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15 *Attorneys for Plaintiffs*

16 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

17 **IN AND FOR THE COUNTY OF YAVAPAI**

18 ARIZONA REPUBLICAN PARTY, a  
19 recognized political party; YAVAPAI  
20 COUNTY REPUBLICAN COMMITTEE,  
21 the Yavapai County committee of the  
22 Arizona Republican Party; LOIS  
23 FRUHWIRTH, Chairwoman of the Yavapai  
24 County Republican Committee; ANNE  
25 ROPER, Secretary of the Yavapai County  
26 Republican Committee;

27 *Plaintiffs,*

28 v.

YAVAPAI COUNTY ELECTIONS  
DIRECTOR;

*Defendant,*

STATE OF ARIZONA, a body politic.;

*Defendant and Real-Party-In-Interest.*

No. P1300CV202200179

**JUDGMENT**

1 This matter came before the Court on Plaintiffs’ Verified Complaint and  
2 Application for Order to Show Cause. The Court has received and considered the  
3 Plaintiffs’ submissions and the Defendant State of Arizona’s Response to Plaintiffs’  
4 Application for Order to Show Cause and the oral argument of counsel offered at this  
5 Court’s hearing conducted March 22, 2022. Based upon the foregoing, the concession of  
6 the State, and other good cause, this Court hereby makes the following findings and  
7 conclusions:

8 (1) Article 4, part 2, section 19 of the Arizona Constitution prohibits the  
9 legislature from enacting local or special laws regarding the “conduct of elections” or  
10 “[w]hen a general law can be made applicable.” (the “No Special or Local Law Clause”).  
11 Ariz. Const. art. 4, pt. 2, § 19 (11, 20).

12 (2) The test for whether a law violates the No Special or Local Law Clause is  
13 threefold: (1) whether the classification is rationally related to a legitimate legislative  
14 purpose; (2) whether the classification is sufficiently general to encompass all members  
15 similarly situated; and (3) whether the classification is sufficiently elastic to  
16 accommodate warranted inclusions and exclusions as circumstances change. *Arizona Ctr.*  
17 *for Law in the Pub. Interest v. Hassell*, 172 Ariz. 356 (App. 1991); *Tucson Elec. Power*  
18 *Co. v. Apache County*, 185 Ariz. 5 (App. 1995).

19 (3) Further, a statute is unconstitutional as a special or local law if it is worded  
20 such that its scope is limited to a particular case and it looks to no broader application in  
21 the future. *Republic Inv. Fund I v. Surprise*, 166 Ariz. 143 (1990).

22 (4) Sec. 4 of HB 2839, by its language, is limited in scope to the particular case of  
23 the upcoming 2022 statewide election and will no longer apply once the election is  
24 completed.

25 (5) Sec. 4 of HB 2839 discriminates against elected party precinct  
26 committeepersons apart from all other candidates for federal, state, and local offices  
27 whose rights to run for election (and the rights of the electorate to vote for them) are not  
28 altered.

1 (6) Sec. 4 of HB 2839’s classification abolishing the elective rights of precinct  
2 committeepersons for only one election cycle in 2022 is not rationally related to a  
3 legitimate legislative purpose.

4 (7) The rest of HB 2839 has a perhaps sensible means of standardizing signature  
5 requirements for federal and state candidates to get on the ballot for election that appears  
6 rationally related to the legitimate state purpose of uniformity across all fifteen Arizona  
7 counties so that the burdens of getting on the ballot are in rough parity across the State.

8 (8) However, Sec. 4 of HB 2839 has a nonsensible means of abolishing entirely all  
9 elections for party precinct committeepersons which has nothing to do with uniformity of  
10 burdens for candidates to get on the ballots in their respective counties for election  
11 contests.

12 (9) The classification is not sufficiently general to encompass all members  
13 similarly situated because it only applies to persons seeking to run for election as party  
14 precinct committeepersons and the electors desiring to vote for them, but excludes all  
15 other candidates for elective office in federal and state elections and electors desiring to  
16 vote for them.

17 (10) The classification is not sufficiently elastic to accommodate warranted  
18 inclusions and exclusions as circumstances change because the classification has no  
19 elasticity at all because it abolishes entirely one class of elections from taking place—but  
20 only for one year.

21 (11) Thus, Sec. 4 of HB 2839 is an unconstitutional special law.

22 THEREFORE, it is hereby adjudged, decreed and ordered:

23 A. Sec. 4 of HB 2839 (2022) is unconstitutional, and is, therefore, void and  
24 permanently enjoined.

25 B. It is further ordered that all other requests for relief are withdrawn at this time.  
26 The Court does not reach the issues of whether Sec. 4 of HB 2839 (2022) violates other  
27 portions of the Arizona Constitution, or the issue of legislative intent, because the Court  
28 finds that Sec. 4 of HB 2839 (2022) is unconstitutional on other grounds.

1 C. The Court further determines that section 4 of HB 2839 is severable.

2 D. It is further ordered that, as no other matters remain pending, final judgment is  
3 entered under Rule 54(c).

4  
5 March 22, 2022

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8 eSigned by Napper, John 03/22/2022 10:55:10 5IFh1FTq

9 JUDGE, YAVAPAI COUNTY SUPERIOR COURT

10  
11  
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