

SUPREME COURT OF ARIZONA

JAIME MOLERA, et al,) Arizona Supreme Court
) No. CV-18-0218-AP/EL
 Plaintiffs/Petitioners/)
 Appellants,) Maricopa County
) Superior Court
 v.) No. CV2018-010209
)
 MICHELE REAGAN, in her capacity) **FILED 08/29/2018**
 as the Secretary of State of)
 Arizona,)
)
 Defendant/Respondent/)
 Appellee,)
)
 and)
)
 INVEST IN EDUCATION COMMITTEE, a)
 political committee,)
)
 Real Party in Interest/)
 Appellee,)
)
 _____)
)
 INVEST IN EDUCATION COMMITTEE, a)
 political action committee;)
 JOSHUA BUCKLEY, an individual,)
)
 Cross-Plaintiffs/Appellees,)
)
 v.)
)
 MICHELE REAGAN, in her capacity)
 as the Secretary of State of)
 Arizona,)
)
 Cross-Defendant/Appellee,)
)
 and)
)
 J.D. MESNARD, in his official)
 capacity as the Speaker of the)
 Arizona House of)
 Representatives; and STEVE)
 YARBROUGH, in his official)

capacity as President of the)
Arizona Senate,)
)
Intervenors in the Cross-Claim/)
Appellants.)
)
_____)

O R D E R

The Court en banc has considered the briefs and authorities in this expedited election matter. Challengers to the Invest in Education Committee's proposition seek to enjoin the ballot measure.

Challengers claim that the 100-word description did not accurately describe the proposition under A.R.S. § 19-102(A). First, they claim the description did not accurately represent the increased tax burden on the affected classes of taxpayers. Second, they claim the description failed to reference the elimination of bracket inflation indexing.

A majority of the Court finds the proposition's description of the change in tax rate combined with the omission of any discussion of changes in indexing for inflation collectively "creates a significant danger of confusion or unfairness," *Save Our Vote, Opposing C-03-2012 v. Bennett*, 231 Ariz. 145, 152 ¶ 26 (2013), and concludes that the description is inadequate under the statute.

This being dispositive, the Court need not address the other issues raised in the appeal. Therefore,

IT IS ORDERED reversing the trial court's judgment and enjoining the Invest in Education proposition from the general election ballot in November. A written opinion will follow in due course.

DATED this 29th day of August, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

TO:

Kory A Langhofer
Thomas J Basile
Stewart Salwin
Kara Karlson
Joseph Eugene La Rue
James E Barton II
Saman John Golestan
Timothy A LaSota
Roopali H Desai
D Andrew Gaona
Daniel J Adelman
Brett William Johnson
Jennifer L Hadley Catero
Colin P Ahler
Andrew M Sniegowski
Brianna L Long
Lindsay L Short
Goldwater Institute
Timothy Sandefur
Mark Brnovich
Dominic Emil Draye
Andrew G. Pappas
Robert G Schaffer
Hon James D Smith
Hon Chris DeRose
Alicia Moffatt