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IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

JEANNE KENTCH, *et al.*,

Plaintiffs/Contestants,

v.

KRIS MAYES,

Defendant/Contestee,

and

KATIE HOBBS, *et al.*,

Defendants.

No. CV-2022-01468

**MOTION OF ARIZONA SENATE
PRESIDENT WARREN PETERSEN
AND SPEAKER OF THE ARIZONA
HOUSE OF REPRESENTATIVES
BEN TOMA FOR LEAVE TO FILE A
BRIEF AS *AMICI CURIAE***

(Before the Hon. Lee F. Jantzen)

Warren Petersen, in his capacity as President of the Arizona Senate, and Ben Toma, in his capacity as the Speaker of the Arizona House of Representatives, respectfully move for leave to file as *amici curiae* the proposed brief lodged hereto as Exhibit A.

Although no specific rule controls the filing of *amicus curiae* briefs in the Superior Court, the judiciary has generally welcomed such submissions whenever “[a]micus curiae can provide information, perspective, or argument that can help the . . . court beyond the help that the parties’ lawyers provide.” A.R.C.A.P. 16(b)(1)(C)(iii). The Speaker and

President take no position on the ultimate factual and legal question disputed by the parties, *i.e.*, which candidate for Arizona Attorney General received the highest number of legal votes in the November 8, 2022 general election. Instead, the brief concerns itself with the more foundational legislative objectives that animate the election contest statutes—namely, ensuring that all reasonable questions surrounding the accuracy of certified election results are vigorously litigated within the confines of a robust fact-finding process.

Arizona law recognizes in similar contexts that the singular perspective of legislative leaders may beneficially inform the courts’ evaluation of significant legal issues of public importance. *Cf.* A.R.S. § 12-1841 (affording each chamber’s presiding officer a right to intervene or otherwise “be heard” in litigation concerning the constitutionality of state laws). More generally, “an *amicus* who makes a strong but responsible presentation in support of a party,” as the Speaker and President believe they have done in their proposed brief, “can truly serve as the court’s friend.” *Neonatology Associates, P.A. v. C.I.R.*, 293 F.3d 128, 131 (3d Cir. 2002) (Alito, J.); *see also id.* at 133 (asserting that courts are “well advised to grant motions for leave to file amicus briefs unless it is obvious that the proposed briefs do not meet” the criteria of any controlling rules, “as broadly interpreted”).

For these reasons, the Speaker and President respectfully request that the Court grant them leave to participate as *amici* in these proceedings.¹

RESPECTFULLY SUBMITTED this 25th day of January, 2023.

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¹ Consistent with A.R.C.A.P. 16(b)(2)-(3), the undersigned state that they have read the relevant motions and responses thereto, and that no person other than the Arizona Legislature has provided financial resources for the preparation of the brief. In the interests

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of transparency, counsel for the *amici* note that their firm previously represented Contestants Hamadeh and the Republican National Committee in a prior related proceeding, *Hamadeh v. Mayes*, Maricopa County Superior Court No. CV2022-015445. They do not currently represent any named party in connection with this proceeding.

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