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23 *Defendants ADP and DSCC*

24 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

25 IN AND FOR THE COUNTY OF MARICOPA

26 REPUBLICAN NATIONAL COMMITTEE,  
27 et al.,

28 Plaintiffs,

v.

STEPHEN RICHER, et al.,

Defendants.

No. CV2022-013185

**MOTION TO INTERVENE**

(Assigned to the Honorable John Hannah)

1 INTRODUCTION

2 Just one month before the 2022 General Election, Plaintiffs ask this Court to insert  
3 itself into Maricopa County’s election administration and micromanage the hours and  
4 conditions for the County’s election workers. Plaintiffs’ requested relief threatens to  
5 hamstring the County’s ability to serve and assist its 1.5 million registered voters in casting  
6 their ballots. The predictable administrative failures that are likely to follow directly  
7 threaten Proposed Intervenor-Defendants the Arizona Democratic Party (“ADP”) and the  
8 DSCC—the national Democratic Party committee dedicated to electing Democrats to the  
9 United States Senate—who seek to intervene to protect their members and constituents, the  
10 candidates they support, and the voters of Maricopa County.

11 Plaintiffs allege that, in past elections, fewer Republican than Democratic appointees  
12 have ultimately served on Maricopa County’s election boards. Plaintiffs blame certain  
13 demands that Maricopa makes of its election workers, including hours requirements, for  
14 this difference. But Plaintiffs fail to explain why these requirements make it harder for *only*  
15 Plaintiffs to find enough members willing to do the job, when the rules apply equally to poll  
16 workers appointed by *both* major parties. And while Plaintiffs emphasize their statutory  
17 rights to designate appointees to various election boards, they identify no legal basis for  
18 their startling assertion that those designees are exempt from the County’s generally  
19 applicable requirements for the positions to which they are appointed, or that the County is  
20 somehow required to alter those requirements to make those positions more palatable to  
21 designees who are unwilling or unable to serve. Compl. ¶¶ 33–34. Plaintiffs fail to explain  
22 how it is Maricopa County’s fault if equal representation on election boards is sometimes  
23 impossible because Republicans are unwilling to serve.

24 If, as Plaintiffs say, “Republican nominees” are “unwilling[] . . . to work the schedule  
25 demanded by Maricopa County,” *id.* ¶ 26, that is a problem for Plaintiffs to solve by  
26 designating election workers who are willing to do the job. Plaintiffs assert that “earnest  
27 and civic-minded citizens” are deterred from serving on the boards because Maricopa  
28 County requires that appointees to its election boards “work long hours.” Compl. ¶ 31. But

1 they provide no support for this causal inference, nor do they explain why Maricopa’s hours  
2 requirements deter Republicans more than board nominees from other political parties.  
3 Similarly, Plaintiffs assume that worker turnover on Maricopa County’s boards is due to  
4 working conditions and the County’s alleged failure to “make earnest efforts to attract and  
5 retain citizens in the administration of Arizona elections.” *Id.* But Plaintiffs offer no basis  
6 beyond conjecture for placing the blame on the County. As Plaintiffs observe, there are  
7 more than one hundred thousand more registered Republican than Democratic voters in  
8 Maricopa County. *Id.* ¶ 23. All Maricopa County election workers face the same hours  
9 requirements and working conditions. Proposed Intervenors have managed to designate poll  
10 workers who will do the job. If Plaintiffs have struggled to do the same, the answer is for  
11 Plaintiffs to improve their recruiting efforts, not to judicially mandate that the County  
12 change its job requirements for election boards.

13         Instead, Plaintiffs ask this Court to step in and compensate for their failure to  
14 adequately recruit poll workers by mandating that Maricopa County change its election  
15 rules to reduce election-worker hours, make unspecified alterations to working conditions,  
16 and establish a “bullpen” of backup election workers designated by Republicans—all with  
17 election day just a few weeks away. As Arizona courts have repeatedly recognized, such  
18 late-filed challenges to election procedures severely prejudice not only the parties, but also  
19 the courts and the voters of Arizona. *See Mathieu v. Mahoney*, 174 Ariz. 456, 461 (1993)  
20 (“Last-minute election challenges, which could have been avoided, prejudice not only  
21 defendants but the entire system.”); *see also Sotomayor v. Burns*, 199 Ariz. 81, 83, ¶ 9  
22 (2000); *Ariz. Libertarian Party v. Reagan*, 189 F. Supp. 3d 920, 924–25 (D. Ariz. 2016).

23         Proposed Intervenors seek to prevent the widespread harms Plaintiffs’ requested  
24 relief would impose. Proposed Intervenors meet the requirements for both intervention as  
25 of right and permissive intervention under Arizona Rule of Civil Procedure 24. Proposed  
26 Intervenors seek intervention to protect the rights of their voters and constituents, their  
27 candidates, and their own rights as political party organizations and committees. Proposed  
28 Intervenors’ perspective differs markedly from that of the existing parties, which do not and

1 cannot adequately represent Proposed Intervenors in this litigation. As many courts have  
2 recognized, government defendants cannot give the same kind of primacy to the interests  
3 advanced by political parties; thus, political parties are regularly granted intervention in  
4 cases involving election administration. Indeed, Proposed Intervenors were granted  
5 intervention as defendants in a case challenging election procedures in the Mohave County  
6 Superior Court earlier this year. *See* Order Granting Mot. to Intervene, *Ariz. Republican*  
7 *Party v. Hobbs*, No. S-8015-CV-202200594 (Mohave Cnty. Sup. Ct. May 31, 2022),  
8 attached as **Ex. A**.

9 For these reasons, and as discussed further below, Proposed Intervenors should be  
10 granted intervention as of right, or, in the alternative, permissive intervention.

### 11 **ARGUMENT**

12 Under Arizona Rule of Civil Procedure 24 and Arizona Rule of Procedure for Special  
13 Actions 2(b), a party is entitled to intervene where, on timely motion, the party “claims an  
14 interest relating to the subject of the action, and . . . disposing of the action in the person’s  
15 absence may as a practical matter impair or impede the person’s ability to protect that  
16 interest, unless existing parties adequately represent that interest.” Ariz. R. Civ. P. 24(a).  
17 Alternatively, intervention may be permitted where the motion is timely and a party “has a  
18 claim or defense that shares with the main action a common question of law or fact.” Ariz.  
19 R. Civ. P. 24(b)(1). Rule 24 is a remedial rule that “should be construed liberally in order  
20 to assist parties seeking to obtain justice in protecting their rights.” *Dowling v. Stapley*, 221  
21 Ariz. 251, 270, ¶ 58 (App. 2009). Proposed Intervenors satisfy both standards and their  
22 motion to intervene should be granted. Consistent with Rule 24, Proposed Intervenors have  
23 attached a proposed answer as their “pleading in intervention.” Ariz. R. Civ. P. 24(c).<sup>1</sup>

#### 24 **I. Proposed Intervenors are entitled to intervene as of right.**

25 Proposed Intervenors are entitled to intervene as of right under Rule 24(a). The Court  
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27 <sup>1</sup> While Rule 24 requires a “pleading,” Rule 12 requires that certain defenses be  
28 asserted by motion prior to a responsive pleading. Ariz. R. Civ. P. 12(b). Accordingly, if  
granted intervention, Proposed Intervenors intend to file a motion to dismiss prior to filing  
their proposed Answer.

1 must allow intervention where a proposed intervenor satisfies four elements: “(1) the  
2 motion must be timely; (2) the applicant must assert an interest relating to the property or  
3 transaction which is the subject of the action; (3) the applicant must show that disposition  
4 of the action may impair or impede its ability to protect its interest; and (4) the applicant  
5 must show that the other parties would not adequately represent its interests.” *Woodbridge*  
6 *Structured Funding, LLC v. Ariz. Lottery*, 235 Ariz. 25, 28, ¶ 13 (App. 2014). Proposed  
7 Intervenors meet each of these requirements.

8 **A. The motion to intervene is timely.**

9 Proposed Intervenors timely filed this motion to intervene. Plaintiffs filed this suit  
10 on Wednesday, October 5, 2022. Proposed Intervenors file this motion to intervene along  
11 with their proposed Answer on Monday, October 10, 2022—only five days later, and before  
12 any responsive pleadings have been filed.

13 Timeliness under Rule 24 is “flexible,” and the most important consideration “is  
14 whether the delay in moving for intervention will prejudice the existing parties to the case.”  
15 *Weaver v. Synthes, Ltd. (U.S.A.)*, 162 Ariz. 442, 446 (App. 1989). Here, granting the motion  
16 would not require altering any existing deadlines. Because Proposed Intervenors’  
17 intervention would prejudice no party, the motion is timely.

18 **B. The disposition of this case will impair Proposed Intervenors’ and their**  
19 **members’ and constituents’ abilities to protect their interests.**

20 Political parties and committees are routinely permitted to intervene in litigation  
21 challenging election procedures, in Arizona and elsewhere, because of their obvious interest  
22 in how elections are administered. *See, e.g., Ariz. Republican Party, supra; Maricopa Cnty.*  
23 *Republican Party v. Reagan*, No. CV2018-013963 (Ariz. Super. Ct. Maricopa Cnty. Nov.  
24 8, 2018), attached as **Ex. B** (granting intervention to political parties and other interested  
25 political actors in election dispute); *Mi Familia Vota v. Hobbs*, No. 20-cv-01903, ECF No.  
26 25 (D. Ariz. Oct. 5, 2020) (granting intervention to political party in election dispute). The  
27 Court should reach the same conclusion here, where Proposed Intervenors have multiple  
28 interests that Plaintiffs’ lawsuit threatens to impair.

1           *First*, Proposed Intervenors, on behalf of their members and candidates, have a  
2 strong interest in a well-run, adequately staffed election in Maricopa County. Maricopa is  
3 the largest county in Arizona and the second-largest voting jurisdiction in the entire country,  
4 with over 1.5 million active registered voters.<sup>2</sup> Plaintiffs ask this Court to micromanage,  
5 less than one month before the election, how Maricopa County administers its elections,  
6 including by dictating the work schedules for board appointees, establishing unspecified  
7 “reasonably hospitable” workplace conditions, and imposing on the County an entirely new  
8 requirement to create “a bullpen of Republican election workers sufficient to backfill  
9 projected attrition amongst . . . Republican board appointees.” Compl. 12–13. Plaintiffs thus  
10 ask the Court to insert itself into the mechanics of Maricopa County’s elections in ways that  
11 may hamstring the County’s ability to serve its 1.5 million active voters while  
12 simultaneously adding new legal obligations for the County to fulfill on the eve of the  
13 election. Proposed Intervenors have a direct and substantial interest in preserving Maricopa  
14 County’s existing election rules against this attack.

15           As described by Plaintiffs, appointees to Maricopa County’s various election boards  
16 perform myriad critical functions. They “oversee in-person voting on Election Day by  
17 confirming voter identity, handing out ballots to qualified electors, assisting voters, [and]  
18 returning materials to the county at the conclusion of voting,” among other things. Compl.  
19 ¶ 15 (citing A.R.S. § 16-531(A)). They also “oversee the processing and tabulation of early  
20 ballots,” “manually review ambiguously marked ballots to ensure an accurate tabulation of  
21 voters,” and “oversee operations at Maricopa County’s election headquarters that are not  
22 statutorily assigned to other boards.” *Id.* (citing A.R.S. §§ 16-551(A)–(B), 16-621(B); Ariz.  
23 Sec’y of State, *Elections Procedures Manual* (2019) (“EPM”) at 197). To adequately  
24 perform these numerous functions, Maricopa County’s board nominees must “work long  
25 hours” during the early voting period. *Id.* ¶ 31. Indiscriminately reducing these hours and  
26 changing working conditions, as Plaintiffs demand, threatens to leave election

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27           <sup>2</sup> See Maricopa County Elections Department, *Maricopa County Voter Registration*  
28 *Totals*, [https://recorder.maricopa.gov/Elections/VoterRegistration/redirect\\_new.aspx](https://recorder.maricopa.gov/Elections/VoterRegistration/redirect_new.aspx) (last  
visited Oct. 8, 2022); Compl. at 6 n.2.

1 administrators ill-equipped to manage the County’s millions of voters. The result may  
2 severely burden and even disenfranchise countless lawful voters, including many of  
3 Proposed Intervenors’ members and constituents. *Cf. Mathieu*, 174 Ariz. at 461 (“Last-  
4 minute election challenges, which could have been avoided, prejudice not only defendants  
5 but the entire system.”); *State v. Key*, 128 Ariz. 419, 421 (App. 1981) (holding that the right  
6 to vote is a “fundamental right[] of a citizen in our democratic society”).

7 For instance, stymieing Maricopa County’s ability to serve and assist its voters may  
8 result in punishingly long voting lines. By way of comparison, cutting back early voting in  
9 Florida has proved catastrophic for voters, who now face devastatingly long lines at the  
10 polls.<sup>3</sup> Experts concluded that many voters were unable to sustain such long wait times and  
11 were disenfranchised as a result.<sup>4</sup> A similar result may occur here, because reducing the  
12 hours of board appointees and complicating the process for appointing replacements will  
13 increase the opportunities for error, as additional appointees must familiarize themselves  
14 with the applicable rules and processes, while decreasing the time available for appointees  
15 to actually process ballots and assist voters. Federal courts have repeatedly held that, where  
16 an action carries with it the prospect of disenfranchising a political party’s members, the  
17 party has a cognizable interest at stake and may intervene to protect that interest. *See, e.g.*,  
18 *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 189 n.7 (2008); *Sandusky Cnty.*  
19 *Democratic Party v. Blackwell*, 387 F.3d 565, 573–74 (6th Cir. 2004) (holding that the risk  
20 that some voters will be disenfranchised confers standing upon political parties and labor  
21 organizations). Proposed Intervenors more than clear that bar.

22 *Second*, Plaintiffs’ interpretation of the “Equal Access Statutes,” Compl. ¶ 1, and the  
23 EPM may harm Proposed Intervenors by either reducing the number of their members and  
24 appointees who may serve on Maricopa County’s election boards or by requiring them to

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26 <sup>3</sup> *See* Michael C. Herron & Daniel A. Smith, *Souls to the Polls: Early Voting in*  
*Florida in the Shadow of House Bill 1355*, 11 Election L.J. 331, 332 (2012).

27 <sup>4</sup> *See* U.S. Gov’t Accountability Office, *Observations on Wait Times for Voters on*  
28 *Election Day 2012* (Sept. 2014) at 24, available at <https://www.gao.gov/assets/gao-14-850.pdf>.

1 expend resources to identify and designate additional members to serve on those boards.  
2 Plaintiffs' claims rest on their assertion that Arizona "law gives political parties the right to  
3 designate trusted members to be appointed to" Maricopa County's election boards. *Id.* ¶ 16  
4 (citations omitted). Political party members are, in turn, entitled—indeed, *required*—to  
5 serve on the County's boards. *See id.* ¶¶ 15–16. Plaintiffs also allege, however, that Arizona  
6 law requires "[p]arity" in staffing the County's boards," *id.* ¶ 16, and that County inspectors  
7 and judges must be drawn equally from the Republican and Democratic parties in Arizona,  
8 *id.* ¶ 15. Taken together, Plaintiffs' reading of the law might require that if fewer Republican  
9 than Democratic appointees are available to serve as county inspectors or judges, then  
10 additional Democratic appointees must not be allowed to serve in those roles. Or,  
11 conversely, if Plaintiffs succeed in obtaining a court order for shorter hours or more limited  
12 responsibilities for election workers, then Defendants would seemingly need to recruit  
13 numerous additional poll workers from both parties in order to get the necessary work done,  
14 requiring Proposed Intervenors to expend resources recruiting and identifying additional  
15 members and supporters who are willing to serve.

16 *Third*, as political party committees, Proposed Intervenors have a direct interest in  
17 their candidates' electoral prospects in Arizona. If Plaintiffs' demand for shorter hours and  
18 less demanding working conditions for their poll workers is successful, Defendants may be  
19 forced to reduce voting days or hours or take other actions that make it harder for Proposed  
20 Intervenors' supporters to vote. If so, that would force Proposed Intervenors to expend  
21 substantial additional resources educating and mobilizing their voters, diverting those  
22 resources away from other mission-critical efforts. With the 2022 General Election quickly  
23 approaching, Proposed Intervenors would be forced to shift resources to voter outreach and  
24 education efforts aimed at ensuring their voters and members are prepared to overcome  
25 administrative inefficiencies in exercising their right to vote, including potential reductions  
26 in early voting hours and the need to endure longer wait times on election day as a result of  
27 inadequate staffing. Those resources would no longer be available for the myriad other  
28 activities in which Proposed Intervenors ordinarily engage during an election cycle—and

1 in an election cycle, resources are truly finite. Thus, Plaintiffs’ requested relief will  
2 irreparably injure Proposed Intervenors and their mission. *See Crawford v. Marion Cnty.*  
3 *Election Bd.*, 472 F.3d 949, 951 (7th Cir. 2007), *aff’d* 551 U.S. 181 (2008) (finding that the  
4 Democratic Party suffered injury in fact because challenged law “compell[ed] the party to  
5 devote resources” in response); *Tex. Democratic Party v. Benkiser*, 459 F.3d 582, 586 (5th  
6 Cir. 2006) (same).

7 **C. Proposed Intervenors are not adequately represented in this case.**

8 Proposed Intervenors’ interests are not adequately represented by the parties  
9 participating in this case. Plainly, the Arizona Republican Party and Republican National  
10 Committee do not represent Proposed Intervenors’ interests. And Proposed Intervenors’  
11 particular interests in this case—fielding successful candidates in the 2022 General  
12 Election, efficiently using limited resources in competitive elections, and ensuring that as  
13 many of their voters can vote as possible—are also not shared by any of the county officials  
14 named as Defendants. County defendants are entrusted with a general obligation to their  
15 respective residents, not a particular competitive interest in fielding candidates or  
16 mobilizing voters. Where Defendants “must represent the interests of all people in [their  
17 jurisdiction],” they cannot give Proposed Intervenors or their members’ interests “the kind  
18 of primacy” that Proposed Intervenors will. *Planned Parenthood Ariz., Inc. v. Am. Ass’n of*  
19 *Pro-Life Obstetricians & Gynecologists*, 227 Ariz. 262, 279 (App. 2011) (permitting  
20 adversely affected groups to intervene in defense of a challenged statute). Consistent with  
21 these observations, courts have repeatedly permitted political parties to intervene in cases  
22 involving election administration, even where government officials are named as  
23 defendants—including in Arizona. *See, e.g., Ariz. Republican Party, supra; Maricopa Cnty.*  
24 *Republican Party, supra; Mi Familia Vota*, No. 20-cv-01903, ECF No. 25 (D. Ariz. Oct. 5,  
25 2020); *see also Issa v. Newsom*, No. 2:20-cv-01044-MCE-CKD, 2020 WL 3074351, at \*4  
26 (E.D. Cal. June 10, 2020) (“While [government] Defendants’ arguments turn on their  
27 inherent authority as state executives and their responsibility to properly administer election  
28 laws, Proposed [political party] Intervenors are concerned with ensuring their party

1 members and the voters they represent have the opportunity to vote in the upcoming federal  
2 election, advancing their overall electoral prospects, and allocating their limited resources  
3 to inform voters about the election procedures.”).

4 **II. In the alternative, Proposed Intervenors should be granted permissive**  
5 **intervention.**

6 In the alternative, the Court should grant Proposed Intervenors permissive  
7 intervention because they have “a claim or defense that shares with the main action a  
8 common question of law and fact.” Ariz. R. Civ. P. 24(b)(1). In particular, Proposed  
9 Intervenors’ defenses depend on the same questions of law and fact surrounding the proper  
10 interpretation of Arizona election law as Defendants’ defenses will surely involve.

11 When this required common question of law or fact is present, Arizona courts may  
12 consider other factors to decide whether to grant permissive intervention, including: (1) “the  
13 nature and extent of the intervenors’ interest,” (2) “their standing to raise relevant legal  
14 issues,” (3) “the legal position they seek to advance, and its probable relation to the merits  
15 of the case,” (4) “whether the intervenors’ interests are adequately represented by other  
16 parties,” (5) “whether intervention will prolong or unduly delay the litigation,” and (6)  
17 “whether parties seeking intervention will significantly contribute to full development of  
18 the underlying factual issues in the suit and to the just and equitable adjudication of the  
19 legal questions presented.” *Bechtel v. Rose*, 150 Ariz. 68, 72 (1986). Like Rule 24(a), Rule  
20 24(b) should be liberally construed. *Id.* Here, each factor weighs in favor of permitting  
21 Proposed Intervenors’ permissive intervention. *Cf. Ariz. Democratic Party v. Hobbs*, No.  
22 2:20-cv-01143-DLR, ECF No. 60 (D. Ariz. June 26, 2020) (granting permissive  
23 intervention to political party entities).

24 *First*, Proposed Intervenors have distinct interests in ensuring that their members and  
25 constituents can successfully vote, in safeguarding their candidates’ electoral prospects, and  
26 in avoiding diverting their limited resources to help voters overcome last-minute  
27 administrative failures impeding them from casting their ballots. As noted above, Maricopa  
28 County’s ability to administer its elections may be so stifled that some voters’ rights may

1 be nullified entirely, including those of Proposed Intervenors' members and constituents.

2 *Second*, Proposed Intervenors may be directly harmed by the relief Plaintiffs seek in  
3 this case. Plaintiffs' requested relief is likely to make it harder for Proposed Intervenors'  
4 supporters to vote. It is also likely to either reduce the opportunities for Proposed  
5 Intervenors' supporters to work as election workers or to require that Proposed Intervenors  
6 expend resources recruiting additional supporters to work as election workers to make up  
7 for the reduced hours and responsibilities that Plaintiffs seek.

8 *Third*, Proposed Intervenors' interests are distinct from those of other parties in this  
9 case, as they represent both their own organizational interests as well as the interests of  
10 individual voters and supporters who will need to overcome the hurdles Plaintiffs seek to  
11 impose on Maricopa County.

12 *Fourth*, Proposed Intervenors seek intervention promptly, and their intervention will  
13 not delay the proceedings.

14 *Lastly*, Proposed Intervenors will contribute to the full factual development of this  
15 case because they can present evidence regarding their own poll workers' experience in  
16 Maricopa County elections and evidence regarding the impact of the procedural changes  
17 necessary to accommodate Plaintiffs' demands for reducing poll-worker hours and making  
18 unspecified improvements in working conditions on voters, candidates, and voter turnout  
19 efforts.

20 Because Rule 24 is liberally construed to protect the rights of all interested parties,  
21 the Court should permit intervention in this case.

## 22 **CONCLUSION**

23 For these reasons, the ADP and DSCC request that the Court grant their Motion to  
24 Intervene and participate in these proceedings as Defendants.

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1 Dated: October 10, 2022

Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 10th day of October, 2022, I electronically transmitted  
3 a PDF version of this document to the Office of the Clerk of the Superior Court, Maricopa  
4 County, for filing using the AZTurboCourt System. I further certify that a copy of the  
5 foregoing was sent via email this same date to:

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

REPUBLICAN NATIONAL COMMITTEE,  
et al.,

Plaintiffs,

v.

STEPHEN RICHER, et al.,

Defendants.

No. CV2022-013185

**ANSWER IN INTERVENTION**

(Assigned to the Honorable John  
Hannah)

1 Intervenor-Defendants Arizona Democratic Party (“ADP”) and DSCC (together,  
2 “Intervenor-Defendants”), answer Plaintiffs’ Verified Complaint as follows:

3 1. Paragraph 1 of the Verified Complaint states a legal conclusion to which no  
4 response is required. To the extent that a response is required, Intervenor-Defendants admit  
5 that the Equal Access Statutes have been enacted for more than forty years and provide  
6 certain rights for members and appointees of the largest political parties to participate in the  
7 administration of elections, but Intervenor-Defendants deny that the Equal Access Statutes  
8 “guarantee[]” such participation even when a party’s members and appointees are unwilling  
9 or unable to comply with Defendants’ generally applicable requirements for poll workers,  
10 as Plaintiffs allege.

11 2. Admitted.

12 3. Intervenor-Defendants deny that the allegations of Plaintiffs’ complaint show  
13 any violation of the Equal Access Statutes. Intervenor-Defendants are otherwise without  
14 sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph  
15 3 of the Verified Complaint, and therefore deny them.

16 4. Denied.

17 5. Paragraph 5 of the Verified Complaint is a statement of Plaintiffs’ subjective  
18 intent to which no response is required. To the extent a response is required, Intervenor-  
19 Defendants are without sufficient information to form a belief as to the truth or falsity of  
20 the allegations in Paragraph 5 of the Verified Complaint, and therefore deny them.

### 21 **JURISDICTION**

22 6. Intervenor-Defendants admit that the Court has jurisdiction under Article 6,  
23 § 14 of the Arizona Constitution, but they deny that jurisdiction is conferred by A.R.S. § 12-  
24 1801 or -2021, Rules 3 or 4 of the Arizona Rules of Procedure for Special Actions, or the  
25 Arizona Uniform Declaratory Judgments Act.

26 7. Admitted.

27  
28

1 **PARTIES**

2 8. Intervenor-Defendants admit that Plaintiff Republican National Committee is  
3 a national political party committee. Intervenor-Defendants are otherwise without sufficient  
4 information to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the  
5 Verified Complaint and therefore deny them.

6 9. Intervenor-Defendants are without sufficient information to form a belief as to  
7 the truth or falsity of the allegations in Paragraph 9 of the Verified Complaint and therefore  
8 deny them.

9 10. Admitted.

10 11. Admitted.

11 12. Intervenor-Defendants admit that Stephen Richer is the Maricopa County  
12 Recorder, which office is constitutionally created. Intervenor-Defendants are otherwise  
13 without sufficient information to form a belief as to the truth or falsity of the allegations in  
14 Paragraph 12 of the Verified Complaint and therefore deny them.

15 13. Intervenor-Defendants admit that Ray Valenzuela is the Maricopa County  
16 Director of Mail-in Voting and Election Services. Intervenor-Defendants are otherwise  
17 without sufficient information to form a belief as to the truth or falsity of the allegations in  
18 Paragraph 13 of the Verified Complaint and therefore deny them.

19 14. Intervenor-Defendants admit that Scott Jarett is the Maricopa County Director  
20 of In-Person Voting and Tabulation. Intervenor-Defendants are otherwise without sufficient  
21 information to form a belief as to the truth or falsity of the allegations in Paragraph 14 of  
22 the Verified Complaint and therefore deny them.

23 **GENERAL ALLEGATIONS**

24 15. Intervenor-Defendants admit that the quoted language appears without  
25 emphasis at page 197 the *Election Procedures Manual* (EPM) and the statutory provisions  
26 cited in paragraph 15 of the Verified Complaint. Intervenor-Defendants also admit the  
27 allegations in Paragraph 15(a), 15(b), and 15(c) of the Verified Complaint, and of all but  
28 the last sentence of Paragraph 15(d). The last sentence of Paragraph 15(d) alleges a legal

1 conclusion as to which no response is required; to the extent a response is required, the  
2 allegation is denied.

3 16. Intervenor-Defendants admit that the quoted language appears without  
4 emphasis at page 133 of the EPM and that the law gives the county chairperson of the two  
5 largest political parties the right to designate qualified electors to serve on election boards.  
6 Otherwise, Paragraph 16 of the Verified Complaint states legal conclusions to which no  
7 response is required. To the extent a response is required, the remaining allegations of  
8 paragraph 16 are denied.

9 17. Intervenor-Defendants are without sufficient information to form a belief as to  
10 the truth or falsity of the allegations in Paragraph 17 of the Verified Complaint and therefore  
11 deny them.

12 18. Intervenor-Defendants are without sufficient information to form a belief as to  
13 the truth or falsity of the allegations in Paragraph 18 of the Verified Complaint and therefore  
14 deny them.

15 19. Intervenor-Defendants are without sufficient information to form a belief as to  
16 the truth or falsity of the allegations in Paragraph 19 of the Verified Complaint and therefore  
17 deny them.

18 20. Intervenor-Defendants are without sufficient information to form a belief as to  
19 the truth or falsity of the allegations in Paragraph 20 of the Verified Complaint and therefore  
20 deny them.

21 21. Intervenor-Defendants are without sufficient information to form a belief as to  
22 the truth or falsity of the allegations in Paragraph 21 of the Verified Complaint and therefore  
23 deny them.

24 22. Intervenor-Defendants are without sufficient information to form a belief as to  
25 the truth or falsity of the allegations in Paragraph 22 of the Verified Complaint and therefore  
26 deny them.

27 23. Admitted.

28



1 that Defendants may establish for poll workers and deny that the Equal Access  
2 Requirements require any exception to Defendants' generally applicable hours  
3 requirements and working conditions for poll workers. Intervenor-Defendants are without  
4 sufficient information to form a belief as to the truth or falsity of the remaining allegations  
5 in Paragraph 32 of the Verified Complaint and therefore deny them.

6 33. Denied.

7 34. Intervenor-Defendants admit the quoted language appears without emphasis at  
8 page 133 of the EPM and in the statutory provisions cited in Paragraph 34. Otherwise,  
9 Intervenor-Defendants deny the allegations contained in Paragraph 34 of the Verified  
10 Complaint, including but not limited to the assertion that the quoted language supports the  
11 allegation in Paragraph 33.

12 35. Denied.

13 36. Intervenor-Defendants admit that the quoted language appears in the cited  
14 news report from 2018. Intervenor-Defendants are without sufficient information to form a  
15 belief as to the truth or falsity of the remaining allegations in Paragraph 36 of the Verified  
16 Complaint and therefore deny them.

17 37. Denied.

18 **COUNT I**

19 38. Intervenor-Defendants incorporate by reference each of their preceding  
20 admissions, denials, and statements as if fully set forth in this paragraph.

21 39. Denied.

22 40. Intervenor-Defendants deny that Defendants' generally applicable  
23 requirements for poll workers are an abuse of discretion and deny that Plaintiffs' nominees  
24 are exempt from such requirements. Intervenor-Defendants are without sufficient  
25 information to form a belief as to the truth or falsity of the remaining allegations in  
26 Paragraph 40 of the Verified Complaint and therefore deny them.

27 41. Denied.

28 42. Denied.

- 1 43. Denied.  
2 44. Denied.  
3 45. Denied.  
4 46. Denied.  
5 47. Denied.

6 **DEMAND FOR RELIEF**

- 7 48. Intervenor Defendants deny that Plaintiffs are entitled to any relief.

8 **GENERAL DENIAL**

- 9 49. Intervenor-Defendants deny every allegation in the Verified Complaint that is  
10 not expressly admitted herein.

11 **AFFIRMATIVE DEFENSES**

- 12 50. Plaintiffs' claims are barred in whole or in part for failure to state a claim upon  
13 which relief can be granted.

- 14 51. Plaintiffs' claims are barred because Plaintiffs lack standing.

- 15 52. Plaintiffs' claims are barred by the doctrine of laches.

- 16 53. Plaintiffs' claims are barred by the doctrine of unclean hands, estoppel, and  
17 waiver.

- 18 54. Intervenor-Defendants reserve the right to assert additional affirmative  
19 defenses, including, but not limited to, those set forth in Rule 8(d) of the Arizona Rules of  
20 Civil Procedure, as additional facts are discovered.

21  
22 WHEREFORE, having fully answered Plaintiffs' Verified Complaint, Intervenor-  
23 Defendants pray for judgment as follows:

- 24 A. That the Court dismiss Plaintiffs' Verified Complaint;

- 25 B. That judgment be entered in favor of Intervenor-Defendants and against  
26 Plaintiffs on Plaintiffs' Verified Complaint and that Plaintiffs take nothing thereby;

- 27 C. That Intervenor-Defendants be awarded their reasonable attorneys' fees and  
28 costs; and

1 D. For such other and further relief as the Court, in its inherent discretion, deems  
2 appropriate.

3  
4  
5  
6 Dated: October 10, 2022

Respectfully submitted,

7 /s/ Daniel A. Arellano

8 Roy Herrera

9 Daniel A. Arellano

Jillian L. Andrews

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17 *Attorneys for Proposed Intervenor-*  
18 *Defendants ADP and DSCC*

19 *\*Pro hac vice application to be filed*  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 10th day of October, 2022, I electronically transmitted  
3 a PDF version of this document to the Office of the Clerk of the Superior Court, Maricopa  
4 County, for filing using the AZTurboCourt System. I further certify that a copy of the  
5 foregoing was sent via email this same date to:

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7 Veronica Lucero  
8 Roger Strassburg  
9 Jackie Parker  
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*Attorney for Maricopa County Defendants*

/s/ Daniel A. Arellano

# Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

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*Attorneys for Proposed Intervenor-*  
*Defendants ADP, DCCC, and DSCC*

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

ARIZONA REPUBLICAN PARTY, et al.,

Plaintiffs,

v.

KATIE HOBBS, et al.,

Defendants.

No. S-8015-CV-202200594

**ORDER GRANTING MOTION  
TO INTERVENE**

(Assigned to the Honorable Lee F.  
Jantzen)

1           Having considered the Motion to Intervene by Proposed Intervenor-Defendants  
2 Arizona Democratic Party, DSCC, DCCC, and the Democratic National Committee  
3 (“Intervenor-Defendants”), and Plaintiff’s response filed today’s date, and good cause  
4 appearing,

5           **IT IS ORDERED granting Intervenor-Defendants’ Motion to Intervene.**

6           The Order to Show Cause Hearing remains set for June 3, 2022 at 1:30 p.m. All  
7 Defendants have previously been notified that written responses to the original Petition for  
8 Order to Show Cause are due by Wednesday, June 1, 2022 at noon. These times and  
9 deadlines remain. Responses to the original petition for Order to Show Cause are not  
10 mandatory.

11           The Court reserves the right to limit the Intervenor based on whether other  
12 Defendants fully defend the Petition

13           Dated this 31<sup>st</sup> day of May 2022.

14  
15           

16           \_\_\_\_\_  
17           The Honorable Lee F. Jantzen  
18           Mohave County Superior Court

# Exhibit B

RETRIEVED FROM DEMOCRACYDOCKET.COM

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2018-013963

11/08/2018

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT  
D. Swan/G. Verbil  
Deputy

YUMA COUNTY REPUBLICAN PARTY, et al.

BRETT W JOHNSON

v.

MICHELE REAGAN, et al.

JOSEPH E LA RUE

RYAN DOOLEY  
JEFFERSON R DALTON  
RYAN ESPLIN  
JASON MOORE  
COLLEEN CONNOR  
ROSE WINKELER  
KENNETH A ANGLE  
ROBERT DOUGLAS GILLILAND  
WILLIAM J KEREKES  
DANIEL JURKOWITZ  
CHRISTOPHER C KELLER  
CHARLENE A LAPLANTE  
BRITT W HANSON  
THOMAS M STOXEN  
JOSEPH YOUNG  
SAMBO DUL  
SARAH R GONSKI  
SPENCER G SCHARFF  
JUDGE MAHONEY

MINUTE ENTRY

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2018-013963

11/08/2018

The Court has considered:

1. Proposed Intervenor Arizona Democratic Party's Motion to Intervene and Memorandum in Support Thereof, filed 11/8/18;
2. Proposed Intervenors League of United Latin American Citizens of Arizona, League of Women Voters of Arizona, and Arizona Advocacy Network Foundation's Motion to Intervene as Defendants, filed 11/8/18;
3. Proposed Intervenors' Motion to Intervene by Arizona Republican Party and Public Integrity Alliance, filed 11/8/18; and
4. Plaintiffs Maricopa County Republican Party, Apache County Republican Party, Navajo County Republican Party and Yuma County Republican Party's Response to Motions to Intervene, filed 11/8/18.

None of the Motions to Intervene are opposed.

Good cause shown, and the requirements of Rule 24 having been met,

IT IS ORDERED granting each of the three unopposed Motions to Intervene identified above.

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22 *Attorneys for Proposed Intervenor-*  
23 *Defendants ADP and DSCC*

24 *\*Pro hac vice application to be filed*

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

REPUBLICAN NATIONAL COMMITTEE,  
et al.,

Plaintiffs,

v.

STEPHEN RICHER, et al.,

Defendants.

No. CV2022-013185

**[PROPOSED] ORDER**

(Assigned to the Honorable John  
Hannah)

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Having considered Proposed Intervenor-Defendants Arizona Democratic Party and  
DSCC's Motion to Intervene, and good cause appearing,

IT IS ORDERED granting the Motion to Intervene.

Dated this \_\_\_ day of October, 2022

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The Honorable John Hannah  
Maricopa County Superior Court

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