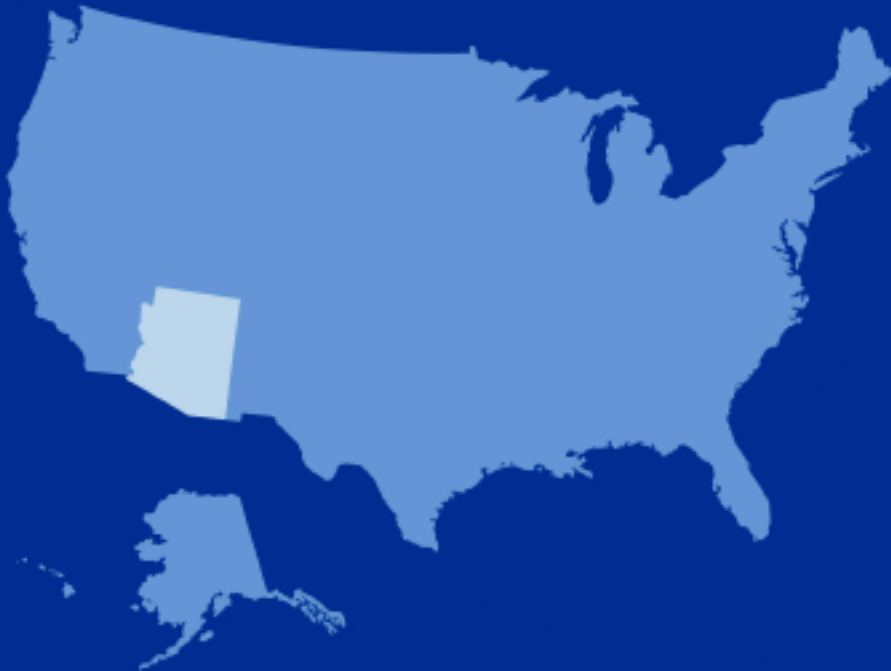


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ELECTION LAW IN ARIZONA

BY JOSEPH KANEFIELD



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THERE IS NO TIME LIKE FALL DURING AN ELECTION YEAR.



Many months of growing campaigns and candidacies will soon result in a harvest of sorts on election day. The airwaves will be filled with campaign-related advertisements, and candidates will barnstorm around the state in hopes of reaping one more vote. The 2006 election harvest is

shaping up to be a good one, and it will soon usher in a new crop of officeholders and initiatives.

Although in theory elections are decided at the ballot box, an increasing number of lawsuits have meant that many elections are being decided in the courtroom. This summer, more than 30 lawsuits were filed in Arizona challenging various candidacies and ballot measures. Both past court challenges and these recent lawsuits have meant that election outcomes were reached without a single vote being cast.

The following is a discussion of some recent election cases and other election law developments that have changed the manner in which campaigns are conducted in Arizona. These demonstrate that election law is no longer something that attorneys can dabble in every couple of years; it now requires careful study and preparation to represent clients adequately.

The article that follows examines petition challenges, "single subject" or "separate amendment" cases, campaign finance matters, and contested elections.



PETITION CHALLENGES

Challenges to candidates' qualifications or nomination petitions are the most common election law cases filed in Arizona. According to the Arizona Supreme Court, the petition process exists to "weed[] out the cranks, the publicity seekers, the frivolous candidates who have no intention of going through with the campaign, and those who will run for office as a lark if there is no difficulty in being placed on the ballot."¹ This process, however, often ends up weeding out the uninformed, the ill advised and the lazy.

Although the vast majority of candidates follow the proper procedures when filing their nomination papers and petitions, there are a few that make costly mistakes that could have easily been avoided. To keep the process in check, the law gives any "elector" or registered voter the right to bring a challenge to any candidate during the 10-day period following the filing deadline.² The challenge process is short because of looming ballot-printing deadlines. By statute, the superior court has 10 days to hear and decide these cases, and the losing party has five days to appeal directly to the Arizona Supreme Court.³

It is through these challenges that many candidate deficiencies are revealed. These cases can generally be divided into three categories: challenges to the signatures or form of the petition, challenges to the petition circulator, or challenges to the candidate's qualifications.

Signature or Form Challenges

The most common challenge alleges that the petition signers are not registered to vote, do not reside in the candidate's district, are affiliated with the wrong party or fail to include required information such as the voter's residence address or signature.⁴ Most of the challenges brought earlier this summer made similar allegations. In one case, Clancy Jayne, a former Republican member of the Arizona House of Representatives, was denied ballot access in his quest to seek another term after a challenge revealed that 283 of the 556 petition signatures he filed were invalid, putting him well below the 421 he needed.⁵

In 2000, Lori Daniels submitted her nomination petitions to the Secretary of State in order to compete in the Republican primary election for the office of Arizona State Senator for District 6. Her petitions were challenged, and the superior court found that Daniels did not submit the required number of signatures to support her nomination.⁶ Daniels was an incumbent and ran several successful campaigns. Thus, it surprised many when this seasoned veteran was successfully removed from the ballot through a petition challenge.

Lori Daniels, however, then ran successfully as a write-in candidate in the same primary election and went on to win another term in the general election. The next year, the legislature amended the "sore loser" law to prohibit candidates whose nomination petitions are successfully challenged from running as write-in candidates in either the primary or general elections.⁷

These challenges also have been successful in cases in which the petitions were not in proper form. The general rule is that petitions must "substantially comply" with the law, and the courts will liberally construe the law in favor of candidates.⁸

Some defects, however, cannot be cured even under this lenient level of review.

In 2004, for example, Tim Sifert, a candidate for the Corporation Commission, filed more than enough signatures to qualify him for a place on the Republican primary election ballot. A challenge was brought to his candidacy because he failed to indicate the term ending date for the seat he was seeking on the Commission. That year three other seats were open on the Commission for a different term length. He appealed to the Supreme Court, which held that purely technical departures from the form of the nomination petitions will not outweigh the voters' right to select a nominee, but failing to specify the term ending date as required by A.R.S. § 16-341(D) was fatal to his candidacy.⁹

Petition Circulator Challenges

Less common, but appearing more frequently in recent years, are challenges to the petition circulators. The law requires the petition circulator be qualified to register to vote and sign an affidavit on the back of the petition swearing that each qualified voter signed the petition in the circulator's presence.¹⁰ A falsely signed circulator affidavit will disqualify every signature on the petition, even if the signers are otherwise qualified electors.¹¹ This is the election law equivalent of the exclusionary rule.

The 2006 election challenges saw three cases in which candidates were accused of petition forgery by falsely swearing to have circulated a number of their own petitions.¹² In one case Russ Jones, a candidate for State Senate District 24, was accused of petition forgery for signing the back of several petitions when it was established that he was not the circulator. The Maricopa County Superior Court found him guilty of petition forgery, removed him from the 2006 primary election ballot, and banned him from running for office for five years.¹³

The Arizona Supreme Court reversed that decision on appeal, finding that the petition forgery provision of A.R.S. § 16-351(F) does not apply to false verifications by circulator but rather to someone signing a signature other than their own, signing a petition more than once, or signing when not qualified.¹⁴ Thus, under current law, falsifying a circulator affidavit will invalidate the signatures but will not result in a finding of petition forgery against the candidate. In *Moreno v. Jones*, the court noted that its holding did not, however, express an opinion on whether a false verification of a circulator affidavit might merit prosecution under A.R.S. § 13-2002.¹⁵ If successful, such a prosecution could result in removal of the person from office if elected.¹⁶

In 2004, Ralph Nader's quest to appear as an independent candidate for President in Arizona was stopped dead in its tracks after a petition challenge was filed prior to the November 2004 general election. The challenge alleged that many of the petitions



were invalid because the circulators were not qualified to register to vote in Arizona; the circulators were alleged to be either convicted felons or non-residents.¹⁷

Although the 2004 election has long past, the *Nader* case is still under review with respect to the issue of whether the law that requires circulators to be Arizona residents violates the First Amendment. The federal district court held it does not, and that decision is currently on appeal to the Ninth Circuit.¹⁸

★ Candidate Qualification Challenges

Least common are challenges to a candidate's qualifications. Some candidates are challenged because they are alleged not to reside in the district in which they are running. A candidate must be a resident of the district in which the candidate seeks election. Residency under Arizona election law is defined as physical presence with an intent to remain.¹⁹ This question of fact must be decided in an expedited evidentiary hearing.

In 2002, a legislative candidate hired a private investigator to trail an opponent and was able to establish that the person did not actually live in the district. The challenger rested his case after his private investigator testified that the candidate lived with her mother and children outside the district and only occasionally spent the night at a residence within the district. The candidate voluntarily withdrew from the race.²⁰

In a case filed this year, the residency of Robert Young, a Democratic Party candidate for District 15, Arizona House of Representatives, was challenged. The plaintiff alleged that Young lived with his wife and daughter outside the district. During the hearing, however, it was established that Young in fact lived apart from his family and maintained his residence within the district. The challenge was therefore rejected, and he was allowed to stay on the ballot.²¹

Interestingly, these residency challenges are only brought in state cases. The Qualifications Clause of the U.S. Constitution establishes that federal candidates need not reside in the district at the time they are running but are only required to live in the district at the time they are elected.²² It is for this reason that Tom Delay, former Majority Leader of the U.S. House of Representatives, remains on the ballot in Texas despite efforts by his own party to remove him. After the Republican Party declared Delay ineligible because of his Virginia residency, the state Democratic Party filed a suit to declare the Republican Party chair's action invalid on the grounds that it created a pre-election inhabitancy requirement in violation of the Qualifications Clause. The Fifth Circuit agreed, holding that the Qualifications Clause only requires residency at the time of election and refused to order Delay removed from the ballot.²³

This year saw two cases dismissed on procedural grounds. One involved a challenger that filed his appeal to the Supreme Court on the sixth business day after the superior court decision was rendered. The court dismissed the challenge as untimely on the grounds that the five days allowed to appeal a decision in a chal-

lenge to the nomination of a candidate under A.R.S. § 16-351(A) includes weekends and holidays.²⁴ In another case, the court dismissed an appeal for lack of jurisdiction when the challenger failed to obtain a signed judgment from the superior court.²⁵

These cases demonstrate the manner in which the challenge process has grown and why it is necessary for lawyers representing candidates and challengers to keep up on the current law to assure that they are able to competently represent clients in these cases, in which decisions and actions must occur in a very short period of time.

SINGLE SUBJECT OR "SEPARATE AMENDMENT" CHALLENGES

Another frequently filed Arizona election challenge involves citizen initiatives. The drafters of the Arizona Constitution long ago reserved to the people the right to propose constitutional changes and laws through the initiative process.²⁶ Although this power is vast and has been exercised by the people in almost every general election since statehood, it is no easy task to qualify one of these measures for the ballot. Tens of thousands of signatures must be gathered at a high cost of time and money. There is also the risk that this effort could be cut short by a legal snag.

Picture this: Your group raises thousands of dollars, drafts an initiative to amend the Arizona Constitution, circulates petitions for months, files its 183,917-plus signatures with the Secretary of State—only to have the courts order the measure off the ballot a few weeks later.²⁷ It's no longer just a bad dream that keeps political activists and consultants up at night. It is reality; it has happened twice in the last six years.²⁸

The most common culprit for removal is a violation of Article XXI, Section 1, of the Arizona Constitution, also known as the single subject clause or what the Arizona Supreme Court now refers to as the "Separate Amendment" clause.²⁹ That amendment provides, "If more than one proposed amendment shall be submitted at any election, such proposed amendments shall be submitted in such a manner that the electors may vote for or against such proposed amendments separately." This provision only applies to proposed amendments to the Constitution and does not apply to laws adopted by initiative.³⁰

In 2004, the Arizona Supreme Court removed an initiative titled the "No Taxpayer Money for Politicians Act" (Proposition 106) on single subject grounds shortly before the election. That measure would have amended the Arizona Constitution to forbid public funding of campaigns and would have transferred all existing monies in the Citizens Clean Elections Fund to the state's general fund. The Court determined that no common purpose or principal connected the two provisions and that voters may vote on each differently if presented as separate amendments. Consequently, the Court held that the initiative violated the separate amendment clause and struck it from the ballot.³¹

These cases establish the importance of carefully drafting any initiative language that proposes to change the Arizona

Constitution. In addition, familiarity and working knowledge of initiative law is an absolute prerequisite to shielding your effort from legal challenge. These laws change from time to time. The legislature has established many rules with respect to the form and content of the petitions and their requirements for circulation.³² In addition, in 2004 the voters passed Proposition 101, which now requires any initiative that proposes an expenditure of state funds to also provide a non-general fund revenue source.³³

Proposition 207, an initiative measure related to eminent domain that is scheduled to appear on the 2006 general election ballot, was challenged on this ground for failing to establish a non-general fund revenue source to pay for one of its provisions.³⁴ The court refused to enjoin the measure from appearing on the ballot because the suit challenged the substance of the measure.³⁵ The court noted, however, that the plaintiffs had made a *prima facie* showing that the proposition, as it relates to expenditures from the State's general fund, violates the spending source rule of Article IX, Sec. 23, thus inviting a post-election challenge should this measure be passed.

As a final note, during the 2006 legislative session the Arizona Legislature passed HB 2373, which would have obligated the Arizona Supreme Court to issue an advisory opinion on any ballot initiative that received more than 10 percent of the required signatures to determine if the initiative violated the separate amendment clause. The Governor vetoed the bill on April 21, 2006, expressing concerns that it would require the court to consider initiatives outside the context of the adversarial system of American jurisprudence.³⁶

how their monies are spent. The drafters of the Arizona Constitution recognized its importance long before Watergate and other high-profile scandals resulted in significant regulation of campaign finance at the federal and state levels. Article 7, Section 16, of the Arizona Constitution provides, "The legislature, at its first session, shall enact a law providing for a general publicity, before and after election, of all campaign contributions to, and expenditures of campaign committees and candidates for public office."

Over the years Arizona campaign finance law has expanded from simple disclosure to the imposition of contribution limits and disclosure

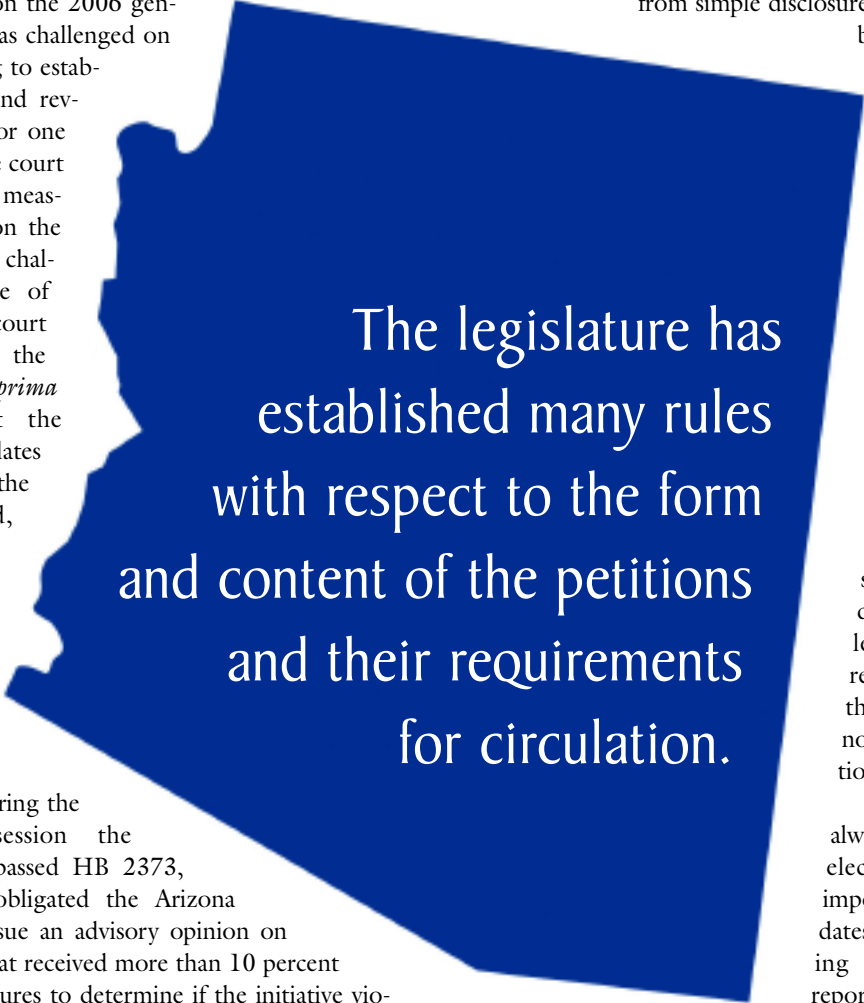
requirements in campaign literature and advertisements (think "I'm Candidate X and I approved this ad"). The Arizona voters have played an active role in this arena. In 1986, they passed Proposition 200, which established strict contribution limits, and in 1998 the voters passed the Citizens Clean Elections Act (also Proposition 200), which further reduced the contribution limits to statewide and legislative candidates and permits state and legislative candidates to receive public money to run their elections in exchange for not raising private contributions.³⁷

Campaign financing has always played a critical role in elections. Indeed, state law imposes a five-year ban on candidates from holding office for failing to file campaign finance reports.³⁸ But with public funding, campaign finance in Arizona has taken on a new level of complica-

tion, with dire consequences for the uninformed and disorganized. This system does not just affect those who choose to receive public funding; even nonparticipating candidates must file additional campaign finance reports when they hit certain contribution and expenditure thresholds to alert participating opponents of their rights to receive matching monies.³⁹

Failure to comply with campaign finance laws proved fatal to two individuals this year.

David Burnell Smith was elected to the Arizona House of Representatives in 2004 and ran as a publicly funded candidate



The legislature has established many rules with respect to the form and content of the petitions and their requirements for circulation.

CAMPAIGN FINANCE MATTERS

Another common election pitfall is campaign finance compliance.

Campaign finance law exists to inform the public about where candidates and political committees receive their funding and



under the Citizens Clean Elections Act. This meant he agreed not to accept private contributions for his campaign and to abide by the strict spending limits established in the Act. Smith's total expenditures exceeded 10 percent of his allocated public money, and the penalty sought by the Attorney General was removal from office as set forth in the Act.⁴⁰ After months of legal wrangling, the Arizona Supreme Court denied Smith's final appeal as untimely, and his removal from office was affirmed.⁴¹ Smith is the first legislator in the nation to be removed from office for campaign finance violations. He ran again in the September 12, 2006, primary election to regain his seat, but failed to do so.⁴²

Milton Wheat, a legislative candidate for the House of Representatives from District 15, was removed from the 2006 Republican Primary Election ballot because many of his signatures were disqualified after it was determined he circulated petitions before organizing his political committee, in violation of A.R.S. § 16-902.01.⁴³

These cases establish important precedent for all statewide and legislative candidates who must comply with Arizona campaign finance laws. It is for these reasons that candidates and campaigns need to be especially cautious in choosing a treasurer and find someone who is organized and will take the time to learn Arizona's complex campaign finance requirements. Of course, having an attorney knowledgeable in election law available for advice is also a must.

CONTESTED ELECTIONS

The last area of election law worthy of discussion involves election contests.

Perhaps the most famous election contest of recent years occurred in *Bush v. Gore*,⁴⁴ which resolved the disputed election results in the 2000 presidential election. That case has spawned many other election challenges and continues to be a hot topic of debate among election scholars.⁴⁵

Arizona has a specific statutory proceeding for election contests, and several cases over the years have resolved election disputes through this process. In Arizona, any voter may challenge a nomination or election, regardless of political party registration.⁴⁶ Election contests are purely statutory and dependent upon statutory provisions for their conduct.⁴⁷

A contest can be filed for the election of a person nominated or elected to U.S. congressional seats; state, county, city, town or political subdivision office (primary and general elections); an initiated or referred measure; an amendment to the Arizona Constitution or any other question or proposal submitted to the vote of the people.⁴⁸ Arizona legislative elections are not covered under the same contest statutes. The legislature chooses its own officers, judges the election and qualification of its own members and determines its own rules of procedure.⁴⁹

The grounds for a contest according to Arizona statute are: (1) misconduct on the part of election officials; (2) ineligibility

of the person elected; (3) an offense committed against the elective franchise; (4) bribery of an election official or judge; (5) illegal votes; and (6) erroneous count of votes.⁵⁰

Contests may be brought in the Superior Court of Maricopa County or in the superior court of the county in which the person contesting resides. A contest must be filed within five days of the completion of the canvass of the election and the Secretary of State has declared the results.⁵¹ A hearing will take place no later than 10 days after the date in which the statement of contest is filed. Within five days of the completion of the hearing, the court is required to file its findings and immediately pronounce judgment, either confirming the election or annulling and setting it aside.⁵²

The most famous election contest in Arizona occurred in 1917. On November 7, 1916, Thomas E. Campbell was declared governor after the vote tally indicated that he had narrowly defeated the incumbent George W. P. Hunt by 67 votes. Hunt filed an election contest alleging that many uncounted ballots should have been counted for him. The Arizona Supreme Court resolved the matter in Hunt's favor and in the process set forth the test that the Arizona courts still follow in determining a voter's intent.⁵³

In recent years the contest proceedings have been used to challenge the manner in which elections are canvassed,⁵⁴ the qualifications of candidates elected⁵⁵ and the failure to verify absentee ballots.⁵⁶



Election law is quickly emerging as one of the fastest growing areas of practice, with the number of cases increasing rapidly.⁵⁷ Election law courses are now offered at many law schools, and the topic has been the subject of many books and scholarly articles. This article touched on a few of the main election law cases recently addressed in Arizona. Many other challenges exist and are likely to hold a place on our state and federal court dockets for years to come.⁵⁸ As the complexity and frequency of these cases grow, it is important for those who choose to represent clients in these matters keep apprised of the constitutional, statutory and case law foundation that supports our election law structure.

Of course, we election administrators would simply prefer that elections go smoothly without challenge or contest. It would certainly make our lives easier. The chances of that happening anytime soon, however, are about as likely as a cool July breeze in Phoenix. ☔

endnotes

1. *Adams v. Bolin*, 271 P.2d 472, 475 (Ariz. 1954).
2. A.R.S. § 16-351(A); *Archer v. Board of Supervisors of Pima County*, 800 P.2d 972, 973 (Ariz. 1990).
3. *Id.*
4. Carrie Watters, *Legislative Petition Challenge Snarls GOP Drive*, ARIZ. REP., June 30, 2006, at B10.



5. *Seel v. Jayne*, No. CV 06-009696, Minute Entry (Maricopa County Sup. Ct. July 3, 2006, Hon. Peter B. Swann).
6. *Kyle v. Daniels*, 9 P.3d 1043 (Ariz. 2000).
7. A.R.S. § 16-312(D)(3), added by Laws 2001, Ch. 169, § 4.
8. *Adams*, 271 P.2d at 475.
9. *Seel v. Sifert*, No. CV 04-0219-AP/EL, slip. op. (Ariz. July 19, 2004).
10. A.R.S. § 16-321(D).
11. *Brousseau v. Fitzgerald*, 675 P.2d 713, 716 (Ariz. 1984).
12. *Moreno v. Jones*, No. CV 06-0237-AP/EL, slip op. at 24 (Ariz. Aug. 9, 2006) (forgery not found); *Klebba v. Carpenter*, No. CV 06-0239-AP/EL, slip op. at 2 (Ariz. Aug. 9, 2006), *dismissing appeal from Klebba v. Carpenter*, No. CV 06-007339, Minute Entry (Maricopa County Sup. Ct. July 17, 2006, Hon. Douglas Rayes) (finding no forgery occurred); *Bowey v. Wheat*, CV 06-9760, Minute Entry (Maricopa County Sup. Ct., July 7, 2006, Hon. Janet Barton) (same).
13. *Moreno*, No. CV 06-0237-AP/EL, slip op. at 7; A.R.S. § 16-351(F).
14. *Moreno*, No. CV 06-0237-AP/EL, slip op. at 13.
15. *Id.* at 20 n.3.
16. See A.R.S. § 38-291(8) (deeming an office vacant upon conviction of the person holding the office of a felony).
17. *Schultz v. Nader*, No. CV 04-011968, Minute Entry (Maricopa County Sup. Ct. July 5, 2004, Hon. Mark W. Armstrong).
18. *Nader v. Brewer*, No. CV 04-1699-PHX-FJM, slip op. (D. Ariz. 2006), *on appeal* No. 06-16251 (9th Cir.).
19. ARIZ. CONST. art. 4, Pt. 2, § 2 (requiring legislators to be Arizona residents three years prior to election); A.R.S. § 16-101(B) (defining residency for purposes of registering to vote); see also *McDowell Mountain Ranch Land Coalition v. Vizcaino*, 945 P.2d 312 (Ariz. 1997).
20. *Gallardo v. Lopez*, No. CV 02-012254, Minute Entry (Maricopa County Sup. Ct. July 5, 2002, Hon. Mark W. Armstrong).
21. *Sacco v. Young*, No. CV 06-009762, Minute Entry (Maricopa County Sup. Ct. July 5, 2006, Hon. Kenneth L. Fields).
22. *Schaefer v. Townsend*, 215 F.3d 1032, 1039 (9th Cir. 2000) (holding that the Qualifications Clause of the U.S. Constitution, Article I, Section 2, forbids state laws that require candidates for the United States House of Representatives to reside in the state when filing nomination papers, as distinguished from when elected).
23. *Texas Democratic Party v. Benkiser*, No. 06-50812 2006 WL 2170160 (5th Cir. 2006).
24. *Bobart v. Hanna*, No. CV 06-0225-AP/EL, slip op. at 4 (Ariz. July 26, 2006).
25. *Klebba*, No. CV 06-0239-AP/EL, slip op. at 7.
26. ARIZ. CONST. art. IV, § 1.
27. A group must obtain 183,917 petition signatures from qualified electors to qualify an initiative to amend the Arizona Constitution; 122,612 signatures are needed to qualify an initiative to change the law. ARIZ. CONST. art. IV, § 1(3), (7).
28. *Clean Elections Institute Inc. v. Brewer*, 99 P.3d 570 (Ariz. 2004); *Regner v. Bayless*, 16 P.3d 209 (Ariz. 2001); *Arizonans Against Unfair Tax Schemes v. Bayless*, 16 P.3d 207 (Ariz. 2001).
29. *Clean Elections Institute Inc. v. Brewer*, 16 P.3d 207 (2001).
30. *Tilson v. Mofford*, 737 P.2d 1367, 1371 n.2 (Ariz. 1987).
31. *Id.*; At print time two suits were pending challenging two of the 2006 ballot measures under the “separate amendment” provision of the Arizona Constitution. *Arizonans for Responsible Planning v. Brewer*, No. CV 06-010967, Minute Entry (Maricopa County Sup. Ct. Aug. 1, 2006, Hon. Douglas L. Rayes) (holding Proposition 106, proposing to establish a conservation plan for state trust land, does not violate the single subject clause), *on appeal*, No. CV 06-0267-AP/EL (Ariz.); *Arizona Together v. Brewer*, No. CV 06-010505 (Maricopa County Sup. Ct., Hon. Douglas L. Rayes) (holding Proposition 107, proposing to ban same-sex marriages and benefits to domestic partnerships, does not violate the single subject clause), *on appeal*, No. CV 06-0277-AP/EL (Ariz.) (the Supreme Court issued an order on Aug. 31, 2006, affirming the superior court’s judgment, with the written decision to follow).
32. See A.R.S. §§ 19-101, -102, -112, -121.
33. Adding Section 23 to Article IX of the Arizona Constitution.
34. *League of Arizona Cities & Towns v. Brewer*, No. CV 06-011432 (Maricopa County Sup. Ct., Hon. Paul McMurdie).
35. In hearing initiative challenges, courts will only consider procedural defects in form that bear directly on the integrity of the election process. *Winkle v. City of Tucson*, 949 P.2d 502 (Ariz. 1997). This includes separate amendment challenges as discussed previously.
36. A copy of the Governor’s veto letter can be found at www.azsos.gov/public_services/Chapter_Laws/2006/47th_Legislature_2nd_Regular_Session/HB_2373.pdf.
37. The contribution limits established by these initiatives are set forth in A.R.S. §§ 16-905 and -941(B)(1).
38. A.R.S. § 16-918(F).
39. *Id.* § 16-941(B)(2).
40. *Id.* § 16-942(C).
41. *Smith v. Arizona Citizens Clean Elections Comm’n*, 132 P.3d 1187 (Ariz. 2006).
42. Thomas Ropp, *Ousted Legislator Confident of Return*, ARIZ. REP., July 25, 2006, at B1; Thomas Ropp, *David Burnell Smith Quitting Politics*, ARIZ. REP., Sept. 14, 2006.
43. *Bowey v. Wheat*, No. CV 06-9760, Minute Entry (Maricopa County Sup. Ct. July 7, 2006, Hon. Janet Barton).
44. 531 U.S. 98 (2000).
45. See, e.g., *Stewart v. Blackwell*, 444 F.3d 843 (6th Cir. 2006) (holding that the use of punch card and central count voting systems violates the Equal Protection Clause). On July 21, 2006, the Sixth Circuit vacated the judgment in this case and granted en banc review.
46. A.R.S. § 16-672(A); *Archer*, 800 P.2d at 973.
47. *Fish v. Redeker*, 411 P.2d 40, 42 (Ariz. Ct. App. 1966).
48. A.R.S. § 16-672(A); *Harless v. Lockwood*, 332 P.2d 887, 889 (Ariz. 1958).
49. A.R.S. § 16-678; ARIZ. CONT. art. IV, Part 2, § 8.
50. A.R.S. § 16-672(A).
51. *Id.* § 16-673(A).
52. *Id.* § 16-676.
53. *Hunt v. Campbell*, 169 P. 596 (Ariz. 1917); see also Joseph Kanefield, *The Test of Voter Intent in Arizona*, ARIZ. ATT’Y, March 2001, at 28.
54. *Wenc v. Sierra Vista Unified School Dist. No. 68*, 108 P.3d 962 (Ariz. Ct. App. 2005).
55. *Hancock v. Bisnar*, 132 P.3d 283 (Ariz. 2006).
56. *Reyes v. Cuming*, 952 P.2d 329, 332 (Ariz. Ct. App. 1997).
57. Kevin O’Hanlon, *Courts More Involved In Election Spats*, ASSOCIATED PRESS, July 21, 2006. See also David Hammer, *Greater Focus on Election Law Stirs Up Legal Frenzy*, ASSOCIATED PRESS, Sept. 24, 2006, available at www.fortwayne.com/mld/newssentinel/15595310.htm
58. See, e.g., *Gonzalez v. Brewer*, No. CV 06-1268-PHX-ROS (D. Ariz.) (challenging Arizona’s law requiring that voters show identification at the polls prior to voting and providing evidence of citizenship when registering to vote); *Chavez v. Brewer*, No. CV 06-007000, Minute Entry (Maricopa County Sup. Ct. July 24, 2006, Hon. Barry C. Schneider) (dismissing challenge to the use of certain accessible voting machines used in Arizona for the disabled).