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8 SUPERIOR COURT OF ARIZONA

9 COUNTY OF MARICOPA

10 **KELLI WARD,**

11 Plaintiff,

12 v.

13 **CONSTANCE JACKSON; FELICIA**
14 **ROTELLINI; FRED YAMASHITA;**
15 **JAMES MCLAUGHLIN; JONATHAN**
16 **NEZ; LUIS ALBERTO HEREDIA;**
17 **NED NORRIS; REGINA ROMERO;**
18 **SANDRA D. KENNEDY; STEPHEN**
19 **ROE LEWIS; and STEVE**
20 **GALLARDO,**

21 Defendants.

No. CV2020-015285

**THE LINCOLN PROJECT'S MOTION
FOR LEAVE TO FILE AMICUS CURIAE
BRIEF**

(Assigned to the Honorable Randall H. Warner)

22 The Lincoln Project respectfully moves, pursuant to this Court's inherent authority,
23 to file a brief as *amicus curiae* to explain the relevant statutory deadlines relating to
24 electoral college deadlines, the rarity of election fraud and to emphasize the importance of
25 expeditiously resolving this case. The Lincoln Project is an organization composed
26 primarily of Republicans and conservatives dedicated to protecting voting rights and
defeating candidates who have abandoned their constitutional oaths. The Lincoln Project
believes that the relief sought by Plaintiffs would endanger the rights of millions of
Arizonans including many supporters of The Lincoln Project.

1 **I. Arizona trial courts have the authority to accept *amicus curiae* briefs.**

2 Courts have “inherent power to do all things reasonably necessary for
3 administration of justice.” *Schavey v. Royston*, 8 Ariz. App. 574, 575 (1968). Consistent
4 with this principle, Arizona trial courts have accepted *amicus curiae* briefs to assist the
5 court even in the absence of a specific trial court rule. *See Home Builders Ass’n of Cent.*
6 *Ariz. v. City of Apache Junction*, 198 Ariz. 493, 496 n.4 (App. 2000) (“Several amici have
7 appeared, both here and in the trial court, supporting the respective positions advanced by
8 the appellants, the City, and the District.”). In fact, another division of this Court recently
9 accepted an *amicus curiae* filed by The Lincoln Project in a similar election law action.
10 *See Donald J. Trump for President, Inc. v. Katie Hobbs, et al*, Case No. CV2020-014248.

11 **II. Interests of The Lincoln Project as *amicus curiae*.**

12 *Amicus curiae* is The Lincoln Project, which has an interest in protecting voting
13 rights, particularly for supporters in Maricopa County and across Arizona. The Lincoln
14 Project also has an interest in the accurate portrayal of Arizona’s election process and
15 procedures, and to ensure that the overall integrity of the election is not undermined by
16 baseless claims. In The Lincoln Project’s view, Plaintiffs’ requests to declare the
17 certificate of election of no further legal force and to annul and set aside the election
18 undermines the concept of government “by the people, for the people” and stands in
19 contrast to the rules of law inherent in a democracy.

20 **III. The Lincoln Project’s Brief Will be Useful to the Court In Ruling on the**
21 **Merits Presented by the Parties.**

22 Amicus briefs may be filed where a court determines that amici “can provide
23 information, perspective, or argument that can help the appellate court beyond the help
24 that the parties’ lawyers provide.” Ariz. R. Civ. App. P. 16(b)(1)(C)(iii). The rule, though
25 not binding on the Court, provides guidance for determining when to accept *amicus curiae*
26 briefs.

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IV. Conclusion.

The Lincoln Project respectfully requests that this Court grant the motion for leave to file the accompanying amicus brief.

DATED this 3rd day of December, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Bruce E. Samuels
Bruce E. Samuels

KBN LAW, LLC

By: /s/Mario Nicolais
Mario Nicolais
(pro hac vice motion forthcoming)

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