

No. _____

**In the
Supreme Court of the United States**

STATE OF ARIZONA AND ARIZONA ATTORNEY GENERAL KRISTIN K. MAYES,
Applicants,

v.

MI FAMILIA VOTA, ET AL.,
Respondents.

*On Application for an Extension of Time
To File a Petition for a Writ of Certiorari*

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

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**APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI**

To the Honorable Elena Kagan, Associate Justice and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), Applicants State of Arizona and its Attorney General respectfully request a 60-day extension of time—to and including February 19, 2026—in which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case. In support of this request, Applicants assert the following:

1. A merits panel of the Ninth Circuit issued its decision in *Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025), on February 25, 2025. App. 001–056. The State of Arizona and its Attorney General timely requested rehearing en banc on certain issues. No. 24-3188 (9th Cir. Apr. 11, 2025), Dkt. #262. The Arizona Senate President, Arizona House Speaker, and Republican National Committee timely requested rehearing en banc on a broader set of issues. No. 24-3188 (9th Cir. Apr. 11, 2025), Dkt. #261. The Ninth Circuit denied both requests at 152 F.4th 1153 on September 22, 2025. App. 157–188.

2. Unless extended, the time to file a petition for a writ of certiorari will expire on December 22, 2025 (as December 21 is a Sunday). See Sup. Ct. R. 13.1, 13.3, 30.1. This application is being filed more than ten days before the current deadline. See Sup. Ct. R. 13.5. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

3. The present Applicants—the State of Arizona and its Attorney General—were appellants and cross-appellees in the Ninth Circuit and seek this extension on behalf of themselves. The other active appellants and cross-appellees in the Ninth Circuit were the Arizona Senate President, Arizona House Speaker, and Republican National Committee. They may submit their own request for an extension of time to file a petition for a writ of certiorari.

4. The plaintiff-appellees in the Ninth Circuit were the United States and twenty-three other parties, including Native American tribes, political parties, nonprofit organizations, and individuals. Two of the plaintiff-appellees were also cross-appellants: nonprofit organizations Promise Arizona and Southwest Voter Registration Education Project.¹

5. As explained below, good cause for the extension exists for at least two reasons. First, the case has broad consequences and is unusually complex. The case arises from eight lawsuits challenging parts of Arizona’s election laws. The district court consolidated the lawsuits, made significant rulings at summary judgment, and then made additional rulings after a two-week trial. The result was a permanent injunction against parts of Arizona’s elections laws, which this Court has partially stayed. There are notable differences in party positions, even among parties on the same side. Second, counsel for the State of Arizona and its Attorney General have needed to devote their time to numerous other matters in the past three months and

1. Other parties in the Ninth Circuit did not participate in merits briefing: the Arizona Secretary of State, the Arizona Department of Transportation Director, and fifteen county recorders in Arizona.

must continue to do so. An extension would give counsel the time needed to adequately prepare a petition for certiorari.

6. The requested extension is unopposed. On December 1, counsel for the State of Arizona and its Attorney General emailed counsel for the other parties, asking that any opposition to the extension be expressed by December 3. No party expressed opposition. Several parties affirmatively stated that they do not oppose the extension: the United States, the Tohono O’odham Nation, the San Carlos Apache Tribe, the Arizona Senate President, the Arizona House Speaker, the Republican National Committee, the Democratic National Committee, the Arizona Democratic Party, Mi Familia Vota, Voto Latino, Living United for Change in Arizona, League of United Latin American Citizens Arizona, Arizona Students’ Association, ADRC Action, Inter Tribal Council of Arizona Inc., Arizona Coalition for Change, Arizona Asian American Native Hawaiian and Pacific Islander for Equity Coalition, Promise Arizona, Southwest Voter Registration Education Project, Poder Latinx, and Chicanos Por La Causa.

A. Background

7. This case involves two election laws enacted by Arizona in 2022. The first law, known as House Bill 2492 or H.B. 2492, amended the process by which people register to vote in Arizona. *See* H.B. 2492, 55th Leg., 2nd Reg. Sess. (Ariz. 2022) (copy included at App. 189–199). These amendments were generally intended to ensure that voters in Arizona are U.S. citizens and Arizona residents. For example, H.B. 2492 did the following:

- Specified that “satisfactory evidence of citizenship” is a voter qualification in Arizona, *see* Ariz. Rev. Stat. §§ 16-101(A)(1), 16-121(A);
- Required voter-registration applicants who use a state-created registration form to provide “satisfactory evidence of citizenship,” *see* Ariz. Rev. Stat. § 16-121.01(C);
- Required voter-registration applicants who use a state-created registration form to provide their birthplace and check a box confirming U.S. citizenship, *see* Ariz. Rev. Stat. § 16-121.01(A);
- Prohibited voter-registration applicants who use a federal mail registration form from voting in presidential elections and from voting by mail unless they provide “satisfactory evidence of citizenship,” *see* Ariz. Rev. Stat. §§ 16-121.01(D), (E), 16-127; and
- Required voter-registration applicants who use a state-created registration form to provide proof of residence, *see* Ariz. Rev. Stat. §§ 16-121.01(A), 16-123.

8. The second law, known as House Bill 2243 or H.B. 2243, amended the process by which county recorders in Arizona evaluate lists of registered voters to ensure that such voters are qualified—a process known as “list maintenance.” *See* H.B. 2243, 55th Leg., 2nd Reg. Sess. (Ariz. 2022) (copy included at App. 200–207). These amendments, like those discussed above, were generally intended to ensure that voters in Arizona are U.S. citizens and Arizona residents. For example, H.B. 2243 did the following:

- Required county recorders to periodically check databases to verify citizenship of voters and to cancel registrations of voters confirmed to be foreign citizens, *see* Ariz. Rev. Stat. § 16-165(A)(10), (G) (H), (I), (J), (K);² and
- Required county recorders in certain situations to cancel registrations of voters who are not Arizona residents, *see* Ariz. Rev. Stat. § 16-165(A)(9), (F).

9. Eight lawsuits challenging these laws were filed in the United States District Court for the District of Arizona. The district court consolidated them.

10. At summary judgment, the district court held (among other things) that:
- The part of H.B. 2492 requiring voter-registration applicants who use a state-created registration form to provide “satisfactory evidence of citizenship” (*see* Ariz. Rev. Stat. § 16-121.01(C)), is, at least in part, barred by a federal consent decree and preempted by federal law;
 - The parts of H.B. 2492 prohibiting voter-registration applicants who use a federal mail registration form from voting in presidential elections and from voting by mail unless they provide “satisfactory evidence of citizenship” (*see* Ariz. Rev. Stat. §§ 16-121.01(D), (E), 16-127) are preempted by federal law; and

² Ariz. Rev. Stat. § 16-165 has been amended since H.B. 2243 was enacted. Thus, the current statutory citations differ slightly from the citations in H.B. 2243.

- To the extent that H.B. 2243 would require county recorders to systematically cancel voter registrations within 90 days of a federal election (*see* Ariz. Rev. Stat. § 16-165(A)(10), (G), (H), (I), (J), (K)), it is barred by federal law.

691 F. Supp. 3d 1077, 1088–93, 1096, 1103–05 (D. Ariz. 2023).

11. In addition, after a two-week trial, the district court held (among other things) that:

- The part of H.B. 2492 requiring voter-registration applicants who use a state-created registration form to provide their birthplace (*see* Ariz. Rev. Stat. § 16-121.01(A)), is barred by federal law; and
- The parties who challenged H.B. 2243 on the ground that it was unconstitutionally discriminatory failed to show that the law was enacted with a discriminatory purpose.

See 719 F. Supp. 3d 929, 960–65, 966–74, 993–95, 1013–19 (D. Ariz. 2024); *see also id.* at 975–82, 983–89 (considering underlying issues of standing and ripeness).

12. Accordingly, the district court entered final judgment declaring parts of Arizona’s election laws unlawful and permanently enjoining the State from enforcing them. No. CV-22-00509-PHX-SRB (D. Ariz. May 2, 2024), Dkt. #720, available at 2024 WL 2244338.

13. The Arizona Senate President, Arizona House Speaker, and Republican National Committee asked the Ninth Circuit for an emergency stay pending appeal of parts of the district court’s judgment. A Ninth Circuit motions panel granted the

stay in part. No. 24-3188 (9th Cir. July 18, 2024), Dkt. #76, available at 2024 WL 3629418. But, two weeks later, a Ninth Circuit merits panel vacated the stay by a 2-to-1 vote. 111 F.4th 976 (9th Cir. 2024).

14. The Arizona Senate President, Arizona House Speaker, and Republican National Committee asked this Court for an emergency stay pending appeal of parts of the district court’s judgment. This Court stayed the judgment “to the extent it enjoins enforcement of Ariz. Rev. Stat. Ann. § 16-121.01(C),” which is the part of H.B. 2492 requiring voter-registration applicants who use a state-created registration form to provide “satisfactory evidence of citizenship.” *See* No. 24A164, Order (Aug. 22, 2024). This partial stay is in effect pending “disposition of a petition for a writ of certiorari, if any such writ is timely sought.” *Id.*

15. After this Court issued a partial stay of the district court’s judgment, the Ninth Circuit merits panel, by a 2-to-1 vote, mostly affirmed the district court’s judgment. *See generally* 129 F.4th 691 (9th Cir. 2025) (copy included at App. 001–156). This included the part of the district court’s judgment that this Court had stayed. *Compare id.* at 717–20, 732 (majority), *with id.* at 745–51 (dissent).

16. Moreover, at the urging of two cross-appealing nonprofit organizations, the Ninth Circuit merits panel, by a 2-to-1 vote, vacated the district court’s factual finding that H.B. 2243 was not enacted with a discriminatory purpose. *Compare id.* at 708–09, 724–29, 732 (majority), *with id.* at 762–69 (dissent).

17. The State of Arizona and its Attorney General then asked the Ninth Circuit to rehear the following issues en banc:

- The panel decision that the part of H.B. 2492 requiring voter-registration applicants who use a state-created registration form to provide their birthplace (*see* Ariz. Rev. Stat. § 16-121.01(A)) is barred by federal law;
- The panel decision that the two cross-appealing nonprofit organizations had standing to challenge H.B. 2243 as unconstitutionally discriminatory; and
- The panel decision to vacate the district court’s finding that H.B. 2243 was not enacted with a discriminatory purpose.

See No. 24-3188 (9th Cir. Apr. 11, 2025), Dkt. #262.

18. The Arizona Senate President, Arizona House Speaker, and Republican National Committee asked the Ninth Circuit to rehear additional issues en banc, including the panel decision to affirm the part of the district court’s judgment that this Court had stayed. *See* No. 24-3188 (9th Cir. Apr. 11, 2025), Dkt. #261.

19. Unlike other plaintiff-appellees, the United States agreed that the Ninth Circuit should grant the petitions for rehearing en banc. *See* No. 24-3188 (9th Cir. June 10, 2025), Dkt. #283.

20. The Ninth Circuit denied both petitions on September 22, 2025. 152 F.4th 1153 (9th Cir. 2025) (copy included at App. 157–188). Eleven judges dissented. *Id.*

B. Good Cause for Extension

21. Good cause exists to extend the current deadline for filing a petition for certiorari for at least two reasons.

22. First, this case is unusually complex and consequential. Several of the abovementioned features of this case make it complex: It involves eight consolidated lawsuits. It involves a wide range of issues—the Ninth Circuit panel decision (including the majority and dissenting opinions) spans 70 pages of the Federal Reporter. Some of the issues were decided after a two-week trial and involve a significant factual record. And there are notable differences in party positions, even among parties on the same side. For instance:

- Although the United States was a plaintiff-appellee, it differed from other plaintiff-appellees by agreeing that the Ninth Circuit should grant rehearing en banc.
- Only two plaintiff-appellees cross-appealed the district court's finding that H.B. 2243 was not enacted with a discriminatory purpose.
- The State of Arizona and its Attorney General sought rehearing en banc on fewer issues than the Arizona Senate President, Arizona House Speaker, and Republican National Committee did.

23. These complexities make drafting a clear and concise petition for certiorari unusually challenging.

24. In addition, several of the abovementioned features of this case make it broadly consequential. The district court entered a permanent injunction against

parts of Arizona’s election laws, and “[a]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of the people, it suffers a form of irreparable injury.” *Maryland v. King*, 567 U.S. 1301, 1333 (2012) (Roberts, C.J., in chambers) (quoting *New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers)). Moreover, this Court has already granted a partial stay of the district court’s judgment. And eleven Ninth Circuit judges expressed a view that the case should have been reheard en banc.

25. The consequential nature of the case makes it especially important to take care—and thus time—in drafting a petition for certiorari.

26. Second, the press of other matters and court deadlines independently supports a finding of good cause here. Counsel of record oversees the Solicitor General’s Office of the Arizona Attorney General, which is responsible for a wide array of significant litigation in state and federal trial courts, appeals of all felony convictions and sentences in the State of Arizona, and all post-conviction capital litigation in Arizona.

27. The many active matters that counsel of record and the three Assistant Attorneys General staffing this case have recently been (and will continue to be) directly involved in or closely supervising include:

- Lawsuit challenging an Arizona election law governing early voting, in which expert discovery was conducted last month and is being conducted this month and next month, *see Mi Familia Vota v. Fontes*, No. CV-21-01423-PHX-DWL (D. Ariz.);

- Lawsuit challenging parts of President Trump’s Executive Order No. 14248 regarding federal elections, in which motions for summary judgment are due December 12, *see California v. Trump*, No. 1:25-cv-10810-DJC (D. Mass.);
- Lawsuit challenging constitutionality of various Arizona statutes and regulations regarding abortion, in which discovery responses, proposed findings of fact and conclusions of law, and post-trial briefs are due December 18 and post-trial closing arguments are set for January 12, *see Isaacson v. Arizona*, No. CV2025-017995 (Maricopa Cty. Super. Ct.);
- Lawsuit challenging an Arizona statute permitting certain overseas voters to register to vote in Arizona elections, in which initial disclosures are due December 17, *see Republican Party of Arizona LLC v. Arizona*, No. CV2025-022859 (Maricopa Cty. Super. Ct.);
- Lawsuit regarding the proper interpretation of Arizona’s administrative review statutes, in which a petition for review to the Arizona Supreme Court is due January 15, *see Huber v. Arizona Naturopathic Physicians Medical Board*, No. 1 CA-CV 24-0551 (Ariz. App.);
- Lawsuit challenging an Arizona zoning law, in which initial disclosures are due December 22 and preliminary injunction briefing will be due in early 2026, *see Taxpayers Against Awful Apartment Zoning Exemptions v. Arizona*, No. CV2025-034961 (Maricopa Cty. Super. Ct.);

- Lawsuit in which the Arizona Supreme Court has granted review to decide whether the Arizona Constitution requires that a jury trial be available in securities cases at the Arizona Corporation Commission, in which amicus briefs are due December 9, *see EFG America, LLC v. Arizona Corporation Commission*, No. CV-25-0134-PR (Ariz.);
- Habeas case in which the Ninth Circuit held that the statute of conviction unconstitutionally shifted the burden of proof and the Arizona courts unreasonably applied clearly established federal law in holding otherwise, in which a petition for certiorari is due December 10, *see Thornell v. Bieganski*, No. 25A523 (U.S.);
- Updates to Arizona’s Elections Procedures Manual, a several-hundred-page document that is updated every two years and must be issued by December 31, *see Ariz. Rev. Stat. § 16-452(B)*;
- Lawsuits challenging parts of Arizona’s current Elections Procedures Manual, including recently *Petersen v. Fontes*, No. 1 CA-CV 25-0219 (Ariz. App.) argued on November 19, decided on November 24, and for which a petition for review to the Arizona Supreme Court is currently due December 24; *Arizona Free Enterprise Club v. Fontes*, No. CV-25-0245-PR (Ariz.), for which a response to a petition for review to the Arizona Supreme Court was filed November 26; and *Republican National Committee v. Fontes*, No. CV-25-0089-PR (Ariz.), argued on October 14 and decided on October 16;

- Drafting legal opinions in response to requests from Arizona officials, *see* Ariz. Rev. Stat. § 41-193(A)(7); and
- Conducting multiple investigations into the misuse of state public monies, *see* Ariz. Rev. Stat. § 35-212.

28. For these reasons, Applicants State of Arizona and its Attorney General respectfully ask for a 60-day extension, to and including February 19, 2026, by which to file any petition for certiorari.

Respectfully submitted,

/s/ Joshua D. Bendor

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