

IN THE SUPREME COURT OF THE UNITED STATES

ARIZONA LIBERTARIAN PARTY, et al.,

Petitioners,

v.

KATIE HOBBS, in her official capacity as
Secretary of State of Arizona

Respondent.

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9th Cir. No. 17-16491

**PETITIONERS' APPLICATION TO JUSTICE KAGAN TO EXTEND THE TIME FOR
FILING A PETITION FOR WRIT OF CERTIORARI BY 60 DAYS**

Pursuant to Supreme Court Rule 13.5, and for good cause, Petitioners Libertarian Party of Arizona and Michael Kielsky (the "Libertarians") respectfully request that the Court extend their time to file a petition for writ of certiorari in the above-captioned matter by 60 days, until December 8, 2019. In support of this motion, the Libertarians state as follows:

1. The judgment of the Court of Appeals for the Ninth Circuit was entered on May 31, 2019, and its order denying the Libertarians' petition for rehearing or rehearing en banc was entered on July 11, 2019. The Libertarians seek review of that judgment and order. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

2. Pursuant to Supreme Court Rule 13.1, the deadline for filing the Libertarians' petition for a writ of certiorari is October 9, 2019. This motion for an extension of that deadline by 60 days, until December 8, 2019, is timely because it is filed 10 days before the date the petition is due.

3. This case involves a challenge to the constitutionality of Arizona's statutory scheme

governing ballot access. As applied, the challenged provisions impose burdens upon the Libertarians that greatly exceed the constitutional limits established by this Court's ballot access jurisprudence. The Court of Appeals nevertheless affirmed the District Court's decision upholding the constitutionality of Arizona's statutory scheme by relying on a novel legal standard that conflicts with the legal standard this Court has uniformly applied in deciding ballot access cases.

4. The decision of the Court of Appeals reflects a confusion among the lower courts as to the proper legal standard to apply when analyzing the constitutionality of ballot access statutes. The Libertarians seek an extension of time to file a petition for a writ of certiorari because it will allow them adequate time to conduct the legal research necessary to demonstrate that lower courts are divided with respect to this issue, and to prepare a petition for certiorari demonstrating that this case is an appropriate vehicle for the Court to decide the issues it raises.

5. The undersigned counsel is the Libertarians' lead counsel in this matter. The undersigned counsel is also lead counsel in several other cases pending in federal courts. *See Gill v. Scholz*, No. 19-1125 (7th Cir.); *Miller v. Doe*, No. 1:19-cv-00700 (W.D. Tex.); *Graveline v. Johnson*, No. 2:18-cv-12354 (E.D. Mich.). In that capacity, during the pendency of the period for filing a petition for certiorari in this matter, the undersigned counsel has: (1) prepared an appellate brief for filing in *Gill*; (2) prepared an opposition to a motion to dismiss and a motion for preliminary injunction in *Miller*; and (3) prepared opening, opposition and reply briefs on cross-motions for summary judgment in *Graveline*. Due to these obligations, and others, the undersigned counsel has not had adequate time to devote to the preparation of a petition for certiorari in this matter. Good cause therefore exists for the Court to grant the requested extension of time.

6. Accordingly, the Libertarians respectfully request that the Court extend their time for filing a petition for writ of certiorari by 60 days, until December 8, 2019.

Dated: September 30, 2019

Respectfully submitted,

/s/Oliver B. Hall

Oliver B. Hall

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CERTIFICATE OF SERVICE

I certify that on September 30, 2019, I caused the foregoing Application to Justice Kagan to Extend the Time for Filing a Petition for Writ of Certiorari By 60 days to be served, by First Class mail, on the following:

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