

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
PRIORITY FOR ADJUDICATION) Administrative Order
OF POST-GENERAL ELECTION) No. 2024 - 199
JUDICIAL PROCEEDINGS)
)
)

The administration of justice requires that priority be given to the resolution of post-election judicial proceedings. Arizona law requires that judgment be pronounced by the superior court in election contests on an accelerated basis. *See* A.R.S. § 16-676 (providing that judgment must be pronounced within five days after a hearing, which is to be set “not later than ten days after the date on which the statement of contest was filed, which may be continued for not to exceed five days for good cause shown”). Practical considerations may dictate the need for entry of judgment well within the outer limits of these timeframes. In an election contest, judgment must be entered by the trial court so that sufficient time remains for consideration of an appeal, if any, and a potential remand. Giving priority to adjudicating an election contest may necessitate the delay of other court proceedings.

The administration of justice also requires that priority be given to address judicial tasks concerning recounts. When a canvass of election returns shows that an automatic recount is required, A.R.S. § 16-662 requires the canvassing authority to certify the facts requiring the recount to the superior court in the county in which the canvass is conducted. Arizona law requires that the superior court promptly enter an order requiring a recount of votes. *See* A.R.S. § 16-663(A). The superior court must receive the recount result, announce the result, and enter an order of its determination for delivery to the elected officials responsible for issuing the required proclamation or certificates of election. *See* A.R.S. § 16-665.

Giving judicial priority to such statutory proceedings is of heightened importance in a presidential election under U.S. Const. art. II, § 1, cl. 2 (authorizing state legislatures to provide for the manner of selecting presidential electors). Under 3 U.S.C. § 5, congressional consideration of a state’s electoral votes is assured if the state legislature has provided for final determination of presidential election contests by law made prior to election day and the contest is determined at least six days prior to the time fixed for the meeting of presidential electors. In 2024, that deadline is December 11, 2024.

Therefore, pursuant to article 6, sections 3 and 23 of the Arizona Constitution, and the existing Arizona statutes for determining the results of elections,

IT IS ORDERED that a superior court judge assigned to a contest or other action concerning the outcome of the 2024 general election is to give priority to adjudicating the action.

IT IS FURTHER ORDERED that proceedings in election contests must be scheduled so that an appealable judgment will be issued in sufficient time for consideration of an appeal, if any, and a potential remand. If the contest concerns presidential electors, an appealable judgment must be entered no later than 1:00 pm on December 6, 2024.

IT IS FURTHER ORDERED that a request for certification of good and sufficient cause will be approved in accordance with A.R.S. § 12-128.01(A) in the event a judge is unable to issue rulings within sixty days on other litigation due to the priority given adjudication of an election contest.

IT IS FURTHER ORDERED that the superior court in each county must be available to receive from election officials certified facts requiring a recount and to promptly issue related orders. The superior court is directed to coordinate with election officials and the clerk of the court so that certification of facts may be received and orders issued outside of normal court hours, if needed.

Dated this 15th day of October, 2024.

ANN A. SCOTT TIMMER
Chief Justice