

SUPREME COURT OF ARIZONA

APRIL SMITH, et al., ) Arizona Supreme Court  
 ) No. CV-24-0199-SA  
Petitioner, )  
 ) Maricopa County  
v. ) Superior Court  
 ) Nos. CV2024-019846  
ADRIAN FONTES, ) CV2024-019880  
 )  
Respondent, ) **FILED 9/16/2024**  
 )  
MAKE ELECTIONS FAIR PAC, )  
 )  
Real Party in Interest. )  
 )  
 )  
 )

---

**ORDER RE: MOTION FOR RECONSIDERATION**

Pending before the Court is Real Party in Interest's Motion for Reconsideration, Respondent's Response Regarding the Remedy, Petitioners' Response to Motion for Reconsideration, which additionally seeks to strike the Respondent's response, and the Voter Reference Foundation's Motion to File Amicus Curiae Brief. The full Court having considered the briefing,

**IT IS ORDERED** granting Voter Reference Foundation's Motion to File Amicus Curiae Brief.

**IT IS FURTHER ORDERED** denying Petitioners' request to strike Respondent's Response.

**IT IS FURTHER ORDERED** that, to the extent that the Motion for Reconsideration seeks reconsideration of the Court's August 23, 2024 Decision Order directive that "[i]f the [trial] court disqualifies

the Initiative, the court should issue an injunction precluding any votes for the measure from being counted," the motion is granted. That statement is vacated. This order is without prejudice to Petitioners requesting such an injunction or similar remedy in the trial court, in the event the trial court determines that the Initiative does not have sufficient signatures to qualify for the November ballot. Likewise, this order does not preclude Real Party in Interest from arguing in the trial court that Arizona courts lack the authority to grant such a remedy under Arizona law. These issues, if raised, should be decided in the first instance by the trial court and would benefit from full briefing and argument.

**IT IS FURTHER ORDERED** that, to the extent the Motion for Reconsideration seeks a dismissal of the Petitioner's underlying § 19-122(C) action on mootness grounds in the first instance, the motion is denied without prejudice to Real Party in Interest raising such issue for the trial court's consideration.

DATED this 16th day of September, 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  
Kristin K Mayes  
Mary R O'Grady  
Andrew G. Pappas  
Travis Charles Hunt  
Emma Cone-Roddy  
Joshua J. Messer  
Mark Kokanovich  
Timothy A LaSota  
Michael A. Columbo  
Hon Frank W Moskowitz  
Hon Jeff Fine  
Alberto Rodriguez