

SUPREME COURT OF ARIZONA

JUSTIN HEAP,)	Arizona Supreme Court
)	No. CV-26-0189-SA
Petitioner,)	
)	Court of Appeals
v.)	Division One
)	No. 1 CA-CV 26-0446
THOMAS GALVIN, et al.,)	
)	Maricopa County
Respondents.)	Superior Court
)	Nos. CV2025-020621
)	CV2025-022266
)	

FILED 06/23/2026

ORDER

Plaintiff/Petitioner/County Recorder Heap (the "Recorder") filed a Petition for Special Action and Appendix on June 22, 2026. Petitioner's Certificate of Service reflects service on the County Board of Supervisors including Supervisor Stewart, Chair McGee, Vice Chair Lesko, Supervisor Galvin and Supervisor Gallardo, (collectively, the "Board"). The Certificate of Service also reflects service on Amici Curiae Warren Petersen, President of the Arizona Senate, and Steve Montenegro, Speaker of the Arizona House of Representatives; Amicus Curiae Helen Purcell, Amicus Curiae State of Arizona and the lower courts.

On January 26, 2026, the superior court conducted an evidentiary hearing and, on April 16, 2026, entered an order ("Order") declaring the relative responsibilities of the Recorder and the Board under statutes imposing responsibility on either of them or an "other officer in charge of elections," (Order ¶¶ 1-3); directing the return of IT staff, servers, databases, software, websites, and equipment

that were under the Recorder's control prior to October of 2024 or immediate funding of their replacement (Order ¶4); enjoining the Board from exercising functions delegated to the Recorder (Order ¶5); and declining to address specific expenditures or funding levels, leaving them to be addressed "through good faith negotiations between the Recorder and the Board of Supervisors." (Order)

The Board appealed the Order and filed an Emergency Motion for a Stay Pending Appeal, explaining that "[t]he deadline for finalizing the poll worker manual for the July 2026 primary election, which will include provisions governing on-site tabulation activities, was May 1, 2026; and it already is too late to purchase any additional equipment (e.g., e-pollbooks and ballot printers) for the 2026 election cycle."

On June 18, 2026, the Court of Appeals entered an Order Granting Emergency Motion for a Stay Pending Appeal, ("Stay Order"), noting five "impactful changes" identified by the Board in its pleadings.

On June 19, 2026, the superior court entered an order vacating a hearing scheduled on the Recorder's contempt proceedings and a June 22, 2026 settlement conference.

The Petition asks the Court to accept jurisdiction, vacate the Court of Appeals stay, and restore the superior court's April 16, 2026 injunction. The Petition also suggests that, alternatively, the Court could address areas that present a discrete "concrete operational risk" and preserve (1) "existing voter-facing locations";

(2) "deadlines"; (3) "ballot formats"; (4) "personnel assignments and equipment while requiring reciprocal system access"; (5) "a single written operational protocol"; (6) "preservation of each office's undisputed statutory functions"; and (7) "expedited judicial resolution of any statute-specific disagreement."

IT IS ORDERED modifying the Stay Order to allow the parties and the superior court to engage in settlement discussions and proceedings, including a settlement conference.

IT IS FURTHER ORDERED that the parties must immediately file a notice in this Court, with copies in the lower courts, of any agreement that is reached as to any aspect of the dispute.

IT IS FURTHER ORDERED the Parties are directed to file simultaneous pleadings no later than **4:00 p.m. on Thursday, June 25**, addressing each of the following:

- (a) the deadlines for the significant operational aspects of the 2026 Primary Election, and the date beyond which effective relief could no longer be ordered, including the May 1, 2026 poll-worker-manual deadline and the equipment-procurement constraints identified in the Board's Emergency Motion for a Stay Pending Appeal;
- (b) which statutory functions the party regards as undisputed and properly left to each office under the Order;
- (c) whether, rather than either leaving the Stay Order in place or vacating it and enforcing the April 16, 2026 Order in full, the Court could grant the tailored interim relief as the Petition proposes as an alternative - that is, relief limited to any function that presents a discrete, concrete operational risk for the 2026 Primary Election;
- (d) the operational effect of each of the following, as referenced in the Reply in Support of Appellant's Emergency Motion for a

Stay Pending Appeal and Stay Order, and whether it presents such a risk:

- (1) the authorization of ballot drop-box locations as directed by the 2025 Elections Procedures Manual;
- (2) supervision of ballot-replacement-site operations;
- (3) on-site tabulation program at Election Day voting locations;
- (4) the chain of custody from early voting through post-election tabulation of provisional ballots;
- (5) the contention that the Order requires two on-site tabulations and canvasses of votes; and
- (6) any other concrete operational risk previously identified in the pleadings with factual support in the superior court.

IT IS FURTHER ORDERED the parties may submit an agreed briefing schedule that provides the Court with sufficient time to consider the pleadings before any identified deadline.

This Court will decide whether to accept special action jurisdiction without oral argument.

DATED this 23rd day of June, 2026.

/s/
JOHN R. LOPEZ IV
Duty Justice

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TO:

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