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13 *Defendants Arizona Alliance for Retired*
14 *Americans and Voto Latino*

14 *Pro Hac Vice Application Pending
15 **Pro Hac Vice Application Forthcoming

16 **ARIZONA SUPERIOR COURT**

17 **YAVAPAI COUNTY**

18 STRONG COMMUNITIES FOUNDATION) No. S1300CV202400175
19 OF ARIZONA INCORPORATED *et al.*,)
20 Plaintiffs,) **PROPOSED INTERVENOR-**
21 v.) **DEFENDANTS ARIZONA**
22 YAVAPAI COUNTY *et al.*,) **ALLIANCE FOR RETIRED**
23 Defendants.) **AMERICANS AND VOTO**
24) **LATINO'S NOTICE OF**
25) **LODGING PROPOSED**
26) **RESPONSE TO APPLICATION**
27) **FOR ORDER TO SHOW CAUSE**
28) (Assigned to the Hon. Tina Ainley)

1 Proposed Intervenor-Defendants Arizona Alliance for Retired Americans and Voto
2 Latino, through undersigned counsel, hereby give notice of lodging their Proposed
3 Response to Plaintiffs' Application for Order to Show Cause (attached as Exhibit 1). Under
4 this Court's March 11, 2024 Order Setting Hearing, and in the spirit of "secur[ing] the just,
5 speedy, and inexpensive determination" of this matter, Ariz. R. Civ. P. 1, Proposed
6 Intervenor-Defendants lodge this document on the same date as the Court-ordered deadline
7 for Defendants' Responses ahead of the April 3, 2024 hearing.

8 RESPECTFULLY SUBMITTED this 29th day of March, 2024.

9 **COPPERSMITH BROCKELMAN PLC**

10 By: /s/ D. Andrew Gaona

11 D. Andrew Gaona
12 Austin C. Yost

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24 *Arizona Alliance for Retired Americans and*
25 *Voto Latino*

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28 ORIGINAL e-filed and served via electronic
means this 29th day of March, 2024, upon:

Honorable Tina Ainley
Yavapai County Superior Court
c/o Dawn Paul, Judicial Assistant
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7 /s/ Verna Colwell

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Exhibit 1

Exhibit 1

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28)

1 Proposed Intervenors the Arizona Alliance for Retired Americans and Voto Latino
2 respectfully submit this Proposed Response to Plaintiffs’ Application for Order to Show
3 Cause. Proposed Intervenors oppose all relief sought in the Verified Special Action
4 Complaint and, by extension, the Application.

5 Plaintiffs Strong Communities Foundation of Arizona Incorporated and three
6 individuals improperly ask this Court to commandeer election administration—primarily in
7 Maricopa County, but also in Coconino and Yavapai Counties—and impose more than two
8 dozen requirements of Plaintiffs’ own choosing as to how elections are run for everything
9 from drop box security to voting center locations to chain of custody requirements for
10 ballots to signature matching and ballot curing procedures in the highly anticipated 2024
11 elections. *See* Compl. for Special Action Relief at 38–42. Plaintiffs also ask the Court to
12 throw out the votes of the two-thirds of Arizona residents in the target counties should
13 Plaintiffs decide the elections were not conducted to their liking. *Id.* at 39. The relief
14 Plaintiffs seek is as unprecedented as it is improper, made all the more indefensible because
15 it is rooted in the groundless allegation that Arizona county election officials are
16 systematically violating state law, and Plaintiffs assume based on nothing more than rank
17 speculation that these invented problems will taint the 2024 elections.

18 Proposed Intervenors briefly state their basis for opposing the Application and
19 respectfully reserve their right to file a motion to dismiss after being granted intervention,
20 which will address why Plaintiffs’ Complaint should be dismissed in full with prejudice.
21 *First*, Plaintiffs’ fail to meet Arizona’s “rigorous standing requirement.” *Fernandez v.*
22 *Takata Seat Belts, Inc.*, 210 Ariz. 138, 140 ¶ 6 (2005). Plaintiffs allege no injury to
23 themselves—past, present, or future, *see, e.g.*, Compl. ¶¶ 13–16 (describing plaintiffs but
24 alleging no injury to any of them)—and instead ask the Court to issue a paradigmatic
25 advisory opinion, “anticipative of troubles which do not exist; may never exist; and the
26 precise form of which, should they ever arise, [courts] cannot predict.” *Velasco v. Mallory*,
27 5 Ariz. App. 406, 410–11 (1967). Plaintiffs’ entire case rests on wild hypotheticals about
28 how Defendants will mismanage elections in the future and unknowable election

1 administration troubles like machine failures, none of which give rise to a justiciable
2 controversy. *Second*, even if Plaintiffs had standing, they fail to state a claim upon which
3 relief can be granted. The Complaint alleges violations of Arizona law based not upon the
4 law as it exists, but on Plaintiffs' preferred election administration practices. Indeed, many
5 of the alleged deficiencies Plaintiffs claim occurred in 2022 and imagine will recur in 2024
6 have already been rejected by Arizona courts. *Compare Lake v. Hobbs*, 254 Ariz. 570 (App.
7 2023) (rejecting claims regarding chain of custody for ballots and printer malfunctions in
8 Maricopa County in 2022 general election), *review granted in part, decision vacated in*
9 *part*, No. CV-23-0046-PR, 2023 WL 7289352 (Ariz. Mar. 22, 2023) *with* Compl. ¶¶ 146–
10 156 (Count I) (challenging chain of custody of ballot procedures in Maricopa County); *id.*
11 ¶¶ 162–170 (Counts III and IV) (challenging voting center printer issues in Maricopa
12 County). Because Plaintiffs' Complaint fails to allege any violation of any Arizona law, it
13 must be dismissed.

14 There is no legal or factual basis for this Court to grant Plaintiffs' Application or
15 order any of the expansive relief Plaintiffs demand. Doing so would require the Court to
16 micromanage all aspects of elections and impose requirements on Defendants that the law
17 does not, according to Plaintiffs' preferences, and ultimately would make it harder for
18 eligible Arizonans—like Proposed Intervenors' members and constituents—to vote.
19 Proposed Intervenors respectfully request that the Court deny Plaintiffs' Application.

20 **Conclusion**

21 Proposed Intervenors look forward to discussing the schedule in this case, including
22 the status of their pending motion to intervene and their forthcoming motion to dismiss, at
23 the April 3 hearing.

24 RESPECTFULLY SUBMITTED this 29th day of March, 2024.

25 **COPPERSMITH BROCKELMAN PLC**

26 By: /s/ D. Andrew Gaona

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28 Austin C. Yost

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