

SUPREME COURT OF ARIZONA

ARIZONA FREE ENTERPRISE CLUB, et) Arizona Supreme Court
al.,) No. CV-21-0304-AP/EL
)
Plaintiffs/Appellants,) Maricopa County
) Superior Court
v.) No. CV2021-011491
) CV2021-016143
KATIE HOBBS, et al.,) (Consolidated)
)
Defendants/Appellees,)
and)
)
INVEST IN ARIZONA (SPONSORED)
BY AEA AND STAND FOR) **FILED 03/01/2022**
CHILDREN), a political committee,)
)
Real Party in)
Interest/Appellee.)
)
_____)

O R D E R

On December 27, 2021, Appellants Free Enterprise, Scot Mussi, and Diane Schafer filed an ARCAP 10 Statement in this expedited election matter. Appellants indicated that pursuant to ARCAP 10(d)(1) the matter involved a statewide referendum measure, presented issues of substantial statewide importance, and, if not expedited, may become moot before Supreme Court review.

The Court sought clarification from the parties as to whether this matter met the ARCAP 10(d)(1) mootness criteria. On February 28, 2022, the parties filed a joint supplemental brief stating that the earliest printing deadline is believed to be in

late August 2022 and arguing that ordinary review by both the court of appeals and this Court would extend past this deadline. Alternatively, the parties moved to transfer the appeal from the court of appeals to this Court pursuant to ARCAP 19(a)(3).

Upon review, the Court notes that absent looming ballot printing deadlines or other considerations that would render the matter moot before this Court's review, appeals of initiative and referendum challenges should be filed with the court of appeals. See ARCAP 10(d)(2). If reasons exist to transfer the appeal to this Court under ARCAP 19(a), a party to the appeal should file a petition to transfer under Rule 19(b). That did not occur here. Nonetheless,

IT IS ORDERED that the Court hereby waives the procedural requirement and accepts the appeal.

IT IS FURTHER ORDERED the matter shall be set for oral argument. The Clerk of the Court shall issue a notice with the date and time of oral argument.

DATED this 1st day of March, 2022.

_____/s/_____
ANN A. SCOTT TIMMER
Duty Justice

TO:

Kory A Langhofer
Thomas J Basile
Spencer Garrett Scharff
Roopali H Desai
D Andrew Gaona
Kristen M Yost
Hon. Katherine Cooper
Hon. Jeff Fine
Timothy Sandefur
Daniel J Adelman
Erin Adele Scharff
Samuel Schnarch
Mark Brnovich
Joseph A Kanefield
Brunn W Roysden III
Michael S Catlett
Jillian Francis