

FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**LESLIE FELDMAN; LUZ MAGALLANES; MERCEDEZ HYMES; JULIO MORERA; CLEO OVALLE; PETERSON ZAH, Former Chairman and First President of the Navajo Nation; THE DEMOCRATIC NATIONAL COMMITTEE; DSCC, AKA Democratic Senatorial Campaign Committee; THE ARIZONA DEMOCRATIC PARTY; KIRKPATRICK FOR U.S. SENATE; HILLARY FOR AMERICA,**

Plaintiffs-Appellants,

**BERNIE 2016, INC.,**

Intervenor-Plaintiff-Appellant,

v.

**ARIZONA SECRETARY OF STATE'S OFFICE; MICHELE REAGAN, in her official capacity as Secretary of State of Arizona; MARICOPA COUNTY BOARD OF SUPERVISORS; DENNY BARNEY; STEVE CHUCRI; ANDY KUNASEK; CLINT HICKMAN; STEVE GALLARDO, member of the Maricopa County Board of Supervisors, in their official capacities; MARICOPA COUNTY**

**FILED**

NOV 02 2016

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

No. 16-16698

D.C. No. 2:16-cv-01065-DLR  
District of Arizona,  
Phoenix

**ORDER**

**RECODER AND ELECTIONS  
DEPARTMENT; HELEN PURCELL,  
in her official capacity as Maricopa  
County Recorder; KAREN OSBORNE,  
in her official capacity as Maricopa  
County Elections Director; MARK  
BRNOVICH, in his official capacity as  
Arizona Attorney General,**

Defendants-Appellees,

**THE ARIZONA REPUBLICAN  
PARTY,**

Intervenor-Defendant-  
Appellee.

**THOMAS**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Kozinski and McKeown did not participate in the deliberations or vote in this case.