 section in the chapter addressing voter registration on “Political Party Preference.” The “Political
26 Party Preference” section acknowledged that “No Labels” was a political party and provided that
27 voters who identified as “Independent” should be marked by county recorders as “Independent,”
28 and not as being affiliated with the NLP/AIP. The EPM further states that a “registrant wishing to

1 change their political party preference from the one indicated in the registration record must
2 reregister.”

3 128. The Secretary has therefore contradicted his own exercise of discretion and issuance
4 of elections guidance, demonstrating that his approval of the NLP/AIP name change violates
5 Arizona election law on multiple fronts.

6 **V. A Current, Viable Dispute Exists Between the Parties Over the Legality and**
7 **Enforceability of a Decision of the Defendant Secretary, and the Impact of That**
8 **Decision on the Authority, Rights, and Statutory Responsibilities of the Plaintiff**
9 **Commission.**

10 129. The Commission has delivered a written demand, by letter, advising the Secretary
11 of the Commission’s objections to his name change approval for NLP/AIP, and requesting he
12 either rescind the decision or stay it for further study and consideration. The Commission’s letter
13 was delivered on November 21, 2025, and requested a response by November 25, 2025. The
14 Commission letter detailed the Commission’s legal and factual positions on the legal errors and
15 violations in the Secretary’s decision, on the adverse impacts the Secretary’s decision has created
16 for the Commission and its staff, and of the violations of Arizona law, including the CCEA, the
17 Secretary’s actions have been responsible for.

18 130. The Secretary has indicated he does not agree with the Commission’s legal and
19 factual positions, and does not intend to change his decision on renaming the NLP/AIP
20 organization.

21 131. Therefore, there exists a live, current, and substantial dispute between the
22 Commission and Secretary involving the Secretary’s lack of authority, and the arbitrary and
23 capricious character, and abuse of discretion involved in, the Secretary’s decision to approve the
24 NLP/AIP name change petition.

25 132. The dispute over the parties’ respective legal rights and responsibilities is sufficient
26 to state a ripe cause of action arising under the Arizona Uniform Declaratory Judgments Act,
27 A.R.S. § 12-1831, *et seq.* The Commission is therefore entitled to the Court proceeding on the
28 merits and issuing a final judgment declaring the Secretary to be in violation of Arizona law, to
be violating the Commission’s rights and the objectives and requirements of the CCEA, and

1 declaring that the Secretary's actions are unauthorized, ultra vires, and null and void, as well as
2 unenforceable because they are arbitrary, capricious, and an abuse of discretion.

3 **Count I**

4 **(DECLARATORY JUDGMENT – PER A.R.S. § 12-1831, *et seq.*)**

5 133. The Commission incorporates and restates as if set forth fully herein all allegations
6 set forth above.

7 134. The Commission is a governmental entity created by legislative enactment and
8 endowed under Arizona law with particular rights, authorities, and responsibilities, which include
9 its right to seek relief against actions of other governmental officials or entities that abridge,
10 impair, prevent, or interfere with the Commission's exercise of its rights, authorities, and
11 responsibilities.

12 135. The Secretary has taken actions, as outlined in the paragraphs above in this
13 Complaint, that have abridged, impaired, prevented, or interfered with the Commission's exercise
14 of its legal rights, authorities, and responsibilities.

15 136. The Commission is a party with standing to seek relief under the terms of the
16 Arizona Uniform Declaratory Judgments Act, A.R.S. § 12-1831, *et seq.* Specifically, and as
17 outlined in the foregoing paragraphs of this Complaint, the actions of the Secretary in connection
18 with approving the NLP/AIP name change and implementing changes to the operation of the
19 Arizona voter registration and elections systems to accommodate that name change decision have
20 caused and will cause the Commission to suffer the particularized harm, injury, and interference
21 with its legal rights and ability to perform its legal responsibilities that are outlined above in the
22 allegations of this Complaint.

23 137. As alleged above, the Commission's harms and injuries include, without limitation,
24 the interference by the Secretary with the Commission's rights, powers, authority, and
25 responsibilities under the CCEA, including by eliminating or nullifying the use of the term
26 "independent" as established in the Arizona election statutes (including the CCEA) to refer to or
27 classify voters or candidates who are not registered in the voter records of this state as affiliated
28 with a state-recognized political party. The Secretary's actions purport to restrict and/or eliminate

1 the Commission's right to refer to and treat candidates and voters as what has been referred to in
2 Arizona election law and guidance as being "independent."

3 138. As alleged above, the Commission's harms and injuries include, without limitation,
4 the creation by the Secretary's name change approval and related guidance restricting further use
5 of the term "independent" in Arizona election matters of material confusion amongst current and
6 prospective voters, candidates, political parties, and election officials over the operation of the
7 Arizona voter registration process, the Arizona election law and processes, and the clean elections
8 system under the CCEA. This confusion impairs the operations of the Commission and the
9 exercise of its legally delegated rights and responsibilities by: (a) creating the sort of confusion,
10 frustration and discouragement of current and prospective voters, candidates, and election
11 officials that will discourage and limit participation by Arizonans in the Arizona elections process;
12 (b) materially interfering with and preventing the Commission from functioning as intended by
13 the CCEA; (c) materially interfering with and preventing the Commission from fulfilling all its
14 responsibilities under the CCEA to operate a clean elections system and properly and accurately
15 educate citizens, voters, candidates, campaigns, and election officials regarding election and clean
16 elections processes, laws, and opportunities; and (d) requiring the application of limited
17 Commission resources to try and mitigate the confusion, frustration, and discouragement of
18 citizens, voters, candidates, campaigns, and election officials caused by the Secretary's actions
19 rather than to fulfill the Commission's central responsibilities under the CCEA.

20 139. For the reasons set forth above, the actions of the Secretary violate the rights and
21 unlawfully interfere with the legal responsibilities of the Commission under the CCEA, including
22 the Commission's responsibilities to oversee and manage the Clean Elections campaign funding
23 support system, its responsibilities to communicate with and educate citizens, voters, prospective
24 voters, candidates, political parties, and election officials across the state regarding matters
25 governed by the CCEA, and its responsibilities to enforce campaign expenditure issues. Because
26 the Secretary's actions violate and undermine the rights and responsibilities of the Commission,
27 they are ultra vires, unauthorized, in violation of law, invalid, null and void, and unenforceable.
28

1 140. For the reasons set forth above, the actions of the Secretary in approving the
2 NLP/AIP name change and issuing new guidance on voter registration and elections system
3 operations to accommodate that name change were done without legal authority, and in violation
4 of the laws governing Arizona elections, including those statutes that rely upon and utilize the
5 term “Independent” or “Independent Voter” or “Independent Candidate” to identify a person who
6 has no registered affiliation with any recognized Arizona political party. The Secretary’s actions
7 are null and void.

8 141. For the reasons set forth above, the actions of the Secretary are arbitrary and
9 capricious and an abuse of discretion. They are therefore a violation of the Secretary’s limited
10 jurisdiction and authority, and they are invalid and unenforceable.

11 142. The Secretary’s actions have and will impair the full enforcement of the objectives
12 of the voters in enacting the CCEA. The Commission has standing and sufficient legal interests
13 given its central statutory responsibility to implement and enforce the CCEA to object to and seek
14 relief against such statutory impairment.

15 143. Based on the allegations set forth throughout the entirety of this Complaint, there
16 exists a current and real controversy and dispute between the Commission and the Secretary over
17 the Secretary’s actions in approving the NLP/AIP name change and issuing guidance to implement
18 and accommodate the name change. The controversy includes disputes over the respective rights,
19 roles, authorities, and responsibilities of the Commission and the Secretary under relevant Arizona
20 law, disputes over whether the Secretary’s actions have been taken without legal authority and are
21 therefore null and void, disputes over whether the Secretary’s actions unlawfully or improperly
22 infringe upon, interfere with, or undermine the legal rights, authority, and responsibilities of the
23 Commission under the CCEA, disputes over whether the Secretary’s actions are in violation of
24 law, arbitrary, capricious, or an abuse of discretion, and disputes over whether the Secretary’s
25 actions are invalid and unenforceable.

26 144. As alleged above in this Complaint, the Commission has formally raised its
27 concerns and positions regarding the foregoing disputes and controversy with the Secretary by
28

1 letter, and the Commission has sought resolution of the disputes and controversy by voluntary
2 action of the Secretary.

3 145. By his actions, including continued actions aimed at implementing the NLP/AIP
4 name change decision, the Secretary disputes the Commission's position and objections and
5 intends to enforce and act upon the name change and guidance decisions that are the source and
6 cause of the controversy and disputes.

7 146. Therefore, an actual, live controversy and dispute exists between the Commission
8 and the Secretary over the parties' respective legal rights and responsibilities which requires
9 resolution by the courts.

10 147. The declaratory relief requested here will terminate the controversy and disputes
11 giving rise to this proceeding by clarifying for the Secretary that his actions in approving the
12 NLP/AIP name change and issuing guidance in relation thereto must be reversed and no longer
13 implemented because they were legally unauthorized and null and void, and because they are
14 otherwise invalid and unenforceable as unlawful, arbitrary and capricious, and/or an abuse of
15 discretion.

16 148. Therefore, the Commission is entitled to a declaration of its and the Secretary's
17 respective rights, duties, and responsibilities in relation to the disputes outlined in this Complaint.
18 Specifically, the Commission is entitled to a final judgment declaring that the Secretary's approval
19 of the name change from the No Labels Party to the Arizona Independent Party, and his issuance
20 of any guidance, directive, or instruction intended to accommodate or implement that name
21 change, was unlawful, legally unauthorized, null and void, invalid, arbitrary and capricious, an
22 abuse of discretion, and unenforceable. The Commission is further entitled to a final judgment
23 declaring that the Secretary is prohibited by law from approving the name change request or taking
24 any actions, including the issuance of any rule, guidance, instruction, directive or advice, that is
25 related or intended to assist in accommodating or implementing the name change.

26 149. Should the Court issue a declaratory judgment on terms requested herein, and the
27 Secretary disregard the judgment and continue to attempt to enforce, implement or accommodate
28 the NLP/AIP name change, then the Commission shall be entitled to seek further relief by way of

1 appropriate injunctive or other supplementary orders as authorized under A.R.S. § 12-1838. The
2 Commission reserves its right to seek any such additional relief if necessary.

3 150. The Commission therefore hereby seeks a final judgment in favor of the
4 Commission and against the Secretary, pursuant to A.R.S. § 12-1831, *et seq.*, including the
5 declarations of rights and legal responsibilities set forth in the foregoing paragraphs.

6
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff Citizens Clean Election Commission respectfully prays that the
9 Court enter a final declaratory judgment in its favor and against the Defendant Secretary of State,
10 providing:

- 11 A. A declaration that the Secretary's approval of the name change from the No Labels
12 Party to the Arizona Independent Party, and his issuance of any guidance, directive, or
13 instruction intended to accommodate or implement that name change, was unlawful,
14 legally unauthorized, null and void, invalid, arbitrary and capricious, an abuse of
15 discretion, and unenforceable;
- 16 B. A further declaration that the Secretary is prohibited by law from approving the name
17 change request of the No Labels Party and from taking any actions, including the
18 issuance of any rule, guidance, instruction, directive or advice, that is related or
19 intended to assist in accommodating or implementing the name change;
- 20 C. A further declaration that the Commission may be entitled to further injunctive or
21 supplemental orders from this Court should the Secretary or any persons or entities
22 acting in concert with the Secretary take any actions inconsistent with the final
23 declaratory judgment of this Court;
- 24 D. An award to the Commission of its taxable costs, and, to the extent allowed by Arizona
25 law, its reasonable attorneys' fees, plus post-judgment interest on any such awards at
26 the highest rate and from the earliest date allowed by law; and
27
28

1 E. An award to the Commission of all such other and further relief that the Court deems
2 just and proper.
3

4 RESPECTFULLY SUBMITTED this 2nd of December, 2025.
5

6 RICHARDS & MOSKOWITZ PLC

7 /s/ William A. Richards

8 William A. Richards

9 Samantha A. Fox

10 1850 N. Central Avenue, Suite 2010

11 Phoenix, Arizona 85004

12 *Attorneys for Arizona Citizens Clean Elections*
13 *Commission*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

MEMORANDUM IN SUPPORT OF NAME CHANGE REQUEST

To: Hon. Adrian Fontes, Arizona Secretary of State

From: Paul Johnson, Board Chair of No Labels of Arizona Party

Dated: October 8, 2025

Re: Notification of Intent to Change Party Name to “Arizona Independent Party”

This Memorandum is submitted on behalf of the No Labels Party of Arizona in support of its request to change the name of the Party to “Arizona Independent Party.” The name change has been unanimously approved by the Party’s Board of Directors and is consistent with a state-wide polling of the Party’s registered voters.

Legal Basis

Arizona law does not expressly prohibit or condition a qualified political party from changing its name. Title 16 of the Arizona Revised Statutes governs political party recognition and ballot access but is silent on the procedure for an internal re-designation of party identity. Under principles of statutory construction, silence does not constitute prohibition. In the absence of contrary statutory language, the party retains authority to define and amend its name, subject to its continuing compliance with registration and recognition requirements overseen by the Secretary of State.

This understanding is consistent with constitutional protections of political association. The First and Fourteenth Amendment guarantee the right of citizens to freely associate for the advancement of political beliefs (*see Tashjian v. Republican Party of Conn.*, 479 U.S. 208 (1986)), and state regulation of party identity or ballot name cannot unduly burden the right of a political party to select its name (*see Freedom Socialist Party v. Bradbury*, 182 Or. App. 217, 226-27 (2002)). Administrative recognition of our chosen name ensures compliance with the Equal Protection Clause by treating our organization no differently than other qualified parties.

Precedent

Across the country, state election authorities have historically recognized party name changes absent express statutory authority. A few of those are listed here:

- Alabama (1979): Prohibition Party → National Statesman Party
- Alaska (1972): Independent Party → American Party
- Hawaii (1978): Independents for Godly Government → Aloha Democratic Party (via AG opinion)

- Idaho (1998 & 2000): U.S. Taxpayers Party → American Heritage Party → Constitution Party

In fact, Minnesota, New Mexico, and Wisconsin codify such changes, but in many other states—including Arizona—administrative recognition has been sufficient.

The “Independent Party” nomenclature is well established. Numerous states—including Oregon, Connecticut, and Delaware—have certified parties under the “Independent” designation without confusion, and Arizona’s own voter registration system already distinguishes between “recognized political party” affiliations and “party not designated” status. Our proposed name, the “Arizona Independent Party,” will be administered as a distinct, recognized political party. Clear ballot labeling and registration procedures will continue to provide voters with transparency and prevent confusion, ensuring compliance with both constitutional protections of association and Arizona’s interest in maintaining clarity on the ballot.

Courts and election authorities in multiple jurisdictions have upheld the use of “Independent Party” names as neither misleading nor confusing to voters, even where voter registration systems also use the term “independent” or “unaffiliated”:

- Independent Party of Oregon (IPO): Recognized as a major party under Or. Rev. Stat. § 248.002 and approved by the Oregon Secretary of State. IPO has successfully fielded candidates for governor and U.S. Congress without evidence of voter confusion.
- Independent Party of Delaware: Recognized by the Delaware Department of Elections pursuant to 15 Del. C. § 101; has maintained qualified party status since the 1990s.
- Independent Party of Connecticut: Recognized in Connecticut.
- Independent Party of Florida: Recognized in Florida.
- Independent Party of Louisiana: Recognized in Louisiana.

These examples demonstrate that state officials and courts have consistently distinguished between an “Independent Party” as a recognized political organization and “independent/unaffiliated” as a registration status. The proposed name, Arizona Independent Party, therefore falls well within established national practice and is legally defensible against any claim of voter confusion.

Our proposed designation therefore comports with established electoral practice.

Requests

Accordingly, and in line with both constitutional protections and precedent in other jurisdictions, we respectfully request confirmation that our Party be recognized as of December 1, 2025, under the new name “Arizona Independent Party,” and that this name will appear on the ballot for the 2026 statewide primary and general elections. Please advise us promptly of any additional procedural steps, filings, or fees that your office requires to complete this transition.

Additionally, we request that you update your records to reflect that the Party's official phone is 602-413-8785, and the Party's email address is paul@america.com.

We appreciate your attention to this matter and your commitment to ensuring clarity, fairness, and continuity for Arizona's electorate.

EXHIBIT B



October 16, 2025

Via Email

Hon. Paul Johnson
Chair, Board of Directors
No Labels Party
2020 N. Central Ave, Suite 400
Phoenix, AZ 85004
(602) 413-8785
paul@optamerican.com

Re: Reply to October 8, 2025 Memo Regarding Name Change

Dear Chair Johnson,

This Office is in receipt of your correspondence dated October 8, 2025 requesting that this Office formally recognize your Party's request to change its name from the No Labels Party to the Arizona Independent Party effective December 1, 2025.

In short, I concur with your analysis of the applicable law and hereby grant your request.

The 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. This interpretation of the statutes is, as you point out in your supporting memorandum, 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.

Given that you are the person on file with this Office as the Chair of the No Labels Party and have confirmed in writing that this name change has been approved according to the Party's internal process, this Office will formally recognize the No Labels Party's name change to the Arizona Independent Party effective December 1, 2025 and update its administrative systems accordingly.

1700 West Washington, Seventh Floor
Phoenix, Arizona 85007
Telephone: (602) 542-8683
Toll-free in Arizona 1-877-THE VOTE

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in green ink, appearing to read 'Adrian Fontes', with a stylized flourish at the end.

Adrian Fontes
Arizona Secretary of State

1700 West Washington, Seventh Floor
Phoenix, Arizona 85007
Telephone: (602) 542-8683
Toll-free in Arizona 1-877-THE VOTE

EXHIBIT C



ADRIAN FONTES
SECRETARY OF STATE
STATE OF ARIZONA

No Labels Party Name Change Guidance

Document Number: SOS-ELEC-2025-001

Version: 1.0

Elections Procedures Manual: Chapter 1, Section IV(D) Political Party Preference

Effective Date: December 1, 2025

Next Review Date: Not scheduled (this guidance is subject to change)

Issuing Office: Arizona Secretary of State, Elections Division

Approved By: Secretary of State, Adrian Fontes

Revision History¹

Version	Date	Changes	Approved By
1.0	Nov 29, 2025	NOL Party Name Change	Adrian Fontes, Secretary of State

Executive Summary

This Guidance is being issued due to the No Labels Party announcing a name change to the Arizona Independent Party (AIP) effective 12/1/2025.

This Guidance establishes uniform standards and procedures for County Recorders across Arizona to process voter registration applications in compliance with state and federal law. Consistent application of these standards ensures every eligible Arizonan can exercise their right to vote while maintaining the integrity and accuracy of voter rolls.

¹ All guidance is subject to change due to legislative or court decision which means this guidance may be superseded in the future.

Purpose

The purpose of this Guidance is to:

- Provide guidance included in the 2025 Draft Elections Procedure Manual
 - Ensure current No Labels Party voter registration files reflect the name change
 - Ensure uniform processing of future voter registration applications across all 15 Arizona counties as it relates to political party preference registration
 - Establish clear timelines and procedures that comply with Arizona Revised Statutes Title 16 and the National Voter Registration Act (NVRA)
 - Maintain the integrity and accuracy of Arizona's voter registration database
 - Protect the voting rights of eligible Arizona citizens
-

Scope and Applicability

This Guidance applies to:

- All 15 Arizona County Recorders, Election Directors, and their staff
- All voter registration applications received through any authorized channel
- Currently registered voters, new registrations, updates, and party affiliation changes

This Guidance covers:

- Paper registration forms submitted by mail, email, fax or in person
 - Electronic registrations through the Arizona Motor Vehicle Division (MVD)
 - Online registrations through AzMVDNow or ServiceArizona.com
 - Third-party voter registration organizations
 - UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) registrations
-

Guidance Issued

A registrant may select a political party preference by checking one of four boxes on the State Form: (1) Republican; (2) Democratic; (3) Other _____; or (4) No Party/Unaffiliated.² If the “Other” box is checked and the registrant writes a political party preference, the registrant’s selection should be entered in the voter registration database as follows:

² [A.R.S. § 16-152\(A\)\(5\)](#) requires that the two largest political parties entitled to continued representation on the ballot shall be listed on the voter registration form, and the form shall include a blank line for other party preference options.

- Republican: “Republican,” “Rep,” “GOP,” or any substantially similar Party designation
- Democratic: “Democratic,” “Democrat,” “Dem,” or any substantially similar Party designation
- Libertarian: “Libertarian,” “LBT,” “LIB,” or any substantially similar Party designation
- Green: “Green,” “GRN,” or any substantially similar Party designation
- Arizona Independent Party: “AIP,” “Az Ind,” “IND Party”, or any substantially similar Party designation.³
- Other: Any other non-recognized political party
- PND: “Party Not Designated,” “PND,” “No Preference,” “Unaffiliated,” “No Party,” “None,” “Independent,” “IND”, or any substantially similar designation

If a *new* registrant leaves the political party preference field blank, the registrant’s party preference will be “Party Not Designated” or “PND.” If an *existing* registrant leaves the political party preference field blank, however, the registrant’s existing political party preference will be retained, and no changes should be made.

Being consistent with the Arizona Republican Party, Arizona Democratic Party, the Libertarian Party of Arizona, the Green Party of Arizona, and the Arizona Independent Party, if a registrant writes the word “Party” to connect with any phrases above, the voter will be affiliated with that recognized political Party. The word Arizona is not required to be affiliated with one of the recognized parties.

If a registrant lists No Labels Party or NOL after December 1, 2025, but prior to February 9, 2026, the Recorder’s Office should contact that voter to confirm if they intend to register with a recognized political party or register with no party designated. A registrant who lists this party after February 9, 2026 should be placed into the “Other Party” category.

For future registrants that indicate that they wish to be unaffiliated in whatever form that is, including what was previously included as IND, these registrants should be registered as PND. Voters currently registered as IND should not be changed, unless they re-register to do so, but we will be inactivating that party code in AVID.

Our Office is currently working with MVD to change their political party drop down boxes to include the Arizona Independent Party and delete the No Labels Party. No timeline has been set for this change to occur. Independent has not been an option in their drop down menu, so no change for that is necessary.

³ The No Labels Party changed their name to the Arizona Independent Party on 12/1/2025. Those voters registered as “No Labels Party” are registered with the Arizona Independent Party as of 12/1/2025. Voters registered as “Independent” shall remain unaffiliated with no change made to their registration status unless the voter initiates a change by completing a new voter registration form.

Converting Existing NOL Registrations to AIP

How to convert voters currently registered as the No Labels Party (NOL) to the Arizona Independent Party (AIP)? This needs to be completed by December 1, 2025. These instructions outline the steps in AVID to update the voters' records, send notices informing your voters of the change to Party Affiliation, and provide them with updated Voter ID Cards. Maricopa and Pima County Voters should follow the directions for their systems to accomplish the same goals.

Pursuant to [A.R.S. § 16-163\(E\)\(2\)](#), the County Recorder shall notify the voter in writing within ten days after the change in the information prescribed by [A.R.S. § 16-152](#). It is imperative that every voter receives their updated Voter ID Card.

Identify Impacted Voters

The first step is to identify the voters impacted by this change. To do so we will run an Advanced Search in AVID to locate all No Labels Voters.

1. Go to AVID > Reporting > **Advanced Search**.
2. Under the Party Tab – **Select No Labels**.

The screenshot shows the 'ADVANCED SEARCH' interface in AVID. The 'Party' tab is selected among several tabs: Registrant Info, Address, Party, Registrant Status, Districts, Voting, Results Output, Saved Searches, Scheduled Exports, and Report Templates. Under the 'Party' tab, there is a list of parties with checkboxes. The 'NO LABELS' checkbox is checked and highlighted with a yellow box. A yellow arrow points from this box to another yellow box at the bottom of the page that also contains the 'NO LABELS' checkbox. The 'Other Party' field is empty. The 'County' dropdown is set to 'Apache'. The 'Search', 'Export', 'Reset', and 'Hide' buttons are visible at the bottom right.

3. Under the Registrant Status Tab – **Select Statuses Active, Inactive, Suspense, Not Eligible, and Not Registered**.
4. At the bottom of the Advanced Search page and under the County dropdown select only **Your County**.
5. Then, navigate to Results Output tab, be sure that the following fields are included in the Selected fields to display in Results table:

- a. Party
6. Click **Search**.
7. AVID will provide a report of all the voters currently registered in the No Labels Party.

Administrative Updates

You will need to go into each of these records and update them one by one utilizing an **Administrative Update**. This will mean that there won't be any updates to any Registration Date or Effective Date of Change.

1. From AVID, enter or select the Voter ID of the record.
2. AVID will display the Voter's Record.
3. From the Registrant Info Tab click **Update Record**.
4. For Change Type, **select Administrative Update**.
5. **DO NOT** check the box highlighted in green for "Do not generate a subscription alert, written notice, or voter id card for this update".



6. Note – the party is already missing for these voters and highlighted in Red:
7. Select **ARIZONA INDEPENDENT PARTY**.



8. Click **Update Registrant**.
9. You are brought back to the Voter Record and we can see that the Party has changed to Arizona Independent Party:



10. Repeat these Steps 1-10 for all other voters in report from Advanced Search.

Sending Mass Notices and Voter ID Cards

After updating all the NOL registrations to AIP, if you did not check the green box, voter ID cards should already be cued up to be sent. If for some reason they are not, you will now want to send them a notice informing them of the changes to their voter record and provide them with an updated Voter ID Card.

1. Go to AVID > Reporting > **Advanced Search**.
2. Under the Party Tab – **Select Arizona Independent Party**.

ADVANCED SEARCH

Registrant Info | Address | **Party** | Registrant Status | Districts | Voting | Results Output | Saved Searches | Scheduled Exports | Report Templates

Party

Select All ☐

☐ REPUBLICAN
☐ DEMOCRATIC
☐ LIBERTARIAN
☒ **ARIZONA INDEPENDENT PARTY**
☐ NO LABELS
☐ GREEN
☐ INDEPENDENT
☐ PARTY NOT DESIGNATED
☐ OTHER
☐ NON PARTISAN

☐ AMERICANS ELECT
☐ AME COM
☐ CONSERVATIVE
☐ LIBERAL
☐ MODERATE
☐ NATURAL LAW
☐ PROGRESSIVE
☐ REFORM
☐ YES
☐ Blank

Other Party

Wildcard Help

County: Apache

Search Export Reset Hide

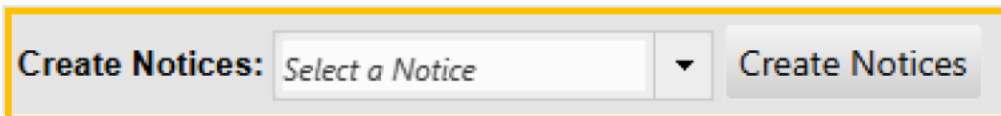
☒ **ARIZONA INDEPENDENT PARTY**

3. Under the Registrant Status Tab – **Select Statuses Active, Inactive, Suspense, Not Eligible, and Not Registered**.
4. At the bottom of the Advanced Search page and under the County dropdown select only **Your County**.
5. Then, navigate to **Results Output** tab, be sure that the following fields are included in the **Selected fields to display in Results** table:
 - a. **Party**
6. AVID will provide a Visual Output of all the voters in the Arizona Independent Party.
7. At the top left of the search results report, select a notice to send to all voters.

RESULTS

Export using template: No Template as: CSV Export

Create Notices: Select a Notice Create Notices



8. Open the **Create Notices** drop-down menu to see a list of all your notice choices.
9. Select the notice created to inform your NOL voters of the Change to AIP.
10. Click **Create Notices**.

Timeline: Recorders should work to have this change to existing registered NOL voters accomplished by December 1st, with voter registration cards going out shortly after that date. If a registrant lists No Labels Party or NOL after December 1, 2025, but prior to February 9, 2026, the Recorder’s Office should contact that voter to confirm if they intend to register with a recognized political party or register with no party designated. A registrant who lists this party after February 9, 2026 should be placed into the “Other Party” category.

Related Statutes and Resources

Arizona Revised Statutes

- A.R.S. Title 16, Chapter 1: Qualifications and Registration of Electors
- A.R.S. § 16-101 through § 16-172 (voter registration provisions)
- A.R.S. § 16-136
- A.R.S. § 16-152 (A)(5)

Related Secretary of State Policies

- Election Procedures Manual (2023)
- Election Procedures Manual (2025) *Draft Format not signed until 12/31/2025*

Forms and Resources

- Arizona Voter Registration Form
- Federal Voter Registration Form

All forms and resources available at: azsos.gov/elections

Contact Information and Technical Support

State Election Director

Lisa M. Marra
Arizona Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007
Phone: (602) 542-1717
Email: Lmarra@azsos.gov

Deputy Assistant Secretary of State, Voter Registration, Government Relations and Special Projects

Tonia A. Tunnell
Arizona Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007
Phone: (602) 540-5325
Email: Ttunnell@azsos.gov

For Secretary of State Use Only:

Guidance Distributed via email on : 11/29/2025

To: All Recorders, Election Directors and Chief Deputy/Asst Director Staff

From: Via email from Lisa Marra, State Election Director

EXHIBIT D

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

EXHIBIT E

November 25, 2025

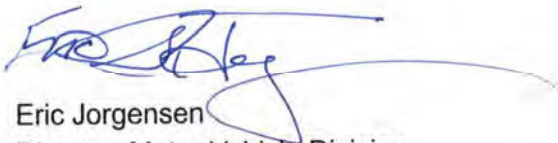
Secretary Adrian Fontes
Office of the Arizona Secretary of State
1700 West Washington Street
Phoenix, AZ 85007

Dear Secretary Fontes:

I am writing to inform you that the Arizona Department of Transportation Motor Vehicle Division (MVD) cannot implement programming changes into its MAX system to change the name of the "No Labels Party" to the "Arizona Independent Party" for the purposes of voter registration. The 2023 Elections Procedures Manual (EPM) remains in effect, and violating the EPM could result in a misdemeanor. See A.R.S. § 16-452(C). It is unclear whether the EPM permits the requested political party name change. Given the potential legal repercussions, MVD believes it cannot implement the requested change on December 1, 2025.

Please feel free to reach out to my staff if you have any questions.

Sincerely,



Eric Jorgensen
Director, Motor Vehicle Division

EXHIBIT F



250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

November 25, 2025

VIA E-MAIL

Adrian Fontes, Arizona Secretary of State
1700 W. Washington Street, Floor 7
Phoenix, AZ 85007
afontes@azsos.gov

Re: No Labels Party of Arizona's Purported Name Change

Dear Secretary Fontes:

We write on behalf of the Arizona Democratic Party concerning your recent approval of the No Labels Party of Arizona's requested name change to the "Arizona Independent Party." The proponents of this name change have admitted that they will not have a traditional platform or even substantive policy principles around which parties typically associate, and instead intend merely to provide a fast-track for unaffiliated candidates to obtain ballot access.¹ But Arizona law does not allow parties to circumvent the political party recognition process by substituting one party for another. Your decision to endorse this maneuver undermines the statutory framework governing this process and is contrary to Arizona law. For the reasons described below, we request that you reverse this decision before it takes effect on December 1, 2025.

I. The only means by which the No Labels Party may change its name is by filing a new petition for recognition under A.R.S. § 16-801.

Arizona law mandates a specific process for a political party to obtain legal recognition and ballot access.² The first step requires a demanding showing of support from voters across the state, demonstrated through petitions signed by Arizonans.³ These petitions identify the aspirant party solely by reference to its name, unlike in other states, which require the aspirant party to also

¹ See Jeremy Duda, *No Labels becomes Arizona Independent Party*, Axios (Oct. 17, 2025), <https://www.axios.com/local/phoenix/2025/10/17/no-labels-arizona-independent-party> (noting that only substantive policy requirement to which prospective candidates would have to pledge support is the open primaries measure that the party's new chairman championed in 2024 but which was resoundingly defeated by voters); KTAR News 92.3, (@KTAR923), X (Oct. 21, 2025), <https://x.com/KTAR923/status/1980786718698795312> (Arizona No Labels Party's new chairman explaining party's intent to be "a party that will help people who are unaffiliated become candidates").

² See A.R.S. §§ 16-801; 16-803; 16-804.

³ See *id.* § 16-801(A).

identify its purpose and/or leadership when seeking petition signatures.⁴ Accordingly, Arizonans who affix their signature to a petition are expressing support for the narrow outcome that a new party *with the specific name set forth on the petition* be afforded legal recognition.

The party name is an essential feature of the new party recognition process because the party *identified by name on petition sheets* is guaranteed ballot access for the next two general elections.⁵ After that, the party must either meet the requirements for continuing representation or file another new party petition.⁶ The political party recognition process is therefore inextricably intertwined with the name listed in the new party petition. No Labels qualified as a new party—and thus qualified for ballot access for the 2024 and 2026 elections—by obtaining more than 50,000 signatures on petition sheets bearing that name, and it must continue to be listed under that name.

Furthermore, recent developments have shed light on the fact that the No Labels organization has changed significantly in ways that render the new party unrecognizable from the one that collected voter signatures in 2023. The Arizona group recently witnessed a major leadership shakeup and has become disassociated from the national No Labels organization.⁷ In addition, as you know, it suffered a significant loss at the Ninth Circuit Court of Appeals in its efforts to prevent candidates from running under its name for certain down-ballot races.⁸ Following that loss, it is in the process of fundamentally overhauling its electoral strategy to now allow candidates to run under its banner up and down the ballot.⁹ These are the precise circumstances in which a political organization should be expected to start the recognition process anew. If No Labels now seeks to present itself to Arizona voters under a different moniker, branding, and set of political objectives, it must submit a new party recognition petition that demonstrates the requisite support from fellow Arizonans.

⁴ See, e.g., Ariz. Sec’y of State, *Petition For Political Party Recognition*, https://azsos.gov/sites/default/files/2023-10/new_political_party_recognition_petition.pdf (rev. July 17, 2012) (“I, the undersigned . . . hereby petition that a new political party become eligible for recognition Said party shall be known as ____.”); Ariz. Sec’y of State, *Affidavit of Electors*, https://azsos.gov/sites/default/files/2023-10/affidavit_of_electors.pdf (“We, the ten undersigned qualified electors of the State of Arizona, request that the signers of the attached petitions be recognized as a new political party, to be called ____.”); cf. N.C.G.S. § 163-96(b) (“In addition to the form of the petition, the organizers and petition circulators shall inform the signers of the general purpose and intent of the new party. . . . The petitions must state the name and address of the State chairman of the proposed new political party.”).

⁵ A.R.S. § 16-801(B).

⁶ *Id.*

⁷ See Wayne Schutsky, *The No Labels Party in Arizona Plans to Change Its Name. Critics Say It Can’t Do That*, KJZZ (Aug. 4, 2025), <https://www.kjzz.org/politics/2025-08-04/the-no-labels-party-in-arizona-plans-to-change-its-name-critics-say-it-cant-do-that>.

⁸ See generally *No Labels Party of Ariz. v. Fontes*, 142 F.4th 1226 (9th Cir. 2025).

⁹ See Schutsky, *supra* note 7.

II. Permitting No Labels to rename itself as “Independent” will create confusion, disenfranchise voters, and improperly circumvent the statutory ballot-access requirements for true independent candidates.

Notwithstanding No Labels’ failure to comply with party-recognition laws in attempting to change its name, its proposed new name—the “Arizona Independent Party”—is improper and legally impermissible for any political party in Arizona. That is the case for at least three reasons.

First, as you correctly observed, “[e]verybody recognizes that there’s going to be voter confusion” because of this decision.¹⁰ Over one-third of all registered voters in Arizona are not affiliated with a recognized political party.¹¹ The term “independent” has long been used to refer to these unaffiliated voters and to similarly unaffiliated candidates.¹² Several statutes use the term “independent,” alongside “no party preferred,” to describe unaffiliated voters.¹³ The current draft of the 2025 Election Procedures Manual (“EPM”) awaiting approval from the Governor and Attorney General does the same, using the term “independent” to refer to unaffiliated voters in numerous places.¹⁴ Naturally, then, Arizona law does not contemplate a political party naming itself the “Independent Party,” as that would inevitably create substantial confusion for voters and election officials. A party should not be permitted ballot access when the information it provides to voters in its party-recognition and nomination petitions is confusing or misleading.¹⁵ And this serious risk of confusion has already materialized: Candidates affiliated with the No Labels Party have already published campaign materials indicating their party affiliation to be “Independent,” without any indication that they are not in fact truly unaffiliated candidates.¹⁶

Second, this confusion threatens to disenfranchise unaffiliated voters. Under existing law, unaffiliated voters, often categorized as “Independent,” are authorized to vote in partisan primary

¹⁰ Ray Stern, *Party name change could lock some voters out of key Arizona primary elections*, Ariz. Republic (Nov. 4, 2025), <https://www.azcentral.com/story/news/politics/arizona/2025/11/04/party-name-change-could-lock-some-independents-out-of-key-az-primaries/87057004007/>.

¹¹ Ariz. Sec’y of State, *Voter Registration Statistics – October 2025*, <https://azsos.gov/elections/election-information/voter-registration-statistics> (last accessed Nov. 19, 2025).

¹² See, e.g., Cochise County, *I am registered as an independent voter, can I vote in the Primary Election?*, <https://cochise.az.gov/FAQ.aspx?QID=508> (last accessed Nov. 19, 2025) (referring to unaffiliated voters as “[i]ndependent voters and those without a party preference”); Navajo County, *I Am Registered As An Independent. Can I Vote In A Primary Election?*, <https://www.navajocountyaz.gov/FAQ.aspx?QID=238> (similar); Pinal County, *Can I vote in a primary election if I am registered as an Independent (IND) or have no party preference?*, <https://www.pinal.gov/FAQ.aspx?QID=218> (similar).

¹³ See, e.g., A.R.S. §§ 16-321(F)(3); 16-467(B).

¹⁴ Ariz. Sec’y of State, *2025 Elections Procedures Manual* (“EPM Oct. 2025”) at 28, 54, 137, 189, 280 (Oct. 1, 2025), <https://apps.azsos.gov/election/files/epm/2025/Election-Procedures-Manual-Oct-1-2025.pdf> (referring to “independent” voters); see *id.* at 164, 170–71, 307–08 (referring to “independent” candidates).

¹⁵ See *Marsh v. Haws*, 111 Ariz. 139, 140 (1974) (per curiam) (enjoining placement of candidate names on ballot where statutorily required information listed on nominating petitions was confusing and misleading for voters, rendering candidates out of substantial compliance with Arizona law); cf. A.R.S. § 16-314(C) (requiring that voters signing partisan nomination petition attest that the candidate they seek to support “represent[s] the principles of such party” named on the petition).

¹⁶ See Michael Zepeda, <https://www.zepedaforarizona.com/>.

elections of their choice.¹⁷ Should the No Labels Party be allowed to change its name, however, such voters may be erroneously flagged as members of the “Arizona Independent Party” by confused election officials and thus permitted to vote only in that partisan primary. In other words, unaffiliated voters who used the word “Independent” when registering to vote may be mistakenly considered to be members of the so-called “Independent Party” contrary to their wishes and prevented from voting in the partisan primary of their choice.

Third, allowing No Labels to rebrand itself in this way circumvents Arizona’s existing ballot-access rules for truly independent candidates. The threshold of support required for unaffiliated candidates is significantly higher than it is for candidates of recognized political parties.¹⁸ This distinction reflects a deliberate policy choice: Such laws are “designed to weed out the cranks, the publicity seekers, and the frivolous candidates . . . yet not to keep out those who are serious in their efforts and have a reasonable number of supporters.”¹⁹ As a recognized new party, No Labels is still able to place candidates on the ballot under the lower threshold for the 2026 general election. But through the attempted rebrand, it now seeks to reap the benefits of the “Independent” label without having to comply with the statutory requirements for unaffiliated independents. Indeed, that is precisely why the party is attempting this change.²⁰ It should not be allowed to hijack the mantle of truly independent, unaffiliated candidates in a transparent attempt to evade the requirements of Arizona law.

III. Approving No Labels’ name change would require substantial modification of the Elections Procedures Manual.

In addition, granting No Labels’ request would render significant portions of the EPM obsolete and would require significant last-minute revisions to bring the manual up to date. Under Arizona law, the Secretary of State is authorized and directed, “[a]fter consultation with each county board of supervisors or other officer in charge of elections,” to “prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency.”²¹ Those rules are prescribed in the EPM, which must be submitted to the Governor and Attorney General by October 1 in odd-numbered years, and must be approved by the Governor and Attorney General and issued by December 31 of the same year.²²

The topic of voter registration is expressly addressed in the EPM. Indeed, the draft 2025 EPM that your office submitted to the Governor and Attorney General on October 1, 2025,

¹⁷ A.R.S. § 16-467(B).

¹⁸ Compare A.R.S. § 16-341(E)–(F) (requiring 3% of qualified signers for statewide candidates for unaffiliated candidates), with *id.* § 16-322(A)(1) (requiring signatures from 0.25% of qualified signers for statewide candidates of parties with continuing representation), and *id.* § 16-322(C) (requiring signatures from 0.10% of qualified signers for statewide candidates of recognized new parties).

¹⁹ *Jenkins v. Hale*, 218 Ariz. 561, 564 ¶ 19 (2008) (citation modified).

²⁰ See *supra* note 1.

²¹ A.R.S. § 16-452(A).

²² See *id.* § 16-452(B).

contains a section in the chapter addressing voter registration on “Political Party Preference.”²³ That section specifically acknowledges “No Labels” as a political party and provides that voters who identify themselves as “Independent” should be marked by recorders as “Independent”—*not* as affiliated with the No Labels Party.²⁴ It further states that a “registrant wishing to change their political party preference from the one indicated in the registration record must reregister.”²⁵

Because these provisions are plainly incompatible with the No Labels name change, implementing that change will necessarily require substantive modification of the EPM at the last minute. It will further require the issuance of new rules instructing county officials on how to categorize voters who were previously affiliated with the No Labels Party; voters who were previously identified as “Independent”; and voters who identify themselves as “Independent” going forward. To our knowledge, your office has yet to resolve these discrepancies, and doing so now would inevitably derail the timely approval of the EPM—holding up the entire body of rules that promote uniformity and fairness in Arizona’s election procedures, all because No Labels has attempted to circumvent the rules that apply to political parties at the eleventh hour.

IV. The purported name change thwarts the will of thousands of No Labels Party supporters.

When the party first attained recognition in 2023, it did so under the “No Labels” moniker. Tens of thousands of voters provided their signatures in support of that petition, along with 10 voters who submitted affidavits; they did so to create a political party presented to them as the “No Labels Party.” There has been no suggestion that these voters consented to the name change, which now forces them to associate with a party whose identity is fundamentally distinct from the one those individuals originally supported.

As illustrated by No Labels candidates already presenting themselves as true independents,²⁶ allowing the name change saddles the party’s supporters with the unenviable choice of being forced to either associate with the “Arizona Independent Party,” or re-register and join a new party (or designate themselves as unaffiliated) in time to participate in next year’s primary. This is yet a further reason why the No Labels Party’s request should be denied.

* * *

The No Labels Party’s new leadership explicitly seeks to circumvent the party-recognition and ballot-access laws of Arizona. The Secretary of State’s office should not be complicit in this endeavor, and a decision to approve the requested name change would be contrary to Arizona law. Accordingly, we urge you to reverse this decision before it goes into effect.

²³ EPM Oct. 2025, *supra* note 14, at 28.

²⁴ *Id.*

²⁵ *Id.* (citing A.R.S. § 16-136).

²⁶ *See supra* note 16.

Respectfully submitted,



Uzoma N. Nkwonta
Elias Law Group LLP



Charlene Fernandez
Arizona Democratic Party



Roy Herrera
Herrera Arellano LLP

CC:

LARRY NOBLE, Apache County Recorder;

BILLY CLOUD, Cochise County Recorder;

AUBREY SONDEREGGER, Coconino County Recorder;

WENDY MANNIGEL-SMITH, Gila County Recorder;

POLLY MERRIMAN, Graham County Recorder;

ERIN MILLER, Greenlee County Recorder;

RICHARD GARCIA, La Paz County Recorder;

JUSTIN HEAP, Maricopa County Recorder;

LYDIA HENRY, Mohave County Recorder;

TIMOTHY JORDAN, Navajo County Recorder;

GABRIELLA CÁZARES-KELLY, Pima County Recorder;

DANA LEWIS, Pinal County Recorder;

ANITA MORENO, Santa Cruz County Recorder;

MICHELLE M. BURCHILL, Yavapai County Recorder;

DAVID LARA, Yuma County Recorder.