

BARBARA LAWALL
PIMA COUNTY ATTORNEY
CIVIL DIVISION

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10 *Attorney for Pima County Recorder F. Ann Rodriguez*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Arizonans for Fair Elections, et al.,

14 Plaintiffs,

15 v.

16 Katie Hobbs, et al.,

17 Defendants,

No. 2:20-CV-00658-DWL

18 **PIMA COUNTY RECORDER'S**
19 **RESPONSE TO MOTION FOR**
20 **TEMPORARY RESTRAINING**
21 **ORDER AND PRELIMINARY**
22 **INJUNCTION**

23 Assigned to:
24 Honorable Dominic W. Lanza

25 The Pima County Recorder F. Ann Rodriguez responds to Plaintiffs' Motion
26 for Temporary Restraining Order and Preliminary Injunction as follows:

The Pima County Recorder agrees with Plaintiffs that electronic signature gathering for initiative petitions should be temporarily allowed during the pendency of COVID-19 restrictions imposed by the State of Arizona. There does not appear to be any technological reason why the Secretary of State could not implement such a process. Electronic signature gathering is authorized under Arizona law for candidates seeking statewide and legislative offices, A.R.S. § 16-315(E), for

1 candidates seeking municipal, county and precinct committeemen offices, A.R.S. §
2 16-317, and for candidates seeking federal offices, A.R.S. § 16-318. The Secretary of
3 State has implemented A.R.S. §§ 16-315(E) and 16-318 with her E-Qual internet
4 portal. Since the portal already can verify registered Arizona voters in signing for
5 candidates, it should be able to verify registered Arizona voters in signing for
6 initiatives.

7 If the Court is inclined to order such relief and such process is implemented,
8 the Pima County Recorder would not disqualify any signatures for the reason that
9 they were collected using E-Qual when she conducts her certification pursuant to
10 A.R.S. § 19-121.02.

11
12 RESPECTFULLY SUBMITTED April 7, 2020.

13 BARBARA LAWALL,
14 PIMA COUNTY ATTORNEY

15 By: /s/ Daniel Jurkowitz
16 Daniel Jurkowitz
17 Deputy County Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2020, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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By: /s/ Lenora R. Anderson