

GENERAL ALLEGATIONS

13. The Arizona Legislature is constitutionally vested with the authority to enact “laws to secure the purity of elections and guard against abuses of the elective franchise.” Ariz. Const. art. 7, § 12.

14. The legislature has delegated limited rulemaking authority for the conduct of elections to the Secretary of State. Specifically, the legislature has empowered the Secretary to “prescribe rules 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” and to “adopt rules regarding fax transmittal of unvoted ballots, ballot requests, voted ballots and other election materials to and from absent uniformed and overseas citizens and shall adopt rules regarding internet receipt of request for federal postcard applications” A.R.S. § 16-452(A).¹

15. These statutory delegations are specific and exhaustive, meaning that if a provision of the EPM is not authorized by one of these delegations, then it cannot carry the force of law. *Leach v. Hobbs*, 250 Ariz. 572, 576 ¶ 21 (2021).

16. These rules are required to “be prescribed in an official instructions and procedures manual” known as the EPM, and must “be issued not later than December 31 of each odd-numbered year immediately preceding the general election.” A.R.S. § 16-452(B).

17. The Secretary must submit a draft EPM to the governor and attorney general, and the governor and attorney general must approve it before it takes effect. *Id.*

18. “Once adopted, the EPM has the force of law; any violation of an EPM rule is punishable as a class two misdemeanor.” *Ariz. Pub. Integrity Alliance v. Fontes*, 250 Ariz. 58, 63 ¶ 16 (2020) (citing A.R.S. § 16-452(C)).

¹ The Secretary’s limited rulemaking authority includes other topics to be addressed in the EPM. See also A.R.S. §§ 16-168(I), 16-246(G), 16-315(D), 16-341(H), 16-411(B)(5)(b), 16-449(A)–(B), 16-543(A)–(C), 16-544(B), 16-579(A)(2), (E), 16-602(B), 16-926(A), 16-938(B), 19-118(A), 19-121(A)(5), 19-205.01(A).

