

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

SCOT MUSSI, an individual;
AIMEE YENTES, an individual; and
ARIZONA FREE ENTERPRISE
CLUB, a nonprofit corporation,

Plaintiffs,

v.

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

Defendant,

And

ARIZONANS FOR FREE AND
FAIR ELECTIONS (ADRC
ACTION), a political committee,

Real Party in

Interest.

Case No.: CV2022-009391

AMENDED FINAL JUDGMENT

(Assigned to Honorable Joseph P.
Mikitish)

This matter having been remanded by the Arizona Supreme Court in its supplemental decision order filed 08/25/2022, this Court enters this Amended Judgment to address the issues identified for remand.

THIS COURT FINDS, following review by the Arizona Secretary of State, the Committee had 399,858 valid signatures. *See* Exhibit 304 at 2. In total, 237,645 valid

1 signatures are required to qualify initiative measure I-16-2022 for the November 8,
2 2022, general election ballot. *See* Ariz. Const. art. IV, pt. 1, § 1(2).

3 **THE COURT FURTHER FINDS** that during the course of this litigation, 96,237
4 signatures have been successfully challenged by the Plaintiffs and the removal of
5 signatures under Objection 5(c) was consistent with the Court's ruling and party
6 stipulations. Therefore, 96,237 signatures shall be removed from the total valid signatures
7 leaving the committee with 303,621 valid signatures. *See* Stipulation regarding Counts
8 (Stipulation), August 26, 2022, ¶ 1. The Court incorporates by reference all of the
9 findings in the Stipulation and accompanying Attachment.

10 **THE COURT FURTHER FINDS** that, that the county recorders collectively
11 found 15,140 signatures in the random sample to be valid, and 4,852 signatures to be
12 invalid. *See* Stip. ¶ 2.¹

13 **THE COURT FURTHER FINDS** that, that 412 of the disqualified signatures in
14 the random sample shall be restored as valid because they overlap with signatures
15 previously invalidated by the Court during this litigation. *See* Stip. ¶ 3.

16 **THE COURT FURTHER FINDS** that, as adjusted to eliminate the double-
17 counting of invalidated signatures, the random sample contains 15,552 valid signatures
18 and 4,440 invalid signatures, which produces an adjusted validity rate of 77.79% (*i.e.*,
19 15,552/19,992). *See* Stip. ¶ 4.

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21 ¹ These totals reflect the 12 signatures rehabilitated in *Mabry v. Hobbs*, Maricopa
Docket No. CV2022-010956, Judgment (Aug. 25, 2022).

1 **THE COURT FURTHER FINDS** that multiplying the 303,621 valid signatures
2 by the adjusted validity rate of 77.79% leaves 236,187 valid signatures, which is below
3 the 237,645 valid signatures required.

4 **THE COURT MAKES FURTHER FINDINGS** below as to the remaining
5 Objections raised in this litigation but not previously determined, Objections 27-30, but
6 finds those findings are not dispositive given the previous findings. The Court makes
7 these findings to allow the Arizona Supreme Court to have a full factual record for any
8 further determinations.

9 Based on the County Recorders' review of the random sample for voters not
10 registered, and signatures mismatch, **THE COURT FINDS** that 61,358 signatures will
11 be removed from the total pursuant to Objections 27 and 30 of the Complaint.

12 Based on the County Recorders' review of the random sample for voters who
13 registered after signing the initiative petition, **THE COURT FINDS THAT** an
14 additional 1,245 signatures will be removed from the total pursuant to Objection 28 of
15 the Complaint.

16 Based on the County Recorders' review of the random sample for voters who are
17 registered as Federal Only voters, **THE COURT FINDS THAT** an additional 911
18 signatures will be removed from the total pursuant to Objection 29 of the Complaint.

19 Based on the foregoing findings,
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IT IS HEREBY ORDERED that the Secretary of State shall rescind her previously issued determination that the measure is qualified for the November 2022 General Election Ballot.

No further matters remain pending, and this Court signs this Amended Final Judgment entered pursuant to Rule 54(c).

DATED this 26th day of August, 2022.


Honorable Joseph Mikitish