



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

KATIE HOBBS
GOVERNOR

EXECUTIVE OFFICE

April 18, 2023

Senator Warren Petersen
Senate President
1700 W. Washington St.
Phoenix, AZ 85007

Re: SB 1021

President Petersen,

I have vetoed SB 1021. Though the bill was amended to relieve the Attorney General of the duty to defend the constitutionality of state laws if she provides notice to the Legislature at least 10 days before any substantive or dispositive filing is due, there are often cases in which such filings are due in less than 10 days (e.g., expedited election cases or preliminary injunction deadlines).

The Attorney General, like other elected officials, swears an oath to support the Constitution and laws of Arizona and the United States. The litigation choices made by the Attorney General are therefore dictated not only by state law, but also by this allegiance to the Constitution and her ethical duties as an attorney.

Unfortunately, the legislature has been known to pass laws that its own lawyers advise would not survive constitutional scrutiny. On occasion, the legislature has even passed laws intended to prompt litigation. Rather than change state law to require the Attorney General to defend laws even under such circumstances, I encourage the legislature to be more exacting in its deliberations to ensure fidelity to the Constitution.

Sincerely,

A handwritten signature in dark ink, appearing to be "Katie Hobbs", with a long, sweeping horizontal line extending to the right.

Katie Hobbs
Governor
State of Arizona

Cc:

Speaker Toma

Senator Kavanagh

Secretary of the Senate

Chief Clerk of the House

Secretary Fontes