

# Exhibit A

No. 20-16932

---

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

---

MI FAMILIA VOTA; ARIZONA COALITION FOR CHANGE; ULISES  
VENTURA,  
Plaintiffs-Appellees.

v.

KATIE HOBBS, in her official capacity as Arizona Secretary of State,  
Defendant-Appellee,

REPUBLICAN NATIONAL COMMITTEE; NATIONAL REPUBLICAN  
SENATORIAL COMMITTEE  
Intervenors-Defendants-Appellants  
and  
STATE OF ARIZONA,  
Proposed Intervenor-Defendant-Appellant.

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
Case No. 2:20-cv-01903-SPL

---

**STATE OF ARIZONA'S JOINDER IN EMERGENCY MOTION UNDER  
CIRCUIT RULE 27-3 FOR ADMINISTRATIVE STAY**

---

Drew C. Ensign  
Michael S. Catlett  
*Deputy Solicitors General*  
Jennifer J. Wright  
Robert J. Makar  
*Assistant Attorneys General*  
Dated: October 6, 2020

MARK BRNOVICH  
ATTORNEY GENERAL  
Joseph A. Kanefield  
*Chief Deputy & Chief of Staff*  
Brunn ("Beau") W. Roysden III  
*Solicitor General*  
2005 N. Central Avenue  
Phoenix, Arizona 85004  
Telephone: (602) 542-8958  
Beau.Roysden@azag.gov  
*Counsel for the State of Arizona*

**CIRCUIT RULE 27-3 CERTIFICATE**

Intervenor-Defendant-Appellant the State of Arizona (the “State”) respectfully incorporates its Rule 27-3 certificate from its Emergency Motion Under Circuit Rule 27-3 to Intervene filed October 6, 2020.

The State further joins in Intervenor-Defendants-Appellants’ Rule 27-3 certificate. Dkt. 3 at 1-9.

Intervenor-Defendant-Appellant the State of Arizona (the “State”) hereby joins in full in the arguments set forth on pages 10-17 of Intervenor-Defendants-Appellant’s Emergency Motion Under Circuit Rule 27-3 For Administrative Stay.

The State has constitutional authority to regulate its election process. *See* U.S. Const. art. I, § 4, cl. 1; *Clingman v. Beaver*, 544 U.S. 581, 586 (2005). And “[c]ommon sense, as well as constitutional law, compels the conclusion that government must play an active role in structuring elections[.]” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992).

The State further notes that it is well-established that “a state suffers irreparable injury whenever an enactment of its people or their representatives is enjoined.” *Coalition for Economic Equity v. Wilson*, 122 F.3d 718, 719 (9th Cir. 1997). *Accord Maryland v. King*, 133 S. Ct. 1, 3 (2012) (Roberts, C.J., in chambers) (“[A]ny time a State is enjoined by a court from effectuating [its] statutes ... it suffers a form of irreparable injury.”). Indeed, enjoining a “State from conducting [its] elections pursuant to a statute enacted by the Legislature... would seriously and irreparably harm” the State. *Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018). The State is thus suffering irreparable harm already as it cannot enforce the election laws enacted by its duly enacted representatives.

Moreover, the harms at issue are particularly significant because, as the Supreme Court has explained, “Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain

away from the polls. As an election draws closer, that risk will increase.” *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006). Indeed, just today, this Court issued a published opinion in *Arizona Democratic Party et al. v. Hobbs and State of Arizona*, No. 20-16759 (9th Cir. Oct. 6, 2020), granting the State’s emergency motion for a stay pending appeal. This Court stated, “the Supreme Court ‘has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election.’” Slip. Op. at 8 (collecting cases).

For the reasons set forth in Intervenors-Defendants-Appellants’ Emergency Motion Under Circuit Rule 27-3 For Administrative Stay, Dkt. 3 at 10-17, this Court should enter an administrative stay to preserve the status quo.

Respectfully submitted this 6th day of October, 2020,

MARK BRNOVICH  
ATTORNEY GENERAL

s/ *Brunn (Beau) W. Roysden III*  
Joseph A. Kanefield  
*Chief Deputy & Chief of Staff*  
Brunn (“Beau”) W. Roysden III  
*Solicitor General*  
2005 N. Central Avenue  
Phoenix, Arizona 85004  
Telephone: (602) 542-8958  
Beau.Roysden@azag.gov

Drew C. Ensign  
Michael S. Catlett  
*Deputy Solicitors General*  
Jennifer J. Wright  
Robert J. Makar  
*Assistant Attorneys General*

*Counsel for the State of Arizona*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of October, 2020, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

I also emailed a copy to the Secretary of State through her State Elections Director.

s/ Brunn W. Roysden III

Brunn W. Roysden III