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Attorneys for Plaintiff
State of Arizona ex rel. Mark Brnovich,
Attorney General

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA, *ex rel.* MARK
BRNOVICH,

Plaintiff,

v.

ADRIAN FONTES, in his official capacity as
Maricopa County Recorder, and RUNBECK
ELECTION SERVICES, INC.

Defendants.

No: _____

TEMPORARY RESTRAINING ORDER
(Without Notice)

TO: ADRIAN FONTES, in his official capacity as Maricopa County Recorder, and
RUNBECK ELECTION SERVICES, INC., Defendants.

On application of the State ex rel. Mark Brnovich, Attorney General (the “State”), and
pursuant to Rule 65 of the Arizona Rules of Civil Procedure, the Court hereby temporarily
enjoins and restrains (1) Adrian Fontes, in his official capacity as Maricopa County Recorder
(“Recorder Fontes”), (2) Runbeck Election Services, Inc. (“Runbeck”), (3) all officers agents,

servants, employees, and attorneys of either of the forgoing, and (4) other persons who are in active concert or participation with anyone described in (1), (2), or (3) as follows. All of the foregoing are collectively referred to as “Enjoined Parties” in this Order.

Reasons Why This Temporary Restraining Order Is Granted

Recorder Fontes has publicly stated that he is imminently causing to be mailed early ballots for the March 17, 2020 presidential preference election to voters who did not request such early ballot. On information and belief, Runbeck is the vendor who would actually mail such ballots.

The State has demonstrated a sufficient likelihood of success on the merits because A.R.S. 16-542 does not authorize recorders including Recorder Fontes from sending out early ballots to persons who have not requested such ballots. This is likely to cause irreparable injury to the State because sending out unauthorized ballots will create voter confusion on the eve of an election and could result in voters attempting to vote ballots that are not lawfully authorized. Moreover, the balance of equities and public policy tips sharply in favor of the state. *See Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) ("A State indisputably has a compelling interest in preserving the integrity of its election process.") (internal quotation marks omitted).

Terms of The Restraining Order

This Order is in effect from the time of its issuance by the Court until such further order of the Court, but expires by its own terms with 10 calendar days of the date of its issuance. The State may serve this Order on a Restrained Party by any means practicable, including but not limited to, electronic or hand delivery, facsimile, or overnight delivery service, to any such person or person’s agent, employee, or attorney. The Court may enforce this Order by all authorized procedures and sanctions, including contempt of court.

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1 **Acts Retrained**

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3 Enjoined Parties are hereby restrained and enjoined from taking any further action to mail
4 or cause to be mailed early ballots in the March 17, 2020 presidential preference election to
5 voters who have not made a verbal or signed request to the Maricopa County Recorder's Office,
6 or other officer in charge of elections, for an official early ballot.

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8 This Temporary Restraining Order (Without Notice) is hereby issued on this _____ day
9 of _____, 2019, at _____ o'clock a.m. / p.m.

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12 JUDGE OF THE SUPERIOR COURT
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