

2022 APR 21 PM 1:37 ✓

DONNA HOQUALITY, CLERK

L FISHER

BY: \_\_\_\_\_

1 **MARK BRNOVICH**  
2 **ARIZONA ATTORNEY GENERAL**

3 Firm State Bar No. 14000

4 Joseph A. Kanefield (State Bar No. 15838)  
5 Brunn W. Roysden III (State Bar No. 28698)  
6 Michael S. Catlett (State Bar No. 25238)  
7 Jennifer J. Wright (State Bar No. 27145)  
8 *Assistant Attorneys General*

9 2005 N. Central Ave.  
10 Phoenix, Arizona 85004  
11 Telephone: (602) 542-8958

12 ACL@azag.gov

13 *Attorneys for Plaintiff Mark Brnovich,*  
14 *Arizona Attorney General*

15 Brian M. Bergin (State Bar No. 016375)  
16 Bergin, Franks, Smalley & Oberholtzer  
17 4343 E. Camelback Rd, Ste 210  
18 Phoenix, AZ 85018

19 Telephone: (602) 888-7869

20 bbergin@bfsolaw.com

21 *Attorney for Plaintiffs Demitra Manjoros*  
22 *and Yavapai Republican Committee*

23 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

24 **IN AND FOR THE COUNTY OF YAVAPAI**

25 Mark Brnovich, in his official capacity as  
26 Arizona Attorney General; Yavapai County  
Republican Committee, an unincorporated  
association; and Demitra Manjoros, First  
Vice Chair of the Yavapai County  
Republican Committee and registered voter  
in Yavapai County,

Plaintiffs

vs.

Katie Hobbs, in her official capacity as  
Arizona Secretary of State,

Defendant.

Case No: P1300CV

202200269-

**PLAINTIFFS' APPLICATION FOR  
ORDER TO SHOW CAUSE**

**[EXPEDITED ELECTION CASE]**

1 Pursuant to Arizona Rule of Civil Procedure 7.3, Plaintiffs hereby apply for the entry of  
2 an order to show cause as to why the relief Plaintiffs request in Plaintiffs' Verified Complaint for  
3 Special Action Relief ("Verified Complaint") should not be granted. As the Verified Complaint  
4 explains in more detail, Plaintiffs are entitled to special action relief requiring the Secretary of  
5 State to comply with her statutory duty under A.R.S. § 16-452 to provide the Attorney General  
6 and Governor with a draft Election Procedures Manual and, following approval by the Attorney  
7 General and Governor, to promulgate the Election Procedures Manual for use during the 2022  
8 election cycle. Moreover, the Secretary of State is required under A.R.S. § 16-452 to include in  
9 the Election Procedures Manual rules regarding ballot signature verification and the use of ballot  
10 drop boxes.

11 Special action jurisdiction and relief is appropriate here for a number of reasons. "[O]ne  
12 purpose of a mandamus action is to determine the extent of a state official's legal duties."  
13 *Arizonans for Second Chances, Rehab., & Pub. Safety v. Hobbs*, 249 Ariz. 396, 404 ¶19 (2020).  
14 Plaintiffs ask the Court to determine the extent of the Secretary's legal duties under A.R.S. § 16-  
15 452, and, therefore, Plaintiffs' claims state a claim for special action relief. The issues  
16 presented—the scope of the Secretary's duties under A.R.S. § 16-452 and whether the Secretary  
17 has complied with those duties—are primarily legal questions, and the ultimate resolution of  
18 those issues is not likely to turn on disputed facts. *See Second Chances*, 249 Ariz. at 404-05 ¶20;  
19 *Brewer v. Burns*, 222 Ariz. 234, 237 ¶¶ 8-9 (2009) (granting special action jurisdiction even  
20 though one party claimed "intense fact questions"). The issues presented are also of statewide  
21 importance. The Elections Procedural Manual is used by election officials throughout the state  
22 in administering elections. Without a valid EPM for the 2022 election cycle, the rules that would  
23 otherwise be contained therein cannot be enforced. The absence of statewide rules to guide  
24 county officials in the administration of the election could result in arbitrary treatment of ballots,  
25 which could engender violations of Arizona election laws and post-election challenges. Finally,  
26 there is a need for final, immediate relief. The 2022 statewide primary election is rapidly

1 approaching. Election officials, including the Yavapai County Recorder, will be mailing early  
2 ballots for the primary election to uniformed and overseas voters no later than June 18, 2022 and  
3 all early ballots to Arizona voters no later than July 6, 2022. Plaintiffs ask the Court to order the  
4 Secretary to comply with her statutory duties no later than May 4, 2022. Plaintiffs, therefore, ask  
5 that a Show Cause hearing be set expeditiously.

6 Attached hereto as Exhibit A is a proposed Order to Show Cause and attached hereto as  
7 Exhibit B is a proposed Final Judgment Granting Special Action Relief.

8  
9  
10 RESPECTFULLY SUBMITTED this 21st day of April, 2022.

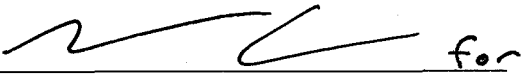
11 **MARK BRNOVICH**  
12 **ATTORNEY GENERAL**

13 By /s/ 

14 Joseph A. Kanefield  
15 Brunn ("Beau") W. Roysden III  
16 Michael S. Catlett  
17 Jennifer J. Wright  
18 *Assistant Attorneys General*

19 *Attorneys for Plaintiff Attorney General Mark*  
20 *Brnovich,*

21 **BERGIN, FRANKS, SMALLEY & OBERHOLTZER**

22 By /s/  *for*

23 Brian M. Bergin

24 *Attorney for Plaintiffs Demitra Manjoros*  
25 *and Yavapai Republican Committee*  
26

RETRIEVED FROM DEMOCRACYDOCKET.COM

# Exhibit A

1 **MARK BRNOVICH**  
2 **ARIZONA ATTORNEY GENERAL**

3 Firm State Bar No. 14000

4 Joseph A. Kanefield (State Bar No. 15838)  
5 Brunn W. Roysden III (State Bar No. 28698)

6 Michael S. Catlett (State Bar No. 25238)  
7 Jennifer J. Wright (State Bar No. 27145)

8 *Assistant Attorneys General*

9 2005 N. Central Ave.

10 Phoenix, Arizona 85004

11 Telephone: (602) 542-8958

12 [ACL@azag.gov](mailto:ACL@azag.gov)

13 *Attorneys for Plaintiff Mark Brnovich,*  
14 *Arizona Attorney General*

15 Brian M. Bergin (State Bar No. 016375)

16 Bergin, Franks, Smalley & Oberholtzer

17 4343 E. Camelback Rd, Ste 210

18 Phoenix, AZ 85018

19 Telephone: (602) 888-7869

20 [bbergin@bfsolaw.com](mailto:bbergin@bfsolaw.com)

21 *Attorney for Plaintiffs Demitra Manjoros*  
22 *and Yavapai Republican Committee*

23 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

24 **IN AND FOR THE COUNTY OF YAVAPAI**

25 Mark Brnovich, in his official capacity as  
26 Arizona Attorney General; Yavapai County  
Republican Committee, an unincorporated  
association; and Demitra Manjoros, First  
Vice Chair of the Yavapai County  
Republican Committee and registered voter  
in Yavapai County,

Plaintiffs

vs.

Katie Hobbs, in her official capacity as  
Arizona Secretary of State,

Defendant.

Case No:

**ORDER TO SHOW CAUSE**

**[EXPEDITED ELECTION CASE]**

1 Upon application of the Plaintiffs and good cause appearing,

2 IT IS HEREBY ORDERED that Defendant Katie Hobbs, in her official capacity as  
3 Arizona Secretary of State, shall appear in person or through counsel before this Court on the  
4 \_\_\_\_ day of \_\_\_\_\_, 2022, at the hour of \_\_\_\_ .m. (\_\_\_\_ hours allotted) at the  
5 Yavapai County Superior Court located at 120 S. Cortez, Prescott, AZ 86303, Courtroom \_\_\_\_,  
6 then and there to show cause why the requested relief should not be awarded.  
7

8 Additional instructions are as follows:

9 IT IS FURTHER ORDERED that Plaintiffs shall serve the Defendants within one (1)  
10 business day of receipt of this order. Service may be effected by leaving a copy of the filings in  
11 this case at Defendant's office, and emailing a copy to Defendant's Assistant Secretary of State  
12 and General Counsel at their government email addresses.  
13

14 IT IS FURTHER ORDERED that Defendant shall, by \_\_\_\_\_, \_\_\_\_ 2022, file a response  
15 to Plaintiffs' Verified Petition for Special Action Relief and email a courtesy copy of the response  
16 to Plaintiffs' counsel and to the Court at \_\_\_\_\_.

17 IT IS FURTHER ORDERED that Plaintiffs shall, by \_\_\_\_\_, \_\_\_\_ 2022, file a reply in  
18 support of Plaintiffs' Verified Petition for Special Action Relief and email a courtesy copy of the  
19 reply to Defendant's counsel and to the Court at \_\_\_\_\_.  
20

21  
22  
23 Dated: \_\_\_\_\_

24 Judge \_\_\_\_\_, Yavapai County Superior Court  
25  
26

RETRIEVED FROM DEMOCRACYDOCKET.COM

# Exhibit B

1 **MARK BRNOVICH**  
2 **ARIZONA ATTORNEY GENERAL**

3 Firm State Bar No. 14000

4 Joseph A. Kanefield (State Bar No. 15838)

5 Brunn W. Roysden III (State Bar No. 28698)

6 Michael S. Catlett (State Bar No. 25238)

7 Jennifer J. Wright (State Bar No. 27145)

8 *Assistant Attorneys General*

9 2005 N. Central Ave.

10 Phoenix, Arizona 85004

11 Telephone: (602) 542-8958

12 [ACL@azag.gov](mailto:ACL@azag.gov)

13 *Attorneys for Plaintiff Mark Brnovich,*

14 *Arizona Attorney General*

15 Brian M. Bergin (State Bar No. 016375)

16 Bergin, Franks, Smalley & Oberholtzer

17 4343 E. Camelback Rd, Ste 210

18 Phoenix, AZ 85018

19 Telephone: (602) 888-7869

20 [bbergin@bfsolaw.com](mailto:bbergin@bfsolaw.com)

21 *Attorney for Plaintiffs Demitra Manjoros*

22 *and Yavapai Republican Committee*

23 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

24 **IN AND FOR THE COUNTY OF YAVAPAI**

25 Mark Brnovich, in his official capacity as  
26 Arizona Attorney General; Yavapai County  
Republican Committee, an unincorporated  
association; and Demitra Manjoros, First  
Vice Chair of the Yavapai County  
Republican Committee and registered voter  
in Yavapai County,

Plaintiffs

vs.

Katie Hobbs, in her official capacity as  
Arizona Secretary of State,

Defendant.

Case No:

**FINAL JUDGMENT GRANTING  
SPECIAL ACTION RELIEF**

**[EXPEDITED ELECTION CASE]**



1 Upon application of the Plaintiffs and good cause appearing,

2 IT IS HEREBY ORDERED that Defendant Katie Hobbs, Arizona Secretary of State, shall  
3 promptly provide the Attorney General and Governor with a legally-compliant draft Election  
4 Procedures Manual for approval on or before 5:00 p.m. on May 4, 2022;  
5

6 IT IS FURTHER ORDERED that Defendant Katie Hobbs shall include rules for county  
7 officials regarding ballot signature verification in the draft Election Procedures Manual provided  
8 to the Attorney General and Governor for approval;

9 IT IS FURTHER ORDERED that Defendant Katie Hobbs shall include rules prohibiting  
10 county election officials from outsourcing any part of the ballot signature verification process to  
11 a non-governmental third party and providing guidance regarding the procurement and use of  
12 computer software to verify ballot signatures in the draft Election Procedures Manual provided  
13 to the Attorney General and Governor for approval;  
14

15 IT IS FURTHER ORDERED that Defendant Katie Hobbs shall include rules for county  
16 officials to properly staff ballot drop boxes in the draft Election Procedures Manual provided to  
17 the Attorney General and Governor for approval;

18 IT IS FURTHER ORDERED that there is no just reason for delay and entering this as a  
19 final judgment pursuant to Arizona Rule of Civil Procedure 54(b).  
20

21 Dated: \_\_\_\_\_

22 \_\_\_\_\_  
23 Judge \_\_\_\_\_, Yavapai County Superior Court  
24  
25  
26