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13 **ARIZONA SUPERIOR COURT**

14 **MARICOPA COUNTY**

15 JUSTIN HEAP, in his official capacity as
16 Maricopa County Recorder,

17 Plaintiff,

18 vs.

19 THOMAS GALVIN, in his official capacity
20 as a member of the Maricopa County Board
21 of Supervisors; MARK STEWART, in his
22 official capacity as a member of the Maricopa
23 County Board of Supervisors; KATE
24 BROPHY MCGEE, in her official capacity as
25 a member of the Maricopa County Board of
26 Supervisors; DEBBIE LESKO, in her official
27 capacity as a member of the Maricopa
28 County Board of Supervisors; STEVE
GALLARDO, in his official capacity as a
member of the Maricopa County Board of
Supervisors,

Defendants.

Case No: CV2025-020621

**BRIEF OF AMICI CURIAE
PRESIDENT PETERSEN AND
SPEAKER MONTENEGRO**

(Assigned to the Hon. Scott Blaney)

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INTRODUCTION

Senate President Warren Petersen and House Speaker Steve Montenegro (“Amici”) submit this amicus brief in support of Plaintiff’s Motion for Summary Judgment to provide a legislative perspective on the statutory interpretation issues before the Court.

First, both the county recorders and the county boards of supervisors hold county offices created by the Arizona Constitution. Their duties and authority are limited to those established by the Constitution or by statute. In the elections context, the Legislature has clearly prescribed certain duties for the county recorders and certain duties for the boards of supervisors. Other elections statutes do not vest a duty exclusively with the recorders or the boards, but instead instruct the “board or other officer in charge of elections” or the “recorder or other officer in charge of elections” to accomplish the prescribed duty. The Legislature’s distribution of statutory duties throughout Title 16 reflects a careful and deliberate diffusion of power and authority over elections at the county level.

Second, to the extent that a decision from this Court is necessary to resolve the current dispute between the elected officers in Maricopa County, it is critical that the decision is narrow in scope to avoid any unnecessary disruptions to administration of elections throughout this State. When an elections statute imposes a duty on either the recorders or the boards with the caveat that another “officer in charge of elections” may accomplish the task, the Legislature intended in the first instance for that duty to be carried out by the office listed in the statute. In this circumstance, the only way for the duty to be undertaken by another “officer in charge of elections” is for the initially authorized officer or agency to agree to divest its duty to the other officer, and subject to at-will termination. The Court must reach this conclusion based on two interpretive principles: (1) the canon against surplusage, *see Sanchez v. Maricopa County*, __ Ariz. __, 572 P.3d 101, 107 ¶13 (Ariz. 2025) (rejecting argument that county board of supervisors had “plenary supervisory authority over a county sheriff” because it would render statutes “superfluous”); and (2) constitutional avoidance because otherwise the relevant statutes could be interpreted as irreconcilably ambiguous and therefore an invalid delegation of power by the Legislature,

1 *see Mistretta v. United States*, 488 U.S. 361, 372-73 (1989) (a valid delegation must “clearly
2 delineate[] ... the public agency which is to apply it”), and also would create multiple levels
3 of for cause removal rather than direct election by the people as provided in the constitution.

4 ***Third***, when an election statute imposes a duty on the county recorders, and the
5 recorders need certain personnel or equipment to fulfill that statutory duty, the boards
6 cannot take that equipment or personnel from the recorders without unlawfully divesting
7 them of their ability to carry out their statutorily imposed duties.

8 **INTEREST OF AMICI CURIAE**

9 Amici are Speaker of the Arizona House of Representatives Steve Montenegro and
10 President of the Arizona Senate Warren Petersen. They file this brief in their official
11 capacities as the presiding officers of their respective chambers. *See* Ariz. Const. art. IV, pt.
12 2, § 8; Ariz. State Senate Rule 2(N); Ariz. House of Reps. Rule 4(K). In enacting Title 16,
13 the Legislature acted to delegate certain duties to the county boards of supervisors and
14 certain duties to the county recorders. Neither the boards of supervisors nor the recorders
15 have inherent authority, so when a statute authorizes the “county recorder or other officer
16 in charge of elections” to act, the statute should be understood to impose that duty on the
17 recorder unless the recorder chooses to delegate that duty. The Speaker and President file
18 this brief to ensure that the Legislature’s intent, as expressed in Title 16, is given full force
19 and effect.

20 **ARGUMENT**

21 **I. If There Is Ambiguity in Title 16 Regarding Which Office Has a Statutorily** 22 **Imposed Duty to Complete the Prescribed Task, the Ambiguity Should Be** 23 **Resolved in Favor of the Office Expressly Listed in the Statute.**

24 When interpreting statutes, courts must “determine the meaning of the words the
25 legislature chose to use.” *S. Ariz. Home Builders Ass’n v. Town of Marana*, 254 Ariz. 281,
26 286 ¶31 (2023). Courts interpret statutes “neither narrowly nor liberally, but rather
27 according to the plain meaning of the words in their broader statutory context, unless the
28 legislature directs ... otherwise.” *Id.* “If the provision has only one reasonable

1 interpretation, [courts] apply it.” *State ex rel. Brnovich v. City of Phoenix*, 249 Ariz. 239,
2 244 ¶21 (2020).

3 Both the county boards of supervisors and the county recorders are constitutionally
4 created, elected officers of the county whose duties are imposed by statute. Ariz. Const. art.
5 XII, §§ 3, 4; A.R.S. § 11-401. As such, each is required to fulfill their statutorily prescribed
6 duties, and neither may usurp a duty imposed on a different office.

7 In the elections context, the Legislature has generally given Arizona’s fifteen
8 counties broad flexibility to structure their elections duties as they see fit. And because
9 administering elections involves different state and county officials working together to
10 accomplish various goals often in a short time frame, there are numerous instances where
11 the Legislature has prescribed a duty to the county recorders or to the boards of supervisors
12 but has included language in the statute intending to permit either of those offices to
13 delegate that authority as convenient or needed. These two statutory delegations use
14 different language—either referring to the board or the recorder. So when a statute vests a
15 duty with “the county recorder or other officer in charge of elections,” the board does not
16 have overwrite authority to take the duty from the recorder without the recorder’s consent,
17 and the recorder must retain authority to terminate any delegation at will.

18 **A. Both the County Recorders and the County Boards of Supervisors are**
19 **Constitutionally Created, Elected Officers Whose Authority and Duties**
20 **are Prescribed by Law.**

21 As noted above, both the supervisors who comprise the county boards of supervisors
22 and the county recorders are constitutionally created officers of the county who must be
23 elected to that position. Ariz. Const. art. XII, § 3; A.R.S. § 11-401. Their “duties, powers,
24 and qualifications ... shall be as prescribed by law.” Ariz. Const. art. XII, § 4. Accordingly,
25 both the board’s and the recorder’s “authority is limited to those powers expressly or
26 impliedly delegated to [them] by the state constitution or statutes.” *Ariz. Pub. Integrity All.*
27 *v. Fontes*, 250 Ariz. 58, 62 ¶14 (2020) (addressing the county recorders powers and duties);
28 *see also Associated Dairy Prods. Co. v. Page*, 68 Ariz. 393, 395 (1949) (“The boards of

1 supervisors of the various counties of the state have only such powers as have been
2 expressly or by necessary implication, delegated to them by the state legislature.”).
3 ““Implied powers do not exist independently of the grant of express powers and the only
4 function of an implied power is to aid in carrying into effect a power expressly granted.”
5 *Vangilder v. Ariz. Dep’t of Revenue*, 252 Ariz. 481, 488 ¶24 (2022) (quoting *Associated*
6 *Dairy Prods.*, 68 Ariz. at 395).

7 Because it is either the Constitution or statutes that impose authority and duties on
8 the board or the recorder, it is only by constitutional amendment or statutory change that
9 either’s authority or duties may be modified. Accordingly, the board of supervisors does
10 not have authority to divest the recorder of any statutorily prescribed duty.

11 **B. In the Elections Context, the Legislature Has Vested Both the Boards of**
12 **Supervisors and the County Recorders with Various Duties, and in Some**
13 **Circumstances has Also Permitted Either Office to Delegate Its**
14 **Statutorily Imposed Duty Should that Office Choose to Do So.**

15 When it comes to administering elections, it is the Legislature that “possesses the
16 authority to enact substantive election laws.” *Fann v. Kemp in & for Cnty. of Maricopa*,
17 253 Ariz. 537, 545 ¶21 (2022). Because the “constitution grants the legislature the authority
18 to enact laws regarding the conduct of elections, *see* Ariz. Const. art. 7, § 12,” it is also for
19 the Legislature “to decide whether and to what extent” the boards and the recorders “can
20 conduct elections, *see id.* art. 12, § 4.” *Fann*, 253 Ariz. at 545 ¶21. The Legislature has
21 exercised this authority and has vested both the boards and the recorders with various
22 responsibilities, but has also enacted statutes that generally provide the counties with broad
23 flexibility to structure its elections duties.

24 **1. The Legislature Has Assigned Some Duties Exclusively to the**
25 **Recorders or Boards, and In Other Contexts Has Provided for an**
26 **Initial Assignment, While Permitting the *Initially Assigned Officer***
27 **to Reassign the Duty.**

28 The recorder for each county plays a pivotal role in facilitating elections, and has a
duty—as well as the authority—to execute that role. For example, “[c]ounty recorders
remain the primary point of contact for individuals registering to vote.” Ariz. Op. Att’y

1 Gen. No. I17-006, 2017 WL 5616935, at *3 (Nov. 13, 2017). As such, it is the exclusive
2 duty of the county recorders to supply “[b]lack state voter registration forms for registration
3 of electors,” A.R.S. § 16-151, maintain “registration forms and records of cancellation of
4 registration,” A.R.S. § 16-162, count “the registered voters by political party by precinct,
5 legislative district and congressional district” and “report the totals to the secretary of state,”
6 A.R.S. § 16-168, and “maintain the active early voting list as part of the voter registration
7 roll,” A.R.S. § 16-544(A).¹

8 Yet, the recorders do not maintain sole authority regarding facilitating elections at
9 the county level. The boards of supervisors have also been statutorily endowed with certain
10 duties and obligations. For example, it is the exclusive duty of the boards to establish
11 election precincts, A.R.S. § 16-411, “prepare and provide ballots containing the names of
12 all persons whose certificates of nomination have been filed with them,” A.R.S. § 16-503,
13 appoint elections marshals, A.R.S. § 16-535, and “declare elected the person receiving the
14 highest number of votes cast for each office to be filled by the electors of the county or a
15 subdivision thereof,” A.R.S. § 16-647.²

16 In these circumstances, where a statute authorizes only the board or the recorder to
17 act, it is clear that only that office may undertake the prescribed duty. *See City of Tucson v.*
18 *Clear Channel Outdoor, Inc.*, 218 Ariz. 172, 178 ¶6 (App. 2008) (“When the language of a
19 statute is clear and unambiguous, a court should not look beyond the language, but rather
20 simply apply it without using other means of construction, assuming that the legislature has
21 said what it means.” (internal quotation marks omitted)).

22 **2. The Court Must Apply the Canon Against Surplusage and**
23 **Constitutional Avoidance Canon When Interpreting Elections**
24 **Statutes that Vest Authority in Multiple Officials.**

25 As a result of the Legislature’s intent that officials maintain flexibility in structuring
26 elections duties, there is another way in which Title 16 vests authority. For numerous

27 ¹ This is not intended to be an exhaustive list of each of the county recorders’ exclusive
28 duties.

² This is not intended to be an exhaustive list of each of the county boards of supervisors’
exclusive duties.

1 provisions, the statute requires either the board or the recorder to undertake an action but
2 alternatively allows another “officer in charge of elections” to fulfil the statutorily
3 prescribed duty. *See, e.g.,* A.R.S. § 16-351 (“The *county recorder or other officer in charge*
4 *of elections* shall perform petition signature verifications for nomination petition challenges
5 for signatures of qualified electors who are residents of that county.” (emphasis added));
6 A.R.S. § 16-621(A) (“All proceedings at the counting center shall be under the direction of
7 the *board of supervisors or other officer in charge of elections* and shall be conducted in
8 accordance with the approved instructions and procedures manual issued pursuant to § 16-
9 452 under the observation of representatives of each political party and the public.”
10 (emphasis added)). Here, there is a dispute over which office has the statutory authority to
11 act when the statute contains the above language and both the board and the recorder desire
12 to undertake the duty.

13 When the statute says “county recorder or other officer in charge of elections,” the
14 Legislature’s intent was to vest the county recorder with the authority and duty to fulfill the
15 statute’s mandates in the first instance. However, the Legislature has also recognized that
16 administering elections is a weighty undertaking that generally requires flexibility and
17 cooperation among the various state and county officers. As a consequence, the Legislature
18 included the language “or other officer in charge of elections” in some statutes to provide
19 the recorder with the opportunity to enlist assistance to fulfil these duties by involving
20 another officer who is not directly controlled by the recorder, as long as the recorder retains
21 full authority to revoke at will that delegation to a third official

22 **a. The Canon Against Surplusage Requires Reading the First Listed**
23 **Official/Board as Being Primarily Assigned with Authority,**
24 **Subject to that Official/Board Choosing to Delegate the Exercise**
of that Authority.

25 To hold that the statutory language “county recorder or other officer in charge of
26 elections” allows the county board of supervisors to unilaterally divest the recorder of his
27 statutory duty and undertake it itself would effectively nullify the Legislature’s inclusion of
28 the term “county recorder.” Indeed, it is undisputed that when a statute permits the board

1 “or other officer in charge of elections” to act, it is for the board to decide if it wishes to act
2 or if it wishes to delegate that duty to another elections officer. It must follow then that
3 when the statute permits “the county recorder or other officer in charge of elections” to act,
4 it is for the recorder to decide if he wishes to act or if he wishes to delegate his duty to
5 another elections officer who does not report to him.

6 To conclude instead that the statute allows the board to choose which elections
7 officer may act renders the inclusion of “county recorder” superfluous, and is therefore not
8 the correct interpretation of the statute. *See Sanchez*, 572 P.3d at 107 ¶13 (rejecting
9 argument that county board of supervisors had “plenary supervisory authority over a county
10 sheriff” because it would render statutes “superfluous”); *see also Clear Channel Outdoor*,
11 218 Ariz. at 183 ¶33 (Courts “avoid an interpretation that makes ‘any language superfluous
12 or redundant.’”).

13 Undeniably, when the Legislature intended the board be able to decide which
14 election officer may undertake the statutory duty, it used the language “board of supervisors
15 or other officer in charge of elections.” *See, e.g.*, A.R.S. §§ 16-621, -622, -513.01; *see also*
16 *Padilla v. Indus. Comm’n*, 113 Ariz. 104, 106 (1976) (There is a “fundamental ...
17 presumption that what the Legislature means, it will say.”). In other instances, the
18 Legislature used different words and instructed the “county recorder or other officer in
19 charge of elections to act.” Courts assume different language means different things. *See*
20 *Egan v. Fridlund-Horne*, 221 Ariz. 229, 239 ¶37 (App. 2009) (Courts “presume that when
21 the legislature uses different wording within a statutory scheme, it intends to give a different
22 meaning and consequence to that language.”).

23 So, because the Legislature chose to use different words in different statutes—
24 sometimes prescribing a duty first to the county recorder and sometimes to the board of
25 supervisors—it is clear from the statutes’ plain language that the Legislature intended each
26 office to be able to choose whether to undertake or delegate the statutory duty in the first
27 instance. Clearly, this divergent language does not mean the same thing.

1 The Maricopa County Board of Supervisors (“Board”) argues against this
2 interpretation (at 4-9) pointing out that the language “other officer in charge of elections”
3 would be rendered superfluous if the Court concludes this means that the recorder may
4 delegate this authority to his agent as he is already statutorily permitted to delegate any of
5 his duties to his agent. A.R.S. §§ 11-409, 38-461, 38-462. But the Board’s interpretation
6 misunderstands the statutory language. When a statute permits the county recorder to
7 delegate his duty to another “officer in charge of elections,” it is not referring to the
8 recorder’s agent but to another independent elections officer such as the board or the
9 elections director. In this circumstance, the recorder would not maintain supervisory control
10 over the delegated duty, but must maintain the ability to revoke the delegation should the
11 recorder so choose. *See* Part I(B)(2)(b), *infra*.

12 In fact, the Board’s construction here is completely contradicted by A.R.S. § 16-
13 205(E), which states: “[t]he board of supervisors shall require the county recorder or other
14 officer in charge of elections to calculate voter turnout for candidate races[.]” *See also*
15 A.R.S. § 16-411(B)(5) (“On a specific resolution of the board of supervisors ..., the board
16 may authorize the county recorder or other officer in charge of elections to use emergency
17 voting centers[.]”). Under the Board’s construction where the mere use of “other officer in
18 charge of elections” gives it the ultimate authority to remove statutorily assigned duties
19 from the recorder, the first part of this statute would be superfluous.

20 **b. The Constitutional Avoidance Canon Also Supports Reading the**
21 **First Listed Official/Board as Being Primarily Assigned with**
22 **Authority.**

23 As noted above, the Legislature “possesses the authority to enact substantive election
24 laws.” *Fann*, 253 Ariz. at 545 ¶21, and when it enacts a statute it is delegating that authority
25 to another officer. It is fundamental that for a delegation of governmental authority to be
26 lawful, it must “*clearly delineate*[] ... the public agency which is to apply it.” *Mistretta*,
27 488 U.S. at 372-73 (emphasis added). By reading the statutes in Title 16 as delegating
28 authority to the first listed official/board and giving that official/board the authority to

1 exercise the power, or choose to delegate it, the Court avoids the constitutional problem of
2 an invalid delegation that creates an irreconcilable ambiguity about to whom the Legislature
3 delegated authority, rendering it an unconstitutional delegation. *See Molera v. Hobbs*, 250
4 Ariz. 13, 24 ¶37 (2020) (applying constitutional avoidance canon).

5 Related to this, the Court must also hold that whatever official/board is listed first,
6 and therefore actually given the delegation by the Legislature, cannot subdelegate to an
7 “other officer in charge of elections,” other than in a manner that retains the authority to
8 revoke that sub-delegation at-will. The U.S. Supreme Court has struck down statutes that
9 create layers of for-cause removal. *See Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*,
10 561 U.S. 477, 492 (2010) (“dual for-cause limitations on the removal of Board members
11 contravene the Constitution’s separation of powers”). For similar reasons, the official/board
12 that is listed first, and therefore given the delegation by the Legislature, must retain full
13 control to revoke any sub-delegation to avoid the constitutional issues associated with what
14 could otherwise be an invalid delegation. Otherwise—as here, where the people elect a new
15 recorder—it is of no import because the ousted recorder has already delegated away his
16 authority. This is a textbook example of creating an unauthorized, additional level of for-
17 cause removal, and it is contrary to the statute and constitutional scheme, which provides
18 for the direct election of recorders and supervisors.

19 **3. The History of Title 16 Supports This Interpretation.**

20 Since at least 1966, the Legislature has chosen to use the phrase “or other officer in
21 charge of elections.” *See* 1966 Ariz. Sess. Laws ch. 92 (2nd Reg. Sess.) (H.B. 204) (“Subject
22 to such instructions and procedures and the provisions of this article, the *board of*
23 *supervisors or other officer in charge of elections* shall have the power to make all necessary
24 and desirable provisions for the conduct of elections with approved electronic voting
25 systems.” (emphasis added)). At times, the Legislature also used this language, in
26 conjunction with other modifiers, when it intended for an election duty that was delegated
27 to a county official (such as the board or recorder) to also be fulfilled by an analogous
28 officer at a different level of government (such as a town or city council). *See, e.g.*, 1974

1 Ariz. Sess. Laws ch. 134 (2nd Reg. Sess.) (adding A.R.S. § 16-1102 which read “within
2 thirty days next preceding the Saturday before any election called pursuant to the laws of
3 this state, an elector may make a signed request to the *county recorder, or other officer in*
4 *charge of elections for the applicable political subdivision of this state in whose jurisdiction*
5 *the elector is registered to vote, for an official absentee ballot.”* (emphasis added)).

6 At no point though, did the Legislature include this language in any way which
7 actually vested or suggested to vest the boards of supervisors with the authority to decide
8 in the first instance which official could undertake the prescribed duty in every case.
9 Instead, when the Legislature intended the board have this ability, it included language (*e.g.*
10 “the board of supervisors or other officer in charge of elections”) so indicating. And the
11 Legislature declined to make any amendment vesting the board with this ultimate overwrite
12 authority even where there were controversies among the various offices. *See, e.g.,*
13 *Maricopa County v. Biaett*, 21 Ariz. App. 286, 287 (1974). And the various boards and
14 recorders have been entering into agreements for decades wherein they have been
15 delegating their various statutory duties to one another consistent with the interpretation of
16 the statutory language as explained here. Again, at no point has the Legislature stepped in
17 to amend the relevant statutory language to grant the boards of supervisors ultimate
18 authority over which office gets to undertake the statutory duties.

19 * * *

20 Consequently, this Court should narrowly conclude that, based on the statutes’ plain
21 language, when the statute authorizes “the county recorder or other officer in charge of
22 elections” to act, it is the recorder’s duty to ensure the statute is complied with unless the
23 recorder expressly agrees to delegate that duty to another “officer in charge of elections.”
24 *See Clear Channel Outdoor*, 218 Ariz. at 178 ¶6 (“When the language of a statute is clear
25 and unambiguous, a court should not look beyond the language, but rather simply apply it
26 without using other means of construction, assuming that the legislature has said what it
27 means.” (internal quotation marks omitted)). Similarly, when the statute authorizes “the
28 board of supervisors or other authority in charge of elections” to act, it is the board’s duty

1 to ensure the statute is complied with unless the board expressly agrees to delegate that duty
2 to another “officer in charge of elections.” Any delegations under these statutes must be
3 revokable at will, and the board has no authority to determine which election officer gets to
4 act when the statute imposes the duty on the “county recorder or other officer in charge of
5 elections.”

6 **II. The Board Cannot Appropriate Functions, Personnel, or Equipment that Are**
7 **Needed by the County Recorder to Fulfill His Statutory Duties.**

8 Where the Constitution or a statute has clearly vested a county recorder with certain
9 duties, it is beyond a board’s authority to divest a recorder of these duties. *See Romley v.*
10 *Daughton*, 225 Ariz. 521, 526 ¶25 (App. 2010); *see also Bd. of Supervisors of Maricopa*
11 *Cnty. v. Woodall*, 120 Ariz. 379, 381 (1978) (“The law is well settled that when the
12 constitution or the laws of the State create an office, prescribe the duties of its incumbent
13 and fix his compensation, no other person or board, except by action of the legislature, has
14 the authority to contract with private individuals to expend public funds for the purpose of
15 performing the duties which were imposed upon such officer.” (internal quotation marks
16 omitted)). And such a divestment occurs when the board takes personnel, equipment,
17 functions, or funding needed by the recorder to fulfill his duties.

18 In *Romley*, the court of appeals concluded just that. There, the Maricopa County
19 Board of Supervisors created and funded a General Litigation Department “outside the
20 purview of the County Attorney” to represent the county in all civil matters after the board
21 concluded there were conflicts with the county attorney. 225 Ariz. at 522-23 ¶¶3-5. Because
22 the county attorney had a clear statutory duty “to represent the county in civil litigation,”
23 the board “exceed[ed] its authority in effectively divesting the county attorney of his power
24 to represent the county and its agencies” by creating and funding a different litigation
25 department. *Id.* at 525-26 ¶¶19, 25.

26 Relying on *Romley*, the Arizona Attorney General has also reached the same
27 conclusion. Specifically, the Attorney General concluded that a county board of supervisors
28 exceeded “its authority and usurp[ed] the County Assessor’s authority when [it] removed

1 certain personnel [and equipment] from the County Assessor’s control.” Ariz. Op. Att’y
2 Gen. No. I15-013, 2015 WL 9464429, at *1 (Dec. 21, 2015). The Attorney General noted
3 that a county assessor is statutorily “required to identify, by diligent inquiry, all real
4 property in the county that is subject to taxation, to maintain uniform maps and records with
5 assistance from ADOR, to report detailed property information on the tax roll, to account
6 for all property in a county, and to supply geographical information to various county taxing
7 districts.” *Id.* at *2. Consequently, “[c]artography and title functions are necessary to an
8 assessor’s performance of these and many other statutory duties,” so a board of supervisors
9 “does not have the authority to withdraw cartography and title personnel from the control
10 of the [assessor].” *Id.* To “remove cartography and property title personnel from the
11 assessor’s office” would “unlawfully divest[] the assessor of mapping and title functions
12 that she is required to perform under state law.” *Id.* at 5.

13 Similarly here, when a statute imposes a duty on the county recorder, and the
14 recorder needs certain personnel, funding, or equipment to fulfil that statutory duty, the
15 board cannot take that equipment or personnel from the recorder, or refuse to provide
16 sufficient funding, without unlawfully divesting the recorder of his ability to carry out his
17 duties.

18 CONCLUSION

19 For the foregoing reasons, this Court should hold narrowly that when an elections
20 statute imposes a duty on either the recorders or the boards with the caveat that another
21 “officer in charge of elections” may accomplish the task, the Legislature intended in the
22 first instance for that duty to be carried out by the office listed in the statute.

23 RESPECTFULLY SUBMITTED this 25th day of August, 2025.

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