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21 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
22 **IN AND FOR THE COUNTY OF MARICOPA**

23 REPUBLICAN NATIONAL
24 COMMITTEE, a national political party
25 committee; REPUBLICAN PARTY OF
26 ARIZONA, a recognized political party,

27 Plaintiffs,

28 v.

STEPHEN RICHER, in his official capacity
as the Maricopa County Recorder; REY
VALENZUELA, in his official capacity as
the Maricopa County Director of Elections
for Election Services and Early Voting;
SCOTT JARRETT, in his official capacity
as the Maricopa County Director of
Elections for Election Day and Emergency

**APPLICATION FOR ORDER TO
SHOW CAUSE**

Case No.: CV2022-013385

1 Voting; and the MARICOPA COUNTY
2 BOARD OF SUPERVISORS, in its official
3 capacity,

Defendants.

4 **I. APPLICATION**

5 Pursuant to Rule 4(c) of the Arizona Rules of Procedure for Special Actions,
6 Plaintiffs Republican National Committee and Republican Party of Arizona (“Plaintiffs”)
7 respectfully move this Court for an Order (i) directing the Defendants to show cause why
8 Plaintiffs should not be granted the relief sought in their Complaint for Special Action
9 and this Application, and (ii) setting a return hearing. *See* Ariz. R. P. Spe. Act. 4(c) (“If a
10 show cause procedure is used, the court shall set a speedy return date.”) (emphasis
11 supplied).

12 This cause of action is a special action brought pursuant to Article 6, § 14 of the
13 Arizona Constitution, A.R.S. § 12-2021 and the Arizona Rules of Procedure for Special
14 Actions seeking to vindicate rights to equal participation in election administration for the
15 major parties under the “Equal Access Statutes”. *See e.g.*, A.R.S. §§ 16-531, -532, -549, -
16 551, -552, -621. Rule 4(c), Ariz. R. P. Spec. Act. authorizes the filing of an application
17 for an order to show cause with a special action.

18 This application is made for the reasons set forth in this Application and more
19 fully set forth in Plaintiff’s Verified Complaint, which is fully incorporated herein.
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1 **II. THIS CAUSE OF ACTION IMPLICATES CRITICAL RIGHTS IN**
2 **REGARD TO LAWS INTENDED TO PROTECT THE INTEGRITY OF**
3 **ELECTIONS BY PROVIDING BOTH MAJOR PARTIES THE RIGHT TO**
4 **PARTICIPATE IN ELECTION ADMINISTRATION EQUALLY**

5 The law in Arizona is clear. The Equal Access Statutes require Maricopa County
6 to hire equal number of election workers from the two largest political parties. Parity is
7 not all the law requires. In an effort to further build confidence in the election process, the
8 law gives political parties the right to designate trusted members to be appointed to such
9 boards. *See e.g.*, EPM at 133 ("At least 90 days before an election, the county chairperson
10 of the two largest political parties may designate qualified electors to serve on election
11 boards. When the list is timely submitted, it shall be used to appoint judges."). *See also*
12 *for e.g.*, A.R.S. § 16-531, 549,551,621; EPM at 66, 196-97.

13
14 As shown in the Verified Complaint, Maricopa County has created an artificial
15 barrier by implementing unnecessarily rigid and onerous scheduling requirements to be
16 hired as an election worker for the general election. As a result, this artificial barrier
17 produced, and is producing, a statutorily impermissible imbalance in the number of
18 election workers registered to vote with each of the two major parties.
19

20 For the 2022 primary election, Maricopa County hired 857 Democratic poll
21 workers but only 712 Republican poll workers. Additionally, at least 11 Maricopa County
22 voting centers during the 2022 primary election did not have any Republican poll
23 workers.
24

25 There is no question that administering a general election in Maricopa County
26 involves many moving parts and logistical questions. And yet, these inherent difficulties
27 cannot provide an excuse for not complying with the Equal Access Statutes. The County
28

1 is required to comply with the Equal Access Statutes and is required to hire people who
2 are lawfully chosen to serve in that capacity by the Arizona Republican Party. The
3 statutes do not provide the County with discretion.

4 Even if it were the case that the County had discretion to impose requirements,
5 these and similar laws would indicate that the scope of their discretion, if any is tightly
6 constrained. The purpose of these laws is not efficiency. Rather, the purpose is to allow
7 for third-party oversight of, and participation in, the elections process by independently
8 appointed board members that the political parties themselves deem trustworthy.
9

10 The way the County has done it to date simply has not worked, and the statutes
11 require that the county's system "work" in that it must produce equal representation for
12 the two major parties. The County seems to think that as between the Equal Access
13 Statute and its rigid hiring system, it is the Equal Access Statute that must yield. This is
14 wrong—fealty to rigid scheduling criteria should not stand in the way of complying with
15 the law. The County must adhere to the law and remove the artificial barriers that have
16 resulted in the statutorily impermissible imbalance in the number of election workers
17 registered to vote with each of the two major parties
18

19 Knowing that each party can equally participate also helps give the public
20 confidence. This lawsuit is necessary to restore the statutorily required balance.
21

22
23 **III. PLAINTIFFS NEED ONLY SHOW THAT THE COUNTY IS ACTING**
24 **UNLAWFULLY TO PREVAIL**

25 In terms of what the Plaintiffs must show, the Arizona Supreme Court answered
26 that question under substantively the same circumstances in 2020:

27 Because Plaintiffs have shown that the Recorder has acted unlawfully and
28 exceeded his constitutional and statutory authority, they need not satisfy the

1 standard for injunctive relief. *See Burton v. Celentano*, 134 Ariz. 594, 596,
2 658 P.2d 247, 249 (App. 1982) (“[W]hen the acts sought to be enjoined
3 have been declared unlawful or clearly are against the public interest,
4 plaintiff need show neither irreparable injury nor a balance of hardship in
5 his favor.” (quoting 11 Charles Alan Wright & Arthur R. Miller, *Federal*
6 *Practice and Procedure* § 2948 (3d ed. 1998))); *see Current-Jacks Fork*
7 *Canoe Rental Ass'n v. Clark*, 603 F. Supp. 421, 427 (E.D. Mo. 1985)
8 (stating that “[i]n actions to enjoin continued violations of federal statutes,
9 once a movant establishes the likelihood of prevailing on the merits,
10 irreparable harm to the public is presumed”)

11 *Arizona Public Integrity Alliance v. Fontes*, 250 Ariz. 58, 64 (2020). The only
12 question for this Court is whether the government Defendants have acted unlawfully.

13 IV. CONCLUSION

14 Plaintiffs respectfully request that the Court enter the Order to Show Cause so that
15 Plaintiffs may vindicate the critical rights and interests identified in the Verified
16 Complaint and above.

17 RESPECTFULLY SUBMITTED this 13th day of October, 2022.

18 **TIMOTHY A. LA SOTA, PLC**

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I hereby certify that on October 13, 2022, I caused the following parties or persons to be served via email:

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