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11 \* *Application for Pro Hac Vice Forthcoming*

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15 **ARIZONA SUPERIOR COURT**

16 **YAVAPAI COUNTY**

17 MARK BRNOVICH, in his official capacity as ) No. P1300CV202200269  
18 Arizona Attorney General, et al., )

19 Plaintiffs, )

**NOTICE OF ERRATA**

20 v. )

21 KATIE HOBBS, in her capacity as the )  
Secretary of State of Arizona, )

22 Defendant. )  
23 )

24 Defendant Katie Hobbs, in her official capacity as Arizona's Secretary of State  
25 ("Secretary"), submits this notice of errata to correct a typographical error in the Response to  
26 Plaintiffs' Application for Order to Show Cause and Opposition to Plaintiffs' Request for Special

1 Action Relief. In the paragraph beginning on page 9, line 22 and ending on page 10, line 8, the  
2 Response inadvertently uses the word “Complaint” instead of “petition.” That paragraph should  
3 read as follows:

4 Plaintiffs repeatedly claim that *McKenna v. Soto*, 250 Ariz. 469, 473 ¶ 20 (2021), and  
5 *Leach v. Hobbs*, 250 Ariz. 572, 576 ¶ 21 (2021) somehow limited the Secretary’s authority to  
6 include provisions in the EPM. But neither case supports that claim. In *McKenna*, the supreme  
7 court held that EPM provisions governing candidate nomination petitions were not binding,  
8 because § 16-452 allows the Secretary to adopt binding rules governing only “early voting and  
9 voting, and . . . producing, distributing, collecting, counting, tabulating and storing ballots.” §  
10 16-452(A). But the court expressly recognized that the “EPM also contains guidance on matters  
11 outside these specific topics, including candidate nomination petition procedures, and the  
12 regulation of petition circulators[.]” 250 Ariz. at 473 ¶ 20 (citation omitted) (emphasis added).  
13 *Leach* is no different. It stated the unremarkable proposition that an EPM rule “does not have  
14 the force of law” if it exceeds the scope of § 16-452 or conflicts with a statute. 250 Ariz. at 576  
15 ¶ 21. In short, neither *McKenna* nor *Leach* changed the Secretary’s statutory authority for  
16 purposes of the EPM.

17 RESPECTFULLY SUBMITTED this 28th day of April, 2022.

18 **COPPERSMITH BROCKELMAN PLC**

19 By: /s/ Roopali H. Desai

20 Roopali H. Desai

21 D. Andrew Gaona

Kristen Yost

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18 /s/ Diana Hanson  
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