

1 Christopher O. Murray (*pro hac vice forthcoming*)
2 Julian R. Ellis, Jr. (*pro hac vice forthcoming*)
3 Michael Francisco (*pro hac vice forthcoming*)
4 FIRST & FOURTEENTH PLLC
5 2 N. Cascade Avenue, Suite 1430
6 Colorado Springs, Colorado 80903
7 Telephone: (719) 428-4937
8 Emails: chris@first-fourteenth.com
9 julian@first-fourteenth.com

6 Michael Francisco (*pro hac vice forthcoming*)
7 FIRST & FOURTEENTH PLLC
8 800 Connecticut Avenue, Suite 300
9 Washington, D.C. 20006
10 Telephone: (202) 998-1978
11 Email: michael@first-fourteenth.com

12 Kurt Altman (#015603)
13 KURT M. ALTMAN, P.L.C.
14 ALTMAN LAW + POLICY
15 12621 N. Tatum Boulevard, Suite 102
16 Phoenix, Arizona 85032
17 Telephone: (602) 491.0088
18 Email: admin@altmanaz.com

19 *Attorneys for Plaintiffs*

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

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. CV2025-065841

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiffs file this complaint and allege:

1 **SUMMARY OF THE CASE**

2 1. On December 1, 2025, Secretary of State Adrian Fontes officially changed
3 the name of the No Labels Party to the “Arizona Independent Party.” He has also issued
4 guidance to county elections officials requiring them to recognize this name change.

5 2. But Secretary Fontes does not have legal authority to change the name of a
6 party like the No Labels Party, which only has ballot access by virtue of its submission of
7 petitions pursuant to A.R.S. § 16-801 in February of 2023.

8 3. Because Secretary Fontes does not have the authority to change the No Labels
9 Party’s name and because Plaintiffs and their candidates will necessarily be forced to
10 compete against the No Labels Party and its candidates under the new name, Plaintiffs bring
11 this action seeking a declaration that the Secretary’s ultra vires decision to change the No
12 Labels Party’s name and his actions to implement this decision on 2026 ballots are void.

13 **PARTIES**

14 4. Plaintiff Republican National Committee is a national political party with its
15 principal place of business at 310 First Street, S.E., Washington, DC 20003. In addition to
16 managing the Republican Party’s strategic and day-to-day operation at the national level,
17 the RNC represents over 35 million registered Republicans in all 50 states, the District of
18 Columbia, and the U.S. territories. It is comprised of 168 voting members representing state
19 and territorial Republican Party organizations. The RNC promotes the election of
20 Republican candidates in Arizona and across the United States. The RNC has an interest in
21 the administration of elections in Arizona and the competitive environment affecting
22 Republican candidates in Arizona. Naturally, the RNC expends significant resources
23 supporting Republican candidates in Arizona, and some of these resources will necessarily
24 be diverted if, in contravention of Arizona law, the “Arizona Independent Party” is allowed
25 to appear on the ballot in place of the No Labels Party.

26 5. Plaintiff Republican Party of Arizona, LLC (RPAZ) is a statewide political
27 party committee and the organizing body of Arizona electors who are registered members
28 of the Republican Party, the largest political party in Arizona. Its principal place of business

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. Said party shall be known as _____ 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.
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED this 11th day of December, 2025.

FIRST & FOURTEENTH PLLC

By: /s/ Christopher O. Murray

Christopher O. Murray
Julian R. Ellis, Jr.
2 N. Cascade Ave., Suite 1430
Colorado Springs, CO 80903

Michael Francisco
800 Connecticut Avenue, Suite 300
Washington, D.C. 20006

ALTMAN LAW + POLICY

By: /s/ Kurt Altman

Kurt Altman
12621 N. Tatum Boulevard, Suite 102
Phoenix, Arizona 85032

Attorneys for Plaintiffs