

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

MAY 23 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ARIZONA ALLIANCE FOR RETIRED  
AMERICANS; VOTO LATINO;  
PRIORITIES USA,

Plaintiffs-Appellees,

v.

KRISTIN K. MAYES, in her official  
capacity as Attorney General for the State of  
Arizona,

Defendant-Appellant,

YUMA COUNTY REPUBLICAN  
COMMITTEE,

Intervenor-Defendant-  
Appellant,

No. 22-16490

D.C. No. 2:22-cv-01374-GMS  
District of Arizona,  
Phoenix

ORDER

Before: NGUYEN, COLLINS, and LEE, Circuit Judges.

The parties are directed to file simultaneous supplemental briefs addressing the following questions:

(1) Whether any of the Plaintiff-Appellee organizations have established standing to challenge the so-called Cancellation Provision, ARIZ. REV. STAT. § 16-165(A)(11), (B), on either a theory of direct organizational standing under *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), or a theory of associational standing under *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333 (1977).

(2) Whether this panel should certify to the Arizona Supreme Court an appropriate question concerning the meaning of the phrase “mechanism for voting” in ARIZ. REV. STAT. § 16-1016(12). *See Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 77–80 (1997); *see also Hayes v. Cont’l Ins. Co.*, 872 P.2d 668, 676–77 (Ariz. 1994) (en banc).

The parties shall file their respective supplemental briefs within 14 days of the entry of this order. As with the merits briefing, Plaintiffs-Appellees shall file a single, joint supplemental brief. Each supplemental brief shall conform to the requirements of FED. R. APP. P. 32(a)(1)–(6) and shall not exceed 5,000 words, excluding the items listed in FED. R. APP. P. 32(f).