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17 *State of Arizona ex rel. Mark Brnovich,*
18 *Attorney General*

19 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
20 **IN AND FOR THE COUNTY OF MARICOPA**

21 CV2020-003477

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

24 Plaintiff,

25 v.

26 ADRIAN FONTES, in his official capacity as
27 Maricopa County Recorder, and RUNBECK
28 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,

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

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5 **Reasons Why This Temporary Restraining Order Is Granted**

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

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

19 **Terms of The Restraining Order**

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

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Restrained

Acts Retrained

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

This Temporary Restraining Order (Without Notice) is hereby issued on this 13th day of March, ²⁰²⁰ ~~2019~~, at 4:32 o'clock ~~a.m.~~ / p.m.



JUDGE OF THE SUPERIOR COURT

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest March 13 20 20
JEFF FINE, Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa.

3 By M. Johnson, Deputy Clerk