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BY: _____

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*Attorney for Plaintiffs Demitra Manjoros
and Yavapai Republican Committee*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

Mark Brnovich, in his official capacity as
Arizona Attorney General; Yavapai County
Republican Committee, an unincorporated
association; and Demitra Manjoros, First
Vice Chair of the Yavapai County
Republican Committee and registered voter
in Yavapai County,

Plaintiffs

vs.

Katie Hobbs, in her official capacity as
Arizona Secretary of State,

Defendant.

Case No: P1300CV

202200269-

**PLAINTIFFS' APPLICATION FOR
ORDER TO SHOW CAUSE**

[EXPEDITED ELECTION CASE]

1 Pursuant to Arizona Rule of Civil Procedure 7.3, Plaintiffs hereby apply for the entry of
2 an order to show cause as to why the relief Plaintiffs request in Plaintiffs' Verified Complaint for
3 Special Action Relief ("Verified Complaint") should not be granted. As the Verified Complaint
4 explains in more detail, Plaintiffs are entitled to special action relief requiring the Secretary of
5 State to comply with her statutory duty under A.R.S. § 16-452 to provide the Attorney General
6 and Governor with a draft Election Procedures Manual and, following approval by the Attorney
7 General and Governor, to promulgate the Election Procedures Manual for use during the 2022
8 election cycle. Moreover, the Secretary of State is required under A.R.S. § 16-452 to include in
9 the Election Procedures Manual rules regarding ballot signature verification and the use of ballot
10 drop boxes.

11 Special action jurisdiction and relief is appropriate here for a number of reasons. "[O]ne
12 purpose of a mandamus action is to determine the extent of a state official's legal duties."
13 *Arizonans for Second Chances, Rehab., & Pub. Safety v. Hobbs*, 249 Ariz. 396, 404 ¶19 (2020).
14 Plaintiffs ask the Court to determine the extent of the Secretary's legal duties under A.R.S. § 16-
15 452, and, therefore, Plaintiffs' claims state a claim for special action relief. The issues
16 presented—the scope of the Secretary's duties under A.R.S. § 16-452 and whether the Secretary
17 has complied with those duties—are primarily legal questions, and the ultimate resolution of
18 those issues is not likely to turn on disputed facts. *See Second Chances*, 249 Ariz. at 404-05 ¶20;
19 *Brewer v. Burns*, 222 Ariz. 234, 237 ¶¶ 8-9 (2009) (granting special action jurisdiction even
20 though one party claimed "intense fact questions"). The issues presented are also of statewide
21 importance. The Elections Procedural Manual is used by election officials throughout the state
22 in administering elections. Without a valid EPM for the 2022 election cycle, the rules that would
23 otherwise be contained therein cannot be enforced. The absence of statewide rules to guide
24 county officials in the administration of the election could result in arbitrary treatment of ballots,
25 which could engender violations of Arizona election laws and post-election challenges. Finally,
26 there is a need for final, immediate relief. The 2022 statewide primary election is rapidly

1 approaching. Election officials, including the Yavapai County Recorder, will be mailing early
2 ballots for the primary election to uniformed and overseas voters no later than June 18, 2022 and
3 all early ballots to Arizona voters no later than July 6, 2022. Plaintiffs ask the Court to order the
4 Secretary to comply with her statutory duties no later than May 4, 2022. Plaintiffs, therefore, ask
5 that a Show Cause hearing be set expeditiously.

6 Attached hereto as Exhibit A is a proposed Order to Show Cause and attached hereto as
7 Exhibit B is a proposed Final Judgment Granting Special Action Relief.

8
9
10 RESPECTFULLY SUBMITTED this 21st day of April, 2022.


11 **MARK BRNOVICH**
12 **ATTORNEY GENERAL**

13 By /s/ 

14 Joseph A. Kanefield
15 Brunn ("Beau") W. Roysden III
16 Michael S. Catlett
17 Jennifer J. Wright
18 *Assistant Attorneys General*

19 *Attorneys for Plaintiff Attorney General Mark*
20 *Brnovich,*

21 **BERGIN, FRANKS, SMALLEY & OBERHOLTZER**

22 By /s/  *for*

23 Brian M. Bergin

24 *Attorney for Plaintiffs Demitra Manjoros*
25 *and Yavapai Republican Committee*
26

Exhibit A

1 **MARK BRNOVICH**
2 **ARIZONA ATTORNEY GENERAL**

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14 *Arizona Attorney General*

15 Brian M. Bergin (State Bar No. 016375)

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21 *Attorney for Plaintiffs Demitra Manjoros*

22 *and Yavapai Republican Committee*

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

24 **IN AND FOR THE COUNTY OF YAVAPAI**

25 Mark Brnovich, in his official capacity as
26 Arizona Attorney General; Yavapai County
Republican Committee, an unincorporated
association; and Demitra Manjoros, First
Vice Chair of the Yavapai County
Republican Committee and registered voter
in Yavapai County,

Plaintiffs

vs.

Katie Hobbs, in her official capacity as
Arizona Secretary of State,

Defendant.

Case No:

ORDER TO SHOW CAUSE

[EXPEDITED ELECTION CASE]

1 Upon application of the Plaintiffs and good cause appearing,

2 IT IS HEREBY ORDERED that Defendant Katie Hobbs, in her official capacity as
3 Arizona Secretary of State, shall appear in person or through counsel before this Court on the
4 ____ day of _____, 2022, at the hour of ____ .m. (____ hours allotted) at the
5 Yavapai County Superior Court located at 120 S. Cortez, Prescott, AZ 86303, Courtroom ____,
6 then and there to show cause why the requested relief should not be awarded.
7

8 Additional instructions are as follows:

9 IT IS FURTHER ORDERED that Plaintiffs shall serve the Defendants within one (1)
10 business day of receipt of this order. Service may be effected by leaving a copy of the filings in
11 this case at Defendant's office, and emailing a copy to Defendant's Assistant Secretary of State
12 and General Counsel at their government email addresses.
13

14 IT IS FURTHER ORDERED that Defendant shall, by _____, ____ 2022, file a response
15 to Plaintiffs' Verified Petition for Special Action Relief and email a courtesy copy of the response
16 to Plaintiffs' counsel and to the Court at _____.

17 IT IS FURTHER ORDERED that Plaintiffs shall, by _____, ____ 2022, file a reply in
18 support of Plaintiffs' Verified Petition for Special Action Relief and email a courtesy copy of the
19 reply to Defendant's counsel and to the Court at _____.
20

21
22
23 Dated: _____

24 Judge _____, Yavapai County Superior Court
25
26

Exhibit B

1 **MARK BRNOVICH**
2 **ARIZONA ATTORNEY GENERAL**

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Republican Committee and registered voter
in Yavapai County,

Plaintiffs

vs.

Katie Hobbs, in her official capacity as
Arizona Secretary of State,

Defendant.

Case No:

**FINAL JUDGMENT GRANTING
SPECIAL ACTION RELIEF**

[EXPEDITED ELECTION CASE]

1 Upon application of the Plaintiffs and good cause appearing,

2 IT IS HEREBY ORDERED that Defendant Katie Hobbs, Arizona Secretary of State, shall
3 promptly provide the Attorney General and Governor with a legally-compliant draft Election
4 Procedures Manual for approval on or before 5:00 p.m. on May 4, 2022;
5

6 IT IS FURTHER ORDERED that Defendant Katie Hobbs shall include rules for county
7 officials regarding ballot signature verification in the draft Election Procedures Manual provided
8 to the Attorney General and Governor for approval;

9 IT IS FURTHER ORDERED that Defendant Katie Hobbs shall include rules prohibiting
10 county election officials from outsourcing any part of the ballot signature verification process to
11 a non-governmental third party and providing guidance regarding the procurement and use of
12 computer software to verify ballot signatures in the draft Election Procedures Manual provided
13 to the Attorney General and Governor for approval;
14

15 IT IS FURTHER ORDERED that Defendant Katie Hobbs shall include rules for county
16 officials to properly staff ballot drop boxes in the draft Election Procedures Manual provided to
17 the Attorney General and Governor for approval;

18 IT IS FURTHER ORDERED that there is no just reason for delay and entering this as a
19 final judgment pursuant to Arizona Rule of Civil Procedure 54(b).
20

21 Dated: _____

22 Judge _____, Yavapai County Superior Court
23
24
25
26