

SUPREME COURT OF ARIZONA

BONNIE KNIGHT, et al.,

Petitioners,

v.

ADRIAN FONTES, in his official capacity as
Arizona Secretary of State,

Respondent.

Arizona Supreme Court
No. CV-23-0229-SA

ATTORNEY GENERAL'S MOTION TO INTERVENE AS OF RIGHT

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Arizona Attorney General Kris Mayes respectfully moves to intervene as of right pursuant to A.R.S. § 12-1841(D), Arizona Rule of Procedure for Special Actions 2(b), and Arizona Rule of Civil Procedure 24(a). The

Attorney General further requests that the Court permit her to file a response to the petition on the schedule detailed in the concurrently filed stipulated briefing schedule. Undersigned counsel have conferred with counsel for Petitioners and Respondent—who intends to participate only as a nominal party—regarding this motion. Petitioners and Respondent do not oppose the motion and do not object to the Attorney General’s intervention.

I. The Attorney General has a right to intervene.

In Arizona, anyone with an “unconditional right to intervene under a statute” may intervene as of right. Ariz. R. Civ. P. 24(a); *see* Ariz. R. Spec. Act. 2(b) (Ariz. R. Civ. P. 24 applicable to intervention in a special action). Here, Petitioners provided notice to the Attorney General, pursuant to A.R.S. § 12-1841, that they seek a declaration that the Court of Appeals’ retention elections statute, A.R.S. § 12-120.02, is unconstitutional. (*See* Pet. 6.) Therefore, by the terms of A.R.S. § 12-1841(D), the Attorney General has an unconditional right to “intervene as a party.”

The motion is timely. Petitioners filed their petition on September 5, 2023. The court then dismissed the petition on September 6, 2023, before reinstating the action on September 12, 2023. Given that this case is in its very early stages, and that Respondent Secretary of State Adrian Fontes

intends to participate only as a nominal party in this matter, the Attorney General requests that the Court allow her to file a response to the petition for special action on the schedule detailed in the concurrently filed stipulated briefing schedule. Ariz. R. Civ. P. 24(c)(1)-(2). Permitting the Attorney General to respond directly to the petition will promote the interests of judicial economy and convenience for the parties.

The Attorney General submits a stipulated briefing schedule on behalf of the parties concurrently with the instant motion to intervene.

RESPECTFULLY SUBMITTED this 20th day of September, 2023.

KRIS MAYES, ARIZONA ATTORNEY
GENERAL

By /s/ Alexander W. Samuels
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CERTIFICATE OF SERVICE

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I hereby certify that on September 20, 2023, Proposed Intervenor Kris Mayes, Arizona Attorney General, electronically filed her MOTION TO

INTERVENE AS OF RIGHT, and served a copy of the same, via TurboCourt and email, on the following persons:

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RESPECTFULLY SUBMITTED this 20th day of September, 2023.

KRIS MAYES, ARIZONA ATTORNEY
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