KRISTIN K. MAYES
Attorney General
Firm State Bar No. 14000

Kara Karlson, Bar No. 029407
Karen J. Hartman-Tellez, Bar No. 021121
Senior Litigation Counsel
Kyle Cummings, Bar No. 032228
Assistant Attorney General
2005 N. Central Ave.
Phoenix, Arizona 85004-2926
Telephone: (602) 542-8323
Fax: (602) 542-4385
adminlaw@azag.gov (for court use only)
Kara.Karlson@azag.gov
Karen.Hartman@azag.gov
Kyle.Cummings@azag.gov
Attorneys for Arizona Secretary of State Adrian Fontes

ARIZONA SUPERIOR COURT

MARICOPA COUNTY

WARREN PETERSEN, in his official capacity as the President of the Arizona State Senate; and BEN TOMA, in his official capacity as the Speaker if the Arizona House of Representatives, Plaintiffs, v. ADRIAN FONTES, in his official capacity as Arizona Secretary of State, Defendant.	No. CV2024-001942 **SECRETARY OF STATE'S RESPONSE IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Ariz. R. Civ. P. 7.1 and 65, defendant Secretary of State Adrian Fontes responds in opposition to the Motion for Preliminary Injunction filed by plaintiffs Senate President Warren Petersen and Speaker of the House Ben Toma ("Plaintiffs"). This Response is supported by the following Memorandum of Points and Authorities and the Secretary's contemporaneously-filed Motion to Dismiss.

MEMORANDUM OF POINTS AND AUTHORITIES

Introduction

"A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). As such, a party seeking a preliminary injunction must satisfy the four-factor test for such relief. *Smith v. Ariz. Citizens Clean Elections Comm'n*, 212 Ariz. 407, 410-11, ¶ 10 (2006). In their Motion for Preliminary Injunction, however, Plaintiffs fail to demonstrate that continued application of the six provisions in the 2023 Arizona Elections Procedures Manual that they challenge will cause the Arizona Legislature any harm, let alone irreparable harm. Nor do they establish that the balance of hardships and the public interest favor granting an injunction.

As set forth in greater detail in the Secretary's Motion to Dismiss, Plaintiffs also fail to satisfy the remaining factor of the preliminary injunction test—likelihood of success on the merits. As a matter of law, Plaintiffs are unable to establish legislative standing, and as such they are unlikely to succeed on their claims as a whole. In addition, each of the challenged EPM provisions is both within the Secretary's authority and consistent with the law. For these reasons, the Court should deny the Motion for Preliminary Injunction.

Factual and Procedural Background

Arizona law provides that by December 31 of each odd-numbered year, the Secretary of State shall promulgate the EPM. A.R.S. § 16-452(A)-(B). In doing so, the Secretary does not act alone, but must "consult[ ] with each county board of supervisors

or other officer in charge of elections." A.R.S. § 16-452(A). In addition, [b]efore its issuance, the manual shall be approved by the governor and the attorney general." A.R.S. § 16-452(B). The purpose of the EPM is to "achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots." A.R.S. § 16-452(A). Several other statutes authorize inclusion of rules in the EPM, including A.R.S. § 19-118(A) pertaining to petition circulator registration. (*See* Compl. at 5, n.1 (listing 15 additional statutes that direct the Secretary to include topics in the EPM)).

On September 30, 2023, the Secretary provided a draft of the EPM to the Governor and Attorney General. *See* Sept. 30, 2023 letter from A. Fontes to K. Hobbs and K. Mayes.[1] On December 30, 2023, the Governor and Attorney General approved the document, and the Secretary issued the 2023 EPM, the first new EPM since 2019. 2023 EPM, at 2-4.[2]

Plaintiffs filed their Complaint and Motion for Preliminary Injunction on January 31, 2024. Since that filing, two things have occurred that affect some of the challenged EPM provisions. First, to address the effect of the increased likelihood of statewide recounts following amendment of A.R.S. § 16-661(A) in 2022, and the effect such recounts will have on the state's ability to meet deadlines imposed by federal law, the Legislature passed House Bill 2785, by a vote of 80-4.[3] On February 9, 2024, Governor

[1] Available at: https://apps.azsos.gov/election/files/epm/cover_letter_epm_submission_20230930a.pdf.

[2] The Secretary has published the EPM on his website: https://apps.azsos.gov/election/files/epm/2023/20231230_EPM_Final_Edits_406_PM.pdf

[3] The federal laws at issue are the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 52 U.S.C. §§ 20301 to -20311, and the Electoral Count Reform Act, Public Law 117-328, Division P. The former requires that ballots be sent to UOCAVA voters 45 days before an election. 52 U.S.C. § 20302(a)(8)(A). The latter requires, *inter alia*, that the governor must issue a certificate of ascertainment of appointment of presidential electors not later than six days before the electors meet, which must occur no later than the first Tuesday after the second Wednesday in December. 3 U.S.C. §§ 5(a)(1), 7.

Hobbs signed H.B. 2785, which includes an emergency clause. 2024 Ariz. Sess. Laws, ch. 1, § 23 (56th Leg. 2d Reg. Sess.).[4] As such, it took immediate effect upon the Governor's signing. As most relevant to this action, H.B. 2785 makes several changes to the statutes that govern both the county and state canvasses of the primary and general election. *See id.* §§ 13-16.

Second, on February 29, 2024, the Arizona federal district court issued an order containing the court's findings of fact and conclusions of law in *Mi Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB, 2024 WL 862406 (D. Ariz. Feb. 29, 2024). The district court's order was based on the evidence the court received during a 10-day bench trial and resolved the remaining issues in that case. *Id.* at *1. As relates to this action, the court concluded that A.R.S. § 16-165(I), the subject of Count II of the Complaint, violates 52 U.S.C. § 10101(a)(2)(A). *Mi Familia Vota*, 2024 WL 862406, at *38. Accordingly, there is no present justiciable controversy concerning Count II.

Argument

I. Plaintiffs Must Show that They Are Entitled to Injunctive Relief Under the Traditional Four-Factor Test, Which They Cannot Do.

Plaintiffs begin their argument by citing the proper standard for preliminary injunctive relief. (Mot. for Prelim. Inj., at 2). Specifically, Plaintiffs are entitled to a preliminary injunction only if they demonstrate: (1) "a strong likelihood of success on the merits," (2) they will suffer irreparable harm without the injunction, (3) the balance of hardships weighs in their favor, and (4) public policy favors the injunction. *Smith*, 212 Ariz. at 410-11, ¶ 10 (citing *Shoen v. Shoen*, 167 Ariz. 58, 63 (App. 1991)). Arizona courts have traditionally considered these factors on a sliding scale—"[t]he greater and less reparable the harm, the less the showing of a strong likelihood of success on the merits need be. Conversely, if the likelihood of success on the merits is weak, the showing of irreparable harm must be stronger." *Id.*

[4] House bill 2785 is available at: https://www.azleg.gov/legtext/56leg/2R/laws/0001.pdf.

Plaintiffs nod to the preliminary injunction standard, but then assert that "when a government official 'has acted unlawfully and exceeded his constitutional and statutory authority, [plaintiffs] need not satisfy the standard for injunctive relief.'" (Mot. for Prelim. Inj., at 2 (quoting *Arizona Public Integrity Alliance v. Fontes* ("*AzPIA*"), 250 Ariz. 58, 64, ¶ 26 (2020)). But nothing in *AzPIA* indicates that the Arizona Supreme Court intended to provide a new rule for preliminary injunctions, and subsequent cases demonstrate that it has not done so.

Indeed, *AzPIA* did not pronounce any rule—much less a new one—to govern preliminary injunction motions. Unlike this declaratory judgment action, *AzPIA* was a mandamus action. *See AzPIA*, 250 Ariz. at 62, ¶¶ 11-14 (explaining that the lawsuit is a mandamus action to which different standards apply and that the county recorder "may be 'enjoined from actions' that are beyond [the] power" granted to him by law) (citations omitted). Mandamus actions are subject to different standards because they involve the very limited circumstances where a government official may be compelled to act because the official has no discretion not to act. *See Sears v. Hull*, 192 Ariz. 65, 68, ¶11 (1998) ("Mandamus 'does not lie if the public officer is not specifically required by law to perform the act.'") (citation omitted). *AzPIA* concerned a county recorder's failure to comply with a provision in the EPM. This case, conversely, concerns the Secretary of State's exercise of the discretion A.R.S. § 16-452(A) grants him to determine the EPM rules that will "achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots."[5] "[T]hat discretion may not be controlled by mandamus." *Sears*, 192 at 68, ¶ 11 (citing *Collins v. Krucker*, 56 Ariz. 6, 13 (1940)).

The Arizona Supreme Court did not change the standard for preliminary injunctions with *AzPIA*. More recent decisions in declaratory judgment actions use the

[5] While *AzPIA* and this case name the same individual as defendant, that individual holds a different elected office now than he did in 2020.

same four-factor, sliding scale test that was adopted in *Shoen* thirty years ago. *See Fann v. State*, 251 Ariz. 425, 432, ¶ 16 (2021) (quoting *Shoen*, 167 Ariz. at 63). If the Supreme Court intended to adopt a new standard for granting preliminary injunctions in *AzPIA*, it surely would have expressly disavowed the four-factor test. Instead, it used the traditional test in another high-profile election-related case less than a year later. *Id*. Consequently, it is clear that the standard has not changed. Plaintiffs must satisfy the traditional four-factor preliminary injunction test and show, *inter alia*, that continued effectiveness of the challenged EPM provisions will cause irreparable harm to the Legislature, that the balance of hardships favors the Legislature, and that injunctive relief is in the public interest. *Id.*

In addition, a party may not use an unproven allegation of unlawful conduct to short-circuit the four-factor preliminary injunction test. *See City of Flagstaff v. Ariz. Dep't of Admin.*, 255 Ariz. 7, 14, ¶ 24 (App. 2023) (rejecting plaintiff's argument, based on *AzPIA*, that "it need not prove irreparable harm because the [statutory] assessment was unlawful" when the allegation of unlawfulness had only been decided in the context of the court's "tentative ruling on the preliminary injunction." Plaintiffs cannot allege that the Secretary's actions are unlawful and then point to their own claim as the proof of unlawfulness that would allow them to circumvent the requirements for injunctive relief.

II. Plaintiffs Do Not Have a Likelihood of Success on the Merits.

A. Plaintiffs Do Not Have Standing to Maintain this Action.

As explained in detail in the Secretary's Motion to Dismiss, Plaintiffs have not demonstrated a sufficient injury to the Legislature to afford them standing to sue the Secretary over Plaintiffs' disagreement with the Secretary's implementation of statutes. (*See* Mot. to Dismiss, at 3-6). Nor have they established that they have the necessary specific authorization from their respective chambers to give them the ability to assert the interests of the Legislature in this action. (*See id.* at 6-7). Instead of showing a true injury sufficient to establish standing, Plaintiffs move directly to argue that a trio of

recent Arizona Supreme Court cases support their claims that this Court should strike from the EPM the six provisions that they challenge in this action. But those cases point out the need for the parties to be properly before the court with a substantive dispute before the court rules on whether the EPM controls the question the court is asked to decide.

Specifically, *McKenna v. Soto* was a nomination petition challenge, and the plaintiff was a qualified elector with a statutory right to bring an action challenging the nomination of a candidate. 250 Ariz. 469, 471, ¶ 3 (2021); A.R.S. § 16-351. *Leach v. Hobbs*, 250 Ariz. 572, 574, ¶ 5 (2021), and *Leibsohn v. Hobbs*, 254 Ariz. 1, 4, ¶ 7 (2022), both involved challenges to initiative petition circulators. Pursuant to A.R.S. § 19-118(F), "[a]ny person may challenge the lawful registration of circulators in the superior court of the county in which the circulator is registered." Arizona statutes afforded the plaintiffs in those cases the opportunity to be heard. Once properly before the court, the plaintiffs in *McKenna, Leach, and Leibsohn* argued that the court should not rely on specific provisions in the EPM when deciding the issue at hand. Plaintiffs argue that the court need not defer to the EPM. (Mot. for Prelim. Inj. at 4 (quoting *Leibsohn*, 254 Ariz. at 7, ¶ 22)). But Plaintiffs' interpretation of the statutes likewise carries no greater weight than the Secretary's. As Plaintiffs repeatedly argue, it is the court that decides what statutes mean. But courts may only do so when the party asking for that decision has standing to invoke the court's involvement. Plaintiffs here do not.

B. The Secretary Must Harmonize Federal and State Law in the EPM.

For the reasons stated in the Motion to Dismiss, the EPM provision governing how county recorders must process information that they receive from jury commissioners concerning voter residency properly harmonizes state and federal law. (*See* Mot. to Dismiss, at 8-10). In particular, moving a voter to inactive status based on information from the jury commissioner, instead of immediately canceling the registration, is required by the National Voter Registration Act ("NVRA"). *See* 52 U.S.C. § 20507.

In the Preliminary Injunction Motion, Plaintiffs argue that the Secretary has improperly incorporated federal law into the EPM. (Mot. for Prelim. Inj., at 4-6). But the case that Plaintiffs cite for the proposition that an administrative agency cannot incorporate federal law into state law through rulemaking is inapposite in the elections context. (*See id.* (citing *Roberts v. State*, 253 Ariz. 259 (2022) (considering a question of employment law)). Specifically, the U.S. Constitution's Elections Clause "empowers Congress to 'make or alter' state election regulations." *See Ariz. All. for Retired Ams. v. Hobbs*, 630 F. Supp. 3d 1180, 1193 (D. Ariz. 2022) (citing U.S. Const. Art. I, § 4, cl. 1 and quoting *Ariz. v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 14 (2013)). As such, Congress, not the Secretary, incorporated federal law into state law when it enacted the NVRA, which alters state election regulations. Moreover, the Legislature has expressly incorporated the NVRA and the Help America Vote Act into state law, and specifically directed the Secretary to ensure that list maintenance complies with those federal laws. *See* A.R.S. § 16-168(J) (requiring the Secretary to implement provisions "regarding removal of ineligible voters that are consistent with the [NVRA and HAVA, including] . . . provisions to ensure that eligible voters are not removed in error"). As such, the Secretary was well within his authority to harmonize A.R.S. § 16-165(A)(9) with the NVRA. And not doing so would leave county recorders in the difficult situation of deciding whether to follow state law or federal law.

C. Even if It Were Not Both Moot and Unripe, Plaintiffs' Misunderstanding of the EPM Provision Concerning Information from Third Parties Would Not Warrant Relief.

As noted above, the statutory provision that Plaintiffs argue in Count II of their Complaint conflicts with the EPM is not enforceable following the federal district court's decision in *Mi Familia Vota* on February 29, 2024. Moreover, there is no justiciable issue regarding the EPM provision that governs when county recorders should investigate the citizenship status of already-registered voters because the mechanism for doing so set forth in A.R.S. § 16-165(I)—checking the USCIS SAVE database—is required only "to

the extent practicable." Plaintiffs have acknowledged that doing so is not, in fact, practicable, because the state's agreement with USCIS regarding the SAVE database does not permit such use. 2023 EPM at 43, n.28; *see also Mi Familia Vota*, No. CV-22-00509-PHX-SRB, Def.'s Proposed Findings of Fact and Conclusions of Law. Doc. 676, at 74, ¶ 353 (D. Ariz. Dec. 12, 2023).

But even beyond those hurdles, Plaintiffs' claim misunderstands the challenged provision. Plaintiffs argue that the challenged EPM provision "preemptively foreclose[es] any reliance on third-party complaints—irrespective of their origin, credibility, or substance." (Mot. for Prelim. Inj. at 8). The EPM provision does not direct county recorders to disregard any information about a registered voter's citizenship from third parties. *See* 2023 EPM, at 42. Instead, it states that a third-party allegation of non-citizenship is "not enough" to initiate an investigation. *Id.* This is wholly consistent with the statute's requirement that a recorder have "reason to believe" that a voter is not a United States citizen before initiating an investigation.

D. Interpreting A.R.S. § 16-544 as Plaintiffs Argue Will Negatively Impact Voters' Rights.

As explained in the Motion to Dismiss, the EPM directs county recorders to send the notice required by A.R.S. § 16-544(L) to voters on the active early voting list ("AEVL") beginning in January 2027. (Mot. to Dismiss, at 12-13). Sending the first notices in 2027 is required because A.R.S. § 16-544(K) provides that the notices shall be sent to voters who "fail[ ] to vote using an early ballot in . . . for two consecutive election cycles." The EPM explains that "the first two full election cycles after [A.R.S. § 16-544(K)-(L)'s] effective date are the 2024 and 2026 election cycles." 2023 EPM, at 61, n.34.

Plaintiffs argue that the EPM should have considered the partial 2022 election cycle, which was nine months old when the law was enacted. (Mot. for Prelim. Inj. at 8-11). But their arguments do not withstand scrutiny. First, they argue that their

interpretation of the statute does not violate the bar on retroactive application of statutes without an express acknowledgement of retroactivity because laws "are not retrospective by their mere relation to antecedent conditions." (*Id.* at 9 (quoting *Hall v. A.N.R. Freight Sys. Inc.*, 149 Ariz. 130, 139 (1986)). Plaintiffs acknowledge, however, that "legislation may not disturb vested substantive rights by retroactively changing the law that applies to completed events." (*Id.* (quoting *State v. Aguilar*, 218 Ariz. 25, 32, ¶ 25)). Here, there were elections in March, May, and August 2021, before the statute's effective date. The effect of not voting an early ballot in any of those elections changed once the statute was enacted. Specifically, before the statute's effective date, a voter's decision not to vote early in any particular election would have no effect on the voter's AEVL status. After the effective date, it could be part of the basis for the voter's removal from AEVL. This falls squarely within the prohibition on disturbing vested substantive rights.

E. Plaintiffs Have Not Shown A Likelihood of Success on the Circulator Registration Provision.

Pursuant to A.R.S. § 19-118(A), the EPM includes a section concerning registration of petition circulators. In that section, the EPM provides that "[t]he Secretary of State's Office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions." 2023 EPM, at 119. Plaintiffs do not challenge that provision. Instead, they assert that the footnote to that paragraph "improperly negates statutorily required elements of a valid circulator registration." (Mot. for Prelim. Inj., at 11). But the EPM cannot negate a statutory requirement, and it does not do so here. It merely includes a footnote that is consistent with the Arizona Supreme Court's conclusion in *Leibsohn*, 254 Ariz. at 5, ¶ 11 (concluding that "a unit number is not required as part of a 'residence address.'"). Importantly, nothing in footnote 58 takes away the right of "any person" to challenge a circulator's registration and the signatures they gather. *See* A.R.S. § 19-118(F).

F. The Canvassing Provisions Are Consistent With Statute.

As noted above and in the Motion to Dismiss, the Legislature—led by the Plaintiffs—recently amended several of the statutes related to canvassing primary and general elections. (*See* Mot. to Dismiss, at 14-15). Taken together, the amendments make it abundantly clear that delaying the canvass of a primary or general election is not permitted by Arizona law. *See* 2024 Ariz. Sess. Laws, ch 1., §§ 13-16. In particular, a county may not delay its canvass if returns are found to be missing. *See* A.R.S. § 16-644(C). And the provision permitting the Secretary to delay the state canvass has been removed from the statute. *See* 2024 Ariz. Sess. Laws, ch 1, § 16 (deleting A.R.S. § 16-648(C)).

Plaintiffs' argument regarding the state canvass hinges on its assertion that the Secretary must (1) canvass the election within 30 days, and (2) include the canvasses from all counties. (Mot. for Prelim. Inj. at 16). But both of those requirements have been changed by House Bill 2785. The state canvass must now occur 20 days after the election. A.R.S. §16-648(A). And the allowance of additional time if the Secretary has not received all counties' canvasses has been eliminated. 2024 Ariz. Sess. Laws, ch 1, § 16. As such, the EPM accurately reflects the law with regard to the Secretary's duty to canvass.

Contrary to Plaintiffs' contention, the Secretary complying with his statutory duty to timely canvass even if a county canvass is missing does not "impinge[ ] both legislative and judicial functions in violation of separation of powers." (Mot. for Prelim Inj. at 16). The EPM recognizes that a court order may delay the state canvass. 2023 EPM, at 252. If the Legislature wanted to require the Secretary to go to court if a county canvass is missing, "it would have expressly done so." *Est. of Braden ex rel. Gabaldon v. State*, 228 Ariz. 323, 327 ¶ 15 (2011); *see* A.R.S. § 16-662 (requiring the Secretary to sue to initiate a recount). But recent history shows that the Secretary is willing and able to obtain mandamus relief to ensure voters are not disenfranchised by a county's failure

to comply with its duty to canvass. *See Hobbs v. Crosby*, No. S0200CV202200553, 2022 WL 17406494 at *2, Minute Entry Order re Special Action (Ariz. Super. Ct. Cochise Cnty. Dec. 1, 2022) (granting writ of mandamus and ordering Cochise County Board of Supervisors to complete the canvass and provide it to the Secretary by 5:00 pm that day). In any event, the possibility that the Secretary would canvass an election without including one or more counties and without seeking court intervention is so remote that it does not warrant a preliminary injunction in this case, and highlights the lack of a justiciable controversy detailed in the Motion to Dismiss.

III. Plaintiffs Have Not Shown Any Harm, Let Alone Irreparable Harm.

Instead of specific, irreparable harm, Plaintiffs offer only a broad pronouncement that "an EPM provision that exceeds the scope of a statutory delegation or that conflicts with a statutory provision exacts an institutional injury by infringing the legislative power." (Mot. for Prelim. Inj., at 17). As explained in the Motion to Dismiss, institutional injury to the Legislature is not nearly so broad as to encompass differing interpretations of statutes by the Legislature and those charged with carrying out the statutes. (*See* Mot. to Dismiss, at 5-6). Rather, it involves specific harm to the Legislature's ability to exercise its specific powers, such as subpoenaing witnesses or vote nullification. *See Raines v. Byrd*, 521 U.S. 811, 824-26 (1997); *State ex rel. Tenn. Gen. Assembly v. U.S. Dep't of State*, 931 F.3d 499, 512 (6th Cir. 2019); *Biggs v. Cooper*, 236 Ariz. 415, 419-20, ¶¶ 16, 19 (2014). Plaintiffs have not alleged such specific harm, nor can they do so.

Preliminary injunction motions involve quick decisions by the court in the face of the likelihood that irreparable harm will result. *See City of Flagstaff*, 255 Ariz. at 12, ¶ 13. But beyond the vague and unsubstantiated allegations of injury to legislative power, Plaintiffs offer nothing to show that hasty relief is necessary to avert purported injury. They do not allege that voters will be unable to vote, that elections will not occur,

or any other harm will flow from continued application of the challenged EPM provisions.

Moreover, the harm, if any, occasioned by a disagreement over a provision in the EPM is not irreparable. The Legislature has at its disposal the means to remedy any alleged harm—the legislative process. *See, e.g.*, Ariz. Const. art. IV, § 1(1) (vesting the "legislative authority of the state" with the legislature); *Henson v. Santander Consumer USA, Inc.*, 582 U.S. 79, 90 (2017) (recognizing that "the proper role of the judiciary" is to "apply, not amend, the work of the People's representatives."). If a provision of the EPM misconstrues a statute, the Legislature can enact a law to clarify the statute's meaning. Or, more broadly, the Legislature can change how the EPM is issued, the subjects it covers, or its legal effect. Plaintiffs' failure to show irreparable harm here is fatal to their ability to obtain a preliminary injunction in this case. *See City of Flagstaff,* 255 Ariz. at 14, ¶ 24.

IV. The Balance of Hardships and Public Interest Weigh Against Granting Plaintiffs' Requested Injunction.

When the government is the party opposing a preliminary injunction, the last two factors of the test merge. *Nken v. Holder*, 556 U.S. 418, 435 (2008). Of course, in this case, Plaintiffs also purport to speak for a governmental body, but they relegate these two factors to a single sentence in their Motion, which they draw from *AzPIA*. (Mot. for Prelim. Inj., at 17). As explained above, the decision in that mandamus action does not provide useful guidance to this court in deciding whether to enjoin enforcement of the challenged provisions of the EPM here. Indeed, the language that Plaintiff's quote regarding action that "does not comply with Arizona law" involved conduct that violated the EPM.

Plaintiffs have come forward with nothing to show how compliance with the challenged EPM provisions will harm them or the public interest. Nor how that harm outweighs the harm to the election officials who worked to create the EPM pursuant to

Arizona law and who rely on it to help them carry out their statutorily-mandated duties. In short, Plaintiffs' complete failure to provide evidence that the balance of hardships and public interest weigh in their favor requires that the Court deny the requested preliminary injunction.

Conclusion

For the foregoing reasons, the Court should deny Plaintiffs' Motion for Preliminary Injunction.

RESPECTFULLY SUBMITTED this 4th day of March, 2024:

Kristin K. Mayes
Attorney General

/s/Karen J. Hartman-Tellez
Kara Karlson
Karen J. Hartman-Tellez
Senior Litigation Counsel
Kyle Cummings
Assistant Attorney General
Attorneys for Arizona Secretary of State Adrian Fontes

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COPIES served via TurboCourt and Email
this 4th day of March, 2024, to:

Kory Langhofer
Thomas Basile
Statecraft PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
kory@statecraftlaw.com
tom@statecraftlaw.com

Joseph Kanefield
Tracy A. Olson
Vanessa Pomeroy
Snell & Wilmer L.L.P.
One East Washington Street, Suite 2700
Phoenix, Arizona 85004
jkanefield@swlaw.com
tolson@swlaw.com
vpomeroy@swlaw.com

Attorneys for Plaintiffs

D. Andrew Gaona
Austin C. Yost
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
agaona@cblawyers.com
ayost@cblawyers.com

Elisabeth C. Frost
Daniel J. Cohen
Marilyn Gabriela Robb
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
efrost@elias.law
dcohen@elias.law
mrobb@elias.law

Jonathan P. Hawley
Elias Law Group LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
jhawley@elias.law

Attorneys for Proposed Intervenors Arizona Alliance for Retired Americans and Voto Latino

By: /s/ Karen J. Hartman-Tellez