

SUPREME COURT OF ARIZONA

APRIL SMITH, et al.,) Arizona Supreme Court
) No. CV-24-0190-AP/EL
 Plaintiffs/Appellants,)
) Maricopa County
 v.) Superior Court
) Nos. CV2024-019846
 ADRIAN FONTES,) CV2024-019880
) (Consolidated)
 Defendant/Appellee,)
) **FILED 8/21/2024**
 MAKE ELECTIONS FAIR PAC,)
)
 Real Party in Interest,)
)
)
 _____)

O R D E R

The Court en banc has considered the briefs and authorities from the parties and amici, the trial court's ruling, and the record in this expedited election appeal concerning the "Make Elections Fair Arizona Act" (the "Act"), serial number I-14-2024, a ballot initiative to adopt an amendment to the Arizona Constitution to reform primary and general elections and sponsored by the Make Elections Fair PAC, (the "Committee").

The Court unanimously concludes that the trial court erred in declining to admit Plaintiffs' exhibits concerning Objection 21 under Arizona Rule of Evidence 1006 because excerpts from voluminous records included added blue text and/or because Plaintiffs exercised discretion in deciding which signature line excerpts to include in the summary duplicate exhibits. The Court further concludes that the trial court erred in finding that the duplicate evidence *categorically* failed to prove any duplicate signatures by clear and

convincing evidence. The court could not make this determination without first examining the allegedly duplicative signatures. Accordingly,

IT IS ORDERED that this matter is remanded to the trial court to examine the Objection 21 exhibits and determine whether the exhibits prove any duplicate signatures by clear and convincing evidence. The court should then proceed accordingly. The other expedited election matter before the Court that is connected to this case, CV-24-0184-AP/EL, remains under consideration.

DATED this 21st day of August, 2024.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Roy Herrera
Daniel A Arellano
Jane Ahern
Austin T Marshall
Kara Karlson
Karen J Hartman-Tellez
Kyle R Cummings
Mary R O'Grady
Travis Charles Hunt
Emma Cone-Roddy
Gideon Cionelo
Joshua J. Messer
Hon. Frank W Moskowitz
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Timothy A LaSota
Michael A. Columbo