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ARIZONA SUPERIOR COURT

MARICOPA COUNTY

REV. SARAH OGLESBY-DUNEGAN, a
qualified elector; REV. JAMES “JAY”
DESKINS, a qualified elector; WILL OF
THE PEOPLE, an Arizona political
committee;

Plaintiffs,

v.

STATE OF ARIZONA; and ADRIAN
FONTES, in his official capacity as
Secretary of State,

Defendants.

No.

**VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT
AND INJUNCTION**

(Tier 1)

Election Case/Referendum Challenge
per A.R.S. § 19-161(B)

This is a challenge, pursuant to Arizona Revised Statutes, §19-161(B), to the form of House Concurrent Resolution 2003, enacted by the Fifty-seventh Legislature during the Second Regular Session in 2026 (HCR2003), as unconstitutionally bearing an incomplete title and embracing more than a single subject in violation of the Arizona Constitution, Article IV, part 2, section 13.

PARTIES

1. Plaintiff Rev. Sarah Oglesby-Dunegan is a qualified elector who intends to

1 vote in the 2026 General Election. She is a graduate of Iliff School of Theology and an
2 ordained minister in the Unitarian Universalist church.

3 2. Plaintiff Rev. James “Jay” Deskins is a qualified elector who intends to
4 vote in the 2026 General Election. He is a graduate of Christian Theological Seminary
5 and an ordained minister in the Christian Church (Disciples of Christ).

6 3. Plaintiff Will of the People is a political committee registered with the
7 Arizona Secretary of State as Committee No. 101202 (the “Committee”). The
8 Committee was formed for the purpose of opposing ballot measures referred to the
9 voters by the Legislature that are contrary to the values of Arizonans or are otherwise
10 deceptive in their content or structure.

11 4. Defendant the State of Arizona is a body politic.

12 5. Defendant Adrian Fontes is the Arizona Secretary of State, a public
13 officer, and is named as a defendant in this action in his official capacity. The Secretary
14 of State is the officer with whom Legislative referenda are required to be filed and is
15 named as an indispensable party.

16 **GENERAL ALLEGATIONS**

17 ***Proposed “Protect Girls’ Sports in Arizona Act”***

18 6. The so-called “Protect Girls’ Sports in Arizona Act,” (the “Act”) places
19 numerous restrictions on how private and public educational institutions may protect
20 transgender girls and boys in private spaces, and also restricts the ability of private and
21 public schools to conduct intramural and interscholastic sports programs.

22 7. HCR2003 proposed changes Section 15-120.02, Arizona Revised Statutes.

23 ***Restrictions on Participation***

1 8. HCR2003 amends subsection A of A.R.S. § 15-120.02 to clearly assign
2 the requirement to designate sports teams as male, female or mixed to each institution
3 that sponsors interscholastic or intramural athletic teams.

4 9. It bans private schools and public schools from opening teams or sports
5 that are designated for females, women or girls to “athletes of the male sex.”

6 10. It defines sex as “an individual’s biological status as male or female as
7 recorded at birth on the individual’s original birth certificate.”

8 11. This is it defines transgender girls as male, and transgender boys as
9 female.

10 12. The ban on transgender girls participating in sports programs that are
11 designated for “females, women or girls,” remains in place regardless of any
12 accommodations made regarding private facilities.

13 13. The nature of the harm suffered by transgender girls from this provision is
14 that great personal disappointment as their ambitions to participate in athletics, for many
15 students a highlight of their time in school, will be effectively quashed.

16 14. The transgender youth will also be harmed by being targeted by their
17 government for special exclusion from opportunities to achieve while in school.

18 15. The measure also provides no limits on the lengths to which a school or
19 association will be expected to go in order to “confirm” gender as defined within the
20 Act. It merely makes failure to do so unlawful.

21 16. Even if a transgender girl is willing to change, shower and use the
22 restroom with cisgender boys, she still must be banned from participating in sports
23 designated for females, women or girls.

Facilities Access

17. HCR2003 adds subsection D that addresses access to “restrooms, locker rooms, shower rooms or other private spaces.”

18. Subsection D addresses access to facilities as follows:

BEGINNING ON JANUARY 1, 2027, IF A SCHOOL OR ATHLETIC ASSOCIATION PROVIDES AND MAINTAINS RESTROOMS, LOCKER ROOMS, SHOWER ROOMS OR OTHER PRIVATE SPACES THAT ARE INTEGRAL TO ATHLETIC ENGAGEMENT, THE SCHOOL OR ATHLETIC ASSOCIATION, INCLUDING EMPLOYEES OF THE SCHOOL OR ATHLETIC ASSOCIATION, MAY NOT AUTHORIZE ANY INDIVIDUAL TO USE A RESTROOM, LOCKER ROOM, SHOWER ROOM OR OTHER PRIVATE SPACE THAT IS NOT DESIGNATED FOR THAT INDIVIDUAL’S SEX.

19. Subsection D restricts access to facilities for student athletes specifically targeting transgender athletes.

20. The Act requires that transgender girls change, shower and use the restroom with cisgender boys.

21. It similarly requires that transgender boys change, shower and use the restroom with cisgender girls.

22. Any private or public school that has “restrooms, locker rooms, shower rooms or other private spaces that are integral to athletic engagement” would capture any public or private school that had a gymnasium and a locker room.

23. Such facilities, which captures virtually every public or private school in Arizona, would be banned from “authoriz[ing] any individual to use a restroom, locker room, shower room or other private space that is not designated for that individual’s sex.”

1 24. The nature of the harm suffered by transgender girls and boys under the
2 facilities access portion of HCR2003 is distinct from that of the participation portion.

3 25. The harm here is of personal humiliation and invasion of privacy.

4 26. In spite of the Act's deceptive title, another harm is risk to their safety as
5 transgender girls will be vulnerable when expected to change, shower and use the
6 restroom with cisgender boys.

7 27. This provision of the Act reduces the safety of Arizona's private and
8 public schools by compelling transgender students to use facilities designated for the
9 gender that is not theirs.

10 28. Even if transgender boys and girls forego participating in sports altogether
11 in light of HCR2003's mandates, transgender girls will still be forced to change, shower
12 and use the restroom with cisgender boys and transgender boys will be forced to change,
13 shower and use the restroom with cisgender girls. The two attacks on transgender youth
14 operate independently of each other and cause distinct harms and disruptions to those
15 students and to their peers.

16 ***Banning Single Occupancy Facilities in Schools***

17 29. Common sense and both Arizona and federal law recognize a
18 single-occupancy exception to gender-separated toilet facilities, changing rooms etc.; the
19 specific conditions triggering the exception are generally that the facility must
20 accommodate only one person at a time and must be lockable from the inside.

21 30. For places of business, under federal regulation, "Where toilet rooms will
22 be occupied by no more than one person at a time, can be locked from the inside, and

1 contain at least one water closet, separate toilet rooms for each sex need not be
2 provided.” [29 C.F.R. § 1910.141](#).

3 31. In consideration of disability accommodation in public facilities, one has a
4 “[d]uty to provide accessible features in the event of disproportionality [including a]t
5 least one accessible restroom for each sex or a single unisex restroom.” [28 C.F.R. §
36.403](#).

6 32. For mines in Arizona, “Separate toilet facilities shall be provided for each
7 sex except where toilet rooms will be occupied by no more than one person at a time and
8 can be locked from the inside.” [Ariz. Admin. Code R11-1-150](#).

9 33. Subsection D of the Act prohibits the use of such a reasonable exception to
10 its restrictions on public and private schools with athletic programs as follows:

11 BEGINNING ON JANUARY 1, 2027, IF A SCHOOL OR
12 ATHLETIC ASSOCIATION PROVIDES AND MAINTAINS
13 RESTROOMS, LOCKER ROOMS, SHOWER ROOMS OR
14 OTHER PRIVATE SPACES THAT ARE INTEGRAL TO
15 ATHLETIC ENGAGEMENT, THE SCHOOL OR
16 ATHLETIC ASSOCIATION, INCLUDING EMPLOYEES
17 OF THE SCHOOL OR ATHLETIC ASSOCIATION, MAY
18 NOT AUTHORIZE ANY INDIVIDUAL TO USE A
19 RESTROOM, LOCKER ROOM, SHOWER ROOM OR
20 OTHER PRIVATE SPACE THAT IS NOT DESIGNATED
21 FOR THAT INDIVIDUAL’S SEX.

22 34. A single-occupancy facility that is not designated for any sex would
23 literally not be “designated for that individual’s sex.”

24 35. Furthermore, any school or athletic association that provides restrooms,
25 would be prohibited from authorizing *any* individual from using such a
26 single-occupancy but not sex labeled facility.

27 36. The Act provides no exception for single-occupancy.

37. The Act does not grandfather in facilities that were constructed with such typical unisex facilities.

38. A court will “not rewrite proposed initiatives to arrest unintended consequence.” *Molera v. Reagan*, 245 Ariz. 291, 297, 428 P.3d 490, 496 (2018).

The Title

39. The title for HCR2003 is “AN ACT AMENDING SECTION 15-120.02, ARIZONA REVISED STATUTES; RELATING TO STUDENT ATHLETICS”

40. The proposed section title reads: “Interscholastic and intramural athletics; designation of teams; biological sex; designation of facilities; cause of action; definitions.”

41. Per Section 3, “This act may be cited as the ‘Protect Girls’ Sports in Arizona Act.’”

FIRST CLAIM FOR RELIEF – DECLARATORY JUDGMENT

42. Plaintiffs incorporate the allegations set forth above as though fully set forth herein.

43. Article 4, pt. 2 § 13 of the Arizona Constitution provides that, “Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

44. This section of the Constitution applies with equal force to Legislative referenda as to any other act of the Legislature.

1 45. The title of HCR2003 is materially misleading, such that it creates a
2 substantial danger of fraud, confusion, and unfairness, in violation Article 4, pt. 2, § 13.

3 46. The title of a legislative bill “may not be deceptive or misleading” and
4 “must state the subject of the legislation with sufficient clarity to enable persons reading
5 the title to know what to expect in the body of the act.” Arizona Bill Drafting Manual
6 2025-2026 at p. 9, *available at* <https://tinyurl.com/422bvept> (last visited June 21, 2026).

7 47. HCR2003 title is misleading to the point of fraud and creates a significant
8 danger of electorate confusion and unfairness, because it provides no reference to its
9 restrictions on non-athletes’ use of private facilities.

10 48. Furthermore, it provides no notice or warning of its ban on anyone’s use of
11 single-occupancy facilities that are not sex designated.

12 49. Plaintiffs are entitled to a Declaration that HCR2003 is sufficiently
13 deceptive to the point of fraud and creates a significant danger of electorate confusion
14 and unfairness, and thereby violates Article 4, pt. 2 § 13 of the Arizona Constitution.

15 50. Furthermore, the unenforceability of Subsection D cannot be severed from
16 the SCR2003 since forcing transgender people to change, shower and use the restroom
17 with cisgender people of the other gender is an integral part of the measure.

18 51. Thus, Plaintiffs are entitled to a Declaration that HCR2003 is not in proper
19 form to appear on the 2026 General Election Ballot.

20 **SECOND CLAIM FOR RELIEF – DECLARATORY JUDGMENT**

21 52. Plaintiffs incorporate the allegations set forth above as though fully set
22 forth herein.

1 53. Article 4, pt. 2 § 13 of the Arizona Constitution provides that, “Every act
2 shall embrace but one subject and matters properly connected therewith.”

3 54. HCR2003 proposes two very different changes to Arizona law.

4 55. First, it removes the ability of private and public school and athletic
5 associations to manage formation of teams and competitions as it relates to gender. This
6 exertion of state power over private and public organizations is focused on student
7 athletes and compelling management of athletic competitions.

8 56. Second, it restricts access to restrooms, locker rooms, shower rooms or
9 other private spaces. This state mandate reaches far beyond student athletes, because it
10 impacts “any individual’s” use of facilities.

11 57. Furthermore, the second function of HCR2003 actually completely
12 outlaws the use of single-occupancy facilities unless they are designated for a specific
13 sex.

14 58. These provisions are not a single subject or topics related therewith.

15 59. Plaintiffs are entitled to a Declaration that HCR2003 is defective in its
16 form as it embraces more than a single subject.

17 **THIRD CLAIM FOR RELIEF-INJUNCTION**

18 60. Plaintiffs incorporate the allegations set forth above as though fully set
19 forth herein.

20 61. Under Section 19-161(B), Arizona Revised Statutes, and as provided
above, HCR2003 is not legally sufficient.

62. Because HCR2003 is not legally sufficient, Plaintiffs are entitled to an injunction that enjoins the Secretary of State from certifying HCR2003 for the 2026 General Election.

WHEREFORE, Plaintiffs requests that the Court make the following

A. A Declaration HCR2003 violates Article 4, pt. 2 § 13 of the Arizona Constitution;

B. An Injunction against the Arizona Secretary of State including the measure on the 2026 General Election Ballot;

c. An order awarding Plaintiff its costs under A.R.S. §§ 12-341 and 12-1840

D. An award of costs and reasonable attorneys' fees pursuant to the private attorney general doctrine;

E. Further relief as the Court deems necessary and appropriate.

RESPECTFULLY SUBMITTED this 22nd day of June 2026.

BARTON MENDEZ SOTO PLLC

By: _____

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Attorneys for Plaintiffs