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8 **ARIZONA SUPERIOR COURT**

9 **MARICOPA COUNTY**

10 LAURIE AGUILERA, a registered voter in ) No. CV2020-014083  
Maricopa County, Arizona; DONOVAN )  
11 DROBINA, a registered voter in Maricopa )  
County, Arizona; DOES I-X, ON THEIR ) **SECRETARY OF STATE’S MOTION**  
12 OWN BEHALF OF ALL THOSE ) **FOR LEAVE TO FILE AMICUS**  
13 SIMILARLY SITUATED, ) **CURIAE BRIEF**  
Plaintiffs, )  
14 v. )  
15 ) (Assigned to The Hon. Margaret Mahoney)  
ADRIAN FONTES, in his official capacity as )  
16 Maricopa County Recorder; FRAN )  
McCARROLL, in her official capacity as Clerk )  
17 of the Maricopa County Board of Supervisors; )  
18 CLINT HICKMAN, JACK SELLERS, STEVE )  
CHUCRI, BILL GATES, STEVE )  
19 GALLARDO, in their official capacities as )  
members of the Maricopa County Board of )  
20 Supervisors; MARICOPA COUNTY, a )  
political subdivision of the State of Arizona, )  
21 Defendants. )  
22

23 Secretary of State Katie Hobbs, in her official capacity, respectfully moves, pursuant to  
24 this Court’s inherent authority, to file a brief as *amicus curiae* to explain the relevant statutory  
25 deadlines relating to canvassing election results and to emphasize the importance of  
26 expeditiously resolving this case. Moreover, as Arizona’s Chief Election Officer, the Secretary

1 is committed to overseeing a fair election and dispelling misinformation that undermines the  
2 hard work of Arizona’s election administrators, poll workers, and voters.

3 The County Defendants consent to the filing of an *amicus* brief in this matter, and the  
4 political party intervenors do not oppose the Secretary’s *amicus*. At the time of this filing,  
5 Plaintiffs had not responded to the Secretary’s request for consent or non-opposition.

6 **I. The inherent authority of Arizona trial courts includes the authority to accept**  
7 ***amicus curiae* briefs.**

8 Courts have “inherent power to do all things reasonably necessary for administration of  
9 justice.” *Schavey v. Royston*, 8 Ariz. App. 574, 575 (1968). Consistent with this principle,  
10 Arizona trial courts have accepted *amicus curiae* briefs to assist the court even in the absence of  
11 a specific rule authorizing the appearance of amici. *See Home Builders Ass’n of Cent. Ariz. v.*  
12 *City of Apache Junction*, 198 Ariz. 493, 496 n.4 (App. 2000) (“Several amici have appeared,  
13 both here and in the trial court, supporting the respective positions advanced by the appellants,  
14 the City, and the District.”).

15 **II. Interests of the *Amicus Curiae*.**

16 *Amicus curiae* is Arizona’s Secretary of State who has an interest in the timely and orderly  
17 administration of elections, including canvassing the election. The Secretary also has an interest  
18 in the accurate portrayal of Arizona’s election process and procedures, and to ensure that the  
19 overall integrity of the election is not undermined by baseless claims. In Secretary’s view,  
20 Plaintiffs’ claims with respect to the use of Sharpie brand pens to mark ballots and resultant  
21 rejection of ballots by voting machines reflects a fundamental misunderstanding of Arizona’s  
22 voting technology and procedures. Moreover, the Secretary is concerned about Plaintiffs’ vague  
23 and ambiguous claims of widescale voter disenfranchisement and related requests for extensive  
24 discovery, a protracted litigation schedule, and declarations of election violations. The Secretary  
25 is acutely aware of the deadlines governing Arizona elections and the impact of Plaintiffs’ claims

26

1 on the final canvass. In short, the Secretary has an interest in ensuring that the Court set this  
2 matter for an immediate hearing to avoid undue delay and uncertainty.

3 **III. Accepting this brief will assist the Court.**

4 Under Arizona’s Rules of Civil Appellate Procedure, amicus briefs may be filed where a  
5 court determines that amici “can provide information, perspective, or argument that can help the  
6 appellate court beyond the help that the parties’ lawyers provide.” Ariz. R. Civ. App. P.  
7 16(b)(1)(C)(iii). While this rule is not binding on this Court, it provides guidance for determining  
8 when to accept amicus curiae briefs. This brief provides the court with useful background in  
9 understanding the election deadline that are relevant to this case.

10 Moreover, as stated above, all parties—except for Plaintiffs who did not provide their  
11 position in advance of this filing—have consented or stated their non-opposition to the  
12 Secretary’s filing.

13 **IV. Conclusion.**

14 For the foregoing reasons, amicus Secretary of State Hobbs respectfully requests that this  
15 Court grant the motion for leave to file the accompanying brief.

16 RESPECTFULLY SUBMITTED this 6th day of November, 2020.

17 **COPPERSMITH BROCKELMAN PLC**

18 By /s/ Roopali H. Desai

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21 Kristen Yost

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22 ORIGINAL efiled and served via email  
23 this 6th day of November, 2020, upon:

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25 /s/ Sheri McAlister  
26 \_\_\_\_\_