

SUPREME COURT OF ARIZONA

LIVING UNITED FOR CHANGE IN)	Arizona Supreme Court
ARIZONA, et al.,)	No. CV-24-0153-AP/EL
)	
Plaintiffs/Appellants,)	Maricopa County
)	Superior Court
v.)	Nos. CV2024-014129
)	CV2024-014340
ADRIAN FONTES, et al.,)	
)	
Defendants/Appellees,)	
)	
and)	
)	
BEN TOMA, et al.,)	
)	
Intervenors/Appellees.)	
_____)	
)	
PODER IN ACTION, INC. et al.,)	
)	
Plaintiffs/Appellants,)	
)	
v.)	
)	
STATE OF ARIZONA, et al.,)	
)	
Defendants/Appellees,)	FILED 08/13/2024
)	
and)	
)	
BEN TOMA, et al.,)	
)	
Intervenors/Appellees.)	
_____)	

DECISION ORDER

The Court, en banc, has considered the briefs, the record, the superior court’s order, and the relevant authorities and case law in this expedited election appeal concerning House Concurrent Resolution 2060 (“HCR 2060”), a proposed measure for the November 2024 General

Election. HCR 2060 seeks to amend various Arizona statutes to provide "responses to harms relating to an unsecured border."

Appellants challenged the legal sufficiency of HCR 2060 on grounds that it violated the single subject rule. See Ariz. Const. art. 4, pt. 2, § 13 ("Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title . . ."). In particular, Appellants argued that provisions in HCR 2060 contain multiple subjects. Accordingly, Appellants filed applications for preliminary injunctions that would bar the State and its agents from placing HCR 2060 on the November 2024 ballot.

After a non-evidentiary trial on the merits, the superior court denied Appellants' requests for injunctive relief. The court concluded that HCR 2060 satisfies the single subject rule, and it denied all relief sought in Appellants' verified complaints. Appellants timely appealed. The sole issue raised is whether HCR 2060 complies with the single subject rule. We were not asked to address, nor could we address, the constitutionality of any individual provision in HCR 2060. See *League of Arizona Cities and Towns v. Brewer*, 213 Ariz. 557, 559-60 ¶ 10 (2006) (explaining that courts will review the validity of legislation or initiated measures only after enactment to avoid interfering with the legislative or initiative process).

The Court unanimously agrees with the superior court that Appellants have not met their burden to overcome the strong presumption that HCR 2060 is constitutional. Specifically, the Court concludes that HCR 2060 satisfies the single subject rule. HCR 2060's subject is "responses to harms relating to an unsecured border," and all components of the proposed law are "reasonably related" to that subject. See *Hoffman v. Reagan*, 245 Ariz. 313, 316 ¶ 16 (2018). It

is not necessary that the components have a free-standing relationship to each other. See *id.*

Having rejected Appellants' arguments, HCR 2060 will appear on the ballot. Therefore,

IT IS ORDERED affirming the superior court's judgment.

IT IS FURTHER ORDERED denying Appellants' request for attorneys' fees and costs.

DATED this 13th day of August, 2024.

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

TO:

James E Barton II
Jacqueline Mendez Soto
Karen J Hartman-Tellez
Kara Karlson
Kyle R Cummings
D Andrew Gaona
Austin C Yost
Jared G Keenan
Clinton N Garrett
Alexander W Samuels
Thomas J Basile
Kory A Langhofer
Brunn W Roysden III
Hon. Scott Sebastian Minder
Hon. Jeff Fine
Alberto Rodriguez
Erin Norris Bass
Niyati Shah

blc