



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

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**Virtual Meeting:**      Citizens Clean Elections Commission

**Zoom Meeting:** <https://us02web.zoom.us/j/82928519603>

**Meeting ID:** 829 2851 9603

**One tap mobile:** +1-253-215-8782,,82928519603# US

**Commission Address:** 1110 W. Washington, Suite 250, Phoenix,  
Arizona 85007

**Date:**                      Monday, December 22, 2025

**Time:**                     9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on December 22, 2025. **This meeting will be held at 9:30 a.m. This meeting will be held virtually. The Zoom meeting room will be open by 9:15 a.m. at the latest.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at [ccec@azcleanelections.gov](mailto:ccec@azcleanelections.gov).

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

*Join Zoom Meeting*

<https://us02web.zoom.us/j/82928519603>

**Meeting ID: 829 2851 9603**

**One tap mobile**

**+1-253-215-8782,,82928519603# US**

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

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

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

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

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

- I. Call to Order.
- II. Discussion and Possible Action on Arizona Clean Elections Commission v. Fontes, CV2025-064149 (Maricopa Sup. Ct.), Arizona Democratic Party v. Fontes, CV2025-064362 (Maricopa Sup. Ct.), Republican National Committee v. Fontes, CV2025-065841 (Maricopa Sup. Ct.).

The Commission may vote to go into Executive Session, which will not be open to the public for legal advice or discussion or consultation with its attorneys in order to consider its position and instruct its attorneys regarding its position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(3), (4).

- III. Public Comment.

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or

rescheduling the matter for further consideration and decision at a later date or responding to criticism.

IV. Adjournment.

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

Dated this 18th day of December, 2025  
Citizens Clean Elections Commission  
Thomas M. Collins, Executive Director

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

REPUBLICAN NATIONAL  
COMMITTEE; REPUBLICAN PARTY  
OF ARIZONA, LLC,

Plaintiffs,

v.

ADRIAN FONTES, in his official capacity  
as Arizona Secretary of State,

Defendant.

No.

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

Plaintiffs file this complaint and allege:



1 is 3033 N Central Avenue, Suite 300, Phoenix, AZ 85012. The RPAZ promotes the election  
2 of Republican candidates in Arizona and one of its purposes include protecting the  
3 procedural integrity of Arizona elections. The RPAZ has an interest in the administration  
4 of elections in Arizona and the competitive environment affecting Republican candidates  
5 in Arizona. Naturally, the RPAZ expends significant resources supporting Republican  
6 candidates in Arizona, and some of these resources will necessarily be diverted if, in  
7 contravention of Arizona law, the “Arizona Independent Party” is allowed to appear on the  
8 ballot in place of the No Labels Party.

9         6. Defendant Adrian Fontes is the Secretary of State of Arizona and is named in  
10 this action in his official capacity only. The Secretary’s office is a division of the executive  
11 department of the government of the State of Arizona with its primary address in Maricopa  
12 County. The Secretary is also the chief election officer in the state. *See* A.R.S. § 16  
13 142(A)(1).

#### 14                                   **JURISDICTION AND VENUE**

15         7. This Court has jurisdiction over this action under A.R.S. § 41-1034(A), and  
16 Article 6, § 14 of the Arizona Constitution, and A.R.S. §§ 12-123, 12-1801, 12-1831.

17         8. A.R.S. §§ 41-1034(A), and A.R.S. § 12-401(16) because the Secretary  
18 resides and holds office in Maricopa County.

19         9. This Court has personal jurisdiction over Defendant.

#### 20                                   **GENERAL ALLEGATIONS**

##### 21         ***Arizona’s Statutory Scheme for Recognition of New Political Parties***

22         10. The Arizona Legislature is constitutionally vested with the authority to enact  
23 “laws to secure the purity of elections and guard against abuses of the elective franchise.”  
24 Ariz. Const. art. 7, § 12.

25         11. Consistent with this authority, the Arizona Legislature has enacted a  
26 comprehensive scheme for the recognition of political parties and access for candidates of  
27 those parties to positions on county and statewide ballots. *See* A.R.S. §§ 16-801 to -804.

1           12.     This scheme includes a robust process by which new political parties may  
2 seek recognition and ballot access within clear time limits. *See* A.R.S. §§ 16-801, 16-803.

3           13.     A.R.S. § 16-801(A) provides: “A new political party may become eligible for  
4 recognition . . . on filing with the secretary of state a petition signed by a number of qualified  
5 electors equal to not less than one and one-third per cent of the total votes cast for governor  
6 at the last preceding general election at which a governor was elected.” These party-  
7 recognition petitions must be signed by qualified electors from at least five different  
8 Arizona counties, and at least ten percent of the qualified electors signing the petition must  
9 be registered in smaller counties of less than 500,000 in total population. *Id.*

10          14.     A party achieving recognition by petition “is entitled to representation as a  
11 political party on the official ballot through the next two regularly scheduled general  
12 elections for federal office immediately following recognition of the political party.” A.R.S.  
13 § 801(B). After these two regularly scheduled general elections for federal office, “the  
14 political party is ineligible for further representation on the ballot unless it qualifies for  
15 continued representation on the ballot as prescribed in section 16-804.” *Id.* Section 16-804  
16 provides for ongoing recognition of established political parties by garnering five percent  
17 or more support for its top-of-ticket candidates in the preceding general election or its  
18 registration of two-thirds of one percent of a jurisdiction’s electors. If a party does not meet  
19 these thresholds, it must submit “a new petition for recognition as a new political party  
20 pursuant to this section and section 16-803.” A.R.S. § 801(B).

21          15.     Party-recognition petitions for new political parties must be filed with the  
22 Secretary of State (or only local elections officials for parties seeking only local recognition)  
23 “not less than two hundred fifty days before the primary election for which the party seeks  
24 recognition.” A.R.S. § 16-803(A).

25          16.     Any sheet of a party-recognition petition containing a signature collected  
26 more than “twenty-four months before the primary election for which the party seeks  
27 recognition is null and void” and “the filing officer shall remove that signature sheet from  
28 the petition and may not accept that signature sheet for filing.” *Id.*

1           17. Party-recognition petitions are required to be in the same form as candidate  
2 petition papers under A.R.S. § 16-315. A.R.S. § 16-801(A). Section 16-315 requires that  
3 petitions be:

4           a. On paper eleven inches wide and eight and one-half inches long.

5           b. Headed by a caption stating the purpose of the petition, followed by the  
6 body of the petition stating the intent of the petitioners. Section 801 requires  
7 that this caption state the purpose of the petition as a “petition for political  
8 party registration” and further provides for a body of the petition requiring  
9 verification by at least ten electors stating that it is their intent to be recognized  
10 as a “new political party.” A.R.S. 16-801(A)

11           c. In a format providing ten signature lines spaced one-half of an inch apart  
12 and consecutively numbered one through ten

13           d. In a format providing, in the ten signature lines, spaces for the signature,  
14 printed name, actual residence address, description of place of residence or  
15 Arizona post office box address, city or town, and Date of signing for each  
16 elector signing the party-registration petition.

17       *See* A.R.S. § 16-315. Party-recognition petitions must also include the petition circulator  
18 instructions required by section 16-315. *Id.*

19           18. The Secretary maintains a template party-recognition petition complying with  
20 these statutory directives. This template has not changed since 2012. A copy of this template  
21 petition is published on the Secretary’s website and is attached here as **Exhibit A**.

22           19. Unsurprisingly, the caption of the Secretary’s template party-recognition  
23 petition requires that the electors petitioning for the new party’s recognition declare the new  
24 party’s name on the face of the petition:

Petition For Political Party Recognition			
I, the undersigned, a qualified elector in the county of _____, state of Arizona, hereby petition that a new political party become eligible for recognition, and be represented by an official party ballot at the next ensuing regular primary election, to be held on the _____ and accorded a column on the official ballot at the succeeding general election to be held on the _____. A new political party is entitled to representation as a political party on the official ballot through the next two regularly scheduled general elections for federal office immediately following recognition of the political party. <b>Said party shall be known as _____</b> I further declare that if I choose to use a post office box address on this petition, my residence address has not changed since I last reported it to the county recorder for purposes of updating my voter registration file.			
Signature	Printed name	Actual residence address, description of place of residence, or Arizona post office box address, city or town	Date of signing
1.			

25       Exhibit A (highlighting added).



1           20.     In this manner the Secretary’s template party-recognition petition tracks the  
2 statutory requirements for candidate petitions under section 16-315, which must use the  
3 candidate’s true legal name. *See Dedolph v. McDermott*, 281 P.3d 484, 487 (Ariz. 2012).

4           ***The No Labels Party Qualifies for Recognition in March 2023 and Operates Until Failing***  
5           ***to Field Presidential Candidates in 2024***

6           21.     The No Labels Party was founded in 2010. Since that time, its slogan has been  
7 “Not Left. Not Right. Forward.”

8           22.     Former Democratic Senator (and Vice-Presidential Candidate) Joseph  
9 Lieberman became the party’s national co-chair in 2014 and served in that position until his  
10 death in March of 2024.

11          23.     Sen. Lieberman and others helped to build a national brand for the No Labels  
12 Party. In the run-up to the 2024 presidential election, the party announced its intention to  
13 seek ballot access across the country in the hope of supporting a competitive third-party  
14 presidential ticket.

15          24.     As part of this effort, the party recruited supporters in Arizona to support a  
16 new party recognition petition under A.R.S. §§ 16-801 and 803.

17          25.     The No Labels Party’s effort to qualify for ballot recognition in Arizona was  
18 successful. In February 2023, the No Labels Party submitted party recognition petitions to  
19 Secretary Fontes. These petitions used the Secretary’s template. The caption for each  
20 petition stated the new party for which the petitions sought recognition “shall be known as  
21 the No Labels Party.”

22          26.     On March 8, 2023, Secretary Fontes issued a statement that following the  
23 statutorily required verification of the petition signatures, “the No Labels Party has  
24 exceeded the minimum signature requirement and, therefore, qualifies as a new party for  
25 federal, statewide and legislative races in the 2024 Primary and General Elections under  
26 Arizona Law.”

1           27. At the time of circulating its party-recognition petitions and qualifying for  
2 recognition, the No Labels Party in Arizona was officially affiliated with the national No  
3 Labels Party organization.

4           28. Consistent with the national No Labels Party's goals to focus on the  
5 Presidential and Vice-Presidential election, the Arizona No Labels Party worked to keep  
6 candidates for any other office from qualifying for the ballot under the No Labels Party  
7 banner and even sued the Secretary to try to prevent down-ballot candidates in Arizona from  
8 accessing the ballot under the No Labels Party name. *See No Labels Party of Arizona v.*  
9 *Fontes*, 142 F.4th 1226, 1228 (9th Cir. 2025).

10           29. Ultimately, after failing to coalesce around a viable candidate for the  
11 Presidency, the No Labels Party did not nominate candidates for President and Vice  
12 President. *See* Julia Mueller and Hanna Trudo, *No Labels Abandons 2024 Presidential*  
13 *Effort*, The Hill (April 4, 2024), [https://thehill.com/homenews/campaign/4575052-no-](https://thehill.com/homenews/campaign/4575052-no-labels-party-passes-2024-election-candidate/)  
14 [labels-party-passes-2024-election-candidate/](https://thehill.com/homenews/campaign/4575052-no-labels-party-passes-2024-election-candidate/).

15           30. The No Labels Party appears to have been inactive after the 2024 election  
16 until it was apparently "taken over" by its current Chairman Paul Johnson this past summer.  
17 Since Mr. Johnson assumed leadership, the No Labels Party in Arizona no longer affiliates  
18 with the national No Labels organization. *See* Wayne Schutsky, *The No Labels Party in*  
19 *Arizona plans to change its name. Critics say it can't do that*, KJZZ (Aug. 4, 2025),  
20 [https://www.kjzz.org/politics/2025-08-04/the-no-labels-party-in-arizona-plans-to-change-](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)  
21 [its-name-critics-say-it-cant-do-that](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).

22 ***The Secretary Allows the New Party Leadership to Change the Party's Name Rather***  
23 ***than File a New Party-Recognition Petition***

24           31. On October 8, 2025, Mr. Johnson, in his new capacity as Chairman of the No  
25 Labels Party of Arizona sent an email to Secretary Fontes requesting that the Secretary  
26 recognize the No Labels Party's "notice of party name change" to the Arizona Independent  
27 Party. A copy of this email and a memorandum that accompanied it are attached here as  
28 **Exhibit B.**

1           32.     There is no Arizona statute or election procedure allowing for the recognition  
2 of a new political party by email request to the Secretary of State.

3           33.     This request was consistent with Mr. Johnson’s stated goals upon assuming  
4 control of the No Labels Party in the summer of 2025, when he said that he intended to use  
5 the existing organization to “form our own party” for supporters of 2024’s failed  
6 Proposition 140, which would have created an open primary system in Arizona. *See* Wayne  
7 Schutsky, *No Labels Arizona Plans to Run Candidates Up and Down the Ballot in 2026*,  
8 KJZZ.org (July 31, 2025), [https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-](https://www.kjzz.org/elections/2025-07-31/no-labels-arizona-plans-to-run-candidates-up-and-down-the-ballot-in-2026)  
9 [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).

10          34.     As detailed above, the formation of a political party in Arizona is governed  
11 by A.R.S. §§ 16-801 to 16-804.

12          35.     But Mr. Johnson did not actually form his own party. Instead, he secured  
13 leadership of an existing party that had been qualified for ballot access by petitions signed  
14 by voters who believed they were supporting the well-known agenda of the national No  
15 Labels Party by supporting the creation of its Arizona affiliate.

16          36.     Nevertheless, just eight days after Mr. Johnson’s emailed request, Secretary  
17 Fontes sent Mr. Johnson a letter agreeing to change the No Labels Party’s name to the  
18 Arizona Independent Party as of December 1, 2025. A copy of Secretary Fontes’ October  
19 16, 2025 letter is attached here as **Exhibit C**.

20          37.     As promised in his October 16, 2025 letter, the Secretary has made the name  
21 change official as of December 1, removing the No Labels Party from his list of recognized  
22 political parties and adding the Arizona Independent Party in its place. *See*  
23 <https://azsos.gov/elections/about-elections/information-about-political-parties>

24          38.     According to implementing guidance issued by the Secretary, a copy of which  
25 is attached here as **Exhibit D**, voters who were registered as members of the No Labels  
26 Party are now—whether they like it or not—“registered as with the Arizona Independent  
27 Party as of 12/1/2025.” *See* Exhibit D at 3 n3.

1           39.     In that way, the Secretary allowed leadership of the new Arizona Independent  
2 Party to dragoon the supporters of the No Labels Party into their own movement.

3           40.     Plaintiffs are not aware of any other Arizona political party being permitted  
4 to change its name while its only claim to ballot access is based on party-recognition  
5 petitions submitted pursuant to statute.

6           ***The Secretary is Without Authority to Permit a Political Party that Has Ballot Access***  
7           ***Only By Virtue of a Party-Recognition Petition to Change its Name***

8           41.     The Secretary of State, like all other officers in the Executive Department of  
9 Arizona’s government, “shall perform such duties as are prescribed by the constitution and  
10 as may be provided by law.” Ariz. Const. art. 5, § 1(D).

11          42.     The Arizona Constitution has relatively few duties for the Secretary, none of  
12 which touch upon the registration and qualification of political parties. The Arizona  
13 Constitution does provide that, like all inferior officers in the state executive branch, “[t]he  
14 powers and duties of . . . secretary of state . . . shall be as prescribed by law.” Ariz. Const.  
15 art. 5, § 9.

16          43.     A.R.S. § 41-121 provides the Secretary’s general duties. This section says  
17 nothing about the recognition of political parties or changes to their names. It does again  
18 repeat the Arizona Constitution’s admonition that the Secretary may only perform other  
19 duties beyond those specifically listed if they are “imposed on the secretary of state by law.”  
20 A.R.S. § 41-121(9).

21          44.     As described above, Arizona law has imposed on the Secretary the duty to  
22 accept party-recognition petitions from new political parties and, after verifying the  
23 information and signatures on those petitions are statutorily sufficient, to recognize the new  
24 political party.

25          45.     But no statute gives the Secretary the power or duty to authorize a party that  
26 has gained ballot access by this petition process to change its name as expressed on the  
27 ballot.

46. A decision of a state official or agency that goes beyond the official or agency's power as defined by Arizona's constitution and statutes is void. *See Tucson Warehouse & Transfer Co., Inc. v. Al's Transfer, Inc.*, 77 Ariz. 323, 325 (1954). Indeed, this principle is routinely applied to invalidate election regulations issued by the Secretary when these regulations exceed the scope of his statutory authority. *See, e.g., Leach v. Hobbs*, 250 Ariz. 572, 576 (2021).

47. The Secretary gets this precisely backward when, in his letter approving the name change, he acknowledges his lack of statutory authority to permit a party's name change after its submission of petitions, but then says: "[i]n the absence of statutory authority, the general rule is to presume that conduct not prohibited is permitted." Exhibit C. While this formulation is true for the conduct of private persons, it is not true for a state officer who may constitutionally exercise only those powers and duties imposed on him by law.

**COUNT I**  
**(Declaratory Relief)**  
**(A.R.S. §§ 12-1831, 16-104, 16-108, 16-315;**  
**Ariz. R. Civ. P. 65)**

48. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

49. Plaintiffs include the national and state Republican party organizations that promote the election of Republican candidates in Arizona and have among their purposes protecting the procedural integrity of Arizona's elections and the legality of the competitive environment for those elections which directly affect their candidates. These plaintiffs expend considerable resources educating voters, recruiting candidates and understanding the competitive environment in Arizona to advance their interests of electing Republicans to state, county, and local offices.

50. Plaintiffs RNC and AZGOP are therefore beneficially interested in ensuring that the Secretary's ultra vires approval of the No Labels Party's name change to the "Arizona Independent Party" is invalidated because this action affects the fairness and

1 legality of Arizona's elections which that directly impairs the competitive environment in  
2 which Plaintiffs RNC and AZGOP compete. *Mecinas v. Hobbs*, 20 F4th 890, 898 (9th Cir.  
3 2022) (citing *Shays v. Fed. Election Comm'n*, 414 F.3d 76, 87 (D.C. Cir. 2005)).

4 51. Indeed, in addition to diverting resources necessary to compete in Arizona's  
5 elections, Plaintiffs RNC and AZGOP will be competitively harmed because A.R.S. § 16-  
6 341 requires that truly "Independent" candidates (as opposed to the candidates of a political  
7 party qualified for ballot access) must secure the signatures of three percent of the eligible  
8 electors in the jurisdiction for which the "Independent" candidate seeks office.

9 52. If the Secretary's name-change decision stands persons affiliated with the  
10 "Arizona Independent Party" will be able to run branded as "Independent" candidates while  
11 having a much easier path to representation on the ballot. This will necessarily mean that  
12 candidates supported by Plaintiffs RNC and AZGOP will face increased competition for  
13 votes and will have their share of votes diluted by "Independent" candidates who take a  
14 short-cut to ballot access.

15 53. Further, the simple presence of the "Arizona Independent Party" on the ballot  
16 will necessarily increase the competition candidates supported by the RNC and AZGOP  
17 face for votes.

18 54. The Secretary has thus taken action that have harmed Plaintiffs and otherwise  
19 abridged their legal rights.

20 55. Hence, Plaintiffs have standing to seek a declaratory judgment under the  
21 Arizona Uniform Declaratory Judgments Act, because Plaintiffs have suffered and will  
22 continue to suffer a particularized injury to their legal rights if the Secretary's decision  
23 regarding the No Labels Party's name change is not invalidated.

24 56. Therefore, Plaintiffs are entitled to declaratory judgement that the Secretary's  
25 approval of the name change from the No Labels Party to the Arizona Independent Party,  
26 and his issuance of any guidance, directive, or instruction intended to accommodate or  
27 implement that name change, was unlawful, legally unauthorized, null and void, invalid,  
28 and unenforceable.

1           57. Plaintiffs separately request their reasonable attorneys' fees and costs under  
2 subsection 12-348(3).

3                                   **COUNT II**  
4                                   **(In the Alternative)**  
5                                   **Failure to Comply with Notice-and-Comment Rulemaking**  
6                                   **Under Arizona's Administrative Procedures Act**  
7                                   **(Declaratory Relief)**  
8                                   **(A.R.S. §§ 41-1034, 41-1030(A); Ariz. R. Civ. P. 65)**

9           58. Plaintiffs incorporate by reference the foregoing allegations as if fully set for  
10 the herein.

11           59. Arizona's Administrative Procedures Act was first adopted in 1952. Ariz.  
12 Sess. Laws 1952, ch. 97. Thus, like many states following the federal APA, Arizona has a  
13 long history of requiring "agencies" to follow certain procedures when adopting positive  
14 law through the exercise of delegated authority from the legislature

15           60. In that regard, the APA applies to "agencies," which are defined as "any  
16 board, commission, department, officer or other administrative unit of this state, including  
17 the agency head and one or more members of the agency head or agency employees or other  
18 persons directly or indirectly purporting to act on behalf or under the authority of the agency  
19 head, whether created under the Constitution of Arizona or by enactment of the legislature."  
20 A.R.S. § 41-1001(1) (emphasis added).

21           61. The APA also defines a "rule" and a "rulemaking." A "rule" is "an agency  
22 statement of general applicability that implements, interprets or prescribes law or policy, or  
23 describes the procedure or practice requirements of an agency." § 41-1001(21). A  
24 "rulemaking" is "the process to make a new rule or amend, repeal[,] or renumber a rule."  
25 § 41-1001(22).

26           62. For rulemakings, the APA sets forth detailed and necessary procedures  
27 agencies must follow before their pronouncements become law. The agency must prepare  
28 and make available to the public a regulatory agenda, § 41-1021.02(A); it must provide  
notice of the proposed rulemaking, following a statutorily prescribed format for consistency  
and clarity, and publish the notice in the register, § 41-1022(A); it must provide 30 days at

1 least after publication for the public to comment on the proposed rulemaking, § 41-1023(B);  
2 it must hold an oral proceeding on the proposed rule if one is requested during the comment  
3 period, § 41-1023(C); in most circumstances, it must submit the proposed rule to the  
4 governor's regulatory review council or the attorney general for review, § 41-1024(B)(1);  
5 and it must maintain an official rulemaking record, § 41-1029(A).

6 63. Courts interpreting the federal APA around the time Arizona adopted its  
7 version of the APA have pointed out that “[t]he [APA] was framed against a background of  
8 rapid expansion of the administrative process as a check upon administrators whose zeal  
9 might otherwise have carried them to excesses not contemplated in legislation creating their  
10 offices.” *United States v. Morton Salt Co.*, 338 U.S. 632, 644 (1950). The APA therefore  
11 guards against administrative excess by requiring agencies, before they adopt rules with the  
12 force of law, to notify the public of the proposed rule, invite the public to comment on the  
13 proposed rule's shortcomings, consider and respond to the public's comments and  
14 arguments, and explain its final decision in a statement of the rule's basis and purpose.

15 64. The Department of the Secretary of State is an agency under A.R.S. § 41-  
16 1001(1).

17 65. The Secretary's letter approval of the No Labels Party's name change to the  
18 “Arizona Independent Party” and his implementing guidance are a rule as defined in A.R.S.  
19 § 41-1001(21). The substance of decision and guidance fit the definition of a rule under the  
20 APA. They are an agency's statement of general applicability that prescribes law or policy.

21 66. While the Supreme Court has recently held that the Secretary need not comply  
22 with the APA when issuing rules pursuant to a delegation of authority to do so in the  
23 Elections Procedures Manual, *see* Decision Order, *Republican National Committee v.*  
24 *Fontes*, No. CV-25-0089-PR (October 16, 2025), the name change decision and  
25 implementing guidance were not issued pursuant to a delegation of EPM rulemaking  
26 authority.



1           67. The Secretary was therefore required to follow the APA’s rulemaking process  
2 outlined in Ariz. §§ 41-1021 to -1029, in adopting the name change decision and  
3 implementing guidance.

4           68. The Secretary skipped almost every step in the notice-and-comment  
5 rulemaking process under the APA. *See* Ariz. §§ 41-1021 to -1029. He did not provide  
6 notice of the proposed rulemaking in the statutorily prescribed format or publish it in the  
7 register, § 41-1022(A); he did not provide the public 30 days comment on the proposed  
8 rulemaking after publication, § 41-1023(B); he did not hold an oral proceeding on the  
9 proposed rule, nor did he give the public an opportunity to request one, § 41-1023(C); and  
10 he did not maintain an official rulemaking record, § 41-1029(A).

11           69. The APA allows “any person who is or may be affected by a rule” to “obtain  
12 a judicial declaration of the validity of the rule by filing an action for declaratory relief. . .  
13 .” A.R.S. § 41-1034(A). Plaintiffs are affected by the Secretary’s name change decision and  
14 implementing guidance.

15           70. The APA makes clear that “[a] rule is invalid unless it is consistent with the  
16 statute, reasonably necessary to carry out the purpose of the statute[,] and is made and  
17 approved in substantial compliance with [sections] 41-1021 through 41-1029.” § 41-  
18 1030(A). Further, the APA applies to all agencies and proceedings unless expressly  
19 exempted. § 41-1002(a). The Secretary’s name change decision is neither consistent with  
20 statute nor was it adopted in substantial compliance with sections 41-1021 through -1029.

21           71. The Secretary’s violation of the APA’s notice-and-comment rulemaking  
22 process is remediable through a declaratory judgment in this Court. § 41-1034(A).  
23 Accordingly, Plaintiffs request that this Court declare that the name change decision and  
24 implementing guidance are a rule subject to the APA’s notice-and-comment rulemaking  
25 process, that the Secretary failed to follow the prescribed rulemaking process, and,  
26 therefore, the name change decision and implementing guidance are invalid.

27           72. Plaintiffs separately request their reasonable attorneys’ fees and costs under  
28 sections 12-348(3) and 41-1034.

1 **DEMAND FOR RELIEF**

2 WHEREFORE,

3 A. Plaintiffs demand relief in the following form:

4 1. A declaration that the Secretary's name change decision permitting the  
5 No Labels Party to appear as the "Arizona Independent Party" on the ballot as of  
6 December 1, 2025, was unlawful, ultra vires, void, and, thus, unenforceable;

7 2. An award of reasonable attorneys' fees and costs under A.R.S. §§ 12-  
8 348(3), and other applicable law.

9 B. Alternatively, Plaintiffs demand relief in the following form:

10 1. A declaration under A.R.S. §§ 12-1831, 12-1832, and 41-1034(A) that  
11 the Secretary's name change decision permitting the No Labels Party to appear as  
12 the "Arizona Independent Party" on the ballot as of December 1, 2025, and his  
13 implementing guidance of that decision are a "rule" subject to the APA's notice-and-  
14 comment rulemaking process, and therefore this rule is invalid.

15 2. An award of reasonable attorneys' fees and costs under A.R.S. §§ 12-  
16 348(3) and 41-1034, and other applicable law.

17 C. Such other relief as the Court deems necessary, equitable, proper, and just.  
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DATED this 11th day of December, 2025.

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