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8 **ARIZONA SUPERIOR COURT**

9 **MARICOPA COUNTY**

10 PROTECT EDUCATION,  
 11 ACCOUNTABILITY NOW COMMITTEE, an  
 12 Arizona political action committee, SAVE OUR  
 13 SCHOOLS ARIZONA, an Arizona nonprofit  
 corporation, LINDA MAY LYON, a qualified  
 elector,

14 Plaintiffs,

15 v.

16 STATE OF ARIZONA, a body politic; and  
 17 ADRIAN FONTES, in his official capacity as  
 18 Arizona Secretary of State,

19 Defendants.

No. CV2026-026062

**VERIFIED COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

(Tier 2)

Expedited Election Challenge  
Pursuant to A.R.S. § 19-161(B)

21 For their Verified Complaint against Defendants, Plaintiffs allege as follows:

22 **INTRODUCTION**

23 1. This action challenges House Concurrent Resolution 2048 (“HCR 2048”)—  
 24 the Legislature’s constitutional referral that is deliberately designed to subvert the very  
 25 democratic process it invokes. *See* Exhibit A (HCR 2048).

26 2. On its face, HCR 2048 is presented to voters as a narrow and sympathetic  
 27 measure: a prohibition on the State “confiscating” monies from any scholarship account of  
 28

1 children of military families. Though the measure never mentions Empowerment  
2 Scholarship Accounts (“ESAs”)—colloquially known as private school vouchers—its  
3 definitions are designed to encompass ESA funds. And though the measure is presented as  
4 a means of protecting the accounts of military families, its true, more sweeping effect lies  
5 in a different, undisclosed provision: an anti-severability or voidability clause (the “No-  
6 Severance Provision”) that nullifies—in its entirety—any statute or future voter-approved  
7 measure that conflicts with Paragraph A of the measure, even those provisions that have  
8 absolutely nothing to do with the accounts of military families.

9       3.     The No-Severance Provision is not limited to military families, scholarships,  
10 or ESAs. For example, it would void provisions forbidding spending tax-funded ESAs on  
11 luxury items like jewelry, vacations, and home improvements—not just for military  
12 families, but for the entire ESA program. It would preclude provisions to enhance child  
13 safety like requiring background checks for those with unsupervised contact with children.  
14 And it would preclude income caps for any ESA recipient, regardless of whether their  
15 parents ever served in the military. Using military families as a ruse, HCR 2048’s purpose  
16 and effect are to both void the pending citizens’ initiative to reform Arizona’s ESA  
17 program—the Protect Education Act—and to impede future reform of the ESA program  
18 by the people or by the Legislature.

19       4.     HCR 2048 is unconstitutional for at least two independent reasons.

20       5.     *First*, HCR 2048 violates the separate-amendment rule in Article XXI,  
21 Section 1 of the Arizona Constitution. Under Arizona’s Constitution, when the people are  
22 asked to alter their foundational charter, each distinct change must be presented for a  
23 separate, independent vote, so that no citizen is “constrained to adopt measures of which  
24 in reality they disapprove, in order to secure the enactment of others they earnestly desire.”  
25 *Kerby v. Luhrs*, 44 Ariz. 208, 221 (1934). The framers enshrined this rule to stamp out “the  
26 pernicious practice of ‘logrolling’”—tying a controversial measure to a popular one to drag  
27 it across the finish line on borrowed support. *Id.* at 214.

1           6.       HCR 2048 is logrolling of exactly the kind the Constitution forbids. Behind  
2 the banner of protecting the children of military families, the Legislature has buried a  
3 sweeping and unrelated structural command: a provision that, “notwithstanding Article  
4 IV,” would void in their entirety any future law or voter-approved initiative the Legislature  
5 dislikes and would strip Arizona’s courts of their historic power to sever the offending  
6 provision while saving the rest.

7           7.       The result is a single, take-it-or-leave-it ballot question that forces Arizonans  
8 to surrender their courts’ remedial authority and to entrench an entire spending program  
9 under the guise of safeguarding military families—the antithesis of the “free and mature  
10 judgment of the electors” the Constitution demands. *Kerby*, 44 Ariz. at 221.

11           8.       **Second**, the title of HCR 2048 fails to give fair notice of the No-Severance  
12 Provision, in violation of the constitutional requirement that the subjects of a measure be  
13 expressed in its title. *See* Ariz. Const. art. IV, pt. 2, § 13. This constitutional command  
14 ensures the title “puts people on notice as to the contents of the act.” *Ariz. Sch. Bds. Ass’n,*  
15 *Inc. (“ASBA”) v. State*, 252 Ariz. 219, 226 ¶ 26 (2022) (citation omitted).

16           9.       HCR 2048 flouts that requirement. Its title speaks only of “education  
17 scholarships” and styles itself the “Military Families College Savings and Scholarship  
18 Protection Act.” Yet buried in Subsection B, and nowhere disclosed in the title, is a  
19 command that—“notwithstanding Article IV”—would void in its entirety any future bill  
20 or voter-approved initiative deemed to violate the measure, while barring courts from  
21 severing the offending portion.

22           10.      By cloaking this sweeping consequence in the borrowed goodwill of a  
23 “Military Families . . . Protection Act,” HCR 2048 inflicts precisely the concealment the  
24 Constitution’s title requirement forbids—denying notice to both the legislators who voted  
25 on the measure and the voters who will vote on it in November.

26           11.      Upon information and belief, HCR 2048’s constitutional infirmities are no  
27 incidental drafting flaws, but the mechanism for accomplishing the measure’s true  
28

1 objective of defeating the Protect Education Act—even if voters approve it. HCR 2048  
2 accomplishes that objective only if a majority of voters approve both measures, yet no  
3 informed majority would simultaneously and voluntarily vote to limit the ESA program  
4 (by supporting the Protect Education Act) and to destroy that very reform (by supporting  
5 HCR 2048’s No Severance Provision). The two positions are irreconcilable. HCR 2048  
6 can therefore accomplish its true purpose only by concealment and logrolling—masking  
7 an anti-ESA-reform voidability provision behind the neutral, sympathetic language of  
8 protecting scholarships for military families. Whether viewed as two amendments  
9 unlawfully joined or as one amendment unlawfully disguised, HCR 2048 succeeds only if  
10 voters are kept from understanding what they are actually approving. The Arizona  
11 Constitution prohibits both.

12 12. Plaintiffs bring this action to vindicate their own rights and the rights of  
13 Arizona voters to a constitutionally compliant ballot that isn’t misleading. They seek a  
14 declaration that HCR 2048 is unconstitutional and an order enjoining Defendant from  
15 placing HCR 2048 on the ballot or otherwise submitting it to the voters.

#### 16 **PARTIES, JURISDICTION, AND VENUE**

17 13. Plaintiff Protect Education, Accountability Now Committee (the  
18 “Committee”) is the political action committee organized under Arizona law to propose,  
19 circulate, and qualify the Protect Education Act (Initiative Serial No. I-09-2026), a  
20 statewide citizens’ initiative to reform the ESA program. The Committee has expended  
21 substantial funds and deployed significant volunteer efforts to gather the signatures  
22 required to place the Protect Education Act on the November 2026 ballot.

23 14. Plaintiff Save Our Schools Arizona (“SOS-AZ”) is a registered 501(c)(4)  
24 nonprofit organization dedicated to fighting for strong public schools for Arizona’s  
25 children. Its mission includes empowering parents, teachers, and citizens to advocate for  
26 strong public schools in every community, and to advocate for responsible education policy  
27 that keeps public dollars in public schools. SOS-AZ is a member of the coalition supporting  
28

1 the Protect Education Act and has expended significant financial and volunteer resources  
2 to qualify the Initiative for the November 2026 ballot. Its members include Arizona voters,  
3 parents, educators, and taxpayers who will be directly affected by HCR 2048.

4 15. Plaintiff Linda May Lyon is a qualified elector registered to vote in Pinal  
5 County and who intends to vote in the November 2026 General Election. Ms. Lyon served  
6 as a hub captain for the Protect Education Act, which included assisting volunteers with  
7 collecting petition signatures and collecting petition signatures herself in both Pinal and  
8 Pima Counties. Ms. Lyon is also a 22-year veteran of the United States Air Force; she  
9 retired as a full colonel in 2007. If HCR 2048 is placed on the ballot in its current form,  
10 Ms. Lyon will be deprived of her constitutional right to cast an informed vote and to vote  
11 separately on each proposed amendment and will instead be forced into a single, take-it-  
12 or-leave-it vote on multiple distinct amendments.

13 16. Defendant State of Arizona is a body politic.

14 17. Defendant Adrian Fontes serves as the Arizona Secretary of State  
15 (“Secretary”). He is named in his official capacity only because, absent an order from this  
16 Court precluding him from doing so, he is (a) responsible for ensuring that HCR 2048  
17 appears on the general election ballot in all 15 Arizona counties and (b) directed by HCR  
18 2048 to place the measure on the November 2026 general election ballot.

19 18. Jurisdiction over this action is proper under article VI, § 14 of the Arizona  
20 Constitution and A.R.S. §§ 12-123, 12-1831, *et seq.*, and 19-161. *See also Hoffman v.*  
21 *Reagan*, 245 Ariz. 313, 315 ¶ 7 (2018) (holding that courts can consider pre-election  
22 challenges to legislative referrals under the Arizona Constitution’s single subject  
23 requirement).

24 19. Venue is proper in Maricopa County under A.R.S. § 19-161(C).

25 20. A pre-election challenge to a legislative referral like this one “shall be  
26 advanced on the calendar and heard and decided by the court as soon as possible.” A.R.S.  
27 § 19-161(B).

1 **FACTUAL ALLEGATIONS**

2 **Arizona’s ESA Voucher Program**

3 21. Arizona’s ESA voucher program was first enacted in 2011 to provide public  
4 school students with disabilities the option to obtain specialized educational services from  
5 private schools and tutors outside of a traditional public school setting. Senate Bill (“SB”)  
6 1553, 2011 Ariz. Sess. Laws, ch. 75, § 2 (1st Reg. Sess.). Over time, the Legislature  
7 expanded ESA eligibility to additional targeted groups of students, including those  
8 attending D or F public schools under the State’s letter grade system and children of active-  
9 duty military parents.

10 22. In 2017, the Legislature enacted, and Governor Doug Ducey signed, Senate  
11 Bill 1431, which, among other changes, would have eventually allowed any student eligible  
12 to attend an Arizona public school to receive an ESA voucher. SB 1431, 2017 Ariz. Sess.  
13 Laws, ch. 139 (1st Reg. Sess.). However, in an effort led by Plaintiffs SOS-AZ, AEA, and  
14 other education advocates, this legislation was successfully referred to the ballot for review  
15 by voters before taking effect and, in 2018, voters rejected the ESA expansion by a two-  
16 to-one margin.

17 23. Undeterred, in 2022, the Legislature enacted, and Governor Ducey signed,  
18 House Bill 2853, which expanded ESA voucher eligibility to any student who is a resident  
19 of Arizona and otherwise eligible to attend a public K-12 school. 2022 Ariz. Sess. Laws,  
20 ch. 388 (2nd Reg. Sess.) (codified at A.R.S. §§ 2401 *et seq.*). This universal eligibility  
21 spurred rapid program growth. Enrollment climbed from roughly 12,000 students before  
22 universal expansion to more than 100,000, at an annual cost exceeding \$1 billion. A subset  
23 of participants—less than 1%—are eligible based on being children of parents who served  
24 on active duty or were killed in the line of duty.<sup>1</sup>

25  
26 <sup>1</sup> Ariz. Dep’t of Educ., *Ariz. Empowerment Scholarship Account (ESA) Program, Fiscal*  
27 *Year 2026 Quarter 3 Report Pursuant to A.R.S. § 15-2406*, 2 (May 2026),  
28 <https://www.azed.gov/sites/default/files/2026/06/ESA%20FY26%20Q3%20Executive%20%20%20Legislative%20Report.pdf>.

1           24. The program’s rapid growth, alongside House Bill 2853’s repeal of  
2 prohibitions on purchasing “consumable educational supplies,” has been accompanied by  
3 widely reported concerns about inadequate oversight and misuse of public funds.

4           25. News investigations documented reimbursements for questionable  
5 expenditures, and in an April 2026 report, the Auditor General found that the Department  
6 of Education lacked a comprehensive risk-based approach to reviewing ESA spending—  
7 automatically processing nearly 2.3 million transactions of \$2,000 or less, totaling more  
8 than \$654 million, without consistent review. Single Audit Report, Year Ended June 30,  
9 2024, Ariz. Auditor General, at 25-26, [https://www.azauditor.gov/sites/default/files/2026-](https://www.azauditor.gov/sites/default/files/2026-04/StateofArizonaJune30_2024SingleAuditReport.pdf)  
10 [04/StateofArizonaJune30\\_2024SingleAuditReport.pdf](https://www.azauditor.gov/sites/default/files/2026-04/StateofArizonaJune30_2024SingleAuditReport.pdf). The Department also did not  
11 subject approximately \$102.1 million in expenses to the majority of its risk-assessment  
12 procedures. *Id.* at 24. These gaps allowed prohibited purchases—including amusement-  
13 park and airline tickets, hotels, and meals—to be paid with public monies. *Id.* at 25.

14           **Plaintiffs’ Protect Education Act Initiative**

15           26. The reported abuses generated substantial public demand for reform of the  
16 ESA program. In response to those concerns, Plaintiffs and their coalition drafted and  
17 began circulating the Protect Education Act, a statewide initiative to improve transparency,  
18 accountability, and safety standards in the ESA program while preserving access for  
19 students with disabilities and other categories of students the program initially served. The  
20 Protect Education Act would, among other things: (a) require fingerprinting, background  
21 checks, and misconduct reporting for participating private schools and educators; (b)  
22 prevent fraud and misuse of taxpayer dollars by restricting ESA spending, including for  
23 luxury items or jewelry; (c) impose a \$150,000 annual income cap for eligibility under the  
24 2022 universal expansion; and (d) require the State Board of Education to adopt rules for  
25 student, fire, and site safety at participating private schools.

26           27. To qualify for the November 2026 ballot, the Initiative’s proponents must  
27 submit 255,949 valid signatures by July 2, 2026. At all relevant times, Plaintiffs have been  
28

1 actively gathering signatures and are well on their way to meeting that threshold.

## 2 **The Legislature’s Pivot to HCR 2048**

3 28. As the 2026 legislative session neared its end, Republican legislators  
4 attempted to enact limited reform of the ESA program in exchange for the Initiative’s  
5 proponents abandoning their effort to qualify the Protect Education Act for the ballot.

6 29. Within hours of the proposed compromise’s defeat, and as a self-described  
7 “Plan B,” Republican legislators introduced HCR 2048. The measure was unveiled on the  
8 evening of June 12, 2026, advanced through a hastily convened Senate Appropriations  
9 Committee hearing, passed the Senate within hours, and was among the last items the  
10 House voted on before the Legislature adjourned sine die at approximately 4:45 a.m. on  
11 June 13, 2026. The resolution was a last-minute “strike everything” to a measure originally  
12 captioned as relating to “election officials; salary; prohibition”—subsequently changed to  
13 “military families; scholarship accounts.” Senate Amendments to HCR 2048, Strike  
14 Everything, Comm. on Appropriations, Transp., & Tech.,  
15 <https://www.azleg.gov/legtext/57leg/2R/adopted/S.HCR2048ATT.PDF>.

16 30. Because HCR 2048 is a concurrent resolution referring a measure to the  
17 ballot, it is not subject to the Governor’s signature or veto and, absent an injunction from  
18 this Court, will appear on the November 3, 2026 ballot, to be assigned a proposition number  
19 later in 2026. *Hoffman*, 245 Ariz. at 316 ¶ 10 (citing Ariz. Const. art. 5, § 7).

20 31. HCR 2048 proposes to amend Article XI of the Arizona Constitution by  
21 adding a new Section 12 that contains three operative sections. Ex. A at 1.

22 32. Subsection A (the “Anti-Confiscation Provision”) provides that “[t]his state  
23 may not confiscate monies from any scholarship account of any student who is a child of  
24 a military family” if both of the following apply: (1) “the scholarship account is established  
25 and maintained by the state pursuant to a program that designates any student who is a  
26 child of a military family and who satisfies enrollment requirements as eligible to receive  
27 scholarship monies;” and (2) “the student may use monies in the scholarship account for  
28

1 tuition or fees at eligible postsecondary educational institutions.” Subsection A includes  
2 the express clarification that it “does not limit this subsection to scholarship account  
3 programs that are established and maintained by this state for only children of military  
4 families.” *Id.*

5 33. Subsection C adds definitions of the terms “child of a military family,”  
6 “confiscate,” and “eligible postsecondary educational institution” for purposes of the  
7 section. *Id.* at 2–3.

8 34. The heart of HCR 2048, however, lies in Subsection B (the “No-Severance  
9 Provision”), which provides: “*Notwithstanding Article IV*, if a bill enacted into law or a  
10 measure approved by the voters on or after November 1, 2026 violates subsection A of this  
11 section, the entire bill or measure is void. *A court may not sever any portion* of a bill or  
12 measure that violates subsection A of this section.” (Emphasis added). This provision strips  
13 courts of their traditional severance authority, voids entire bills or measures—including all  
14 portions of citizens’ initiatives that have nothing to do with the scholarship accounts of  
15 military families, and overrides the existing provisions of Article IV of the Arizona  
16 Constitution governing the legislative and initiative process. *Id.* at 2.

17 **HCR 2048 Seeks to Surreptitiously Invalidate the Protect Education Act**

18 35. Arizona’s existing ESA program designates children of military families  
19 (among other children) as eligible for ESA accounts and allows use of ESA funds for  
20 tuition or fees at eligible post-secondary educational institutions. Therefore, any citizens’  
21 initiative that restructures, reforms, or modifies the ESA program—including the Protect  
22 Education Act—could be subject to Subsection B’s total voidability and anti-severance  
23 command if HCR 2048 is adopted by the voters.

24 36. If both HCR 2048 and the Protect Education Act are on the November 2026  
25 ballot and both are approved by voters, the Protect Education Act could be rendered  
26 entirely void under Subsection B, and no court could exercise the courts’ traditional role to  
27 conduct the proper analysis and to sever any offending provision or application of the  
28

1 Protect Education Act while preserving the remaining, constitutionally valid portions or  
2 applications of the initiative. The passage of HCR 2048 could thus nullify the Protect  
3 Education Act in its entirety and destroy the Plaintiffs’ multi-year organizational effort and  
4 its supporters’ democratic participation.

5 **The Legislative Record Confirms HCR 2048’s True Purpose**

6 37. The circumstances of HCR 2048’s passage, and statements by its proponents  
7 and supporters on the legislative record, indicate that the measure’s purpose was to defeat  
8 the Protect Education Act—even if voters approve it—under the cover of protecting  
9 military families.<sup>2</sup>

10 38. Senate Majority Leader John Kavanaugh acknowledged that the decision to  
11 refer HCR 2048 was a direct response to the defeat of the Republicans’ compromise  
12 reform, stating: “That’s the reason why we’re running this.”<sup>3</sup>

13 39. Supporters confirmed the measure’s sweeping reach. The Goldwater  
14 Institute’s director of education policy told the committee that “[a]ny other ballot measure  
15 that conflicts with it would be struck down.”<sup>4</sup> A lobbyist supporting the measure  
16 acknowledged, under questioning, that it would affect all families in the ESA program, not  
17 just military families.<sup>5</sup>

18 40. Opponents identified the mechanism on the record. The Senate Minority  
19 Leader stated that proponents were seeking to “hide behind military families.”<sup>6</sup> Other

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20  
21 <sup>2</sup> Senate Appropriations, Transp. & Tech. Comm. Hearing, 57th Leg., 2nd Reg. Sess. (June  
22 12, 2026), <https://www.azleg.gov/videoplayer/?eventID=2026061026>; Senate Floor Sess.,  
23 57th Leg., 2nd Reg. Sess., at 0:10-1:05:03 (June 12, 2026),  
24 <https://www.azleg.gov/videoplayer/?eventID=2026061024&startStreamAt=18725>; House  
25 Floor Sess., 57th Leg., 2nd Reg. Sess., at 0:20-1:13:15 (June 12, 2026),  
26 <https://www.azleg.gov/videoplayer/?eventID=2026061023&startStreamAt=24447>.

27 <sup>3</sup> Howard Fischer, “AZ lawmakers put measure on ballot to undermine school voucher  
28 reforms,” *Ariz. Daily Star* (June 13, 2026), [https://tucson.com/news/state-](https://tucson.com/news/state-regional/government-politics/article_9a3d8a83-1ebc-45a8-89eb-c08555e7bc92.html)  
[regional/government-politics/article\\_9a3d8a83-1ebc-45a8-89eb-c08555e7bc92.html](https://tucson.com/news/state-regional/government-politics/article_9a3d8a83-1ebc-45a8-89eb-c08555e7bc92.html).

<sup>4</sup> Senate Appropriations, Transp. & Tech. Comm. Hearing, *supra* n.2, at 16:15.

<sup>5</sup> *Id.* at 25:11.

<sup>6</sup> Senate Floor Sess., *supra* n.2, at 3:40-4:10.

1 senators described HCR 2048 as a “trojan horse” that used military families as “a pawn”  
2 and called the maneuver “a trick” intended to surreptitiously defeat an otherwise popular  
3 initiative.<sup>7</sup> One senator observed that “[i]f this HCR was about protecting military children,  
4 it would not have the nuclear bomb of part B,” referring to the No-Severance Provision.<sup>8</sup>

5 41. When the sponsor was asked to identify evidence that military families’  
6 scholarship funds were actually at risk, and whether the measure was aimed at the pending  
7 citizens’ initiatives, he provided no such evidence and did not answer the question.<sup>9</sup>

## 8 COUNT I

### 9 (Declaratory Judgment and Injunctive Relief – Violation of the Separate 10 Amendment Rule)

11 42. Plaintiffs incorporate the allegations in the preceding paragraphs.

12 43. The Separate Amendment rule contained in Article XXI, § 1 of the Arizona  
13 Constitution provides that “[i]f more than one proposed amendment is submitted at any  
14 election, the proposed amendments shall be submitted in such a manner that the electors  
15 may vote for or against such proposed amendments separately.”

16 44. “Proposed amendments must be sufficiently related to a common purpose or  
17 principle that the proposal can be said to constitute a consistent and workable whole on the  
18 general topic embraced, that, logically speaking, should stand or fall as a whole.”  
19 *McLaughlin v. Bennett*, 225 Ariz. 351, 354 ¶ 8 (2010) (cleaned up).

20 45. “This test requires [courts] to analyze (1) whether a proposition’s provisions  
21 are *topically related*, and (2) whether they are *sufficiently interrelated* so as to form a  
22 consistent and workable proposition.” *Id.* (emphasis in original) (internal citation and  
23 quotation marks omitted).

24 46. In doing so, courts consider the following factors: “whether various  
25 provisions are facially related, whether all the matters addressed by [the proposition]

26 <sup>7</sup> *Id.* at 25:22-26:36; 32:22-32:30; 33:36.

27 <sup>8</sup> *Id.* at 42:53-43:17.

28 <sup>9</sup> Senate Appropriations, Transp. & Tech. Comm. Hearing, *supra* n.2, at 9:38-10:07.

1 concern a single section of the constitution, whether the voters or the legislature historically  
2 has treated the matters addressed as one subject, and whether the various provisions are  
3 qualitatively similar in their effect on either procedural or substantive law.” *See Ariz.*  
4 *Together v. Brewer*, 214 Ariz. 118, 122 ¶ 10 (2007) (quoting *Korte v. Bayless*, 199 Ariz.  
5 173, 177 ¶ 11 (2001)).

6 47. HCR 2048 concerns and amends several distinct provisions of the Arizona  
7 Constitution.

8 48. First, it would add to Article XI of the Arizona Constitution—which governs  
9 education—a new Section 12 creating substantive protections for scholarship accounts of  
10 children of military families.

11 49. Second, it amends the Voter Protection Act’s provisions governing the  
12 relationship between voter-enacted measures and future legislation, which are contained in  
13 Article IV, pt. 1, § 1 of the Arizona Constitution. *State v. Maestas*, 244 Ariz. 9, 13 ¶ 14  
14 (2018) (“The VPA limits the legislature’s power to amend, repeal, or supersede voter  
15 initiatives.”) (citing Ariz. Const. art. 4, pt. 1, § 1(6)(B)–(C), (14)). But the Voter Protection  
16 Act allows for as-applied challenges and severability of the offending portions of  
17 legislation that conflicts with voter-enacted measures. *See, e.g., Maestas*, 244 Ariz. at 13–  
18 14 ¶ 20. HCR 2048 deviates from the Voter Protection Act by imposing a non-severability  
19 requirement, not just for interpretation of HCR 2048 itself, but also for any future act or  
20 measure enacted by a future legislature or adopted by the voters, thereby amending the  
21 Voter Protection Act and other provisions of Article IV.

22 50. Third, by imposing a nonseverability requirement on future legislation and  
23 voter-initiated measures, HCR 2048 strips courts of the severance authority they’ve  
24 exercised since statehood and changes the core judicial function of interpreting the law.  
25 HCR 2048 thus concerns the judicial power as established in Article VI of the Arizona  
26 Constitution and the separation of powers the Constitution guarantees in Article III.

1           51.     Moreover, HCR 2048’s provisions are not qualitatively similar in their effect  
2 on Arizona law. Subsection A creates a substantive protection for a discrete class of  
3 scholarship accounts, while the No-Severance Provision works a structural change to the  
4 judicial power of severance and to the Voter Protection Act’s treatment of all future  
5 legislation and voter initiatives. Provisions so qualitatively dissimilar in their effect on  
6 procedural and substantive law are not “sufficiently interrelated” and lack the common  
7 purpose the separate amendment rule requires. *See McLaughlin*, 225 Ariz. at 354–55 ¶¶ 8,  
8 16.

9           52.     The voters and the Legislature have historically treated education scholarship  
10 policy and the rules governing severability and the Voter Protection Act as separate  
11 subjects. The evolution of Arizona law governing the ESA program itself illustrates this.  
12 The Legislature first attempted to enact universal vouchers in 2017, but the legislation was  
13 successfully referred to the voters, who roundly rejected it in 2018. Nonetheless, the  
14 Legislature later enacted universal ESA expansion in 2022. None of these bills—nor the  
15 pending citizens’ initiative—the Protect Education Act—paired ESA or broader  
16 scholarship policy with a non-severability command purporting to govern and invalidate a  
17 broad range of potentially unrelated future legislation.

18           53.     On the other hand, a separate article of the Constitution sets forth the rules to  
19 be followed when evaluating the legality of future legislation that affects measures adopted  
20 by the voters. In 1998, the voters enacted the Voter Protection Act to set forth the  
21 relationship between voter-enacted measures and future legislation. They codified the  
22 Voter Protection Act within article IV of the Arizona Constitution—and none of its  
23 provisions related to Education, which is contained within Article XI of the Arizona  
24 Constitution.

25           54.     Finally, HCR 2048 lacks a “common purpose.” *See McLaughlin*, 225 Ariz.  
26 at 354 ¶ 8. Subsection (A) of HCR 2048 prevents the state from “confiscating” money from  
27 “scholarship accounts” of military families. Though HCR 2048 never mentions ESAs or  
28

1 private school vouchers, it defines scholarship accounts in a way that clearly encompasses  
2 ESAs and—as of right now—likely only ESAs. Subsection B—the No-Severance  
3 Provision—however, is designed to accomplish an entirely different purpose: invalidating  
4 any legislation or measure that even peripherally—or in small part—concerns military  
5 family ESA accounts. Thus, Subsection B is designed to invalidate laws and policies that  
6 are completely unrelated to the ESA accounts of military families—specifically the  
7 remaining provisions of the Protect Education Act.

8         55. Thus, through its “Notwithstanding Article IV” command, the No-Severance  
9 Provision would void the entirety of the Protect Education Act or any future statute or  
10 initiative whenever any part of it would cause even a single military family’s ESA funds  
11 to revert to the State—even if *all* the other parts of the statute or initiative have zero impact  
12 on the accounts of military families. For example, under these circumstances, HCR 2048  
13 would invalidate all parts of future legislation that (a) further restricts spending state ESA  
14 funds on luxury items like jewelry, lingerie, home improvements, and vacations; or (b)  
15 requires schools that accept ESA funds to implement safety measures such as background  
16 checks for employees who have direct, unsupervised contact with children.

17         56. The goal of the separate amendment rule is to “protect[] the integrity of the  
18 constitutional amendment process from the pernicious practice of log-rolling.” *Ariz.*  
19 *Together*, 214 Ariz. at 120 ¶ 3 (quoting *Kerby*, 44 Ariz. at 214) (internal quotation marks  
20 omitted).

21         57. HCR 2048 is the quintessential example of legislative log-rolling. HCR 2048  
22 is billed as an amendment that protects the ESA funds of military families, which the  
23 Legislature believes will be politically appealing to the voters. But HCR 2048’s true  
24 purpose is to silently overturn the Protect Education Act, which the Legislature fears may  
25 impose regulations on the Legislature’s universal ESA program. HCR 2048 cloaks this  
26 secondary purpose behind a No-Severance Provision intended to mislead the voters.

27         58. For all these reasons, HCR 2048 violates the separate amendment rule.  
28

1 Because Article XXI, § 1 does not permit a court to sever an offending provision from a  
2 proposed amendment, the entire measure—not merely the No-Severance Provision—must  
3 be kept off the ballot. *See Clean Elections Inst., Inc. v. Brewer*, 209 Ariz. 241, 244 ¶ 8  
4 (2004); *Taxpayer Prot. All. v. Ariz. Against Unfair Tax Schemes*, 199 Ariz. 180, 182 ¶ 7  
5 (2001).

6 59. The Legislature may ask the people if they want to amend the Constitution  
7 to exempt military families’ ESA accounts from future legislation that might recoup money  
8 from those accounts. And the people have a right to vote on that question. The Legislature  
9 may also ask the people whether they want to alter Article IV, which governs the standards  
10 under which future legislation will be judged under the VPA and the courts’ historic  
11 severance authority employed under its Article VI powers. But the Legislature may not  
12 fuse those distinct questions into a single, undifferentiated choice without running afoul of  
13 the Arizona Constitution. Article XXI, § 1 guarantees the people an important, fundamental  
14 right to “vote for or against such proposed amendments separately.”

15 60. Plaintiffs are entitled to declaratory and injunctive relief enjoining the State  
16 and its agents (including the Secretary) from placing HCR 2048 on the November 2026  
17 general election ballot.

## 18 **COUNT II**

### 19 **(Declaratory Judgment and Injunctive Relief – Violation of Title Requirement)**

20 61. Plaintiffs incorporate the allegations in the preceding paragraphs.

21 62. Article IV, part 2, § 13 of the Arizona Constitution requires that every act  
22 passed by the Legislature “shall embrace but one subject and matters properly connected  
23 therewith, which subject shall be expressed in the title; but if any subject shall be embraced  
24 in an act which shall not be expressed in the title, such act shall be void only as to so much  
25 thereof as shall not be embraced in the title.”

26 63. This mandate applies equally to legislative referrals. As the Arizona Supreme  
27 Court has explained, “when the legislature refers a measure to the voters for their  
28

1 consideration, that action involves ‘enact[ing,]’ Ariz. Const. article 4, part 1, section 1(3),  
2 or ‘pass[ing]’ a bill, id., art. 5, § 7, and such a legislative ‘act’ must satisfy” Art. IV, pt. 2,  
3 § 13. *Hoffman*, 245 Ariz. at 316 ¶ 11 (alterations in original).

4 64. Section 13 has two distinct constitutional mandates: (1) legislation may only  
5 embrace one subject, known as the “single subject rule,” and (2) the subject of the  
6 legislation must be properly addressed in the title of the act. *ASBA*, 252 Ariz. at 222 ¶ 2.

7 65. Because Article IV, part 2, § 13 applies to every legislative “act,” both the  
8 single subject and title requirements apply to legislative referrals. *See Hoffman*, 245 Ariz.  
9 at 315–16 ¶¶ 8-12.

10 66. The title requirement in Section 13 “was designed to enable legislators and  
11 the public upon reading the title to know what to expect in the body of the act so that no  
12 one would be surprised as to the subjects dealt with by the act.” *State v. Sutton*, 115 Ariz.  
13 417, 419 (1977) (citation omitted).

14 67. The “act’s title need not be a synopsis or a complete index of the act’s  
15 provisions,” *Hoyle v. Superior Court*, 161 Ariz. 224, 230 (App. 1989), but the “title must  
16 be worded so that it puts people on notice as to the contents of the act,” *Sutton*, 115 Ariz.  
17 at 419 (citation omitted); *ASBA*, 252 Ariz. at 226 ¶ 26 (quoting same).

18 68. “[A] reasonable person should be expected to know what an act deals with  
19 based on its title.” *ASBA*, 252 Ariz. at 226 ¶ 26 (citation omitted).

20 69. When the title of an amendatory act “particularizes some of the changes to  
21 be made by the amendment, the legislation is limited to the matters specified and anything  
22 beyond them is void, however germane it may be to the subject of the original act.” *Hoyle*,  
23 161 Ariz. at 230 (citations omitted).

24 70. When a component of an act is not properly reflected in the title, the act is  
25 “void only as to so much thereof as shall not be embraced in the title.” Ariz. Const. art. IV,  
26 pt. 2, § 13.

1           71. While the single subject rule and title requirement under Section 13 are  
2 “interpreted liberally so as not to impede or embarrass the legislature in its business,” they  
3 shouldn’t be interpreted “so ‘foolishly liberal’ as to render the constitutional requirements  
4 nugatory.” *Litchfield Elementary Sch. Dist. No. 79 v. Babbitt*, 125 Ariz. 215, 224 (1980).

5           72. These constitutional requirements set forth in Article IV, pt. 2, § 13 are  
6 critical to a representative democracy. They ensure that, to pass substantive policy,  
7 legislators must gather enough votes from representatives of the majority of constituents  
8 who support the policy – here protecting scholarship accounts of military families – and  
9 not an invalidation of other unrelated subjects such as prohibiting spending tax dollars on  
10 luxury items or implementing reasonable safety standards to protect children.

11           73. HCR 2048 violates the title requirement of Article IV, pt. 2, § 13. The title  
12 gives no indication about what it does. The title on the resolution states:

13                           PROPOSING AN AMENDMENT TO THE  
14                           CONSTITUTION OF ARIZONA; AMENDING ARTICLE  
15                           XI, CONSTITUTION OF ARIZONA, BY ADDING  
16                           SECTION 12; RELATING TO EDUCATION  
17                           SCHOLARSHIPS.

18 Ex. A at 1.

19           74. Section 2 of HCR 2048 also enacted a “Short title,” which states, “This act  
20 may be cited as the “Military Families College Savings and Scholarship Protection Act.”  
21 *Id.* at 3.

22           75. Neither the title nor the enacted short title gives any indication that HCR  
23 2048—through the No-Severance Provision in Subsection B—works a sea change in how  
24 all future legislation, and all pending and future initiatives will be evaluated. Neither  
25 discloses that, if an ESA account of a single military family could be impacted by the  
26 Protect Education Act or any other future initiative or legislation, then, in ruling upon all  
27 aspects of that measure—including those that have nothing to do with the accounts of  
28 military families: (1) the analysis and process called for by Article IV is eviscerated; and

1 (2) the courts are forbidden from utilizing their power to review enactments under the  
2 severability analysis they have used since statehood.

3 76. Neither the title nor the short title give any indication that, if the ESA account  
4 of a single military family would be impacted by an initiative such as Protect Education  
5 Act, then – contrary to the analysis called for by Article IV (including the Voter Protection  
6 Act), and the court’s power to review acts under a severability analysis – then all other  
7 provisions would be invalidated even if they have nothing to do with the accounts of  
8 military families, including provisions concerning (a) child safety, (b) preventing fraud and  
9 spending on luxury items, (c) placing an income cap on qualification, (d) requiring schools  
10 that accept ESA funds to publish standardized test results; or (e) preventing long-term  
11 banking of tax dollars from ESAs that might be saved in scholarship accounts of *non-*  
12 *military families*.

13 77. The court should enforce the dictates of the Arizona Constitution set forth in  
14 article IV, part 2, section 13, or they will be rendered meaningless. Under the Constitution,  
15 provisions that aren’t adequately described and noticed in the title must be struck down.  
16 *Clean Elections Inst.*, 209 Ariz. at 244 ¶ 8. The title of HCR 2048 does not give notice of  
17 the contents of Paragraph B of that constitutional referral.

18 78. An actual and justiciable controversy exists regarding the constitutionality of  
19 HCR 2048 because it was passed by the legislature and transmitted to the Secretary of State  
20 for inclusion on the November 2026 general election ballot. *See Hoffman*, 245 Ariz. at 315  
21 ¶ 7 (2018) (pre-election challenges to legislative referrals under the Arizona Constitution  
22 are ripe).

23 79. Plaintiffs are entitled to declaratory and injunctive relief enjoining the State  
24 and its agents (including the Secretary) from placing HCR 2048 on the November 2026  
25 general election ballot.

### 26 **REQUEST FOR RELIEF**

27 Plaintiffs request that this Court provide the following relief:  
28

1 A. A declaratory judgment declaring that HCR 2048 violates the separate  
2 amendment rule in article XXI, § 1 of the Arizona Constitution, and that, because that rule  
3 permits no severance, the entire measure may not be submitted to the voters;

4 B. In the alternative, a declaratory judgment declaring that HCR 2048 violates  
5 the title requirement in article IV, part 2, § 13 of the Arizona Constitution, and that the No-  
6 Severance Provision (Subsection B) is therefore void;

7 C. A preliminary and permanent injunction enjoining the State and its agents  
8 (including the Secretary) from placing HCR 2048 on the November 2026 General Election  
9 ballot or, in the alternative, from submitting the No-Severance Provision to the voters;

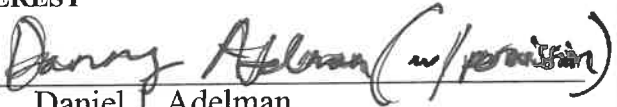
10 D. An order awarding Plaintiffs their costs under A.R.S. §§ 12-341 and 12-  
11 1840;

12 E. An order awarding Plaintiffs their reasonable attorneys' fees under the  
13 private attorney general doctrine and any other applicable authority; and


14 F. Any other relief as may be just and equitable.

15 RESPECTFULLY SUBMITTED this 24th day of June, 2026.

16 **ARIZONA CENTER FOR LAW IN THE PUBLIC**  
17 **INTEREST**

18 By:   
19 Daniel J. Adelman  
20 Jared G. Keenan  
21 Nicholas Ansel

22 **COPPERSMITH BROCKELMAN PLC**

23 By:   
24 Sambo (Bo) Dul  
25 Austin C. Yost

26 *Attorneys for Plaintiffs*

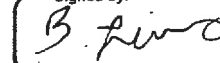
## VERIFICATION

I, Beth Lewis, declare under penalty of perjury and as permitted by Arizona Rule of Civil Procedure 80(c) as follows:

1. I am the representative for two plaintiff organizations in this action, Save Our Schools, Arizona, and Protect Education, Accountability Now Committee.
2. I have read the foregoing Verified Complaint and know the contents thereof.
3. To the best of my knowledge, information, and belief, the statements made therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of June, 2026.

Signed by:  
  
7013220368334B9...

---

Beth Lewis

## VERIFICATION

I, Linda May Lyon, declare under penalty of perjury and as permitted by Arizona Rule of Civil Procedure 80(c) as follows:

1. I am the plaintiff in this action.
2. I have read the foregoing Verified Complaint and know the contents thereof.
3. To the best of my knowledge, information, and belief, the statements made therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of June, 2026.

*Linda May Lyon*

# **EXHIBIT A**

Senate Engrossed

~~elected officials; salary; prohibition~~  
(now: military families; scholarship accounts)

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## HOUSE CONCURRENT RESOLUTION 2048

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XI, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO EDUCATION SCHOLARSHIPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:

3 1. Article XI, Constitution of Arizona, is proposed to be amended  
4 by adding section 12 as follows if approved by the voters and on  
5 proclamation of the Governor:

6 12. Scholarship accounts; confiscation of monies  
7 prohibited; voidability of future bills or  
8 measures; definitions

9 SECTION 12. A. THIS STATE MAY NOT CONFISCATE MONIES  
10 FROM ANY SCHOLARSHIP ACCOUNT OF ANY STUDENT WHO IS A CHILD OF  
11 A MILITARY FAMILY IF BOTH OF THE FOLLOWING APPLY:

12 1. THE SCHOLARSHIP ACCOUNT IS ESTABLISHED AND  
13 MAINTAINED BY THIS STATE PURSUANT TO A PROGRAM THAT DESIGNATES  
14 ANY STUDENT WHO IS A CHILD OF A MILITARY FAMILY AND WHO  
15 SATISFIES ENROLLMENT REQUIREMENTS AS ELIGIBLE TO RECEIVE  
16 SCHOLARSHIP MONIES. THIS PARAGRAPH DOES NOT LIMIT THIS  
17 SUBSECTION TO SCHOLARSHIP ACCOUNT PROGRAMS THAT ARE  
18 ESTABLISHED AND MAINTAINED BY THIS STATE FOR ONLY CHILDREN OF  
19 MILITARY FAMILIES.

20 2. THE STUDENT MAY USE MONIES IN THE SCHOLARSHIP  
21 ACCOUNT FOR TUITION OR FEES AT ELIGIBLE POSTSECONDARY  
22 EDUCATIONAL INSTITUTIONS.

23 B. NOTWITHSTANDING ARTICLE IV, IF A BILL ENACTED INTO  
24 LAW OR A MEASURE APPROVED BY THE VOTERS ON OR AFTER NOVEMBER  
25 1, 2026 VIOLATES SUBSECTION A OF THIS SECTION, THE ENTIRE BILL  
26 OR MEASURE IS VOID. A COURT MAY NOT SEVER ANY PORTION OF A  
27 BILL OR MEASURE THAT VIOLATES SUBSECTION A OF THIS SECTION.

28 C. FOR THE PURPOSES OF THIS SECTION:

29 1. "CHILD OF A MILITARY FAMILY" MEANS A STUDENT WHO IS  
30 A CHILD OF A PERSON WHO MEETS ANY OF THE FOLLOWING:

31 (a) IS SERVING ON ACTIVE DUTY AS A MEMBER OF THE ARMED  
32 FORCES OF THE UNITED STATES.

33 (b) WAS SERVING ON ACTIVE DUTY AS A MEMBER OF THE ARMED  
34 FORCES OF THE UNITED STATES WHEN THE STUDENT'S ELIGIBILITY WAS  
35 INITIALLY DETERMINED.

36 (c) WAS A MEMBER OF THE ARMED FORCES OF THE UNITED  
37 STATES WHO WAS KILLED IN THE LINE OF DUTY.

38 2. "CONFISCATE":

39 (a) INCLUDES SEIZING, TRANSFERRING OR OTHERWISE TAKING  
40 MONIES FROM A SCHOLARSHIP ACCOUNT.

41 (b) DOES NOT INCLUDE ACTS RELATED TO THE CLOSURE OF A  
42 SCHOLARSHIP ACCOUNT IF ANY OF THE FOLLOWING APPLIES:

43 (i) THE STUDENT OR ACCOUNT HOLDER IS FOUND PERSONALLY  
44 RESPONSIBLE FOR ILLEGAL ACTIVITY OR WRONGDOING IN A PROCEEDING

1 IN WHICH THE STUDENT OR ACCOUNT HOLDER RECEIVES INDIVIDUALIZED  
2 DUE PROCESS OF LAW.  
3 (ii) THE STUDENT OR ACCOUNT HOLDER VOLUNTARILY CLOSES  
4 OR FAILS TO RENEW A SCHOLARSHIP ACCOUNT.  
5 (iii) THE STUDENT GRADUATES FROM AN ELIGIBLE  
6 POSTSECONDARY EDUCATIONAL INSTITUTION.  
7 (iv) THE STUDENT IS INELIGIBLE TO MAINTAIN A  
8 SCHOLARSHIP ACCOUNT UNDER A SCHOLARSHIP PROGRAM BECAUSE THE  
9 STUDENT DID NOT ENROLL IN AN ELIGIBLE POSTSECONDARY  
10 EDUCATIONAL INSTITUTION FOR A PERIOD OF AT LEAST FOUR  
11 CONSECUTIVE YEARS AFTER GRADUATING FROM HIGH SCHOOL.  
12 3. "ELIGIBLE POSTSECONDARY EDUCATIONAL INSTITUTION"  
13 MEANS:  
14 (a) A UNIVERSITY THAT IS ESTABLISHED PURSUANT TO  
15 SECTION 1 OF THIS ARTICLE.  
16 (b) A COMMUNITY COLLEGE DISTRICT IN THIS STATE.  
17 (c) AN ACCREDITED PRIVATE POSTSECONDARY EDUCATIONAL  
18 INSTITUTION.  
19 2. Short title  
20 This act may be cited as the "Military Families College  
21 Savings and Scholarship Protection Act".  
22 3. The Secretary of State shall submit this proposition to the  
23 voters at the next general election as provided by article XXI,  
24 Constitution of Arizona.

PASSED BY THE HOUSE MARCH 2, 2026.

PASSED BY THE SENATE JUNE 13, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 15, 2026.