

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

**FILED**

NOV 04 2016

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

**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**

No. 16-16865

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

**ORDER**

**COUNTY RECORDER 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; DEBBIE LESKO; TONY RIVERO; BILL GATES; SUZANNE KLAPP,**

Intervenor-Defendants-Appellees.

**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.