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IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

SCOT MUSSI, an individual; AIMEE YENTES, an individual; and ARIZONA FREE ENTERPRISE CLUB, a non-profit corporation,

Plaintiffs,

v.

KATIE HOBBS, in her capacity as the Secretary of State of Arizona,

Defendant,

and

ARIZONANS FOR FREE AND FAIR ELECTIONS (ADRC ACTION), a political committee,

Real Party in Interest.

No. _____

VERIFIED COMPLAINT

(Challenge to Legal Sufficiency of Circulator Registrations and Petition Signatures Pursuant to A.R.S. §§ 19-118(F), 19-122(C))

Plaintiffs Scot Mussi, Aimee Yentes, and Arizona Free Enterprise Club bring this action pursuant to A.R.S. §§ 19-118(F) and 19-122(C), and hereby allege as follows:

SUMMARY OF THE CASE

1
2 1. This action challenges the legal sufficiency of the registrations of certain
3 circulators of the statewide initiative petition bearing the serial number I-16-2022 (the
4 “Initiative Petition”). The Initiative Petition seeks to qualify for placement on the statewide
5 ballot in the November 8, 2022 general election a sprawling measure that upends Arizona’s
6 election administration and voter registration laws, sharply reduces candidate contribution
7 limits while channeling more taxpayer subsidies to so-called “Clean Elections” candidates,
8 curtails safeguards governing the initiative and referendum process, and imposes new taxes
9 (the “Act”).

10 2. Signatures collected by certain circulators of the Initiative Petition who were
11 required to have been, but were not, properly registered with the Secretary of State are void
12 as a matter of law. Specifically, these individuals either:

- 13 a. Failed to register with the Secretary of State prior to collecting
14 signatures in support of the Initiative Petition, and hence did not
15 strictly comply with A.R.S. § 19-118(A);
- 16 b. Failed to provide a signed and notarized affidavit averring to the
17 accuracy of the specific information included in their registration for
18 measure I-16-2022, and hence did not strictly comply with A.R.S. §
19 19-118(B)(5);
- 20 c. Failed to provide on their registration submissions to the Secretary of
21 State a full and complete permanent and (if applicable) temporary
22 residential address—to include the relevant apartment or unit number,
23 if the circulator resided in a multiunit complex—and hence did not
24 strictly comply with A.R.S. § 19-118(B)(1);
- 25 d. Misrepresented on their registration submissions to the Secretary of
26 State one or more required items of contact information, and hence did
27 not strictly comply with A.R.S. § 19-118(B)(1); or



1 e. Failed to provide on their registration submissions to the Secretary of
2 State the statutorily required address for service of process, and hence
3 did not strictly comply with A.R.S. § 19-118(B)(4).

4 3. In addition, certain registered circulators failed to write their full and correct
5 assigned circulator identification number on the front and back of one or more of the petition
6 sheets they purportedly circulated, rendering those sheets and the accompanying signatures
7 not strictly compliant with A.R.S. §§ 19-121(A)(2) and 19-121.01(A)(1)(c).

8 4. A spreadsheet itemizing Plaintiffs’ objections to the legal sufficiency of
9 specific circulators’ registration submissions is attached hereto as Exhibit A.¹

10 5. Petition signatures obtained by individuals who failed to strictly comply with
11 one or more provisions of applicable law are legally insufficient.

12 6. Injunctive remedies are necessary to prevent irreparable injury to the
13 Plaintiffs and to ensure that the Defendant fully and effectively discharges the duties
14 imposed upon her by state law.

15 **JURISDICTION**

16 7. This Court has jurisdiction over this action pursuant to Article 6, § 14 of the
17 Arizona Constitution, and A.R.S. §§ 12-1801, 19-118(F), and 19-122(C).

18 8. Venue for this action lies in Maricopa County pursuant to A.R.S. § 12-401(7)
19 and (16) because the Defendant resides and/or holds office in that county; and pursuant to
20 A.R.S. § 19-118(F) because circulators of the Initiative Petition are registered in that
21 county; and pursuant to A.R.S. § 19-122(D).

22 **PARTIES**

23 9. Plaintiff Scot Mussi is a citizen of the United States, and a resident and
24 qualified elector of the State of Arizona and of Maricopa County.

25 10. Plaintiff Aimee Yentes is a citizen of the United States, and a resident and
26 qualified elector of the State of Arizona and of Maricopa County.

27 _____
28 ¹ For the convenience of the Court and the parties, Plaintiffs are in the process of preparing
an itemized list of affected signatures by sheet and line number.

1 process must strictly comply with those constitutional and statutory requirements.” A.R.S.
2 § 19-102.01(A).

3 18. Section 19-122(C) of the Arizona Revised Statutes provides that “[a]ny
4 person may contest the validity of an initiative or referendum” and “may seek to enjoin the
5 secretary of state or other officer from certifying or printing the official ballot for the
6 election that will include the proposed initiative or referendum measure.”

7 19. Section 19-118(F) of the Arizona Revised Statutes provides that “[a]ny
8 person may challenge the lawful registration of circulators” in this Court.

9 20. Arizona law mandates that “[f]or statewide initiative and referendum
10 measures only, all circulators who are not residents of this state and all paid circulators must
11 register as circulators with the secretary of state before circulating petitions pursuant to this
12 title.” A.R.S. § 19-118(A). The Secretary of State is responsible for promulgating a
13 registration form and procedures for completing and submitting registrations. *See id.*; Ariz.
14 Sec’y of State, 2019 ELECTIONS PROCEDURES MANUAL [hereafter, “EPM”] at pp. 252–54.

15 21. Upon the Secretary’s review and acceptance of a complete registration
16 submission, the circulator is issued a unique identification number, which the circulator
17 must inscribe on the front and back of each petition sheet s/he circulates. *See* A.R.S. §§ 19-
18 118(C), -121(A)(2), -121.01(A)(1)(c).

19 22. A circulator who has not strictly complied with all attributes of a complete,
20 accurate and timely registration, as prescribed by applicable law, is not fully or properly
21 registered.

22 23. The Secretary has a nondiscretionary legal duty to disqualify and exclude
23 from the pool of signatures deemed eligible for further review and verification by the county
24 recorders all signatures collected by individuals who were required to have been, but who
25 were not, “properly registered” with the Secretary of State at the time the signature was
26 affixed. *See* A.R.S. §§ 19-121.01(A)(1)(h), -121.01(B).

27 24. Signatures collected by registered circulators who did not write their full and
28 correct circulator identification number on each side of the petition sheet likewise must be

1 disqualified and excluded from the pool of signatures deemed eligible for further review
2 and verification by the county recorders. *See* A.R.S. §§ 19-121.01(A)(1)(c), -121.01(B).

3 25. There are at least seven independent bases for disqualifying signatures that
4 were circulated by individuals who failed to properly and timely register with the Secretary
5 of State, or to inscribe their full and correct registered circulator identification number on
6 each side of the petition sheet.

7 **Objection No. 1: Failure to Register with the Secretary of State**

8 26. All paid circulators of statewide ballot measure petitions must register with
9 the Secretary of State prior to collecting signatures, regardless of whether they are residents
10 of Arizona. *See* A.R.S. § 19-118(A).

11 27. All circulators of statewide ballot measure petitions who do not reside in
12 Arizona must register with the Secretary of State prior to collecting signatures, regardless
13 of whether they are compensated for their services. *See* A.R.S. § 19-118(A).

14 28. Certain individuals who never registered with the Secretary of State as paid
15 or out-of-state circulators of the Initiative Petition nevertheless indicated on the face of at
16 least one petition sheet they ostensibly circulated that they either:

- 17 (a) were paid for their signature collection efforts; or
18 (b) reside outside Arizona.

19 *See* Ex. A.

20 29. These signatures are invalid and must be disqualified. *See* A.R.S. §§ 19-
21 118(A), -121.01(A)(1)(h).

22 **Objection No. 2: Untimely Circulator Registration**

23 30. Ballot measure circulators who are required to register with the Secretary of
24 State must do so before collecting any signatures. *See* A.R.S. § 19-118(A).

25 31. Certain signatures on the Initiative Petition were obtained by individuals who
26 were paid or non-resident circulators of the Initiative Petition but whose apparent date of
27 registration with the Secretary of State was subsequent to the date of some or all of the
28 signatures they purportedly collected. *See* Ex. A.

1 32. These signatures are invalid and must be disqualified. *See* A.R.S. §§ 19-
2 118(A), -121.01(A)(1)(h).

3 **Objection No. 3: Circulator Registration Not Accompanied by Sworn Affidavit**

4 33. A valid circulator registration consists of two main components.

5 34. The first component is the submission of an electronic form that must include
6 the following information:

- 7 • The circulator’s full name, full permanent and (if applicable) temporary
- 8 addresses, telephone number, and email address;
- 9 • The specific petition for which the circulator will obtain signatures; and
- 10 • An address for service of process, which must be the address of the
- 11 committee sponsoring the ballot measure.

12 *See* A.R.S. § 19-118(B).

13 35. Second, every electronic registration form must be accompanied by a signed
14 and notarized affidavit confirming, *inter alia*, that the information provided in the electronic
15 registration form is correct to the best of the circulator’s knowledge and that the circulator
16 has read and understands Arizona’s election laws “applicable to the collection of signatures
17 for a statewide initiative or referendum.” *See* A.R.S. § 19-118(B)(5).

18 36. The signed and notarized affidavit, which necessarily must be completed on
19 paper, is generally scanned and uploaded separately by the circulator. The circulator also
20 must, upon request, provide the Secretary with the original executed affidavit in hard copy
21 form. *See* EPM at p. 252.

22 37. A circulator registration is not complete and operative until the Secretary has
23 received, “review[ed]” and “accepted” both components of the registration, including the
24 signed and notarized affidavit that must accompany the electronic registration form. *See*
25 A.R.S. § 19-118(C); EPM at 252.

26 38. Certain circulators provided with their electronic registration submission an
27 affidavit that was executed and notarized at an earlier time in connection with a separate
28 circulator registration for another petition measure—in some instances, long before the

1 Secretary of State had even issued a serial number for this Initiative Petition. These
2 registrations are deficient because the affidavits were attesting to the accuracy of *different*
3 information (for example, the circulator’s service of process address and the identity of the
4 measure for which the circulator was collecting signatures) in connection with a *different*
5 petition effort. It follows necessarily that these circulators failed to execute a sworn and
6 notarized affidavit attesting to the accuracy of all required items of information in their
7 registration for *this* Initiative Petition. See Ex. A.

8 39. These registrations accordingly do not strictly comply with the controlling
9 provisions of A.R.S. § 19-118 and the EPM, and signatures collected by circulators who
10 were not “properly registered” at the time the signatures were affixed are invalid and must
11 be disqualified. See A.R.S. §§ 19-118(A), -121.01(A)(1)(h).

12 **Objection No. 4: Circulator Registration Missing Full and Complete Address**

13 40. Registered circulators must provide to the Secretary of State on the
14 registration form, *inter alia*, a full, actual residential address. See A.R.S. § 19-118(B)(1).

15 41. The registration forms submitted by certain circulators of the Initiative
16 Petition omit one or more items of required address information:

17 (a) Certain circulators who purport to permanently reside in a multiunit
18 property failed to provide on their registration form any apartment or unit
19 number, which is a necessary component of a full and complete physical
20 address.

21 (b) Certain circulators who purport to temporarily reside in a multiunit
22 property failed to provide on their registration form any apartment or unit
23 number, which is a necessary component of a full and complete physical
24 address.

25 See Ex. A.

26 42. Because these registration forms are not strictly compliant with the
27 requirement that circulators disclose their full residential address, the associated circulators
28 were not “properly registered” with the Secretary of State. Accordingly, all signatures on

1 the Initiative Petition that they collected are invalid and must be disqualified. *See* A.R.S.
2 §§ 19-118(A)-(B), -121.01(A)(1)(h).

3 **Objection No. 5: Circulator Registration Contains Inaccurate or False Information**

4 43. A legally sufficient circulator registration must disclose, *inter alia*, the
5 circulator’s (i) actual physical place of residence, (ii) telephone number, and (iii) email
6 address. *See* A.R.S. § 19-118(B)(1).

7 44. Circulator registrations include a sworn affidavit affirming that all
8 “information provided is correct to the best of [the circulator’s] knowledge.” A.R.S. § 19-
9 118(B)(5).

10 45. Certain signatures on the Initiative Petition were collected by individuals who
11 provided on their registration form:

12 (a) A purported permanent residential address that, upon information and
13 belief, actually is the location of a business or commercial establishment, or
14 otherwise is not the situs of a residential structure;

15 (b) A purported temporary residential address that, upon information and
16 belief, actually is the location of a business or commercial establishment, or
17 otherwise is not the situs of a residential structure;

18 (c) A telephone number that is inoperative or not the circulator’s actual
19 telephone number;

20 (d) An email address that is inoperative or not the circulator’s actual email
21 address; or

22 (e) A purported residential address that is different from the “residence
23 address” disclosed by the circulator on some or all of the petition sheets she
24 or he ostensibly circulated.

25 *See* Ex. A.

26 46. Because they did not provide complete and accurate required information on
27 their registration forms, these circulators were not “properly registered” with the Secretary
28

1 of State. Accordingly, all signatures on the Initiative Petition that they collected are invalid
 2 and must be disqualified. *See* A.R.S. §§ 19-118(A)-(B), -121.01(A)(1)(h).

3 **Objection No. 6: Circulator Registration Designates Insufficient Service of Process**
 4 **Address**

5 47. Irrespective of where they physically reside, all paid and out-of-state
 6 circulators of statewide ballot measure petitions must provide on their registration “[t]he
 7 address of the committee in this state for which the circulator is gathering signatures and at
 8 which the circulator will accept service of process related to disputes concerning circulation
 9 of that circulator’s petitions.” A.R.S. § 19-118(B)(4); *see also* EPM at p. 252 (specifying
 10 that the designated address for service of process must be “the committee’s address in
 11 Arizona”).

12 48. At all times relevant, the Committee’s address has been 401 West Baseline
 13 Road, Suite 205, Tempe, Arizona 85283.

14 49. Certain circulators of the Initiative Petition disclosed on their registration
 15 submissions to the Secretary of State a service of process address that is either:

- 16 (a) Partial or incomplete; or
- 17 (b) Not the Committee’s address. *See* Ex. A.

18 50. Because they did not provide on their registrations a complete and statutorily
 19 required service of process address, these circulators did not strictly comply with A.R.S. §
 20 19-118(B)(4) and hence were not “properly registered” with the Secretary of State.
 21 Accordingly, all signatures on the Initiative Petition that they collected are invalid and must
 22 be disqualified. *See* A.R.S. §§ 19-118(B)(4), -121.01(A)(1)(h).

23 **Objection No. 7: Incorrect Circulator Registration Number**

24 51. Upon the processing and acceptance of a circulator’s registration form by the
 25 Secretary of State, s/he is issued a unique identification number, which must be printed on
 26 the front and back sides of every petition sheet s/he circulates. *See* A.R.S. §§ 19-118(C), -
 27 121(A)(2), -121.01(A)(1)(c).

1 52. Certain circulators of the Initiative Petition failed to satisfy this requirement
2 by either:

3 (a) providing an identification number that is different from the
4 identification number assigned to that circulator by the Secretary of State,

5 (b) not writing his or her identification number on the front and back of
6 the petition, or

7 (c) writing an illegible identification number on the petition. *See Ex. A.*

8 53. All signatures contained on such petition sheets are invalid and must be
9 disqualified. *See A.R.S. §§ 19-118(C), -121(A)(2), -121.01(A)(1)(c).*

10 **COUNT I**

11 **Unregistered or Improperly Registered Circulators
12 (A.R.S. §§ 19-118, -121.01(A)(1)(h))**

13 54. Plaintiffs incorporate by reference the allegations contained in the foregoing
14 paragraphs as if fully set forth herein.

15 55. All circulators of the Initiative Petition who either reside outside the State of
16 Arizona or who were paid for their signature collection efforts must have been “properly
17 registered” with the Secretary of State before circulating the Initiative Petition. *See A.R.S.*
18 *§§ 19-118(A), -121.01(A)(1)(h).*

19 56. A proper and complete registration must include, *inter alia*, (i) the circulator’s
20 full and accurate permanent and (if applicable) temporary residential address, (ii) the
21 circulator’s actual telephone number, (iii) the circulator’s actual email address, (iv) the
22 Committee’s full and complete address as the designated address for service of process, and
23 (v) a verification of all information in the registration for I-16-2022 that is executed by the
24 circulator under penalty of perjury and notarized. *See A.R.S. § 19-118(A), (B).*

25 57. A circulator who has not strictly complied with all attributes of a complete,
26 accurate and timely registration is not validly or properly registered.

1 58. The Secretary of State must disqualify all signatures by individuals who were
2 required to register but were “not properly registered at the time the petitions were
3 circulated.” A.R.S. § 19-121.01(A)(1)(h).

4 59. “Any person” has legal standing to challenge in this Court the registration of
5 ballot measure petition circulators. See A.R.S. § 19-118(F).

6 60. The inclusion of legally deficient petition sheets and signatures in the
7 Secretary of State’s certification of presumptively valid signatures eligible for verification
8 by the county recorders pursuant to A.R.S. § 19-121.01(B) will irreparably injure the
9 Plaintiffs and all qualified electors of the State of Arizona.

10 61. The balance of equities and considerations of public policy support the entry
11 of injunctive relief.

12 62. Accordingly, Plaintiffs are entitled to an injunction providing for the
13 disqualification of all signatures collected by circulators who were required to be, but were
14 not, “properly registered” with the Secretary of State at the time the signature was affixed.

15 **COUNT II**
16 **Disqualification of Legally Insufficient Sheets and Signatures**
17 **(A.R.S. §§ 19-118, 19-121, 19-121.01, 19-122(C))**

18 63. Plaintiffs incorporate by reference the allegations contained in the foregoing
19 paragraphs as if fully set forth herein.

20 64. Pursuant to A.R.S. § 19-122(C), “[a]ny person may contest the validity of an
21 initiative or referendum . . . [and] may seek to enjoin the secretary of state or other officer
22 from certifying or printing the official ballot for the election that will include the proposed
23 initiative or referendum and to enjoin the certification or printing of the ballot.”

24 65. Pursuant to A.R.S. § 19-102.01(A), “[c]onstitutional and statutory
25 requirements for statewide initiative measures must be strictly construed and persons using
26 the initiative process must strictly comply with those constitutional and statutory
27 requirements.”



1 66. The Initiative Petition contains numerous signatures that are not strictly
2 compliant with governing laws on the grounds that, *inter alia*, the circulator of the sheet
3 had registered with the Secretary of State but had not inscribed his or her full and complete
4 assigned circulator registration number on the front and back of the petition sheet. The
5 Secretary is required to disqualify these signatures. *See* A.R.S. §§ 19-118(C), -121(A)(2),
6 -121.01(A)(1)(c).

7 67. The inclusion of legally deficient petition sheets and signatures in the
8 Secretary of State’s certification of presumptively valid signatures eligible for verification
9 by the county recorders pursuant to A.R.S. § 19-121.01(B) will irreparably injure the
10 Plaintiffs and all qualified electors of the State of Arizona.

11 68. The balance of equities and considerations of public policy support the entry
12 of injunctive relief.

13 69. Accordingly, the Plaintiffs are entitled to an injunction providing for the
14 disqualification of all petition sheets and signatures that do not strictly comply with one or
15 more applicable provisions of law.

DEMAND FOR RELIEF

16 WHEREFORE, the Plaintiffs demand relief in the following forms:

- 17 A. Injunctive or mandamus remedies requiring the Defendant to
18 disqualify and to exclude from the tally of signatures eligible for
19 verification by the county recorders all signatures on the Initiative
20 Petition that were collected by individuals who were required to be,
21 but were not, properly registered with the Secretary of State at the time
22 the signatures were affixed.
- 23 B. Injunctive or mandamus remedies requiring the Defendant to
24 disqualify and to exclude from the tally of signatures eligible for
25 verification by the county recorders all signatures on the Initiative
26 Petition included on sheets that purportedly were circulated by a
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registered circulator but that do not contain the circulator’s full and correct registration number on both sides of the sheet.

- C. An award of reasonable attorneys’ fees and costs pursuant to A.R.S. § 19-118(F), the private attorney general doctrine, and other applicable law.
- D. Such other relief as the Court deems necessary, equitable, proper, or just.

DATED this 22nd day of July, 2022.

STATECRAFT PLLC

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Attorneys for Plaintiffs



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Verification

I, Aimee Yentes, have read the foregoing Verified Complaint and know the contents thereof by personal knowledge. I know the allegations of the Verified Complaint to be true, except the matters stated therein on information and belief, which I believe to be true.

Executed under penalty of perjury this 22nd day of July, 2022.

Aimee Yentes