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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

13 Arizonans for Fair Elections, et al.,

14 Plaintiffs,

15 v.

16 Katie Hobbs, et al.,

17 Defendants,
18
19

No. 2:20-CV-00658-DWL

**MOHAVE COUNTY
RECORDER'S RESPONSE TO
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

20 The Mohave County Recorder, Kristi Blair, responds to Plaintiff' Motion for
21 Temporary Restraining Order and Preliminary Injunction as follows:

22 The Mohave County Recorder takes no position as to whether the Court should
23 suspend a portion of the Arizona Constitution to temporarily allow electronic signature
24 gathering for ballot initiative petitions during the pendency of the ongoing COVID-19
25 public health crisis as requested by Plaintiffs.
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1 The Mohave County Recorder notes that there does not appear to be any
2 technological reason that the E-Qual internet portal operated by the Arizona Secretary of
3 State cannot be utilized to collect electronic ballot initiative signatures of qualified
4 electors in the same fashion that such electronic signatures are collected for nomination
5 petitions for candidates for office as authorized under A.R.S. § 16-315(E). The only
6 impediment to electronic signature collection in the context of ballot initiative petitions
7 appears to be the plain and specific language of the Arizona Constitution governing the
8 form and contents of initiative and referendum petitions. Currently the Arizona
9 Constitution requires that

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13 [...] every sheet of every such petition containing signatures shall be
14 verified by the affidavit of the person who circulated said sheet or
15 petition, setting forth that each of the names on said sheet was signed in
16 the presence of the affiant and that in the belief of the affiant each signer
17 was a qualified elector of the state[.]

17 Article IV, Pt. 1 § 1.(8). Understandably, Plaintiff's complain that compliance with the
18 Article IV requirements of the initiative petition process are now more difficult in light of
19 the COVID-19 public health crisis and social distancing principles and guidelines set forth
20 in the Arizona Governor's March 11, 2020 Declaration of Emergency and Executive
21 Order 2020-18.

23 Plaintiffs' request to temporarily suspend Article IV, Pt. 1 § 1.(8) of the Arizona
24 Constitution does not appear to be an issue over which the Mohave County Recorder has
25 any control. If the Court orders the Secretary of State to adhere to these provisions of the
26 Arizona Constitution as written in evaluating the validity of ballot initiative signatures,
27 the Mohave County Recorder will fulfill her obligation under A.R.S. § 19-121.02 to
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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2020, I electronically transmitted the attached document to the Clerk's Office using CM/ECF System for Filing.

/s/ Jeffrey B. Haws