

Arizona Senate Litigation Highlights

I. General State Litigation

- **Fake Director Lawsuit (AZ Senate v. Hobbs):** The Senate sued Governor Hobbs after she attempted to bypass Senate confirmation by leaving agency directorships vacant and refusing to nominate individuals unless the Senate changed its internal procedures. Oral argument on cross motions for summary judgment is set for April 26, 2024.

II. Federal Overreach

- **COVID-19 Vaccine Mandate:** The Legislature challenged Biden's executive order forcing federal contractors and their employees to receive the COVID-19 vaccine or risk losing their job. The case concluded, on December 28, 2023, after the Ninth Circuit vacated its opinion upholding the mandate.
- **Vehicle Emissions Rule:** The Legislature filed a regulatory comment opposing a proposed EPA rule that would require a transition from gas-powered vehicles to electric vehicles.
- **Homeless Encampments:** The Legislature filed amicus briefs urging the US Supreme Court to reverse the Ninth Circuit in *Johnson v. City of Grants Pass*, which effectively held that the Eighth Amendment prohibits governments from disbanding homelessness encampments. The US Supreme Court accepted review of the case and set oral argument for April 22, 2024.
- **Clean Air Act Section 111(d) Challenge:** The Legislature joined with 25 states in challenging an EPA rule under section 111(d) of the Clean Air Act, which limits state discretion and time in implementing state implementation plans (SIPs).
- **Antiquities Act:** The Legislature sued President Biden to stop his unlawful designation of nearly 1 million acres as a national monument in northern Arizona— which has the effect of halting all mining, ranching, and other local uses of the land.

III. Elections

- **Trump v. Anderson:** The Legislature joined with 25 states to urge the US Supreme Court to overturn the dangerous Colorado Supreme Court ruling

barring former President Trump from the 2024 presidential primary ballot. The US Supreme Court unanimously reversed the Colorado Supreme Court, vindicating the position of the Legislature.

- **Elections Procedures Manual:** The Legislature sued Secretary of State Fontes for attempts to disenfranchise voters and subvert state election laws with the latest edition of the Election Procedures Manual.
- **Mi Familia #2 (AEVL):** The Legislature is monitoring and fighting improper discovery in a federal lawsuit challenging SB1485, which established the Active Early Voting List.
- **Mi Familia #3 (Proof of Citizenship):** The Legislature intervened in this lawsuit to defend the constitutionality of HB 2492 and HB 2243, which require proof of citizenship and proof of residence in the state when registering to vote and require the county recorder to provide notice to registrants who have not provided documentary proof of citizenship. After a trial, the Court issued a mixed ruling that the Legislature intends to appeal.

IV. Transgender Issues

- **Save Women's Sports Act:** After Attorney General Mayes failed to do so, the Legislature intervened to defend the constitutionality of Arizona's "Save Women's Sports Act," which bans biological males from competing in women's and girls' athletic events at Arizona public schools, colleges and universities. The Ninth Circuit set oral argument in our appeal of the trial court preliminary injunction ruling for March 14, 2024.
- **Religious Beliefs in Foster Care (Bates v. Pakseresht):** The Legislature joined with 19 states in an amicus brief at the Ninth Circuit arguing against an Oregon Department of Human Services rule that requires anybody, including religious people, to swear an oath to "respect," "accept," and "support" the "sexual orientation," "gender identity," and "gender expression" of foster children in order to be considered as a foster parent.

V. First Amendment

- **NRA v. Vullo:** The Legislature joined with 23 states in filing an amicus brief at the US Supreme Court challenging whether New York could threaten banks with adverse regulatory actions if they provided financial services to the NRA.

- **Murthy v. Missouri:** The Legislature joined with 16 states arguing that the federal government can be sued for pressuring social media platforms to censor conservative-leaning speech. Oral argument is scheduled at the US Supreme Court on March 18, 2024.
- **Social Media Censorship (Moody v. NetChoice):** The Legislature joined with 19 states in a cert-stage amicus brief filed at the US Supreme Court arguing that states have authority to prohibit social media platforms from censoring conservative speech.

VI. Firearms

- **California Assault Weapon Ban (Miller v. Bonta):** The Legislature joined 25 states in an amicus brief filed in the Ninth Circuit challenging the constitutionality of California's Assault Weapon Control Act, which bans the manufacture, distribution, importation, and possession of "assault weapons."

VII. Other Matters

- **National Association of Attorneys General:** The Legislature issued a "litigation hold notice" to NAAG warning them that litigation was reasonably likely if they did not start complying with Arizona public money laws.