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11 * *Application for Pro Hac Vice Forthcoming*

12
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14
15 **ARIZONA SUPERIOR COURT**
16 **YAVAPAI COUNTY**

17 MARK BRNOVICH, in his official capacity as) No. P1300CV202200269
18 Arizona Attorney General, et al.,)

19 Plaintiffs,) **NOTICE OF ERRATA**

20 v.)

21 KATIE HOBBS, in her capacity as the)
Secretary of State of Arizona,)

22 Defendant.)
23)

24 Defendant Katie Hobbs, in her official capacity as Arizona's Secretary of State
25 ("Secretary"), submits this notice of errata to correct a typographical error in the Response to
26 Plaintiffs' Application for Order to Show Cause and Opposition to Plaintiffs' Request for Special

1 Action Relief. In the paragraph beginning on page 9, line 22 and ending on page 10, line 8, the
2 Response inadvertently uses the word “Complaint” instead of “petition.” That paragraph should
3 read as follows:

4 Plaintiffs repeatedly claim that *McKenna v. Soto*, 250 Ariz. 469, 473 ¶ 20 (2021), and
5 *Leach v. Hobbs*, 250 Ariz. 572, 576 ¶ 21 (2021) somehow limited the Secretary’s authority to
6 include provisions in the EPM. But neither case supports that claim. In *McKenna*, the supreme
7 court held that EPM provisions governing candidate nomination petitions were not binding,
8 because § 16-452 allows the Secretary to adopt binding rules governing only “early voting and
9 voting, and . . . producing, distributing, collecting, counting, tabulating and storing ballots.” §
10 16-452(A). But the court expressly recognized that the “EPM also contains guidance on matters
11 outside these specific topics, including candidate nomination petition procedures, and the
12 regulation of petition circulators[.]” 250 Ariz. at 473 ¶ 20 (citation omitted) (emphasis added).
13 *Leach* is no different. It stated the unremarkable proposition that an EPM rule “does not have
14 the force of law” if it exceeds the scope of § 16-452 or conflicts with a statute. 250 Ariz. at 576
15 ¶ 21. In short, neither *McKenna* nor *Leach* changed the Secretary’s statutory authority for
16 purposes of the EPM.

17 RESPECTFULLY SUBMITTED this 28th day of April, 2022.

18 **COPPERSMITH BROCKELMAN PLC**

19 By: /s/ Roopali H. Desai

20 Roopali H. Desai

21 D. Andrew Gaona

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