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**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

ARIZONA FREE ENTERPRISE CLUB, an  
Arizona nonprofit corporation; *et al.*,

Plaintiffs,

v.

ADRIAN FONTES, in his official capacity as  
the Secretary of State of Arizona, *et al.*,

Defendants.

No. S-1300-CV-202300202

**PLAINTIFFS’ SECOND NOTICE OF  
SUPPLEMENTAL AUTHORITY**

(Assigned to the Hon. John Napper)

The Plaintiffs respectfully submit this notice of supplemental authority in support of their Consolidated Response to the Motions to Dismiss.

Subsequent to oral argument and the Plaintiffs’ original Notice of Supplemental Authority, the Arizona Secretary of State published for public comment a draft of the 2023 Elections Procedures Manual. *See* Ariz. Sec’y of State, *2023 Elections Procedures Manual* (July 2023), available at [https://azsos.gov/sites/default/files/2023\\_Arizona\\_Secretary\\_of\\_State\\_Election\\_Procedures\\_Manual\\_Draft\\_for\\_Public\\_Comment\\_07\\_31.pdf](https://azsos.gov/sites/default/files/2023_Arizona_Secretary_of_State_Election_Procedures_Manual_Draft_for_Public_Comment_07_31.pdf).

Notwithstanding suggestions from counsel for intervenor Mi Familia Vota that “the new EPM will not even include the policy being challenged,” *see, e.g., Intervenor-Defendant Mi Familia Vota’s Reply in Support of Its Motion to Dismiss* at 2 (June 30, 2023)

1 (“Reply”), the 2019 provision that ostensibly authorizes the disputed practice is unchanged  
2 in the 2023 draft. *Compare id.* at 71 (“In addition to the voter registration form, the County  
3 Recorder should also consult additional known signatures from other official election  
4 documents in the voter’s registration record, such as signature rosters or early ballot/AEVL  
5 request forms, in determining whether the signature on the early ballot affidavit was made  
6 by the same person who is registered to vote.”); Ariz. Sec’y of State, *2019 Elections*  
7 *Procedures Manual* (Dec. 2019), available at [https://azsos.gov/sites/default/files/2019](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf)  
8 [ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) (same). The two sentences  
9 are identical, word-for-word.

10 Mi Familia Vota’s factual assertion was expressly based on a newspaper article. *See*  
11 *Reply* at 2. Even if hearsay evidence could be offered and admitted in support of a motion  
12 to dismiss (or in a reply brief, for that matter), there is no longer a good faith basis for  
13 maintaining the suggestion that a new Elections Procedures Manual will imminently be  
14 adopted without the relevant provision.

15  
16 RESPECTFULLY SUBMITTED this 14th day of August, 2023.

17 STATECRAFT PLLC

18  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 14, 2023, I electronically transmitted the attached  
3 document to the Clerk's Office using the TurboCourt System for filing and transmittal of  
4 a Notice of Electronic Filing to the following TurboCourt registrants:

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