

Concerns About Adrian Fontes

Arizona Secretary of State

Arizona's chief election official should follow the law, respect the limits of his office, and protect the voters entrusted to him. Adrian Fontes' record gives voters concrete reasons to question whether he has met that standard.

Changing ballot instructions without legal authority

As Maricopa County recorder in 2020, Fontes told mail-in voters to cross out mistakes and mark a different choice instead of requesting a replacement ballot. After the attorney general warned him that the instructions were unlawful, he said he would continue using them. The Arizona Supreme Court intervened on September 10 and held that he had acted unlawfully. [1]

“The Recorder does not have the constitutional or statutory authority to promulgate mail-in ballot instructions”

Arizona Supreme Court, Arizona Public Integrity Alliance v. Fontes

Earlier that year, a temporary restraining order had stopped his plan to mail unsolicited ballots for the Democratic presidential preference election during the COVID-19 emergency. These were two separate disputes over the limits of his authority. [2]

Writing a rule that could leave an entire county out

Fontes' 2023 Elections Procedures Manual allowed statewide certification without a county's results if that county missed its certification deadline. In December 2024, a Superior Court judge blocked the rule because state law did not authorize excluding the county's votes. The court also struck a provision permitting inactive status, rather than the cancellation required by law, after a jury questionnaire identified a voter as a noncitizen. [3]

Fontes removed the county-exclusion provision from his 2025 draft after court challenges. That correction matters, but so does his decision to put the provision in the manual in the first place. [4]

Approving a party-name change the court said he could not authorize

Fontes approved changing the No Labels Party's name to the Arizona Independent Party. Republicans, Democrats, and the Citizens Clean Elections Commission challenged the change. On March 25, 2026, Judge Greg Como voided it, finding that Fontes lacked authority to let a recognized party use a new ballot name without completing the required qualification process under that name. Fontes said he would not join an appeal. [5]

Party recognition and ballot access are consequential decisions. Voters should expect them to follow the process established in law.

Overriding counties' authority over precinct voting

On May 1, 2026, Judge Scott Blaney struck down a manual provision requiring counties to accommodate out-of-precinct voters on accessible voting devices. The court found that it usurped county authority and could burden access for voters with disabilities. Fontes defended the rule as a way to improve voting access. [6]

The concern is his use of an administrative manual to impose a voting arrangement the court found beyond his authority.

Preparing ballot language that failed the statutory standard

On August 7, 2026, Judge David McDowell blocked the proposed Proposition 145 title and yes/no descriptions prepared by Fontes and approved by Attorney General Kris Mayes. The court held that references to Proposition 212 failed the statutory requirement to describe changes to existing law: Proposition 212 was still only a proposal. [7]

Proposition 145 was later removed from the November ballot in a separate constitutional case. The language dispute remains part of the record of how his office handled its responsibilities. [8]

Failing to safeguard protected voter information

Votebeat's review of office emails found that staff released home addresses and telephone numbers belonging to **373 protected voters** in 2024. Those affected included people protected through the address confidentiality program and court orders. The error began in February and remained undetected for nearly nine months. [9]

The office notified affected voters and sought to recover the data after discovering the error in October 2024. It also fired a director and added a safeguard. Those responses do not erase the failure of controls meant to protect people whose personal safety can depend on confidentiality. [9]

Fighting disclosure of records needed for public scrutiny

In 2024, Fontes resisted releasing a list of voters affected by an MVD citizenship-documentation coding error until after the election, citing intimidation and harassment risks. A judge found his showing insufficient and ordered disclosure of the initial roughly 98,000 names. After losing his appeal, his office released the list on November 4. [10]

The coding error did not establish that those voters were noncitizens. The concern here is his unsuccessful effort to delay access to public records about a significant registration problem. [10]

Across these episodes, a consistent concern emerges: Fontes has repeatedly asserted authority that courts said his office did not possess. Add the failure to protect confidential voter data and the fight over public-records disclosure, and voters have substantial reasons to scrutinize his judgment, administration, and respect for legal limits.

Sources

1. Arizona Supreme Court: ballot instructions, 2020
2. Arizona Daily Independent: unsolicited ballots, March 13, 2020
3. Votebeat: election-manual ruling, December 19, 2024
4. Votebeat / Arizona Mirror: manual revisions, August 4, 2025
5. AZ Free News: party-name ruling, March 26, 2026
6. Votebeat: Pinal County ruling, May 2, 2026
7. Superior Court: Proposition 145 language, August 7, 2026
8. Arizona Supreme Court: Proposition 145 removed, August 18, 2026
9. Votebeat: protected voter data, June 1, 2026
10. Arizona Mirror: public-records appeal, November 4, 2024

Prepared October 7, 2026. The court decisions above are identified by the court and date on which they were issued.