



**NOTICE OF PUBLIC MEETING
AND POSSIBLE EXECUTIVE SESSION OF THE
STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION**

Location: Citizens Clean Elections Commission
1110 W. Washington, Suite 250
Phoenix, Arizona 85007

Date: Thursday, January 30, 2025

Time: 10:00 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on January 30, 2025. This meeting will be held at 10:00 a.m. **This meeting will be held in person and virtually. The meeting location will be open by 9:45 a.m. at the latest.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at ccec@azcleanelections.gov.

The meeting may be available for live streaming online at <https://www.youtube.com/c/AZCCEC/live>. You can also visit <https://www.azcleanelections.gov/clean-elections-commission-meetings>. Members of the Citizens Clean Elections Commission may attend in person, by telephone, video, or internet conferencing.

Join Zoom Meeting

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Please note that members of the public that choose to use the Zoom video link must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may use the Zoom raise hand feature and once called on, unmute themselves on Zoom once the meeting is open for public comment. Members of the public may participate via Zoom by computer, tablet or telephone. A dial-in option is also available but you will not be able to use the Zoom raise hand feature, so the meeting administrator will assist phone attendees. Please keep yourself muted unless you are prompted to speak. The Commission may allow time for public comment on any item on the agenda.

Commission members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to

A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing Commission staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Meeting Minutes for December 5, 2024.
- III. Discussion and Possible Action on Executive Director’s Report, Enforcement and Regulatory Updates, and Legislative Update.

Note: The executive director’s report includes announcements and information about elections and campaign finance, a report on voter education activities, administrative information, information on candidates running clean, reports on legal proceedings involving Clean Elections and other Arizona election officials, a report on correspondence from other agencies, appointments, enforcement status (including complaints that have been closed), and the regulatory agenda. The legislative update includes bills under consideration by the Arizona legislature. It is included in the Commission packet available on the Commission’s website or by request at ccec@azcleaselections.gov.
- IV. Discussion and Possible Action on the 2025 Voter Education Plan.
- V. Public Comment.

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism
- VI. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission’s office, 1110 W Washington St, #250, Phoenix, AZ 85007.

Dated this 28th day of January, 2025
Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

December 5, 2024

10:30 a.m.

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2

1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS
 2 COMMISSION, convened at 10:30 a.m. on December 5, 2024, at
 3 the State of Arizona, Citizens Clean Elections Commission,
 4 1110 West Washington, Suite 250, Phoenix, Arizona, in the
 5 presence of the following Board Members:
 6 Mr. Mark S. Kimble, Chairman
 7 Mr. Galen Paton
 8 Ms. Amy Chan (Videoconference)
 9 Ms. Christina Estes-Werther

10 OTHERS PRESENT:

11 Thomas M. Collins, Executive Director
 12 Paula Thomas, Executive Officer
 13 Mike Becker, Policy Director
 14 Gina Roberts, Voter Education Director
 15 Avery Xola, Voter Education Manager
 16 Alec Shaffer, Web Content Manager
 17 Jessica Painter, KCA, Inc.
 18 Patty Hansen, Coconino County Recorder
 19 Alicia Henry, Sedona Stone
 20 Donna Casner, Sedona Stone
 21 Shawn Wildman, State Representative LD 1

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P R O C E E D I N G

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3 CHAIRMAN KIMBLE: Good morning. Item I on our
 4 agenda is the call to order.
 5 It's 10:30 a.m. on December 5th, 2024. I call this
 6 meeting of the Citizens Clean Elections Commission to order.
 7 We will begin by taking attendance. Commissioners,
 8 please identify yourselves for the record.
 9 COMMISSIONER ESTES-WERTHER: Christina
 10 Werther.
 11 COMMISSIONER PATON: Galen Paton.
 12 COMMISSIONER CHAN: Amy Chan.
 13 CHAIRMAN KIMBLE: And I'm Mark Kimble. We
 14 have a quorum here; four Commissioners attending.
 15 Item II, discussion/possible action on the minutes
 16 from our October 10th meeting. Are there any comments or
 17 corrections or additions to the minutes?
 18 If not, do I have a motion to approve them?
 19 COMMISSIONER ESTES-WERTHER: I motion to
 20 approve the minutes of October 10th, 2024.
 21 CHAIRMAN KIMBLE: Thank you, Commissioner
 22 Werther.
 23 Is there a second?
 24 COMMISSIONER PATON: I'll second.
 25 CHAIRMAN KIMBLE: Thank you, Commissioner

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4

1 Paton.
 2 It's been moved and seconded that we approve the
 3 minutes for our October 10th meeting. I'll call the roll.
 4 Commissioner Chan.
 5 COMMISSIONER CHAN: Aye.
 6 CHAIRMAN KIMBLE: Commissioner Werther.
 7 COMMISSIONER ESTES-WERTHER: Aye.
 8 CHAIRMAN KIMBLE: Commissioner Paton.
 9 COMMISSIONER PATON: Aye.
 10 CHAIRMAN KIMBLE: Chair votes aye.
 11 The minutes are approved four-to-nothing.
 12 Item III is discussion and possible action on the
 13 Executive Director's report.
 14 Tom.
 15 MR. COLLINS: Hi, thank you. Thank you all
 16 for being here, Commissioners.
 17 You know, we will have -- our next segment will
 18 have voter education report which is going to cover a lot of
 19 what's been going on since we've last met, as well as looking
 20 back on what we've been doing on that front this year.
 21 I think it's worth highlighting the -- the 78.5
 22 percent turnout for the general election, and then coming up
 23 on December 17th, the Electoral College will meet, and then
 24 everything should proceed from there.
 25 You know, last meeting we had was right after

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1 our -- right after our last statewide debate, and -- and I
 2 think that the -- in the month since then on the voter
 3 education front we've had a lot -- we've had a lot of demand
 4 for different types of presentations and engagement from a
 5 variety of different audiences which I think was really -- I
 6 think is really positive. I want to -- and I think hopefully
 7 showing that we're continuing to get the, you know, good
 8 receptivity from folks out there who were -- excuse me, who
 9 we are -- we're providing that service to.
 10 So it was a very long list of things that we just
 11 did. I mean, this is just literally between 10/10 and today.
 12 And then, of course, we're also very happy that the Bar
 13 Foundation recognized Avery as their November Volunteer of
 14 the Month. It's particularly exciting to those of us who
 15 have the honor, so to speak, of being members of the Bar.
 16 And so we'd also had on the Prop 211 front as you
 17 all may have seen earlier this -- this month -- or last month
 18 rather -- we had the Court of Appeals affirmed the trial
 19 court's decision. And this was a case that really arose from
 20 the state constitutional -- the state constitutional
 21 challenge to the statute, the arguments that the Center for
 22 Arizona Policy and other plaintiffs were making had to do
 23 with, you know, how the -- the First Amendment analog of the
 24 state constitution and the private affairs clause of the
 25 state constitution, that those should be applied in a way

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6

1 that would make Prop 211 invalid, that those arguments were
2 not successful.

3 We're completing briefing at the Ninth Circuit on
4 the federal case, which is a more traditional First Amendment
5 claim, and -- and that will be, the briefing will be done in
6 January. And then -- and then we'll have -- we have a
7 petition for review by the Arizona leadership, or will be
8 pending with the Arizona Supreme Court on the third case.

9 So where that puts that tally at is the Court of
10 Appeals essentially at the state level has completed, you
11 know, that -- that phase is done. I anticipate that the
12 Center For Arizona Policy and its co-plaintiffs will file a
13 petition for review on that case; there's another case ahead
14 of it at the Arizona Supreme Court. And then there's -- and
15 then there's this third case that will be pending at the
16 Ninth Circuit after January.

17 So, you know, basically we should -- we anticipate
18 over the course of the next, I mean, when you factor the
19 Ninth Circuit, probably the next 18 months, you know, getting
20 closer to some kind of finality on those cases.

21 And, you know, and I think that, you know, so far,
22 you know, I think that the -- I mean, you know, the -- the --
23 under the current existing precedent, Prop 211 is -- is
24 consistent with the constitution. And so I think that, you
25 know -- but, obviously, so long as there are cases alive, we

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1 off on election day is -- is just really giving Arizona a
2 black eye because I was back southeast with relatives, and
3 they're all saying: What's going on with Arizona? Why can't
4 they get their stuff done? And -- and I've said this for
5 five or six years, people think that there is stuff crooked
6 going on. And even though I believe -- I believe everything
7 is on the up and up in Arizona, we have to -- we have to do
8 something, and I think maybe during the legislature, somebody
9 may do something now.

10 But I just think we should have confidence in our
11 elections, and I think that's a negative thing that hopefully
12 somebody can do something about.

13 So anyway, that's my piece.

14 CHAIRMAN KIMBLE: Thank you, Commissioner
15 Paton.

16 Any other comments from members of the Commission?
17 Tom, on your report there's a list of complaints.

18 MR. COLLINS: Yep.

19 CHAIRMAN KIMBLE: What is that all about?
20 MR. COLLINS: So we -- we typically just give
21 you a list of the -- the complaints that we have open, and --
22 and so in this instance we -- we didn't -- we don't break
23 out -- we don't -- we decided, I mean we can change this, we
24 decided just to keep one matter under review system for both
25 Clean Elections matters and Prop -- Prop 211 matters.

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1 will see.

2 So that -- those are the main things that -- that I
3 wanted to hit as far as -- as far as the -- as far as the
4 report goes. I really don't have that much to -- to add
5 beyond that.

6 So if anybody has any questions for me, I'm happy
7 to take them.

8 CHAIRMAN KIMBLE: Questions from members of
9 Commission?

10 COMMISSIONER PATON: I have -- I have a comment.

11 CHAIRMAN KIMBLE: Commissioner Paton.

12 MR. COLLINS: Sure.

13 COMMISSIONER PATON: A couple of them,
14 actually.

15 I mean, I'm -- I'm really happy about the turnout
16 rate, 78.49 percent. You wonder what would take the -- those
17 final 22 percent to actually vote that didn't vote. But I
18 mean, that's -- that's really a good amount of people that --
19 that voted and I'm happy about that.

20 And I'm -- I'm happy about how we as the Clean
21 Election help -- Commission -- help to, you know, promote the
22 elections and voting and all that kind of stuff, all of our
23 educational stuff. I think that really is -- is good for us
24 to do.

25 On a negative thing, having 265,000 ballots dropped

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1 So -- so basically we've got of these, one, two,
2 three, four of them are -- so 03, 04, 06, and 07 are -- are
3 Prop 211 complaints that either have something to do with
4 whether or not something ought to have been reported that
5 wasn't or something ought to have been reported that wasn't
6 or something ought to have been disclosed on the signs
7 that -- that wasn't.

8 The other three are Clean Elections candidate
9 related and they range. I mean, they really do range.

10 They're just kind of -- there's never -- there's no real
11 pattern to what people are complaining. In some past years
12 for example we've had, you know, some -- some issues come up
13 where we'll have five complaints about the same issue with
14 different candidates or something like that. But these are
15 really kind of a hodgepodge of -- of random issues.

16 And, you know, we've been working on them. Not all
17 of them have responses back yet, but the ones that do, you
18 know, we -- my goal is to resolve them if they can be
19 resolved short of an enforcement proceeding from the
20 Commission would be the result by the end of the calendar
21 year.

22 If they require us to come to the Commission then,
23 you know, we'll see -- we'll see about that. I'm not -- it's
24 a little hard to predict right now because you kind of don't
25 know how things will break down.

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10

1 But, you know, as far as to give you a sense of
2 proportion in -- I mean, ten years ago we had 27, 30
3 complaints. You know, we're down significantly from that.
4 The -- the -- we did not get this year any trigger
5 report complaints. We almost every year we get at least one
6 to two trigger report complaints, that is to say, you know,
7 the time-sensitive reports that the Clean Elections Act
8 requires on spending. We didn't get any of those that year.
9 There's still time after the canvas -- I can't remember how
10 many days after the canvas to file complaints still, but we
11 haven't had any there and -- yet.
12 And so -- and the Prop 211, I mean, quite honestly,
13 we -- we were -- I think we've talked about this in other
14 contexts. We had figured there would be not many complaints
15 on account of the fact that there's -- it's relatively new
16 and -- and -- and, I mean, it is new -- and folks, and
17 there's kind of a -- we sort of presume there's kind of a
18 weird detente out there until -- until things get underway.
19 So, you know, I really -- I don't -- I don't know
20 the complaints well enough off the top of my head and I don't
21 have responses from some of them yet to be able to describe
22 the precise subject matter is of -- of them.
23 But, you know, four is not a lot. I think it's --
24 it's more -- you know, it seems like a -- it seems like a not
25 an unreasonable amount of number -- not an unreasonable

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12

1 statute that all the other filing -- all the filing officers
2 go under.
3 CHAIRMAN KIMBLE: Okay.
4 MR. COLLINS: So we kind of want to look at
5 that and make sure that all those line up in a rational kind
6 of way.
7 CHAIRMAN KIMBLE: Okay, any other comments
8 from Commissioners?
9 Thank you, Tom.
10 We'll move on to Item IV, discussion and possible
11 action on the 2024 voter education report.
12 This year was an exciting one for our voter
13 education program as we solidified our role as the State's
14 non-partisan voter information agency, the official sponsor
15 of debates in Arizona, and leaders in civic engagement. From
16 statewide to local races, from Fort Defiance to Sierra Vista,
17 we contributed both vital information and opportunities for
18 Arizona voters to be heard.
19 Gina is going to give us a presentation detailing
20 many of our successes; Avery will be talking to us about the
21 Captain Activate! project, and we are expecting a special
22 visitor. Not to spoil things.
23 Gina.
24 MS. ROBERTS: Good morning, Mr. Chairman,
25 Commissioners.

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1 amount. And if you take into account the fact that we didn't
2 get any trigger report complaints, this sort of -- I mean, we
3 would have got typically three to four trigger report
4 complaints. So this may just be slotting in in that -- in
5 that way.
6 CHAIRMAN KIMBLE: So is it safe to say that on
7 our next meeting, we can discuss or you can tell us how these
8 seven complaints have been resolved?
9 MR. COLLINS: Yes. So the -- yes. So what
10 the rules require is after we've -- after I've done my
11 analysis, I have the ability to dismiss a complaint with
12 myself and I just have to provide you notice of that, and we
13 can discuss it at that time. Alternatively, if -- if I
14 determine that there's some further action that needs to be
15 taken, then there's a process that requires some form of
16 hearing.
17 Prop 211 is a little different than the Clean
18 Elections Act in terms of what comes to the Commission and
19 when. And -- and just not to, you know, not get too far
20 afield, but within this realm of enforcement, you know, and
21 sort of a preview for next year, one of the things we're
22 going to look at is how -- how to align the Clean Elections
23 process with the Prop 211 process, and then also looking at
24 the campaign finance process as far as, like, where people
25 appeal to align that with the -- with the -6938 which is the

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1 All right so what we have for you today is a pretty
2 high-level overview of our activities for 2024. If we were
3 to get really in depth, we would be here for hours which --
4 you know, possibly days -- which is a good thing because it
5 shows how active our -- our agency has been in terms of voter
6 education and outreach.
7 Okay, next slide.
8 So just to provide a recap of what happened this
9 year for Arizona voters, there are actually five elections
10 that occurred. We did have two local elections which were
11 held on March 12th and May 21st. So on March 12th, we had
12 voters that were in Litchfield Park and Tempe who had the
13 opportunity to turn out and vote. And then on March 19th,
14 which is very close to March 12th, we had a presidential
15 preference election. So these elections are held every
16 election year in which we are voting for president, and it
17 gives voters the opportunity to declare who they want their
18 preferred presidential candidate to be.
19 In the March 19th election, only registered voters
20 with the Democratic and Republican party could participate.
21 So it's not open to other voters who are registered with
22 other political parties or Independents.
23 In May we again had local elections, and it was
24 voters in Goodyear, Holbrook, and San Luis.
25 So for including those local elections, we

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1 absolutely had voter education and outreach for voters in
2 those jurisdictions. We had information on our website,
3 voting locations, if it was an all mail election when to
4 expect your ballots, and also what are the issues on your
5 ballot that you're voting on.
6 And then of course we had our primary and our
7 general elections. So we had July 30th primary that was open
8 to all voters -- and that includes Independent voters who
9 were able to select from either Republican or Democratic
10 ballot -- and, again, the purpose of the primary is to select
11 your nominees from your specific party to advance to the
12 general election. Which in our general election all
13 candidates are on the ballot and that's when voters will
14 actually elect them into office. And of course for
15 November 5th general election, that was also presidential
16 election so voters had the opportunity to vote for their
17 presidential electors.
18 Next slide.
19 Here's a snapshot of turnout over the years. So we
20 can see for our 2024 election as was just discussed in the
21 Executive Director report, our turnout for the general
22 election is 78.49 percent, which is -- which is pretty good.
23 We did not surpass 2020 just, you know, by a percentage and a
24 half it looks like, but we were fairly close. So hopefully,
25 hopefully we will break that 80 percent marker as we continue

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16

1 engagement time per user is over a minute which is good, too
2 because I know it doesn't seem like a lot, but when we're
3 thinking about how long people spend on their phone, most
4 users use their website on their mobile, that's actually a
5 pretty -- a pretty good time. So we are very happy with
6 those results. And the majority of voters were taking a look
7 directly at our PPE pages and our voting pages so they can
8 know how to participate.
9 Those two images there are just examples of the
10 creative that we put out there. Pretty straightforward,
11 right? We've got a presidential preference election on
12 March 19th.
13 So the goal was to let this people know this
14 election happening; it exists. Go to our website to learn
15 how you can participate.
16 Next slide.
17 So on our website where are our users coming from?
18 We always track data. So data, we always use data when it
19 comes to making informed decisions on how we are reaching out
20 to voters, what our success looks like, how can we improve
21 our website. So Alec is very great about keeping tabs on the
22 performance of our website to make sure it meets the needs of
23 voters.
24 So we always take a look at this data and we want
25 to know, okay, where are our users coming from, where are

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1 to promote participation.
2 And then if you look at the primary election side.
3 In 2024 the turnout was 31.07 percent. It's about -- it's
4 about average for -- for primaries if you take a look at the
5 rest of the years. We always see lower turnout in primary
6 elections, and then, of course, you can see, too, from
7 midterms there is a drop as well, too, when you look at
8 general elections.
9 Next slide.
10 So what did our activities look like for the March
11 19th PPE. As I mentioned, the purpose of this was to tell
12 your party who your preferred candidate was. Sometimes these
13 elections get some confusion across voters because they're
14 wondering, okay, is this actually a primary election;
15 Independent voters, you know, can I vote, am I allowed to
16 participate in this?
17 So we do a lot of education on the purpose of a
18 PPE. We had a lot of great content on our website to explain
19 to voters why we hold these and, importantly, who was able to
20 participate.
21 So if we look at the total turnout for the PPE with
22 that 39.75 percent, and that is turnout based off of those
23 eligible parties who could participate.
24 In terms of performance for our website, we had
25 about 121,000 active users which was great. And the average

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1 voters -- how are they getting to the Clean Elections'
2 website.
3 I think it's phenomenal because when we look at
4 organic search, that is the highest number there, 64,000.
5 That means that people are actively going to their computers,
6 their phones, they're pulling up Google, and they themselves
7 are typing in "Clean Elections." That means something
8 because it means that they recognize Clean Elections is the
9 entity to turn to all on their own without being prompted for
10 that voter education.
11 So I think that that's pretty amazing because it
12 showcases that Clean Elections is an established brand, a
13 trusted source of accurate official election information for
14 voters.
15 And then if we continue on, there's more data here
16 about, okay, so for example page search. If somebody goes in
17 to Clean Elections and types -- or, excuse me, if somebody
18 goes into Google and types in "voting," we pay for the Clean
19 Elections URL to be at the top of that search result. And
20 then there's also mechanisms there too.
21 One of them that I want to talk about is referrals.
22 So the referrals number there is 2,790. That means other
23 entities are putting on their website the Clean Elections'
24 website. So they're encouraging people to visit our website,
25 which is pretty fantastic as well too.

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18

1 Next slide.

2 I will -- I'm not going to go over in detail the

3 performance on our two smaller elections, those March and

4 May, but we had fantastic performance as well. But I'll

5 stick to the main ones with the statewide elections.

6 So on the primary election, it's important to

7 remember that originally the date was August 6th. So the

8 primary was moved up to a week to account for some

9 calendaring issues with the election process and recounts,

10 but we did have our election on the 30th. And so that meant

11 initially we had to do some voter education to let people

12 know: Hey the primary is now going to be in July, July 30th,

13 which is summertime, right. Schools are starting where

14 people may be on summer vacation, things like that.

15 And we have five recognized parties in the State of

16 Arizona: The Democratic Party, Greens, Libertarians, No

17 Labels, and the Republican Party.

18 In the primary Independents can participate. So at

19 this moment all eligible voters can participate in the

20 primary. Independents have a choice of selecting between

21 Democratic or the Republican ballot. The Greens and

22 Libertarians closed their primary, and No Labels actually

23 elected not to run any candidates at all. So they had a

24 blank ballot, which if you were registered as No Labels,

25 unless you had a non-partisan election on your ballot in the

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1 Next slide.

2 So for our primary and website performance

3 continuing, here's more of that data. Organic search was

4 108,000 which is fantastic; referrals you can see that number

5 was even higher, 15,781. We had again 697,000 pages views,

6 so that means people were looking at our website of our pages

7 almost 700,000 times which is fantastic. So we're really

8 happy with our performance here. These numbers are -- are

9 really great.

10 Next slide.

11 Then we'll jump to our November 5th general

12 election. At this point what you're going to see on the

13 ballot, which was a big deal, a two-page ballot for most

14 voters. Most of our counties had two-page, front-and-back

15 ballot which means voters had a lot to consider. They had a

16 lot to learn about, to educate themselves on. And we had to

17 educate voters not only on those issues but letting them

18 know, it's going to take you time to fill out your ballot.

19 So, personally, I filled out my ballot at home, it

20 took me 30 minutes and I'm an informed voter and I know about

21 these issues and candidates. And can you imagine somebody

22 going into the polling place on election day, going in cold

23 and not knowing anything about the issues. So we wanted to

24 make sure voters were prepared; they did their research.

25 They knew what to expect if they were voting in person

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19

1 primary, you would receive a blank ballot. So that required

2 voter education as well, too, to explain to voters this is

3 what's happening with your selections.

4 We had on the ballot the races for people to

5 consider. We had a U.S. Senate seat, our congressional

6 districts, Corporation Commission, the state legislature.

7 The countywide offices were up, so County Recorder, County

8 Sheriff, County Attorney, and then we had multiple elections

9 as well such as your mayor and city council. So we had those

10 candidate races on the primary election and we then saw our

11 turnout to be 31.07 percent.

12 Going to the performance of our website, we had

13 377,000 active users which is great. 372,000 new users, so

14 new users who were coming back to the website. Our

15 engagement time per user was 58 seconds; and people were

16 looking at our debates page and our voter dashboard, which is

17 fantastic because that's where we wanted them to go. We want

18 people to go to our voter dashboard page because it provides

19 that one-stop shop of customized tailored voting information.

20 And this screenshot here, "If you don't belong to a

21 party, you can still come to the party," that's how we were

22 reaching Independent voters. It was just one of the many

23 ways we were trying to connect with people and let them know:

24 Hey, you don't have to be registered; you can still

25 participate.

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21

1 potentially longer lines, so it was encouraging people to be

2 prepared.

3 On that ballot we would see presidential electors,

4 of course our U.S. Senate, congressional, Corp. Comm,

5 legislature, those countywide and local races, but also what

6 I don't have listed here are the propositions, too. We had a

7 historically high number of propositions that were on the

8 ballot coming from both the legislature and from initiatives,

9 and that was just at the state level where we had 13. There

10 was also local measures, too. Local ballot measures from our

11 city and towns, countywide propositions to consider.

12 So I believe in Maricopa County some voters had

13 upwards of 75 contests on their ballot because we also had

14 judges and justices, our judicial retention elections.

15 That's a lot. It's a lot of time as a voter to dedicate, to

16 carve out of your busy schedule, to learn about these issues,

17 to make your selections. So it was a very busy election time

18 for voters.

19 When we look at our website performance, we had

20 over 900,000 active users which is great; 892,000 new users.

21 And looking at those top pages, the voter dashboard widgets

22 are great, ballot by mail, early voting, and debates.

23 So ballot by mail and early voting are interesting,

24 those typically do get a high amount because most of Arizona

25 voters choose to vote by ballot by mail, you'll see about

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1 80 percent of people choose to vote through the early voting
 2 process. People are going to these pages because we are
 3 explaining how that process works, the safeguards in place,
 4 how you have to sign your affidavit envelope and that serves
 5 as your identify, your verification, what happens if you need
 6 to cure your signature, the timeline for that. So a lot -- a
 7 lot of voters are interested in how the ballot-by-mail
 8 process works, and that's why we're seeing a high number of
 9 use on the page.

10 And then again the creative for that. This is just
 11 one example, "Election info at the tip of your fingers."
 12 Just encouraging people to visit our website.

13 Next slide.

14 And here we can see those numbers are continuing to
 15 grow in terms of website performance. Organic search, again
 16 that's amazing, 350,000, you know, over a quarter of million
 17 people are organically coming to AZCleanElections.gov which
 18 is fantastic. And then you get to see our page views,
 19 1.4 million which is fantastic; and our active users over
 20 900,000.

21 So again, very happy with the performance of our
 22 website. It continues to showcase that it is meeting the
 23 needs of voters and it's becoming a trusted, reliable source,
 24 which is fantastic because earlier this year we actually
 25 invested the time into redesigning the website. We

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24

1 Next slide, please.

2 So overall for the entire year, overall website
 3 performance. Again, very happy with it. Our top performing
 4 pages were again our ballot-by-mail pages, our proposition
 5 pages, and information on in-person early voting.

6 So our proposition pages was very -- it was pretty
 7 amazing this year, actually, with all the propositions we
 8 talked about from the statewide level but local level. We
 9 had the only site in the State of Arizona where a voter can
 10 go to and see every proposition that was on the ballot across
 11 the State of Arizona. So we had not only our Arizona ones,
 12 but we had the county ones as well too and we had the local
 13 ones.

14 So we would put the information out there, short
 15 title, the official title, all of that great information, the
 16 arguments for and against. And it's, again, that one-stop
 17 shop for voters to come when they're educating themselves.
 18 Overall we had 6.7 million impressions of our website which
 19 is, again, amazing too.

20 And we continue to see in 2024 the top growing
 21 queries for voters, they were really interested in those
 22 propositions. And, again, they received a lot of attention
 23 in the media, but the fact that they were so many on the
 24 ballot we believe that helped contribute to why people were
 25 looking for those and wanted to educate themselves on it.

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23

1 structured our navigation where the pages go to make it more
 2 user friendly and intuitive for voters so they know how to
 3 use it. So very happy with -- with these numbers.

4 The top of the slide we like to refer to it as the
 5 "10/24 anomaly."

6 And next slide, please.

7 And so the reason why we call this out is because,
 8 since I mentioned, we are constantly tracking every day the
 9 success of our website, the performance. And just to
 10 showcase this -- this information. On October 24th Google
 11 analytics forecasted, so they estimate how many people are
 12 going to be using your website on a particular moment, and
 13 they estimated anywhere between 5- and 27,000. We blew that
 14 out of the water. We exceeded it to almost 70,000 people
 15 interacted with our website on 10/24. Which it's fantastic
 16 because, you know, when you can surpass Google's
 17 expectations, that's, you know, we think it's pretty cool,
 18 pretty cool badge there.

19 And so it's great to see because, again, also
 20 looking at when people are using our website tells us when
 21 they are taking the time to educate when they're going to be
 22 filling out their ballot. So that helps us make informed
 23 decisions as well about putting out our messaging, how to
 24 connect with voters, things like that. So we continue to
 25 track that information.

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25

1 Also we provide information on the Central Arizona
 2 Water Conservation District. So this is a particular office
 3 that it can be very difficult, almost nonexistent to find
 4 voter education and information on the candidates that are
 5 running, and we're the only agency in Arizona that has the
 6 information with those candidates. Not just their names on
 7 the ballot, but we actually take it further and host a "meet
 8 a candidate" session for them, too, which I'll explain in a
 9 few more slides.

10 And then we also have one of the top search
 11 questions was "Is early voting counted before election day?"
 12 So perhaps that goes to also voters wanting to know about the
 13 tabulation process for Arizona.

14 Next slide.

15 This is just a screenshot here, the amount
 16 showcases where people are in Arizona that are interacting
 17 with AZCleanElections.gov. You can see there's a, you know,
 18 high concentration of people in urban areas, but we are of
 19 course in those rural areas too.

20 This is important because, again, our voter
 21 education outreach methods, we don't have a "one size fits
 22 all"; we don't rely just on Internet. We also do print ads,
 23 radio reads, we are boots on the ground out in those areas
 24 because we know that if you're in a rural area, broadband
 25 access could be difficult, and so we are always looking at

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26

1 the communities that we are trying to connect with as we
 2 determine what our outreach measures will be.
 3 You can see, too, we had growth in smaller cities.
 4 So that's pretty great. If you're looking at Lake Havasu
 5 City, we had an increase of a positive net of 895 percent
 6 increase of -- of people who were in the Lake Havasu City
 7 area that were interacting with our website.
 8 So overall the statewide impact: High engagement
 9 from both urban and rural areas shows broad statewide reach
 10 and effectiveness of AZCleanElections.gov.
 11 Next slide -- or next slide, please.
 12 So again overall website performance. Again, we
 13 were really happy with -- with the way the site performs. If
 14 you look at the pie charts on the right, it shows how people
 15 are interacting with the site. You know, what type of phone
 16 they're using, and we also look at the age if available. So
 17 81 percent of -- in that pie chart on the right -- it's
 18 unknown what their age is, but when we do know, you can see
 19 those slices of the pie are pretty well proportioned.
 20 So it goes to show you that our site is accessible
 21 to all age demographics. I think that's an important factor
 22 there. It shows that anybody from whether they're 16 and
 23 wanting to look at preregistration or perhaps, you know,
 24 75-year-olds, they can interact easily with the Clean
 25 Elections' website.

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28

1 We actually had a voicemail come in from a woman
 2 who said that was the best ad she's ever seen in her life.
 3 So we were very pleased with the content that we used.
 4 So on this line, again, just the metrics of the
 5 campaign in general. So not the website, but all the
 6 creative that we used to connect with voters through these
 7 different mediums.
 8 So over the top, the ads that we were running on if
 9 you were watching YouTube or Hulu and you get those ads:
 10 digital banners; digital audio; so Pandora out of homes; so
 11 our billboards; posts that we had and ads that we had on
 12 Facebook and Instagram; again, that paid search; YouTube ads
 13 and Google display.
 14 So you can see, for example, digital banners here,
 15 impressions 20.8 million. That's phenomenal that we are
 16 impressing our ad, our name, our brand to the Arizona
 17 electorate 20.8 million times just through the usage of
 18 digital banners alone.
 19 So it's -- we're very happy with the performance
 20 from these, the engagement from voters. We are constantly
 21 exceeding benchmarks for industry standards in these, and
 22 this goes to our wonderful partnership with RIESTER who helps
 23 us educate and develop the creative of this and helps us
 24 really make the most efficient use of the dollars that we are
 25 spending to invest in this to connect with Arizona voters.

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27

1 And top pages were the voter dashboard again and
 2 debates. Those drove the most engagement which is really
 3 exciting.
 4 Next slide, please.
 5 So this is a reminder of the -- one of the outreach
 6 efforts that we were utilizing as part of our campaign. The
 7 overall theme of the campaign for 2024 is "Life is
 8 complicated. Voting doesn't have to be." We decided this
 9 campaign last year before we knew what was on the ballot,
 10 which considering what the general election ballot was, I
 11 think we really hit the nail on the head there.
 12 And we can play this video as a reminder what one
 13 of the ads looks like.
 14 (Video was played.)
 15 Personally that's one of my favorite ads that we've
 16 ever produced over the years.
 17 You can go to the next slide.
 18 That, you know, we just have a lot going on in our
 19 everyday lives and so sometimes things can be frustrating or
 20 overwhelming. And so, you know, if I'm a busy mom who is
 21 working a full-time job and I've got my kids and I've soccer
 22 practice to get them to and I've got to cook dinner, where am
 23 I going to carve out time to learn about 75 races on my
 24 ballot? So I think that ad is really relatable, and we heard
 25 really great feedback from the public.

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29

1 Next slide, please.
 2 So now let's talk about debates. Debates was a
 3 very exciting year for us. This was the first year where we
 4 kicked off a partnership with the Arizona Media Association,
 5 which allowed our debates to be produced in a white label
 6 format. So what that means is that any media brand in the
 7 state of Arizona had access to our debates and it came to
 8 them white label, meaning it was not branded from another
 9 competitor, another TV station, you know, another entity like
 10 that so that they could air it on their stations. Of course
 11 it did have the Clean Elections' branding, but as we are the
 12 non-partisan official sponsor of the debates, that's okay.
 13 We definitely want voters to know where this is coming from.
 14 In the primary election, we had 32 debates total
 15 and in general we had 49. So the offices that we held
 16 debates for were for federal level, so U.S. Senate and
 17 congressional; at the state level the Corporation Commission,
 18 all of our 30 legislative districts. We had a couple of
 19 county races in there, a couple of cities such as mayor and
 20 issues. We held two debates -- excuse me, three debates on
 21 some of those propositions as well.
 22 We had a moderator pool that we had reached out to
 23 Arizon- -- Arizona Media before our debates kicked off and we
 24 asked for journalists who let us know, are you interested in
 25 moderating Clean Elections' debates. We were able to develop

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30

1 a pool of 17 journalists from across the state of Arizona who
2 would be able to bring their expertise to moderating these
3 discussions. Because when it comes down to successful
4 debate, the moderator is key. And so having somebody who can
5 speak to the issues, who knows how to essentially interview
6 but facilitate a discussion between the candidates is very
7 important. But also it's necessary to have talent who can be
8 engaging and make it engaging and energetic for -- for the
9 viewing audience as well.

10 In addition to our debates, we held a Meet the
11 Candidates event with the Arizona Capitol Times. So this is
12 where we had the candidates come together for a meet and
13 great with -- with the voting public. And we did the same
14 for the Central Arizona Water Conservation District
15 candidates again through a partnership with the Arizona
16 Center for Civic Leadership.

17 So these were all opportunities for voters to, if
18 you look at the right, watch, learn, and decide. Watch the
19 candidates in action, learn about the issues, and make your
20 decision.

21 When we are looking at the success of our debates,
22 the performance. For our broadcast debates with that
23 partnership with Arizona Media Association, the information
24 that I have here -- we're still collecting data, but the
25 information I have available is the total number of times

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32

1 the Arizona Media Association, their members foregoing --
2 foregoing revenue from taking ads themselves to air our
3 debates all in the name of democracy and educating voters.
4 So we're very proud and happy about this partnership that the
5 Arizona Media really stood up to and -- and encouraged to be
6 a part of, and we're hoping that we will continue that
7 partnership in the future.

8 Next slide.

9 This is a -- just some images of what we've talked
10 about. We'll play a video for you here in just a second, a
11 behind the scenes at the U.S. Senate debate. But on the
12 right you can see that was the Meet the Candidate event that
13 we had at both the Central Arizona Water Conservation
14 District which was led by Avery, and then we had our Meet the
15 Candidates' events with the Arizona Capitol Times.

16 And if we click, I think that should play that
17 video.

18 (Video was played.)

19 So that's just a really quick reel that we posted
20 behind the scene's content of our U.S. Senate debate, which
21 was the only U.S. Senate debate that occurred in Arizona.
22 Some of our Commissioners were able to join us in person. We
23 had Congressman Ruben Gallego and his lone competitor Kari
24 Lake attend and agree to participate in this debate. It was
25 widely publicized both by Clean Elections but also our

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31

1 that the debate content that we provided that was used by
2 media brands -- so this could be radio, it could be
3 television, it could be, you know, AZ Central streaming it on
4 their website, it was 1,085. So that's pretty fantastic to
5 see a total of over a thousand media -- or excuse me, our
6 debates being used over a thousand times by Arizona media.

7 The -- we had 39 local media partners take
8 advantage of the debate, and then total media participation
9 for in-person interviews after the debates which means the
10 press gaggle. So the candidates would come to the debate; we
11 would invite media to come and talk to the candidates
12 afterwards. And we had over 128 media brands that were
13 represented at those gaggles.

14 One of the things that we wanted to showcase here
15 is that in the primary -- which again the data I have
16 available right now -- earned media, so earned media for the
17 Clean Elections' debates, mean we did not pay to put that
18 information out there. The earned media produced 302
19 mentions of the Clean Elections' debates, 131.6 million
20 impressions, meaning our primary election debates were
21 impressed upon the Arizona electorate, without us paying for
22 that, without us putting like a paid at out there,
23 131.6 million times and equated to if we were to pay for it,
24 \$2.7 million.

25 So that's pretty fantastic because that showcases

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33

1 partners and the number of on-site media was staggering, the
2 amount of people that showed up. We were -- we were almost
3 out of space.

4 So it was pretty fantastic to see we were able to
5 bring this forward for Arizona voters. And, again, it
6 continues to showcase the Clean Elections' debates. Those
7 are tradition, but not only the tradition, they're useful
8 both to voters and to candidates. Just looking at the value
9 to candidates themselves, if -- if a candidate themselves
10 were to try to do something to this effect and get the
11 airtime and the media coverage, we estimate that it would
12 cost them over a half a million dollar to do so. But that
13 the service is provided through the efforts, the
14 efficiencies, and the partnerships that Clean Elections has
15 been able to develop all in the way of connecting the
16 candidates and the voters together.

17 Next slide.

18 Now we turn to our Voter Education Guide. So our
19 Voter Education Guide, again one of our -- our bread and
20 butter here, these are the guides we send out to all
21 households with a registered voter, we send it both before
22 the primary and the general election.

23 In the primary we sent out, you see that 2- --
24 2,255,669 guides that went to Arizona households and our
25 military and overseas voters. There were 196 candidates

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34

1 total that were -- that were reflected in the guide.
2 In the general you can see almost the same type of
3 number but a smaller amount, we typically see that, the voter
4 register rolls typically drop through some cleanup after the
5 primary, and there were 163 candidates total.
6 Again, this went to households, but it also goes to
7 the community. It goes to libraries; it goes to City Clerks.
8 It goes to Chapter Houses on the Reservations; it goes to
9 post offices. It goes to "get out the vote" groups; it goes
10 to the candidates themselves so they can pass it out in their
11 -- when they're pounding the pavement. It goes to schools,
12 to our high schools, to our community colleges, to our -- our
13 universities and more. We are constantly getting requests
14 for the voter guide and we are distributing those throughout
15 the entire state.
16 One of the great things about the voter guide is
17 that people call us wanting more. They want more
18 information. We print statewide and legislative candidates
19 in there, voters always want to know more and that's where
20 we're happy that we can them refer them to our website to get
21 that additional information.
22 Some of the new things that we included in the
23 voter guide this year is an "I voted" sticker. So that was
24 very well received. And then we also included more
25 information on the candidates. Before we would print their

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36

1 And I don't have final numbers for you, but, again, with what
2 we do have, we're very happy with it.
3 Next slide, please.
4 So for youth outreach we do general election
5 education. So just, you know, the logistics right: Key
6 dates and deadlines, how to get your ballot, how to learn
7 what's on the ballot. We do the voter education guide; we do
8 debates, we do education specific to Independent voters. We
9 do those local elections, but we also know our youth
10 demographic needs specific targeting as well too.
11 So we have that same theme of: Life is
12 complicated, you know. Voting doesn't have to be," but one
13 of the things we were really excited about is also partnering
14 with local content creators in Arizona. So these are you can
15 refer to them as an influencer, but people who could create
16 user-generated content for us. So we can play a video for
17 you here what that looks like.
18 (Video was played.)
19 Oh. It paused.
20 (Video was played.)
21 So it was a little laggy there with our Internet,
22 but, again, it's just taking that concept of life 's
23 complicated, okay, you know, are we shaking a ketchup bottle
24 and then it explodes everywhere? It doesn't have to be, you
25 know, you can go to AZCleanElections.gov. But this is that

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35

1 name, their website and a 200-word statement. We adjusted
2 the guide this year to also allow space for a 100-word
3 biography for the candidates as well. So, again, just
4 providing more information to voters.
5 Our versions, we are able to partner again with Sun
6 Sounds of Arizona which is wonderful service. They provide
7 an audio version of election information. We automatically
8 sent it out in English and Spanish. We had Diné, we had
9 clean text for our website which means it is accessible for
10 people who read the big screen readers. We even had a
11 request from a voter for a Japanese version which we were
12 happy to provide.
13 Next slide, please.
14 So campaign overview of the creative that we put
15 out there to let voters know: Hey, debates are happening,
16 you know, click here for the schedule. Or check your
17 mailbox: the voter education guide is coming. You know,
18 check your mail or read it online.
19 Here are some statistics on our performance of
20 those creative. Again looking at out of home, digital
21 banners. You can see some really great metrics here that
22 showcases that, again, we are exceeding industry standards
23 with plenty of these benchmarks.
24 Digital out of home 7.7 million impressions. Just
25 great data here, but we're still collecting data as well, so.

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37

1 user-generated content that is coming from people in Arizona
2 that already have established social media following.
3 They're creating this content for their users, the people who
4 interact with them and, again, driving people to our website.
5 And this is what we need to do for our 18- to 24-year-olds.
6 So this is pretty fantastic to help encourage them. Again,
7 lighthearted but oh, yeah, you know, I can relate to that.
8 So very happy with our outreach.
9 This -- this is very exciting. On gaming, so
10 gaming with all of our gamers that are out there, we had
11 13.2 million impressions. That's exciting. So that's for
12 people on Twitch, you know, we're going to -- we are going to
13 where they are. We are meeting the voters where they are.
14 And that's on Snapchat; that's on Instagram; that's on
15 Twitch, YouTube. Very excited to be able to connect with
16 our -- our youth electorate.
17 All right, next slide please.
18 So for outreach and public relations. Tom
19 mentioned we had a lot of requests coming in, especially in
20 these last few weeks. Our staff is in very high demand. You
21 know, our staff with the -- the efforts that Avery does with,
22 you know, boots on the ground, going out, talking to our
23 kids, to our high schoolers, our community colleges, going to
24 community events. You know the work that Alec does with the
25 website and people reaching out and saying, "Can you put this

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38

1 on your site for me?" Things like that and then being able
 2 to do media interviews.
 3 Tom, I think, did one of the best interview I've
 4 ever seen on the Arizona ballot propositions. It was very,
 5 you know, to the point, useful, effective. So again, that's
 6 bringing awareness to our website to drive people where to
 7 learn more.
 8 MR. SHAFFER: It's on the website. It's on
 9 the website.
 10 MS. ROBERTS: Without being overwhelming, too.
 11 So you can see over here Avery is talking about the
 12 Captain Activate! comic book and how we're engaging with our
 13 future voters, and Tom is talking about what to know before
 14 heading to the polls or propositions, and I was talking
 15 about, you know, what happens if one of our senators ends up
 16 running for vice president and -- and talking about ballot
 17 tabulation timeline and our debate, things like that.
 18 So these are just a snapshot of some of the many
 19 opportunities that we had to connect with voters through
 20 our -- our local media and our outreach and public relations.
 21 So at this point, Mr. Chairman, I would like to
 22 pause. If there's any questions, I'm happy to answer on the
 23 content I've showed so far. And then I'd like to turn it
 24 over to Avery to go through the remainder of the
 25 presentation.

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40

1 some of the other outreach just is very impressive, and I'm
 2 really just pleased at how much it is helping the voters.
 3 And then just one, I guess, quick question and just
 4 since I'm still kind of new. Just so once I guess all of
 5 this information is sort of digested, then does this then I
 6 guess go to sort of maybe how I guess your voter outreach
 7 plan for 2026 and then how I guess what may be different
 8 aspects and things that we need to -- to fill in I guess to
 9 improve, although I don't know how you can, but how it works.
 10 MS. ROBERTS: Mr. Chairman, Commissioner
 11 Werther, yes, absolutely.
 12 So what we do is our process is we will collect all
 13 of our data for the performance of this year, every piece of
 14 data that we can collect we look at. We have kickoff
 15 meetings; we have recap meetings; we have planning meetings.
 16 We take a look at our -- you'll hear from Mike on budget and
 17 we will also look at, okay, what worked well, what areas do
 18 we think we can improve on, what do we know about voter
 19 trends, things that are happening in terms of maybe
 20 misinformation, you know, things like that that we need look
 21 at. And then we work with our whole team and we develop a
 22 2025 Voter Education Plan.
 23 We really look two years out, so we look 2025-2026,
 24 and then we will present that to the Commission early next
 25 year. So with that also comes -- we always like to conduct

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39

1 CHAIRMAN KIMBLE: Okay. Thank you.
 2 Very, very impressive. A lot of innovative ideas
 3 that certainly paid off. And I don't know how you're going
 4 to beat this in two years.
 5 MS. ROBERTS: Thank you.
 6 CHAIRMAN KIMBLE: Any questions or comments
 7 from members of the Commission?
 8 COMMISSIONER PATON: I would just --
 9 CHAIRMAN KIMBLE: Commissioner Paton.
 10 COMMISSIONER PATON: I would just like to say
 11 what a drastic change over the years that, you know, that
 12 I've been here and you -- you keep on trying to figure out
 13 new ways to do this. You've really blessed us with all
 14 this -- this stuff. I'm sure other states need to have you
 15 come and teach them.
 16 So very good, thank you.
 17 MS. ROBERTS: Thank you.
 18 CHAIRMAN KIMBLE: Thank you, Commissioner
 19 Paton.
 20 Any other comments from Commissioners?
 21 Commissioner Werther.
 22 COMMISSIONER ESTES-WERTHER: Just wanted to
 23 thank all of you because I know how much hard work goes into
 24 putting this together. Just, again, having gone to, like,
 25 the debate and seeing the behind the scenes and just seeing

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41

1 research; we like to put out a survey. We like to hold focus
 2 groups that will drive our creative development as well and
 3 have a better understanding of what the needs are for voters
 4 too.
 5 So we go through the planning stages; we look at
 6 the data that is available to us. We all meet together and
 7 get together with our entire group and plan, and then we
 8 present that to you when we have our final recommendations of
 9 how we should proceed for the next year or two. And of
 10 course, we also remain fluid with that, too. We make sure we
 11 have the opportunity to adapt.
 12 So for example, one of the things I wasn't able to
 13 show here in this presentation just for time is the
 14 partnerships we have with our counties. Our 15 counties we
 15 work very closely with them, so if something develops and
 16 they, you know, reach out to us and say, "Hey, we need some
 17 support here," we're able to pivot and provide that support.
 18 So for example, Coconino County. Coconino County,
 19 they actually reached out because they needed to connect with
 20 their voters and they realized, you know what, we've got a
 21 movie theater here; we've got Harkins that is in Coconino
 22 County that is the only movie theater that provides service
 23 to our Navajo Nation voters. So we were able to connect.
 24 So what we were able to do is provide and create an
 25 ad that ran in the Harkins theater and then we provided an ad

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1 that was translated in Diné, in the Navajo Nation language,
2 where we targeted based off of cell phones when anybody was
3 in that vicinity they would be impressed with that ad. And
4 so we were able to do that, to connect with the Navajo Nation
5 voters in Coconino County, which when we looked at the data
6 from that, the data from the impressions that we had actually
7 very closely equated to their turnout. So it's very
8 interesting to make those connections with the data.

9 But yes, we will plan and look at the data as much
10 as we can. We will bring our recommendations to the
11 Commission in early 2025. But of course always having the
12 ability to adapt.

13 COMMISSIONER CHAN: Mr. Chairman?

14 CHAIRMAN KIMBLE: I'm sorry. Commissioner
15 Chan, did you -- is that you?

16 COMMISSIONER CHAN: Well, I think I may have
17 spoken over somebody else, but just very quickly, I wanted to
18 acknowledge Commissioner Paton because every time we have a
19 federal debate I -- I credit him with getting us started with
20 that and I -- I -- because I remember when he asked if we can
21 do a U.S. Senate debate. So I just wanted to acknowledge
22 that because I do think it's been absolutely amazing addition
23 to our debates.

24 Hopefully I'm remembering that correctly.

25 CHAIRMAN KIMBLE: Thank you, Commissioner
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1 extent, they recognize the debate program a little bit.
2 But -- but they don't see the broader issue -- and
3 I've had reporters who cover the Capitol who are, you know,
4 very wise reporters tell me that -- you know, and to my face
5 -- that they see Clean Elections as irrelevant. And -- and
6 -- but it -- and that may be true within the narrow universe,
7 an increasingly narrow universe, in which the press that
8 covers the Capitol and the folks who, you know, work within
9 that block, no matter what the office is quite honestly.

10 Work -- so there is something for us to do there
11 and we have talked about that in the context of our voter
12 education planning for this year. And that's one of the
13 reasons we wanted to reach out -- if we had a choice between
14 being on a television show that is focused on politics and a
15 choice between being on a morning television show that is
16 talking to an average voter about how to get their ballot
17 back or some tool we offer, our view at this point is we will
18 take that morning show every single time.

19 So how to communicate that, though, in the universe
20 that -- that we are ultimately accountable to is a challenge.
21 So we're -- we're going to -- we will -- we always talk about
22 that, and we'll think about that.

23 For example, with respect to the legislature
24 specifically finding a committee that would be -- give us
25 that option to make that presentation is -- is, under the

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1 Chan.

2 COMMISSIONER PATON: Thank you.

3 CHAIRMAN KIMBLE: Commissioner Paton.

4 COMMISSIONER PATON: I had a question maybe
5 for Tom. What -- would it be possible that maybe we could
6 put on a little presentation at the legislature? I mean --

7 MR. COLLINS: We may --

8 CHAIRMAN KIMBLE: -- I'm sure -- I'm sure a
9 lot of those people have no idea all the stuff that we do
10 here and --

11 MR. COLLINS: We may be forced to depending
12 upon how the session goes in the first place, but --

13 COMMISSIONER PATON: I don't know what that means
14 but...

15 MR. COLLINS: It's a joke.

16 COMMISSIONER PATON: Okay.

17 MR. COLLINS: But yeah, no, I think that's
18 something worth thinking about. I mean, I do think that one
19 of the -- I think you're right that one of the things that
20 we've worked on and -- and if you look at specifically at the
21 media slide that Gina is showing is -- is trying to figure
22 out how in a sense to work around the legislature and the
23 legislative-based press corps who are focused on Clean
24 Elections as a program that still, after all the work we've
25 done, as a program for candidates to run clean and to some

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1 current circumstances, not as easy as it -- as it might have
2 been. I mean, there's a -- there's a -- it just -- it just
3 kind of is what it is. Anyway.

4 COMMISSIONER PATON: Well, but my idea is that
5 how could anybody be against, be not for all of that? I
6 mean, that's -- that's all about educating the voters, all
7 about trying to get people out to vote. And -- and I'm sure
8 they have no idea. They -- they have a little bit of an
9 idea --

10 MR. COLLINS: Yeah.

11 COMMISSIONER PATON: -- but if somehow you
12 could put together --

13 MR. COLLINS: Right.

14 COMMISSIONER PATON: -- seven/eight minutes
15 and -- and just go through stuff, I think that would be a big
16 boost to how they view this whole thing.

17 MR. COLLINS: Well, we will -- we will think
18 about some ways to do that. I mean, it's definitely
19 something that we -- I mean, I will say on a smaller scale
20 when Mike and Avery and I do go over to visit with
21 legislators, it's really generally to do that kind of -- of,
22 you know, broad-based introduction to folks. But I think
23 that, you know, getting -- penetrating -- and I guess what
24 I'm trying to get at is that I agree with you a hundred
25 percent and it is something we talk about. It's just a

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46

1 tough -- it's a tough nut to crack.

2 COMMISSIONER PATON: Yeah, well, I mean,

3 they're -- they're -- they have their own thing that they're

4 looking at --

5 MR. COLLINS: Yeah.

6 COMMISSIONER PATON: -- but if they saw this, I

7 think it would make things a lot --

8 MR. COLLINS: Yeah.

9 COMMISSIONER PATON: -- like I said before,

10 how could you be against any of that?

11 MR. COLLINS: Yeah. No, I hear you. I...

12 COMMISSIONER PATON: Maybe in the lobby of the

13 legislative chambers running a couple of videos or something

14 or...

15 MR. COLLINS: Yeah. That would be

16 interesting.

17 COMMISSIONER PATON: Just when they walk in

18 maybe running like a five-minute video showing this stuff.

19 MR. COLLINS: Well, we will -- we will -- we

20 will be talking about our plans for 2025 here in the next day

21 or so with -- with our partners and we will -- we will put

22 that out there as a thing we need to look at.

23 COMMISSIONER PATON: Okay.

24 MR. COLLINS: So thank you.

25 CHAIRMAN KIMBLE: Thank you. Any other
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48

1 MR. XOLA: We are going to -- first of all,

2 sorry about the mask --

3 CHAIRMAN KIMBLE: Don't apologize.

4 MR. XOLA: -- under the weather. My voice may

5 crack a few times, but I'm going to get through this.

6 So 2024 has been an amazing year for outreach. As

7 you can see on the screen and on the slide, these are several

8 events that we've done. These are some of my favorite events

9 but it's not exhaustive. There's many more events that we

10 have attended.

11 What I should say that some of my favorite events

12 on this list is going to be the National Civic Learning Week

13 Event at the Tempe Historical Society. There we got great

14 feedback from parents and educators about some of our

15 programs including the Captain Activate! comic book and our

16 civics curriculum.

17 The Phoenix Fan Fusion was -- was incredible

18 because we actually got to introduce Captain Activate! to

19 thousands of Arizonans and introduce ourselves as the clean

20 election agency to all who attended. So that was a great

21 return of our investment.

22 Another one was the Navajo Voters Coalition

23 Conference. That was great because we get to share resources

24 with the Native community and build connections and network.

25 The African American Conference on Disabilities,
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47

1 questions or comments from Commissioners?

2 MS. ROBERTS: Mr. Chairman, if I can just add

3 on.

4 CHAIRMAN KIMBLE: Yes, Gina.

5 MS. ROBERTS: In response to Commissioner Chan's

6 note, absolutely, I think the ability of -- of us and the

7 reason why we started doing those federal races was

8 absolutely at the direction of Commissioner Paton. And so to

9 that point and to Commissioner Werther's question, we

10 absolutely take and want the feedback of our -- our

11 Commissioners and what your legacies are for the Commission.

12 Obviously, Chairman, we know that we've been doing

13 a lot of outreach and efforts with Independent voters under

14 your direction, with -- with Commissioner Titla our outreach

15 to Native American and rural communities. So you'll have an

16 opportunity to provide us feedback and direction when we

17 present our plans in 2025 to you as well.

18 But, of course, at any time, of course reach out.

19 And then with that, I'll turn it over to Avery to finish out

20 the few slides that we have left for you.

21 CHAIRMAN KIMBLE: Okay. Thank you, Gina.

22 MS. ROBERTS: Thank you.

23 CHAIRMAN KIMBLE: Avery.

24 MR. XOLA: Chair, Commission. Good morning.

25 CHAIRMAN KIMBLE: Good morning, Avery.
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49

1 fantastic for insight into the disabled community, and it's

2 excellent for future collaborations. So I got a lot out of

3 that.

4 And then this year we also did an assembly with

5 Captain Activate! to hype up a bunch of middle schoolers at

6 Glenn L. Downs Elementary School.

7 So those are just some of the things we've done.

8 But as you can see, we've been in high demand; we've been in

9 a lot of places. So I think we're doing good things.

10 Can we go to the next slide, please.

11 So now here I'm going to try to be a little bit

12 dramatic. How is Captain Activate!? So imagine a world

13 where apathy takes over. Captain Activate! teams up with

14 five Arizona students: Caleb, Ava, Zoey, Skylar, and Mateo

15 to battle Dr. Apathy -- Apathy's anti-vote machine, a device

16 turning people into apathetic zombies. Equipped with a Clean

17 Elections "Activate!" app, these students chosen for their

18 civic dedication, inspire action and empower their

19 communities to fight apathy and make an impact.

20 As you can see, those are the students right there

21 eager to take on life's issues.

22 We can go to the next slide, please.

23 There's Captain Activate! and the future voters in

24 all their glory.

25 But I want to explain why we are doing the
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50

1 Captain Activate! comic book and what are some of the
 2 properties of it.
 3 So using comic books to explore civics education is
 4 beneficial because it helps engage students, right, 'cause
 5 the visual learning, it makes learning fun. It's going to
 6 simplify complex topics; it's going to create emotional
 7 connections and memories, right, going to promote critical
 8 thinking because I like to tell people a lot goes on between
 9 the panels, you know. You have to use your mind; you have to
 10 -- you know, what are the -- how the character's voices are
 11 saying, how to respond certain things.
 12 And then our particular comic is going to encourage
 13 civic engagement and then it also promotes understanding of
 14 government and the law at an early age.
 15 So this is something that I -- that I think was
 16 missing from Arizona, and I'm happy that we were able to get
 17 this out to the public.
 18 And I also forgot to mention that I knew this was
 19 going to be a success when we were at the Phoenix Fan Fusion
 20 and I saw a little kid run up to Captain Activate! and give
 21 him a hug. I wasn't -- I wasn't sold until I saw that. I
 22 was like, okay, this is good; this is going to be good, so
 23 thank you.
 24 So here are some of the numbers. For the outreach
 25 for Captain Activate! and future voters: 450 comic books
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52

1 splash. It's been an incredible project to work on. It's
 2 been a lot of work, but totally fulfilling. The public loves
 3 it, great feedback and he's awesome.
 4 You can go to the next slide if you'd like.
 5 And now I would like to open up the -- the floor,
 6 Chair or Commission, to any questions you may have.
 7 CHAIRMAN KIMBLE: Commissioners --
 8 COMMISSIONER PATON: I have a question.
 9 CHAIRMAN KIMBLE: Commissioner Paton.
 10 COMMISSIONER PATON: Has he been to Tucson?
 11 MR. XOLA: Has he been to Tucson? Not yet.
 12 Not yet. But we had a -- it was a scheduling conflict
 13 because we were supposed to do something, but our offices
 14 couldn't coordinate it with the Pima County office. But we
 15 did do -- we have sent them tons of comic books that they
 16 have used for their events.
 17 But we'll have to get him in Tucson. Great.
 18 MR. COLLINS: We have been -- we have been to
 19 Flag.
 20 MR. XOLA: We have been to Flag.
 21 COMMISSIONER PATON: And maybe the O'odham
 22 Reservation.
 23 MR. XOLA: Yeah.
 24 MR. COLLINS: Sure.
 25 COMMISSIONER PATON: They would like it.
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51

1 were sent across 7 libraries in Arizona. 733 comic books
 2 were sent across 11 comic bookstores, including my own comic
 3 book shop, Greg's Comics in Mesa -- shout out to them. 3,800
 4 comic book were sent out across assortment of events and
 5 organizations that include schools, civic centers, and
 6 government offices, and approximately 5,000 total comic books
 7 were handed out across the state of Arizona.
 8 We can go to the next slide.
 9 This is a video clip compilation about some of the
 10 cool events. You'll see and hear Captain Activate! at the
 11 State Fair; you'll also see him at Burton Barr Library and a
 12 few other places.
 13 Go ahead and play it.
 14 (Video played.)
 15 Look at that. Chair, Commission, is he not
 16 cool? Right? Is he not cool? Cool mascot.
 17 We can go to the next slide.
 18 Did you want to -- okay, yeah. This is the time.
 19 This is the time.
 20 So without further adieu, I'm happy to introduce to
 21 you the one, the only Captain Activate!
 22 (Applause.)
 23 There he is. There he is. There's the poses.
 24 There's the poses.
 25 So this is Captain Activate! He's made a big
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53

1 CHAIRMAN KIMBLE: Good point.
 2 COMMISSIONER PATON: Sells Elementary, Topawa
 3 Middle School.
 4 MS. ROBERTS: May I? Mr. Chair, may I?
 5 CHAIRMAN KIMBLE: Yes.
 6 MS. ROBERTS: Just wanted to point out that
 7 he's actually gone international. We had members of the
 8 French media here who asked about Captain Activate!, about
 9 the comic book, so.
 10 We have seen other states; we have sent comic books
 11 to California, to other states who have reached out. So it
 12 is -- Avery has traveled to other states to actually present
 13 white papers on the effect of using comic books from an
 14 educational standpoint. Because you know, while it is -- it
 15 is fun and creative, but what it's doing, the purpose of it,
 16 promoting that civic literacy, the media literacy, just
 17 literacy in general for our children, it's really resonating
 18 with educators and scholars and the media as well, too.
 19 So I just I think, you know what, Avery has done
 20 here, it is well past Arizona too, but we will make sure that
 21 we can get as many stops here as we can so that people can
 22 experience Captain Activate! in all his glory.
 23 CHAIRMAN KIMBLE: Well, let me just say that
 24 I -- when this idea first came up about comic books and then
 25 it morphed into having a character, and I was thinking -- I
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54

1 don't know, this -- this sounds a little whacky, but who am I
 2 to say?
 3 And I was totally wrong. I mean Avery, what you
 4 have done with Captain Activate! and this whole idea of
 5 motivating younger voters is amazing.
 6 MR. XOLA: Thank you, Chairman.
 7 CHAIRMAN KIMBLE: And I'm honored to be in the
 8 Captain's presence and -- and, and I had suspected the
 9 Captain Activate! was actually you. But you now you're here.
 10 MR. XOLA: Chairman, yeah, exactly.
 11 CHAIRMAN KIMBLE: You're here both together so
 12 that's impossible.
 13 MR. XOLA: Two different people. We're two
 14 different people.
 15 CHAIRMAN KIMBLE: But I would urge you to
 16 consider coming a little bit south of the Gila because I
 17 think Captain Activate! would have a big impact there, too.
 18 MR. XOLA: Absolutely, and thank you Chairman,
 19 and thank you Commissioner Paton for that. I would agree and
 20 I would say that this is our first year in Captain Activate!
 21 as a mascot, but absolutely these next few years we plan on
 22 taking him everywhere, including, you know, South Arizona and
 23 to some of the Reservations and things like that. So
 24 excellent feedback, I appreciate that.
 25 CHAIRMAN KIMBLE: Thank you.
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56

1 of the Honorable Patty Hansen, Coconino County Recorder for
 2 contributions to Arizona elections.
 3 Is she here?
 4 MR. COLLINS: She's on YouTube.
 5 CHAIRMAN KIMBLE: She's on -- oh.
 6 MR. COLLINS: She's on the Zoom.
 7 PUBLIC SPEAKER: Yes, I'm here. Thank you.
 8 CHAIRMAN KIMBLE: Thank you. Thank you for
 9 being with us this morning.
 10 Patty Hansen was first elected Coconino County
 11 Recorder in 2012 after serving in elections administration
 12 for 24 years in Pennsylvania, Minnesota, and Arizona. She's
 13 worked for Coconino County voters since 2003.
 14 Patty has been a strong advocate for voters and for
 15 democratic principles. She has played a crucial role in
 16 leadership among election officials in Arizona as the former
 17 president of the Arizona County Recorders Association and on
 18 the Arizona County Association Board.
 19 She is a nationally recognized expert on elections
 20 and most recently an advocate for increased and sustainable
 21 funding for election administration.
 22 We want to recognize Patty for her dedication and
 23 commitment to securing elections in Arizona.
 24 Do any of my fellow Commissioners wish to make any
 25 comments?
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55

1 Any other comments from Commissioners?
 2 COMMISSIONER PATON: Maybe on TV shows down
 3 there. I mean, like the news or something.
 4 CHAIRMAN KIMBLE: Yeah.
 5 COMMISSIONER PATON: They're always looking
 6 for content I'm sure.
 7 MR. XOLA: Yeah. Absolutely.
 8 CHAIRMAN KIMBLE: So is Captain Activate!
 9 going to stay around for a little while? I know we have a
 10 photo op -- opportunity here, but we also need to move on to
 11 a couple of other things. Could we hold off the photo op
 12 until later in the meeting?
 13 MR. XOLA: Yes.
 14 CHAIRMAN KIMBLE: Okay. I don't want Captain
 15 Activate! to pass out from heat problems.
 16 MR. XOLA: Chairman, he will be all right.
 17 CHAIRMAN KIMBLE: Okay. Thank you, both of
 18 you.
 19 MR. XOLA: Thank you.
 20 CHAIRMAN KIMBLE: Thank you, Gina.
 21 (Applause.)
 22 CHAIRMAN KIMBLE: We're going to take a
 23 couple -- take an item out of -- out of order here just for a
 24 minute.
 25 And next we're going to go to Item VII, recognition
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57

1 COMMISSIONER ESTES-WERTHER: Mr. Chairman.
 2 COMMISSIONER CHAN: Mr. Chairman --
 3 CHAIRMAN KIMBLE: Commissioner Werther. Just
 4 a second.
 5 Commissioner Werther.
 6 COMMISSIONER ESTES-WERTHER: I just want to
 7 say, so Patty I know we've been able to work together in
 8 different capacities over the years and I just want to thank
 9 you so very much for all of your work over the years to help
 10 voters.
 11 CHAIRMAN KIMBLE: Thank you, Commissioner
 12 Werther.
 13 Commissioner Chan.
 14 COMMISSIONER CHAN: I am so happy that we're
 15 recognizing Patty's contributions to -- not just Arizona of
 16 course -- but that's what is front of my mind. And we are
 17 going to miss you so much upon your retirement, and it's just
 18 a huge loss from my perspective for Arizona.
 19 So I hope that you will somehow keep in touch and,
 20 you know, make your presence felt. Because you have been one
 21 of the strongest recorders we've had. And I still have you
 22 in my phone as election director actually from before you ran
 23 for recorder, that's how long I've known you. It's just been
 24 a pleasure and you will be missed.
 25 CHAIRMAN KIMBLE: Thank you very much.
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58

1 Is there anything you'd like to say, Patty?
2 MS. HANSEN: Yes, if I could. First of all,
3 thank you so much. I am so honored and to be -- have my work
4 recognized this way.
5 But I do have to say this was not what -- anything
6 I've accomplished. It's because of the great team of people
7 that I have to work with through the years, and especially
8 here in Coconino County. And Christine and Amy, I have
9 enjoyed working with both of you.
10 And I have to thank the Commission. The Commission
11 is such an important partner to election administration in
12 this state and to the counties. And like somethings here in
13 Coconino County that you have helped us with. As Gina had
14 mentioned earlier, the ads at the movie theaters, but you
15 have a really gone over and above to help us reach our Native
16 American voters and especially in the minority languages, and
17 through voter guides that you translate into Diné and Hopi
18 for us. The joint phone number you set up for the three
19 counties that cover the Navajo Nation, through radio ads,
20 your public information.
21 And, you know, the Commission sponsored the first
22 workshop that where we brought in the Election Assistance
23 Commission to talk to us about IT -- the importance of IT,
24 cybersecurity, and using technology in election
25 administration. So kudos to you for doing that for us.

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60

1 to you.
2 Just a second Patty, I think Gina wanted to say
3 something.
4 MS. ROBERTS: Mr. Chairman, Commissioners, if
5 I may.
6 Patty, I just I wanted to -- I would be remiss if I
7 didn't have the chance to say "thank you." Thank you for
8 being my mentor, whether or not you realized it. I've had
9 the pleasure of working with you very early on in my career
10 and you have always been the bar. You have been the bar; you
11 have been the pillar, you have been the person that when the
12 conversations were tough, whether we're talking about a
13 bifurcated voter registration system or, you know, how to
14 communicate with voters on difficult issues, you have always
15 championed and fought for voters. And I think it has always
16 been your attitude and your mentality that I have always
17 strived to follow.
18 And so I appreciate everything that you've done on
19 a personal level from helping me get into, you know,
20 Flinn-Brown, for providing recommendation letters, but just
21 all of the work that you have done for voters. You -- you
22 have set the bar.
23 So I know I am not the only person who works in
24 elections that feels that way, but I will -- you know, if I
25 have the opportunity here to share with you my thoughts, and

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59

1 Your public outreach is just so outstanding. I
2 have learned so much from working with Tom and Gina through
3 the years, and you always have helped me keep that focus on
4 serving the public and making this mystery behind elections
5 understandable and simple for people to understand.
6 And finally, in 2018 you guys, we didn't have money
7 to do our national voter registration mailing and we do it as
8 a voter guide for just specific with some information in
9 Coconino County, and the Commission designed it, worked with
10 us and funded it, and that is so important to us.
11 So Amy, I will stay involved. Any time that you
12 guys need any assistance, I am one of the biggest fans for
13 our Citizens Clean Election Commission. And thank you,
14 though, so much for recognizing what has been a labor of love
15 for me.
16 Thank you.
17 CHAIRMAN KIMBLE: Well thank you, Patty. This
18 was supposed to be about you, but thank you for the kind
19 words on the Commission.
20 (Applause.)
21 And as a thank you, we have a lovely parting
22 gift for you which we will find a way to get to you in the
23 next few days.
24 MS. HANSEN: Thank you so much.
25 CHAIRMAN KIMBLE: Thank you, Patty. Good luck

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61

1 again I would be remiss if I didn't get the chance to tell
2 you thank you for being the example we should all strive to.
3 So thank you for your work.
4 CHAIRMAN KIMBLE: Thank you, Gina. Very well
5 said.
6 (Applause.)
7 Thank you again for making the time to be with
8 us today, Patty.
9 MS. HANSEN: Thank you.
10 CHAIRMAN KIMBLE: Okay. We will now return to
11 the Agenda Item V, discussion and possible action on primary
12 candidate audits.
13 We audit Clean candidates to help ensure that their
14 campaign finance reports correspond to their actual accounts,
15 ensuring accountability in the program.
16 Mike will make some general comments on this item.
17 Mike.
18 MR. BECKER: Mr. Chairman, Commissioners, good
19 morning. I apologize for bringing the mood down with such
20 mundane items as it be, but I'll keep it brief.
21 Before you are ten audits from the primary. All of
22 them came back very -- very well done. The candidates did a
23 great job in their campaign reports. Our auditors were able
24 to go through them very quickly.
25 And so with that, I ask that you approve all ten of

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62

1 them. There's -- there really isn't anything out of the
 2 ordinary in any of them.

3 CHAIRMAN KIMBLE: Okay, thank you. Are there
 4 any questions or comments from the Commission?
 5 COMMISSIONER PATON: I'd like to make a
 6 comment. I'm just glad we don't have any drama and I'm glad
 7 that we are auditing all these people and it's obviously made
 8 a difference.

9 CHAIRMAN KIMBLE: Thank you.

10 Any other comments from the Commissioner --
 11 Commissioners?
 12 Okay, so I'll entertain a motion to approve the
 13 audits identified in Item V in the agenda.

14 And just for the record, let me read the names of
 15 the audits that we're approving: Jennifer Wynne, State
 16 Representative LD 22, Jonathon Hill, Corporation Commission;
 17 Josh Barnett, State Senate LD 2; Juan Mendez, State
 18 Representative LD 8; Lea Marquez Peterson, Corporation
 19 Commission; Leezah Sun, State Senate LD 22; Rachel Walden,
 20 Corporation Commission; Ylenia Aguilar, Corporation
 21 Commission, Shawn Wildman, State Representative LD 1; and
 22 Steve Markegard, State Representative LD 25.

23 Is there a motion to approve these audits?
 24 COMMISSIONER ESTES-WERTHER: Chair, I make a
 25 motion to approve the audits as discussed.

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64

1 Mike, do you want to make some comments?
 2 MR. BECKER: Thank you Mr. Chairman,
 3 Commissioners.

4 I won't take too much time. I just want to point
 5 out a few areas for you as you have the budget and you've
 6 been able to see it.

7 One, the cap -- 2024 the cap was about \$24 million.
 8 Next year it's going to be up to about \$27 million. So
 9 that's a good thing; that's a good sign for the Commission
 10 and for the funding.

11 Secondly, that's also a positive trend if you --
 12 when you look at the actual revenue the Commission has
 13 received, you'll notice that as of November 1st which was the
 14 last date we had revenue information, we received over
 15 \$5 million from the 10 percent surcharge. As you are aware
 16 for 2024, we only budgeted about 5 million that we'd receive
 17 in revenue, so that's a good sign.

18 We expect to have approximately an extra million
 19 dollars, little bit -- maybe a little bit less in revenue
 20 this year as compared to what we budgeted.

21 That being said, I am staying at the \$5 million
 22 mark, be very conservative. I'm not sure if this is a trend
 23 where we're going to see more revenue coming in or if this is
 24 an anomaly at this point. That's why I want to be very
 25 cautious with that.

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63

1 THE COURT: Thank you, Commissioner Werther.
 2 Is there a second?
 3 COMMISSIONER PATON: Second.

4 CHAIRMAN KIMBLE: Thank you, Commissioner
 5 Paton.

6 It's been moved and seconded that we approve the
 7 ten audits in our agenda. I will call the roll.

8 Commissioner Chan.
 9 COMMISSIONER CHAN: Aye.

10 CHAIRMAN KIMBLE: Commissioner Paton.
 11 COMMISSIONER PATON: Aye.

12 CHAIRMAN KIMBLE: Commissioner Werther.
 13 COMMISSIONER ESTES-WERTHER: Aye.

14 CHAIRMAN KIMBLE: Chair votes aye. The audits have
 15 been approved four-to-nothing.

16 Thank you, Mike.

17 MR. BECKER: Thank you, Mr. Chair.

18 CHAIRMAN KIMBLE: Item VI, discussion and
 19 possible action on annual budgetary calculations and 2025
 20 spending plan.

21 Every year the Commission considers a calendar year
 22 budget and must approve certain calculations required by law.
 23 The memo in your materials under Item VI outlines these
 24 calculations and the staff's plan for 2025.

25 Mike's available to answer any questions.

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65

1 So that's -- those are two areas I wanted to make
 2 sure you're aware of.

3 Happy to answer any other questions and I ask that
 4 you approve this budget.

5 CHAIRMAN KIMBLE: Thank you.

6 Any comments or questions from members of the
 7 Commission?
 8 If not, do I have a motion to -- is this something
 9 we have to approve?
 10 MR. COLLINS: Yes, please.

11 CHAIRMAN KIMBLE: Do I have a motion to
 12 approve the memo?
 13 COMMISSIONER ESTES-WERTHER: Mr. Chairman,
 14 I'll motion to approve the annual budgetary calculation and
 15 2025 spending plan.

16 CHAIRMAN KIMBLE: Thank you, Commissioner
 17 Werther.

18 Is there a second?
 19 COMMISSIONER PATON: I'll second.

20 CHAIRMAN KIMBLE: Thank you, Commissioner
 21 Paton.

22 It's been moved and seconded that we approve the --
 23 the memo. I will call the roll.

24 Commissioner Chan.
 25 COMMISSIONER CHAN: Aye.

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66

1 CHAIRMAN KIMBLE: Commissioner Paton.
 2 COMMISSIONER PATON: Aye.
 3 CHAIRMAN KIMBLE: Commissioner Werther.
 4 COMMISSIONER ESTES-WERTHER: Aye.
 5 CHAIRMAN KIMBLE: The Chair votes aye. It's
 6 approved four-to-nothing.
 7 Thank you, Mike.
 8 MR. BECKER: Thank you, Commissioners.
 9 CHAIRMAN KIMBLE: Let me see. Item VIII,
 10 discussion and possible action on meeting dates for January
 11 to June.
 12 Commissioners, hopefully you've had a chance to
 13 review the proposed meeting dates from Paula which -- let me
 14 just read through these, January 30th, February 27th,
 15 March 27th, April 24th, May to be determined, and June 26th.
 16 Any comments or discussions on these proposed
 17 meeting dates?
 18 Okay, is there a motion to approve them?
 19 COMMISSIONER ESTES-WERTHER: Mr. Chair, motion
 20 to approve the meeting dates for 2025 from January through
 21 June.
 22 CHAIRMAN KIMBLE: Thank you, Commissioner
 23 Werther.
 24 Is there a second?
 25 COMMISSIONER PATON: I'll second.
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68

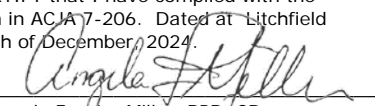

1 e-mail at ccec@azcleelections.gov.
 2 Item X, adjournment. At this point I would
 3 entertain a motion to adjourn.
 4 COMMISSIONER ESTES-WERTHER: Mr. Chairman, I
 5 motion to adjourn.
 6 CHAIRMAN KIMBLE: Thank you, Commissioner
 7 Werther.
 8 Is there a second?
 9 COMMISSIONER PATON: I'll second.
 10 CHAIRMAN KIMBLE: Thank you, Commissioner Paton. I
 11 will call the roll.
 12 Commissioner Chan.
 13 COMMISSIONER CHAN: Aye.
 14 CHAIRMAN KIMBLE: Commissioner Paton.
 15 COMMISSIONER PATON: Aye.
 16 CHAIRMAN KIMBLE: Commissioner Werther.
 17 COMMISSIONER ESTES-WERTHER: Aye.
 18 CHAIRMAN KIMBLE: Chair votes aye.
 19 We are adjourned. Thank you very much.
 20 (Whereupon the proceeding concludes at 11:55 a.m.)
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67

1 CHAIRMAN KIMBLE: Thank you, Commissioner
 2 Paton.
 3 It's been moved and seconded that we approve these
 4 Commission dates -- Commission meeting dates. I will call
 5 the roll.
 6 Commissioner Chan.
 7 COMMISSIONER CHAN: Aye.
 8 CHAIRMAN KIMBLE: Commissioner Paton.
 9 COMMISSIONER PATON: Aye.
 10 CHAIRMAN KIMBLE: Commissioner Werther.
 11 COMMISSIONER ESTES-WERTHER: Aye.
 12 CHAIRMAN KIMBLE: Chair votes aye. The dates
 13 are approved four-to-nothing.
 14 Item IX, public comment. This is the time for
 15 consideration of comments and suggestions from the public.
 16 Action taken as a result of public comment will be limited to
 17 directing staff to study the matter or rescheduling the
 18 matter for further consideration or responding to criticism.
 19 Please limit your comment to no more than two
 20 minutes.
 21 Does anyone on Zoom wish to make a comment?
 22 No one on Zoom want to say anything?
 23 There's no one in the audience here who wants to
 24 make comment.
 25 Public may also send comments to the Commission by
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69

C E R T I F I C A T E

1
 2
 3 STATE OF ARIZONA)
 4) ss.
 5 COUNTY OF MARICOPA)
 6
 7 BE IT KNOWN that the foregoing proceedings were
 8 taken before me, Angela Furniss Miller, Certified Reporter
 9 No. 50127, all done to the best of my skill and ability; that
 10 the proceedings were taken down by me in shorthand and
 11 thereafter reduced to print under my direction.
 12 I CERTIFY that I am in no way related to any of the
 13 parties hereto nor am I in any way interested in the outcome
 14 thereof.
 15 I FURTHER CERTIFY that I have complied with the
 16 requirements set forth in ACJA 7-206. Dated at Litchfield
 17 Park, Arizona, this 10th of December, 2024.
 18 
 19 Angela Furniss Miller, RPR/CR
 20 CERTIFIED REPORTER (AZ50127)
 21 * * *
 22 I CERTIFY that Miller Certified Reporting, LLC, has
 23 complied with the requirements set forth in ACJA 7-201 and
 24 7-206. Dated at LITCHFIELD PARK, Arizona, this 10th of
 25 December, 2024.

 Miller Certified Reporting, LLC
 Arizona RRF No. R1058
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\$	2025 [8] - 40:22, 42:11, 46:20, 47:17, 63:19, 63:24, 65:15, 66:20 2025-2026 [1] - 40:23 2026 [1] - 40:7 211 [8] - 5:16, 6:1, 6:23, 8:25, 9:3, 10:12, 11:17, 11:23 21st [1] - 13:11 22 [3] - 7:17, 62:16, 62:19 24 [1] - 56:12 24-year-olds [1] - 37:5 24th [2] - 23:10, 66:15 25 [1] - 62:22 265,000 [1] - 7:25 26th [1] - 66:15 27 [1] - 10:2 27,000 [1] - 23:13 27th [2] - 66:14, 66:15	7	action [8] - 4:12, 11:14, 12:11, 30:19, 49:18, 61:11, 63:19, 66:10 Activate [23] - 12:21, 38:12, 48:15, 48:18, 49:5, 49:12, 49:13, 49:17, 49:23, 50:1, 50:20, 50:25, 51:10, 51:21, 51:25, 53:8, 53:22, 54:4, 54:9, 54:17, 54:20, 55:8, 55:15 active [5] - 13:5, 15:25, 19:13, 21:20, 22:19 actively [1] - 17:5 activities [2] - 13:2, 15:10 actual [2] - 61:14, 64:12 ad [6] - 27:24, 28:2, 28:16, 41:25, 42:3 adapt [2] - 41:11, 42:12 add [2] - 7:4, 47:2 addition [2] - 30:10, 42:22 additional [1] - 34:21 adieu [1] - 51:20 adjourn [2] - 68:3, 68:5 adjourned [1] - 68:19 adjournment [1] - 68:2 adjusted [1] - 35:1 administration [4] - 56:11, 56:21, 58:11, 58:25 ads [10] - 25:22, 27:13, 27:15, 28:8, 28:9, 28:11, 28:12, 32:2, 58:14, 58:19 advance [1] - 14:11 advantage [1] - 31:8 advocate [2] - 56:14, 56:20 affairs [1] - 5:24 affidavit [1] - 22:4 affirmed [1] - 5:18 afield [1] - 11:20 African [1] - 48:25 afterwards [1] - 31:12 age [4] - 26:16, 26:18, 26:21, 50:14 agency [4] - 12:14, 13:5, 25:5, 48:20 Agenda [1] - 61:11 agenda [2] - 62:13, 63:7	ago [1] - 10:2 agree [3] - 32:24, 45:24, 54:19 Aguilar [1] - 62:20 ahead [2] - 6:13, 51:13 air [2] - 29:10, 32:2 airtime [1] - 33:11 Alec [2] - 16:21, 37:24 align [2] - 11:22, 11:25 alive [1] - 6:25 allow [1] - 35:2 allowed [2] - 15:15, 29:5 almost [6] - 10:5, 20:7, 23:14, 25:3, 33:2, 34:2 alone [1] - 28:18 alternatively [1] - 11:13 amazing [7] - 17:11, 22:16, 24:7, 24:19, 42:22, 48:6, 54:5 Amendment [2] - 5:23, 6:4 American [3] - 47:15, 48:25, 58:16 amount [7] - 7:18, 10:25, 11:1, 21:24, 25:15, 33:2, 34:3 Amy [2] - 58:8, 59:11 analog [1] - 5:23 analysis [1] - 11:11 analytics [1] - 23:11 annual [2] - 63:19, 65:14 anomaly [2] - 23:5, 64:24 answer [3] - 38:22, 63:25, 65:3 anti [1] - 49:15 anti-vote [1] - 49:15 anticipate [2] - 6:11, 6:17 anyway [2] - 8:13, 45:3 apathetic [1] - 49:16 apathy [2] - 49:13, 49:19 Apathy [1] - 49:15 Apathy's [1] - 49:15 apologize [2] - 48:3, 61:19 app [1] - 49:17 appeal [1] - 11:25 Appeals [2] - 5:18, 6:10 applause [4] - 51:22, 55:21, 59:20, 61:6 applied [1] - 5:25 appreciate [2] - 54:24,
0		8	7 [1] - 51:1 7.7 [1] - 35:24 70,000 [1] - 23:14 700,000 [1] - 20:7 733 [1] - 51:1 75 [2] - 21:13, 27:23 75-year-olds [1] - 26:24 78.49 [2] - 7:16, 14:22 78.5 [1] - 4:21	
03 [1] - 9:2 04 [1] - 9:2 06 [1] - 9:2 07 [1] - 9:2		9	8 [1] - 62:18 80 [2] - 14:25, 22:1 81 [1] - 26:17 892,000 [1] - 21:20 895 [1] - 26:5	
1	3	A	900,000 [2] - 21:20, 22:20	
1 [1] - 62:21 1,085 [1] - 31:4 1.4 [1] - 22:19 10 [1] - 64:15 10/10 [1] - 5:11 10/24 [2] - 23:5, 23:15 100-word [1] - 35:2 108,000 [1] - 20:4 10th [1] - 4:3 11 [1] - 51:2 11:55 [1] - 68:20 121,000 [1] - 15:25 128 [1] - 31:12 12th [3] - 13:11, 13:14 13 [1] - 21:9 13.2 [1] - 37:11 131.6 [2] - 31:19, 31:23 15 [1] - 41:14 15,781 [1] - 20:5 16 [1] - 26:22 163 [1] - 34:5 17 [1] - 30:1 17th [1] - 4:23 18 [2] - 6:19, 37:5 196 [1] - 33:25 19th [4] - 13:13, 13:19, 15:11, 16:12 1st [1] - 64:13	3,800 [1] - 51:3 30 [3] - 10:2, 20:20, 29:18 302 [1] - 31:18 30th [4] - 14:7, 18:10, 18:12, 66:14 31.07 [2] - 15:3, 19:11 32 [1] - 29:14 350,000 [1] - 22:16 372,000 [1] - 19:13 377,000 [1] - 19:13 39 [1] - 31:7 39.75 [1] - 15:22	a.m [1] - 68:20 ability [3] - 11:11, 42:12, 47:6 able [20] - 10:21, 14:9, 15:19, 29:25, 30:2, 32:22, 33:4, 33:15, 35:5, 37:15, 38:1, 41:12, 41:17, 41:23, 41:24, 42:4, 50:16, 57:7, 61:23, 64:6 absolutely [9] - 14:1, 40:11, 42:22, 47:6, 47:8, 47:10, 54:18, 54:21, 55:7 access [2] - 25:25, 29:7 accessible [2] - 26:20, 35:9 accomplished [1] - 58:6 account [3] - 10:15, 11:1, 18:8 accountability [1] - 61:15 accountable [1] - 44:20 accounts [1] - 61:14 accurate [1] - 17:13 acknowledge [2] - 42:18, 42:21 Act [2] - 10:7, 11:18 Action [1] - 67:16		
2	4		100,000 [2] - 21:20, 22:20	
2 [2] - 33:23, 62:17 2,255,669 [1] - 33:24 2,790 [1] - 17:22 2.7 [1] - 31:24 20.8 [2] - 28:15, 28:17 200-word [1] - 35:1 2003 [1] - 56:13 2012 [1] - 56:11 2018 [1] - 59:6 2020 [1] - 14:23 2024 [9] - 12:11, 13:2, 14:20, 15:3, 24:20, 27:7, 48:6, 64:7, 64:16	450 [1] - 50:25 49 [1] - 29:15		100,000 [2] - 21:20, 22:20	
	5			
	5 [4] - 23:13, 64:15, 64:16, 64:21 5,000 [1] - 51:6 58 [1] - 19:15 5th [2] - 14:15, 20:11			
	6			
	6.7 [1] - 24:18 64,000 [1] - 17:4 6938 [1] - 11:25 697,000 [1] - 20:5 6th [1] - 18:7			

<p>60:18 approve [15] - 4:2, 61:25, 62:12, 62:23, 62:25, 63:6, 63:22, 65:4, 65:9, 65:12, 65:14, 65:22, 66:18, 66:20, 67:3 approved [4] - 4:11, 63:15, 66:6, 67:13 approving [1] - 62:15 April [1] - 66:15 area [2] - 25:24, 26:7 areas [7] - 25:18, 25:19, 25:23, 26:9, 40:17, 64:5, 65:1 arguments [3] - 5:21, 6:1, 24:16 Arizon [1] - 29:23 Arizona [57] - 5:22, 6:7, 6:8, 6:12, 6:14, 8:1, 8:3, 8:7, 12:15, 12:18, 13:9, 18:16, 21:24, 24:9, 24:11, 25:1, 25:5, 25:13, 25:16, 28:16, 28:25, 29:4, 29:7, 29:23, 30:1, 30:11, 30:14, 30:15, 30:23, 31:6, 31:21, 32:1, 32:5, 32:13, 32:15, 32:21, 33:5, 33:24, 35:6, 36:14, 37:1, 38:4, 49:14, 50:16, 51:1, 51:7, 53:20, 54:22, 56:2, 56:12, 56:16, 56:17, 56:18, 56:23, 57:15, 57:18 Arizonans [1] - 48:19 arose [1] - 5:19 aspects [1] - 40:8 assembly [1] - 49:4 Assistance [1] - 58:22 assistance [1] - 59:12 Association [5] - 29:4, 30:23, 32:1, 56:17, 56:18 assortment [1] - 51:4 attend [1] - 32:24 attended [2] - 48:10, 48:20 attention [1] - 24:22 attitude [1] - 60:16 Attorney [1] - 19:8 audience [2] - 30:9, 67:23 audiences [1] - 5:5 audio [2] - 28:10, 35:7 audit [1] - 61:13 auditing [1] - 62:7 auditors [1] - 61:23</p>	<p>audits [8] - 61:12, 61:21, 62:13, 62:15, 62:23, 62:25, 63:7, 63:14 August [1] - 18:7 automatically [1] - 35:7 Ava [1] - 49:14 available [5] - 26:16, 30:25, 31:16, 41:6, 63:25 average [3] - 15:4, 15:25, 44:16 Avery [13] - 5:13, 12:20, 32:14, 37:21, 38:11, 38:24, 45:20, 47:19, 47:23, 47:25, 53:12, 53:19, 54:3 aware [2] - 64:15, 65:2 awareness [1] - 38:6 awesome [1] - 52:3 Aye [2] - 4:5, 4:7 aye [18] - 4:9, 4:10, 63:9, 63:11, 63:13, 63:14, 65:25, 66:2, 66:4, 66:5, 67:7, 67:9, 67:11, 67:12, 68:13, 68:15, 68:17, 68:18 AZ [1] - 31:3 AZCleanElections. gov [4] - 22:17, 25:17, 26:10, 36:25</p>	<p>battle [1] - 49:15 beat [1] - 39:4 BECKER [4] - 61:18, 63:17, 64:2, 66:8 becoming [1] - 22:23 behind [4] - 32:11, 32:20, 39:25, 59:4 belong [1] - 19:20 benchmarks [2] - 28:21, 35:23 beneficial [1] - 50:4 best [2] - 28:2, 38:3 better [1] - 41:3 between [7] - 5:11, 18:20, 23:13, 30:6, 44:13, 44:15, 50:8 beyond [1] - 7:5 bifurcated [1] - 60:13 big [5] - 20:13, 35:10, 45:15, 51:25, 54:17 biggest [1] - 59:12 billboards [1] - 28:11 biography [1] - 35:3 bit [6] - 44:1, 45:8, 49:11, 54:16, 64:19 black [1] - 8:2 blank [2] - 18:24, 19:1 blessed [1] - 39:13 blew [1] - 23:13 block [1] - 44:9 Board [1] - 56:18 book [6] - 38:12, 48:15, 50:1, 51:3, 51:4, 53:9 books [8] - 50:3, 50:25, 51:1, 51:6, 52:15, 53:10, 53:13, 53:24 bookstores [1] - 51:2 boost [1] - 45:16 boots [2] - 25:23, 37:22 bottle [1] - 36:23 brand [3] - 17:12, 28:16, 29:6 branded [1] - 29:8 branding [1] - 29:11 brands [2] - 31:2, 31:12 bread [1] - 33:19 break [3] - 8:22, 9:25, 14:25 brief [1] - 61:20 briefing [2] - 6:3, 6:5 bring [3] - 30:2, 33:5, 42:10 bringing [2] - 38:6, 61:19 broad [2] - 26:9, 45:22</p>	<p>broad-based [1] - 45:22 broadband [1] - 25:24 broadcast [1] - 30:22 broader [1] - 44:2 brought [1] - 58:22 Brown [1] - 60:20 budget [4] - 40:16, 63:22, 64:5, 65:4 budgetary [2] - 63:19, 65:14 budgeted [2] - 64:16, 64:20 build [1] - 48:24 bunch [1] - 49:5 Burton [1] - 51:11 busy [3] - 21:16, 21:17, 27:20 but.. [1] - 43:14 butter [1] - 33:20</p>	<p>49:23, 50:1, 50:20, 50:25, 51:10, 51:21, 51:25, 53:8, 53:22, 54:4, 54:9, 54:17, 54:20, 55:8, 55:14 Captain's [1] - 54:8 career [1] - 60:9 carve [2] - 21:16, 27:23 case [6] - 5:19, 6:4, 6:8, 6:13, 6:15 cases [2] - 6:20, 6:25 cautious [1] - 64:25 cccec@ azcleanelections. gov [1] - 68:1 cell [1] - 42:2 Center [3] - 5:21, 6:12, 30:16 centers [1] - 51:5 Central [4] - 25:1, 30:14, 31:3, 32:13 certain [2] - 50:11, 63:22 certainly [1] - 39:3 Chair [11] - 4:10, 47:24, 51:15, 52:6, 53:4, 63:14, 63:17, 66:5, 66:19, 67:12, 68:18 chair [1] - 62:24 Chairman [17] - 12:24, 38:21, 40:10, 42:13, 47:2, 47:12, 54:6, 54:10, 54:18, 55:16, 57:1, 57:2, 60:4, 61:18, 64:2, 65:13, 68:4 CHAIRMAN [73] - 4:6, 4:8, 4:10, 7:8, 7:11, 8:14, 8:19, 11:6, 12:3, 12:7, 39:1, 39:6, 39:9, 39:18, 42:14, 42:25, 43:3, 43:8, 46:25, 47:4, 47:21, 47:23, 47:25, 48:3, 52:7, 52:9, 53:1, 53:5, 53:23, 54:7, 54:11, 54:15, 54:25, 55:4, 55:8, 55:14, 55:17, 55:20, 55:22, 56:5, 56:8, 57:3, 57:11, 57:25, 59:17, 59:25, 61:4, 61:10, 62:3, 62:9, 63:4, 63:10, 63:12, 63:14, 63:18, 65:5, 65:11, 65:16, 65:20, 66:1, 66:3, 66:5, 66:9, 66:22, 67:1,</p>
B		C		
	<p>badge [1] - 23:18 ballot [34] - 14:5, 14:10, 14:13, 18:21, 18:24, 18:25, 19:1, 19:4, 20:13, 20:15, 20:18, 20:19, 21:3, 21:8, 21:10, 21:13, 21:22, 21:23, 21:25, 22:7, 23:22, 24:4, 24:10, 24:24, 25:7, 27:9, 27:10, 27:24, 36:6, 36:7, 38:4, 38:16, 44:16 ballot-by-mail [2] - 22:7, 24:4 ballots [2] - 7:25, 14:4 banners [4] - 28:10, 28:14, 28:18, 35:21 bar [3] - 60:10, 60:22 Bar [2] - 5:12, 5:15 Barnett [1] - 62:17 Barr [1] - 51:11 based [4] - 15:22, 42:2, 43:23, 45:22</p>		<p>calculation [1] - 65:14 calculations [3] - 63:19, 63:22, 63:24 caleb [1] - 49:14 calendar [2] - 9:20, 63:21 calendaring [1] - 18:9 California [1] - 53:11 campaign [8] - 11:24, 27:6, 27:7, 27:9, 28:5, 35:14, 61:14, 61:23 Candidate [1] - 32:12 candidate [7] - 9:8, 13:18, 15:12, 19:10, 25:8, 33:9, 61:12 Candidates [1] - 30:11 candidates [24] - 9:14, 14:13, 18:23, 20:21, 25:4, 25:6, 30:6, 30:12, 30:15, 30:19, 31:10, 31:11, 33:8, 33:9, 33:16, 33:25, 34:5, 34:10, 34:18, 34:25, 35:3, 43:25, 61:13, 61:22 Candidates' [1] - 32:15 canvas [2] - 10:9, 10:10 cap [2] - 64:7 capacities [1] - 57:8 Capitol [4] - 30:11, 32:15, 44:3, 44:8 Captain [22] - 12:21, 38:12, 48:15, 48:18, 49:5, 49:12, 49:13,</p>	

<p>67:8, 67:10, 67:12, 68:6, 68:10, 68:14, 68:16, 68:18</p> <p>challenge [2] - 5:21, 44:20</p> <p>chambers [1] - 46:13</p> <p>championed [1] - 60:15</p> <p>Chan [8] - 4:4, 42:15, 43:1, 57:13, 63:8, 65:24, 67:6, 68:12</p> <p>CHAN [9] - 4:5, 42:13, 42:16, 57:2, 57:14, 63:9, 65:25, 67:7, 68:13</p> <p>Chan's [1] - 47:5</p> <p>chance [3] - 60:7, 61:1, 66:12</p> <p>change [2] - 8:23, 39:11</p> <p>Chapter [1] - 34:8</p> <p>character [1] - 53:25</p> <p>character's [1] - 50:10</p> <p>chart [1] - 26:17</p> <p>charts [1] - 26:14</p> <p>check [2] - 35:16, 35:18</p> <p>children [1] - 53:17</p> <p>choice [3] - 18:20, 44:13, 44:15</p> <p>choose [2] - 21:25, 22:1</p> <p>chosen [1] - 49:17</p> <p>Christine [1] - 58:8</p> <p>Circuit [3] - 6:3, 6:16, 6:19</p> <p>circumstances [1] - 45:1</p> <p>cities [2] - 26:3, 29:19</p> <p>Citizens [1] - 59:13</p> <p>city [2] - 19:9, 21:11</p> <p>City [3] - 26:5, 26:6, 34:7</p> <p>civic [5] - 12:15, 49:18, 50:13, 51:5, 53:16</p> <p>Civic [2] - 30:16, 48:12</p> <p>civics [2] - 48:16, 50:3</p> <p>claim [1] - 6:5</p> <p>clause [1] - 5:24</p> <p>Clean [26] - 7:20, 8:25, 9:8, 10:7, 11:17, 11:22, 17:1, 17:7, 17:8, 17:12, 17:17, 17:18, 17:23, 26:24, 29:11, 29:25, 31:17, 31:19, 32:25, 33:6, 33:14, 43:23, 44:5, 49:16, 59:13, 61:13</p> <p>clean [3] - 35:9, 43:25,</p>	<p>48:19</p> <p>cleanup [1] - 34:4</p> <p>Clerks [1] - 34:7</p> <p>click [2] - 32:16, 35:16</p> <p>clip [1] - 51:9</p> <p>close [2] - 13:14, 14:24</p> <p>closed [1] - 18:22</p> <p>closely [2] - 41:15, 42:7</p> <p>closer [1] - 6:20</p> <p>co [1] - 6:12</p> <p>co-plaintiffs [1] - 6:12</p> <p>Coalition [1] - 48:22</p> <p>Coconino [10] - 41:18, 41:21, 42:5, 56:1, 56:10, 56:13, 58:8, 58:13, 59:9</p> <p>cold [1] - 20:22</p> <p>collaborations [1] - 49:2</p> <p>collect [2] - 40:12, 40:14</p> <p>collecting [2] - 30:24, 35:25</p> <p>College [1] - 4:23</p> <p>colleges [2] - 34:12, 37:23</p> <p>COLLINS [24] - 4:15, 7:12, 8:18, 8:20, 11:9, 12:4, 43:7, 43:11, 43:15, 43:17, 45:10, 45:13, 45:17, 46:5, 46:8, 46:11, 46:15, 46:19, 46:24, 52:18, 52:24, 56:4, 56:6, 65:10</p> <p>comic [16] - 38:12, 48:15, 50:1, 50:3, 50:12, 50:25, 51:1, 51:2, 51:4, 51:6, 52:15, 53:9, 53:10, 53:13, 53:24</p> <p>Comics [1] - 51:3</p> <p>coming [12] - 4:22, 16:17, 16:25, 19:14, 21:8, 22:17, 29:13, 35:17, 37:1, 37:19, 54:16, 64:23</p> <p>Comm [1] - 21:4</p> <p>comment [7] - 7:10, 62:6, 67:14, 67:16, 67:19, 67:21, 67:24</p> <p>comments [15] - 8:16, 12:7, 39:6, 39:20, 47:1, 55:1, 56:25, 61:16, 62:4, 62:10, 64:1, 65:6, 66:16, 67:15, 67:25</p> <p>Commission [34] -</p>	<p>7:9, 7:21, 8:16, 9:20, 9:22, 11:18, 19:6, 29:17, 39:7, 40:24, 42:11, 47:11, 47:24, 51:15, 52:6, 58:10, 58:21, 58:23, 59:9, 59:13, 59:19, 62:4, 62:16, 62:19, 62:20, 62:21, 63:21, 64:9, 64:12, 65:7, 67:4, 67:25</p> <p>Commissioner [44] - 4:4, 4:6, 4:8, 7:11, 8:14, 39:9, 39:18, 39:21, 40:10, 42:14, 42:18, 42:25, 43:3, 47:5, 47:8, 47:9, 47:14, 52:9, 54:19, 57:3, 57:5, 57:11, 57:13, 62:10, 63:1, 63:4, 63:8, 63:10, 63:12, 65:16, 65:20, 65:24, 66:1, 66:3, 66:22, 67:1, 67:6, 67:8, 67:10, 68:6, 68:10, 68:12, 68:14, 68:16</p> <p>COMMISSIONER [55] - 4:5, 4:7, 4:9, 7:10, 7:13, 39:8, 39:10, 39:22, 42:13, 42:16, 43:2, 43:4, 43:13, 43:16, 45:4, 45:11, 45:14, 46:2, 46:6, 46:9, 46:12, 46:17, 46:23, 52:8, 52:10, 52:21, 52:25, 53:2, 55:2, 55:5, 57:1, 57:2, 57:6, 57:14, 62:5, 62:24, 63:3, 63:9, 63:11, 63:13, 65:13, 65:19, 65:25, 66:2, 66:4, 66:19, 66:25, 67:7, 67:9, 67:11, 68:4, 68:9, 68:13, 68:15, 68:17</p> <p>Commissioners [16] - 4:16, 12:8, 12:25, 32:22, 39:20, 47:1, 47:11, 52:7, 55:1, 56:24, 60:4, 61:18, 62:11, 64:3, 66:8, 66:12</p> <p>commitment [1] - 56:23</p> <p>committee [1] - 44:24</p> <p>communicate [2] - 44:19, 60:14</p> <p>communities [3] - 26:1, 47:15, 49:19</p>	<p>community [6] - 34:7, 34:12, 37:23, 37:24, 48:24, 49:1</p> <p>compared [1] - 64:20</p> <p>competitor [2] - 29:9, 32:23</p> <p>compilation [1] - 51:9</p> <p>complaining [1] - 9:11</p> <p>complaint [1] - 11:11</p> <p>complaints [13] - 8:17, 8:21, 9:3, 9:13, 10:3, 10:5, 10:6, 10:10, 10:14, 10:20, 11:2, 11:4, 11:8</p> <p>completed [1] - 6:10</p> <p>completing [1] - 6:3</p> <p>complex [1] - 50:6</p> <p>complicated [3] - 27:8, 36:12, 36:23</p> <p>computers [1] - 17:5</p> <p>concentration [1] - 25:18</p> <p>concept [1] - 36:22</p> <p>concludes [1] - 68:20</p> <p>conduct [1] - 40:25</p> <p>Conference [2] - 48:23, 48:25</p> <p>confidence [1] - 8:10</p> <p>conflict [1] - 52:12</p> <p>confusion [1] - 15:13</p> <p>congressional [3] - 19:5, 21:4, 29:17</p> <p>Congressman [1] - 32:23</p> <p>connect [10] - 19:23, 23:24, 26:1, 28:6, 28:25, 37:15, 38:19, 41:19, 41:23, 42:4</p> <p>connecting [1] - 33:15</p> <p>connections [3] - 42:8, 48:24, 50:7</p> <p>Conservation [3] - 25:2, 30:14, 32:13</p> <p>conservative [1] - 64:22</p> <p>consider [4] - 19:5, 20:15, 21:11, 54:16</p> <p>consideration [2] - 67:15, 67:18</p> <p>considering [1] - 27:10</p> <p>considers [1] - 63:21</p> <p>consistent [1] - 6:24</p> <p>constantly [3] - 23:8, 28:20, 34:13</p> <p>constitution [3] - 5:24, 5:25, 6:24</p> <p>constitutional [2] - 5:20</p> <p>content [10] - 15:18,</p>	<p>28:3, 31:1, 32:20, 36:14, 36:16, 37:1, 37:3, 38:23, 55:6</p> <p>contests [1] - 21:13</p> <p>context [1] - 44:11</p> <p>contexts [1] - 10:14</p> <p>continue [5] - 14:25, 17:15, 23:24, 24:20, 32:6</p> <p>continues [2] - 22:22, 33:6</p> <p>continuing [3] - 5:7, 20:3, 22:14</p> <p>contribute [1] - 24:24</p> <p>contributed [1] - 12:17</p> <p>contributions [2] - 56:2, 57:15</p> <p>conversations [1] - 60:12</p> <p>cook [1] - 27:22</p> <p>cool [6] - 23:17, 23:18, 51:10, 51:16</p> <p>coordinate [1] - 52:14</p> <p>Corp [1] - 21:4</p> <p>Corporation [6] - 19:6, 29:17, 62:16, 62:18, 62:20</p> <p>corps [1] - 43:23</p> <p>correctly [1] - 42:24</p> <p>correspond [1] - 61:14</p> <p>cost [1] - 33:12</p> <p>council [1] - 19:9</p> <p>counted [1] - 25:11</p> <p>counties [5] - 20:14, 41:14, 58:12, 58:19</p> <p>county [2] - 24:12, 29:19</p> <p>County [17] - 19:7, 19:8, 21:12, 41:18, 41:22, 42:5, 52:14, 56:1, 56:10, 56:13, 56:17, 56:18, 58:8, 58:13, 59:9</p> <p>countywide [3] - 19:7, 21:5, 21:11</p> <p>couple [6] - 7:13, 29:18, 29:19, 46:13, 55:11, 55:23</p> <p>course [13] - 5:12, 6:18, 14:6, 14:14, 15:6, 21:4, 25:19, 29:10, 41:10, 42:11, 47:18, 57:16</p> <p>COURT [1] - 63:1</p> <p>Court [4] - 5:18, 6:8, 6:9, 6:14</p> <p>court's [1] - 5:19</p> <p>cover [3] - 4:18, 44:3,</p>
--	---	---	--	---

<p>58:19 coverage [1] - 33:11 covers [1] - 44:8 crack [2] - 46:1, 48:5 create [3] - 36:15, 41:24, 50:6 creating [1] - 37:3 creative [8] - 16:10, 22:10, 28:6, 28:23, 35:14, 35:20, 41:2, 53:15 creators [1] - 36:14 credit [1] - 42:19 critical [1] - 50:7 criticism [1] - 67:18 crooked [1] - 8:5 crucial [1] - 56:15 cure [1] - 22:6 current [2] - 6:23, 45:1 curriculum [1] - 48:16 customized [1] - 19:19 cybersecurity [1] - 58:24</p>	<p>decided [3] - 8:23, 8:24, 27:8 decision [2] - 5:19, 30:20 decisions [2] - 16:19, 23:23 declare [1] - 13:17 dedicate [1] - 21:15 dedication [2] - 49:18, 56:22 Defiance [1] - 12:16 definitely [2] - 29:13, 45:18 demand [3] - 5:3, 37:20, 49:8 democracy [1] - 32:3 Democratic [4] - 13:20, 14:9, 18:16, 18:21 democratic [1] - 56:15 demographic [1] - 36:10 demographics [1] - 26:21 depth [1] - 13:3 describe [1] - 10:21 designed [1] - 59:9 detail [1] - 18:2 detailing [1] - 12:19 detente [1] - 10:18 determine [2] - 11:14, 26:2 determined [1] - 66:15 develop [4] - 28:23, 29:25, 33:15, 40:21 development [1] - 41:2 develops [1] - 41:15 device [1] - 49:15 difference [1] - 62:8 different [9] - 5:4, 5:5, 9:14, 11:17, 28:7, 40:7, 54:13, 54:14, 57:8 difficult [3] - 25:3, 25:25, 60:14 digested [1] - 40:5 digital [6] - 28:10, 28:14, 28:18, 35:20, 35:24 dinner [1] - 27:22 Diné [3] - 35:8, 42:1, 58:17 directing [1] - 67:17 direction [3] - 47:8, 47:14, 47:16 directly [1] - 16:7 director [1] - 57:22 Director [1] - 14:21 Director's [1] - 4:13</p>	<p>Disabilities [1] - 48:25 disabled [1] - 49:1 disclosed [1] - 9:6 discuss [2] - 11:7, 11:13 discussed [2] - 14:20, 62:25 discussion [6] - 4:12, 12:10, 30:6, 61:11, 63:18, 66:10 discussions [2] - 30:3, 66:16 dismiss [1] - 11:11 display [1] - 28:13 distributing [1] - 34:14 District [3] - 25:2, 30:14, 32:14 districts [2] - 19:6, 29:18 dollar [1] - 33:12 dollars [2] - 28:24, 64:19 done [12] - 6:5, 6:11, 8:4, 11:10, 43:25, 48:8, 49:7, 53:19, 54:4, 60:18, 60:21, 61:22 down [5] - 9:25, 10:3, 30:3, 55:2, 61:19 Downs [1] - 49:6 Dr [1] - 49:15 drama [1] - 62:6 dramatic [1] - 49:12 drastic [1] - 39:11 drive [2] - 38:6, 41:2 driving [1] - 37:4 drop [2] - 15:7, 34:4 dropped [1] - 7:25 drove [1] - 27:2 during [1] - 8:8</p>	<p>5:3, 12:11, 12:13, 13:6, 14:1, 15:17, 17:10, 18:11, 19:2, 25:4, 25:21, 35:17, 36:5, 36:7, 36:8, 44:12, 50:3 Education [3] - 33:18, 33:19, 40:22 educational [2] - 7:23, 53:14 educators [2] - 48:14, 53:18 effect [2] - 33:10, 53:13 effective [1] - 38:5 effectiveness [1] - 26:10 efficiencies [1] - 33:14 efficient [1] - 28:24 efforts [4] - 27:6, 33:13, 37:21, 47:13 either [2] - 9:3, 14:9 elect [1] - 14:14 elected [2] - 18:23, 56:10 Election [4] - 7:21, 22:11, 58:22, 59:13 election [38] - 4:22, 8:1, 13:15, 13:16, 13:19, 14:3, 14:12, 14:15, 14:16, 14:20, 14:22, 15:2, 15:14, 16:11, 16:14, 17:13, 18:6, 18:9, 18:10, 18:25, 19:10, 20:12, 20:22, 21:17, 25:11, 27:10, 29:14, 31:20, 33:22, 35:7, 36:4, 48:20, 56:16, 56:21, 57:22, 58:11, 58:24 elections [22] - 7:22, 8:11, 13:9, 13:10, 13:15, 13:23, 13:25, 14:7, 15:6, 15:8, 15:13, 18:3, 18:5, 19:8, 21:14, 36:9, 56:2, 56:11, 56:19, 56:23, 59:4, 60:24 Elections [15] - 8:25, 9:8, 10:7, 11:18, 11:22, 17:7, 17:8, 17:12, 17:17, 17:19, 32:25, 33:14, 43:24, 44:5, 49:17 Elections' [8] - 17:1, 17:23, 26:25, 29:11, 29:25, 31:17, 31:19, 33:6 Electoral [1] - 4:23</p>	<p>electorate [3] - 28:17, 31:21, 37:16 electors [2] - 14:17, 21:3 Elementary [2] - 49:6, 53:2 eligible [2] - 15:23, 18:19 emotional [1] - 50:6 empower [1] - 49:18 encourage [2] - 37:6, 50:12 encouraged [1] - 32:5 encouraging [3] - 17:24, 21:1, 22:12 end [1] - 9:20 ends [1] - 38:15 energetic [1] - 30:8 enforcement [2] - 9:19, 11:20 engage [1] - 50:4 engagement [8] - 5:4, 12:15, 16:1, 19:15, 26:8, 27:2, 28:20, 50:13 engaging [3] - 30:8, 38:12 English [1] - 35:8 enjoyed [1] - 58:9 ensure [1] - 61:13 ensuring [1] - 61:15 entertain [2] - 62:12, 68:3 entire [3] - 24:2, 34:15, 41:7 entities [1] - 17:23 entity [2] - 17:9, 29:9 envelope [1] - 22:4 equated [2] - 31:23, 42:7 equipped [1] - 49:16 especially [3] - 37:19, 58:7, 58:16 essentially [2] - 6:10, 30:5 established [2] - 17:12, 37:2 ESTES [12] - 4:7, 39:22, 57:1, 57:6, 62:24, 63:13, 65:13, 66:4, 66:19, 67:11, 68:4, 68:17 ESTES-WERTHER [12] - 4:7, 39:22, 57:1, 57:6, 62:24, 63:13, 65:13, 66:4, 66:19, 67:11, 68:4, 68:17 estimate [2] - 23:11, 33:11</p>
D				
<p>dashboard [4] - 19:16, 19:18, 21:21, 27:1 data [17] - 16:18, 16:24, 17:15, 20:3, 30:24, 31:15, 35:25, 40:13, 40:14, 41:6, 42:5, 42:6, 42:8, 42:9 date [2] - 18:7, 64:14 dates [8] - 36:6, 66:10, 66:13, 66:17, 66:20, 67:4, 67:12 days [3] - 10:10, 13:4, 59:23 deadlines [1] - 36:6 deal [1] - 20:13 debate [14] - 5:1, 30:4, 31:1, 31:8, 31:10, 32:11, 32:20, 32:21, 32:24, 38:17, 39:25, 42:19, 42:21, 44:1 debates [28] - 12:15, 19:16, 21:22, 27:2, 29:2, 29:5, 29:7, 29:12, 29:14, 29:16, 29:20, 29:23, 29:25, 30:10, 30:21, 30:22, 31:6, 31:9, 31:17, 31:19, 31:20, 32:3, 33:6, 35:15, 36:8, 42:23 December [1] - 4:23 decide [1] - 30:18</p>				
		E		
		<p>e-mail [1] - 68:1 eager [1] - 49:21 early [9] - 21:22, 21:23, 22:1, 24:5, 25:11, 40:24, 42:11, 50:14, 60:9 earned [3] - 31:16, 31:18 easily [1] - 26:24 easy [1] - 45:1 educate [5] - 20:16, 20:17, 23:21, 24:25, 28:23 educating [3] - 24:17, 32:3, 45:6 education [18] - 4:18,</p>		

<p>estimated [1] - 23:13 Event [1] - 48:13 event [2] - 30:11, 32:12 events [9] - 32:15, 37:24, 48:8, 48:9, 48:11, 51:4, 51:10, 52:16 everyday [1] - 27:19 everywhere [2] - 36:24, 54:22 exactly [1] - 54:10 example [8] - 9:12, 17:16, 22:11, 28:14, 41:12, 41:18, 44:23, 61:2 examples [1] - 16:9 exceeded [1] - 23:14 exceeding [2] - 28:21, 35:22 excellent [2] - 49:2, 54:24 excited [2] - 36:13, 37:15 exciting [6] - 5:14, 12:12, 27:3, 29:3, 37:9, 37:11 excuse [4] - 5:8, 17:17, 29:20, 31:5 Executive [2] - 4:13, 14:21 exhaustive [1] - 48:9 existing [1] - 6:23 exists [1] - 16:14 expect [3] - 14:4, 20:25, 64:18 expectations [1] - 23:17 expecting [1] - 12:21 experience [1] - 53:22 expert [1] - 56:19 expertise [1] - 30:2 explain [4] - 15:18, 19:2, 25:8, 49:25 explaining [1] - 22:3 explodes [1] - 36:24 explore [1] - 50:3 extent [1] - 44:1 extra [1] - 64:18 eye [1] - 8:2</p>	<p>fairly [1] - 14:24 Fan [2] - 48:17, 50:19 fans [1] - 59:12 fantastic [14] - 17:25, 18:4, 19:17, 20:4, 20:7, 22:18, 22:19, 22:24, 23:15, 31:4, 31:25, 33:4, 37:6, 49:1 far [8] - 6:21, 7:3, 10:1, 11:19, 11:24, 38:23 favorite [3] - 27:15, 48:8, 48:11 February [1] - 66:14 federal [4] - 6:4, 29:16, 42:19, 47:7 feedback [6] - 27:25, 47:10, 47:16, 48:14, 52:3, 54:24 fellow [1] - 56:24 felt [1] - 57:20 few [8] - 25:9, 37:20, 47:20, 48:5, 51:12, 54:21, 59:23, 64:5 fight [1] - 49:19 figure [2] - 39:12, 43:21 figured [1] - 10:14 file [2] - 6:12, 10:10 filing [2] - 12:1 fill [2] - 20:18, 40:8 filled [1] - 20:19 filling [1] - 23:22 final [3] - 7:17, 36:1, 41:8 finality [1] - 6:20 finally [1] - 59:6 finance [2] - 11:24, 61:14 fingers [1] - 22:11 finish [1] - 47:19 First [2] - 5:23, 6:4 first [8] - 29:3, 43:12, 48:1, 53:24, 54:20, 56:10, 58:2, 58:21 fits [1] - 25:21 five [6] - 8:5, 9:13, 13:9, 18:15, 46:18, 49:14 five-minute [1] - 46:18 Flag [2] - 52:19, 52:20 Flinn [1] - 60:20 Flinn-Brown [1] - 60:20 floor [1] - 52:5 fluid [1] - 41:10 focus [2] - 41:1, 59:3 focused [2] - 43:23, 44:14</p>	<p>folks [4] - 5:8, 10:16, 44:8, 45:22 follow [1] - 60:17 following [1] - 37:2 forced [1] - 43:11 forecasted [1] - 23:11 foregoing [2] - 32:1, 32:2 forgot [1] - 50:18 form [1] - 11:15 format [1] - 29:6 former [1] - 56:16 Fort [1] - 12:16 forward [1] - 33:5 fought [1] - 60:15 Foundation [1] - 5:13 four [7] - 4:11, 9:2, 10:23, 11:3, 63:15, 66:6, 67:13 four-to-nothing [4] - 4:11, 63:15, 66:6, 67:13 French [1] - 53:8 friendly [1] - 23:2 front [5] - 4:20, 5:3, 5:16, 20:14, 57:16 front-and-back [1] - 20:14 frustrating [1] - 27:19 fulfilling [1] - 52:2 full [1] - 27:21 full-time [1] - 27:21 fun [2] - 50:5, 53:15 funded [1] - 59:10 funding [2] - 56:21, 64:10 Fusion [2] - 48:17, 50:19 future [5] - 32:7, 38:13, 49:2, 49:23, 50:25</p>	<p>G</p> <p>gaggle [1] - 31:10 gaggles [1] - 31:13 Gallego [1] - 32:23 gamers [1] - 37:10 gaming [2] - 37:9, 37:10 general [16] - 4:22, 14:7, 14:12, 14:15, 14:21, 15:8, 20:11, 27:10, 28:5, 29:15, 33:22, 34:2, 36:4, 53:17, 61:16 generally [1] - 45:21 generated [2] - 36:16, 37:1 gift [1] - 59:22</p>	<p>Gila [1] - 54:16 Gina [10] - 12:19, 12:23, 43:21, 47:4, 47:21, 55:20, 58:13, 59:2, 60:2, 61:4 glad [2] - 62:6 Glenn [1] - 49:6 glory [2] - 49:24, 53:22 goal [2] - 9:18, 16:13 Goodyear [1] - 13:24 Google [4] - 17:6, 17:18, 23:10, 28:13 Google's [1] - 23:16 government [2] - 50:14, 51:6 Great [1] - 52:17 great [21] - 15:18, 15:25, 16:21, 19:13, 20:9, 21:20, 21:22, 23:19, 24:15, 26:4, 27:25, 30:13, 34:16, 35:21, 35:25, 48:13, 48:20, 48:23, 52:3, 58:6, 61:23 Greens [2] - 18:16, 18:21 Greg's [1] - 51:3 ground [2] - 25:23, 37:22 group [1] - 41:7 groups [2] - 34:9, 41:2 grow [1] - 22:15 growing [1] - 24:20 growth [1] - 26:3 guess [7] - 40:3, 40:4, 40:6, 40:7, 40:8, 45:23 Guide [2] - 33:18, 33:19 guide [8] - 34:1, 34:14, 34:16, 34:23, 35:2, 35:17, 36:7, 59:8 guides [3] - 33:20, 33:24, 58:17 guys [2] - 59:6, 59:12</p>	<p>H</p> <p>half [2] - 14:24, 33:12 handed [1] - 51:7 Hansen [2] - 56:1, 56:10 HANSEN [3] - 58:2, 59:24, 61:9 happy [22] - 5:12, 7:6, 7:15, 7:19, 7:20, 16:5, 20:8, 22:21, 23:3, 24:3, 26:13, 28:19, 32:4, 34:20, 35:12, 36:2, 37:8, 38:22, 50:16, 51:20, 57:14, 65:3 hard [2] - 9:24, 39:23 Harkins [2] - 41:21, 41:25 Havasu [2] - 26:4, 26:6 head [2] - 10:20, 27:11 heading [1] - 38:14 hear [3] - 40:16, 46:11, 51:10 heard [2] - 12:18, 27:24 hearing [1] - 11:16 heat [1] - 55:15 held [5] - 13:11, 13:15, 29:15, 29:20, 30:10 help [6] - 7:21, 37:6, 57:9, 58:15, 61:13 helped [3] - 24:24, 58:13, 59:3 helping [2] - 40:2, 60:19 helps [4] - 23:22, 28:22, 28:23, 50:4 hi [1] - 4:15 high [10] - 13:2, 21:7, 21:24, 22:8, 25:18, 26:8, 34:12, 37:20, 37:23, 49:8 high-level [1] - 13:2 higher [1] - 20:5 highest [1] - 17:4 highlighting [1] - 4:21 Hill [1] - 62:16 Historical [1] - 48:13 historically [1] - 21:7 hit [2] - 7:3, 27:11 hodgepodge [1] - 9:15 Holbrook [1] - 13:24 hold [3] - 15:19, 41:1, 55:11 home [3] - 20:19, 35:20, 35:24 homes [1] - 28:10 honestly [2] - 10:12, 44:9 honor [1] - 5:15 Honorable [1] - 56:1 honored [2] - 54:7, 58:3 hope [1] - 57:19 hopefully [6] - 5:6, 8:11, 14:24, 14:25, 42:24, 66:12 Hopi [1] - 58:17 hoping [1] - 32:6</p>
<p>F</p> <p>face [1] - 44:4 Facebook [1] - 28:12 facilitate [1] - 30:6 fact [3] - 10:15, 11:1, 24:23 factor [2] - 6:18, 26:21 Fair [1] - 51:11</p>	<p>F</p>	<p>G</p>	<p>H</p>	<p>H</p>	

<p>host [1] - 25:7 hours [1] - 13:3 households [3] - 33:21, 33:24, 34:6 Houses [1] - 34:8 hug [1] - 50:21 huge [1] - 57:18 Hulu [1] - 28:9 hundred [1] - 45:24 hype [1] - 49:5</p>	<p>13:22, 18:18, 18:20 industry [2] - 28:21, 35:22 influencer [1] - 36:15 info [1] - 22:11 information [25] - 12:14, 12:17, 14:2, 17:13, 19:19, 23:10, 23:25, 24:5, 24:14, 24:15, 25:1, 25:4, 25:6, 30:23, 30:25, 31:18, 34:18, 34:21, 34:25, 35:4, 35:7, 40:5, 58:20, 59:8, 64:14 informed [3] - 16:19, 20:20, 23:22 initiatives [1] - 21:8 innovative [1] - 39:2 insight [1] - 49:1 inspire [1] - 49:18 Instagram [2] - 28:12, 37:14 instance [1] - 8:22 interact [2] - 26:24, 37:4 interacted [1] - 23:15 interacting [3] - 25:16, 26:7, 26:15 interested [3] - 22:7, 24:21, 29:24 interesting [3] - 21:23, 42:8, 46:16 international [1] - 53:7 Internet [2] - 25:22, 36:21 interview [2] - 30:5, 38:3 interviews [2] - 31:9, 38:2 introduce [3] - 48:18, 48:19, 51:20 introduction [1] - 45:22 intuitive [1] - 23:2 invalid [1] - 6:1 invest [1] - 28:25 invested [1] - 22:25 investment [1] - 48:21 invite [1] - 31:11 involved [1] - 59:11 irrelevant [1] - 44:5 issue [2] - 9:13, 44:2 issues [13] - 9:12, 9:15, 14:4, 18:9, 20:17, 20:21, 20:23, 21:16, 29:20, 30:5, 30:19, 49:21, 60:14 IT [2] - 58:23</p>	<p>item [2] - 55:23, 61:16 Item [10] - 4:12, 12:10, 55:25, 61:11, 62:13, 63:18, 63:23, 66:9, 67:14, 68:2 items [1] - 61:20 IV [1] - 12:10 IX [1] - 67:14</p>	<p>56:5, 56:8, 57:3, 57:11, 57:25, 59:17, 59:25, 61:4, 61:10, 62:3, 62:9, 63:4, 63:10, 63:12, 63:14, 63:18, 65:5, 65:11, 65:16, 65:20, 66:1, 66:3, 66:5, 66:9, 66:22, 67:1, 67:8, 67:10, 67:12, 68:6, 68:10, 68:14, 68:16, 68:18 kind [13] - 6:20, 7:22, 9:10, 9:15, 9:24, 10:17, 12:4, 12:5, 40:4, 45:3, 45:21, 59:18 knowing [1] - 20:23 known [1] - 57:23 knows [1] - 30:5 kudos [1] - 58:25</p>	<p>43:23 legislators [1] - 45:21 legislature [7] - 8:8, 19:6, 21:5, 21:8, 43:6, 43:22, 44:23 less [1] - 64:19 letters [1] - 60:20 letting [1] - 20:17 level [8] - 6:10, 13:2, 21:9, 24:8, 29:16, 29:17, 60:19 Libertarians [2] - 18:16, 18:22 libraries [2] - 34:7, 51:1 Library [1] - 51:11 Life [2] - 27:7, 36:11 life [2] - 28:2, 36:22 life's [1] - 49:21 lighthearted [1] - 37:7 limit [1] - 67:19 limited [1] - 67:16 line [2] - 12:5, 28:4 lines [1] - 21:1 list [4] - 5:10, 8:17, 8:21, 48:12 listed [1] - 21:6 Litchfield [1] - 13:12 literacy [3] - 53:16, 53:17 literally [1] - 5:11 lives [1] - 27:19 lobby [1] - 46:12 local [13] - 12:16, 13:10, 13:23, 13:25, 21:5, 21:10, 24:8, 24:12, 31:7, 36:9, 36:14, 38:20 locations [1] - 14:3 logistics [1] - 36:5 lone [1] - 32:23 look [27] - 11:22, 12:4, 15:2, 15:4, 15:7, 15:10, 15:21, 16:6, 16:24, 17:3, 21:19, 26:14, 26:16, 26:23, 30:18, 40:14, 40:16, 40:17, 40:20, 40:23, 41:5, 42:9, 43:20, 46:22, 51:15, 64:12 looked [1] - 42:5 looking [14] - 4:19, 11:23, 19:16, 20:6, 21:21, 23:20, 24:25, 25:25, 26:4, 30:21, 33:8, 35:20, 46:4, 55:5 looks [4] - 14:24, 16:20, 27:13, 36:17 loss [1] - 57:18</p>	
I		J		L	
<p>I.. [1] - 46:11 idea [6] - 43:9, 45:4, 45:8, 45:9, 53:24, 54:4 ideas [1] - 39:2 identified [1] - 62:13 identify [1] - 22:5 Ill [1] - 4:12 images [2] - 16:9, 32:9 imagine [2] - 20:21, 49:12 impact [3] - 26:8, 49:19, 54:17 importance [1] - 58:23 important [6] - 18:6, 25:20, 26:21, 30:7, 58:11, 59:10 importantly [1] - 15:19 impossible [1] - 54:12 impressed [2] - 31:21, 42:3 impressing [1] - 28:16 impressions [6] - 24:18, 28:15, 31:20, 35:24, 37:11, 42:6 impressive [2] - 39:2, 40:1 improve [3] - 16:20, 40:9, 40:18 in-person [2] - 24:5, 31:9 include [1] - 51:5 included [2] - 34:22, 34:24 includes [1] - 14:8 including [4] - 13:25, 48:15, 51:2, 54:22 increase [2] - 26:5, 26:6 increased [1] - 56:20 increasingly [1] - 44:7 incredible [2] - 48:17, 52:1 Independent [5] - 14:8, 15:15, 19:22, 36:8, 47:13 Independents [3] -</p>	<p>January [5] - 6:6, 6:16, 66:10, 66:14, 66:20 Japanese [1] - 35:11 Jennifer [1] - 62:15 job [2] - 27:21, 61:23 join [1] - 32:22 joint [1] - 58:18 joke [1] - 43:15 Jonathon [1] - 62:16 Josh [1] - 62:17 journalists [2] - 29:24, 30:1 Juan [1] - 62:17 judges [1] - 21:14 judicial [1] - 21:14 July [3] - 14:7, 18:12 jump [1] - 20:11 June [3] - 66:11, 66:15, 66:21 jurisdictions [1] - 14:2 justices [1] - 21:14</p>	<p>label [2] - 29:5, 29:8 Labels [3] - 18:17, 18:22, 18:24 labor [1] - 59:14 laggy [1] - 36:21 Lake [3] - 26:4, 26:6, 32:24 language [1] - 42:1 languages [1] - 58:16 last [7] - 4:19, 4:25, 5:1, 5:17, 27:9, 37:20, 64:14 law [2] - 50:14, 63:22 LD [6] - 62:16, 62:17, 62:18, 62:19, 62:21, 62:22 Lea [1] - 62:18 leaders [1] - 12:15 leadership [2] - 6:7, 56:16 Leadership [1] - 30:16 learn [8] - 16:14, 20:16, 21:16, 27:23, 30:18, 30:19, 36:6, 38:7 learned [1] - 59:2 Learning [1] - 48:12 learning [2] - 50:5 least [1] - 10:5 led [1] - 32:14 Leezah [1] - 62:19 left [1] - 47:20 legacies [1] - 47:11 legislative [4] - 29:18, 34:18, 43:23, 46:13 legislative-based [1] -</p>			
K		L			
<p>Kari [1] - 32:23 keep [5] - 8:24, 39:12, 57:19, 59:3, 61:20 keeping [1] - 16:21 ketchup [1] - 36:23 key [2] - 30:4, 36:5 kicked [2] - 29:4, 29:23 kickoff [1] - 40:14 kid [1] - 50:20 kids [2] - 27:21, 37:23 KIMBLE [73] - 4:6, 4:8, 4:10, 7:8, 7:11, 8:14, 8:19, 11:6, 12:3, 12:7, 39:1, 39:6, 39:9, 39:18, 42:14, 42:25, 43:3, 43:8, 46:25, 47:4, 47:21, 47:23, 47:25, 48:3, 52:7, 52:9, 53:1, 53:5, 53:23, 54:7, 54:11, 54:15, 54:25, 55:4, 55:8, 55:14, 55:17, 55:20, 55:22,</p>	<p>label [2] - 29:5, 29:8 Labels [3] - 18:17, 18:22, 18:24 labor [1] - 59:14 laggy [1] - 36:21 Lake [3] - 26:4, 26:6, 32:24 language [1] - 42:1 languages [1] - 58:16 last [7] - 4:19, 4:25, 5:1, 5:17, 27:9, 37:20, 64:14 law [2] - 50:14, 63:22 LD [6] - 62:16, 62:17, 62:18, 62:19, 62:21, 62:22 Lea [1] - 62:18 leaders [1] - 12:15 leadership [2] - 6:7, 56:16 Leadership [1] - 30:16 learn [8] - 16:14, 20:16, 21:16, 27:23, 30:18, 30:19, 36:6, 38:7 learned [1] - 59:2 Learning [1] - 48:12 learning [2] - 50:5 least [1] - 10:5 led [1] - 32:14 Leezah [1] - 62:19 left [1] - 47:20 legacies [1] - 47:11 legislative [4] - 29:18, 34:18, 43:23, 46:13 legislative-based [1] -</p>				

<p>love [1] - 59:14 lovely [1] - 59:21 loves [1] - 52:2 lower [1] - 15:5 luck [1] - 59:25 Luis [1] - 13:24</p>	<p>31:18, 33:1, 33:11, 37:2, 38:2, 38:20, 43:21, 53:8, 53:16, 53:18 Media [5] - 29:4, 29:23, 30:23, 32:1, 32:5 mediums [1] - 28:7 meet [4] - 4:23, 25:7, 30:12, 41:6 Meet [3] - 30:10, 32:12, 32:14 meeting [11] - 4:3, 4:25, 11:7, 22:22, 37:13, 55:12, 66:10, 66:13, 66:17, 66:20, 67:4 meetings [3] - 40:15 meets [1] - 16:22 members [7] - 5:15, 7:8, 8:16, 32:1, 39:7, 53:7, 65:6 memo [3] - 63:23, 65:12, 65:23 memories [1] - 50:7 Mendez [1] - 62:17 mentality [1] - 60:16 mention [1] - 50:18 mentioned [4] - 15:11, 23:8, 37:19, 58:14 mentions [1] - 31:19 mentor [1] - 60:8 Mesa [1] - 51:3 messaging [1] - 23:23 met [1] - 4:19 methods [1] - 25:21 metrics [2] - 28:4, 35:21 middle [1] - 49:5 Middle [1] - 53:3 midterms [1] - 15:7 might [1] - 45:1 Mike [7] - 40:16, 45:20, 61:16, 61:17, 63:16, 64:1, 66:7 Mike's [1] - 63:25 military [1] - 33:25 million [17] - 22:16, 22:19, 24:18, 28:15, 28:17, 31:19, 31:23, 31:24, 33:12, 35:24, 37:11, 64:7, 64:8, 64:15, 64:16, 64:18, 64:21 mind [2] - 50:9, 57:16 Minnesota [1] - 56:12 minority [1] - 58:16 minute [3] - 16:1, 46:18, 55:24 minutes [5] - 4:3,</p>	<p>4:11, 20:20, 45:14, 67:20 misinformation [1] - 40:20 miss [1] - 57:17 missed [1] - 57:24 missing [1] - 50:16 mobile [1] - 16:4 moderating [2] - 29:25, 30:2 moderator [2] - 29:22, 30:4 mom [1] - 27:20 moment [2] - 18:19, 23:12 money [1] - 59:6 month [3] - 5:2, 5:17 Month [1] - 5:14 months [1] - 6:19 mood [1] - 61:19 morning [7] - 12:24, 44:15, 44:18, 47:24, 47:25, 56:9, 61:19 morphed [1] - 53:25 most [7] - 16:3, 20:13, 20:14, 21:24, 27:2, 28:24, 56:20 motion [10] - 62:12, 62:23, 62:25, 65:8, 65:11, 65:14, 66:18, 66:19, 68:3, 68:5 motivating [1] - 54:5 move [2] - 12:10, 55:10 moved [5] - 4:2, 18:8, 63:6, 65:22, 67:3 movie [3] - 41:21, 41:22, 58:14 MR [43] - 4:15, 7:12, 8:18, 8:20, 11:9, 12:4, 38:8, 43:7, 43:11, 43:15, 43:17, 45:10, 45:13, 45:17, 46:5, 46:8, 46:11, 46:15, 46:19, 46:24, 47:24, 48:1, 48:4, 52:11, 52:18, 52:20, 52:23, 52:24, 54:6, 54:10, 54:13, 54:18, 55:7, 55:13, 55:16, 55:19, 56:4, 56:6, 61:18, 63:17, 64:2, 65:10, 66:8 MS [14] - 12:24, 38:10, 39:5, 39:17, 40:10, 47:2, 47:5, 47:22, 53:4, 53:6, 58:2, 59:24, 60:4, 61:9 multiple [1] - 19:8 mundane [1] - 61:20</p>	<p>must [1] - 63:22 mystery [1] - 59:4</p> <p style="text-align: center;">N</p> <p>nail [1] - 27:11 name [3] - 28:16, 32:3, 35:1 names [2] - 25:6, 62:14 narrow [2] - 44:6, 44:7 Nation [4] - 41:23, 42:1, 42:4, 58:19 National [1] - 48:12 national [1] - 59:7 nationally [1] - 56:19 Native [3] - 47:15, 48:24, 58:15 Navajo [5] - 41:23, 42:1, 42:4, 48:22, 58:19 navigation [1] - 23:1 necessary [1] - 30:7 need [9] - 22:5, 37:5, 39:14, 40:8, 40:20, 41:16, 46:22, 55:10, 59:12 needed [1] - 41:19 needs [5] - 11:14, 16:22, 22:23, 36:10, 41:3 negative [2] - 7:25, 8:11 net [1] - 26:5 network [1] - 48:24 never [1] - 9:10 new [8] - 10:15, 10:16, 19:13, 19:14, 21:20, 34:22, 39:13, 40:4 news [1] - 55:3 next [38] - 4:17, 6:18, 6:19, 11:7, 11:21, 13:7, 14:18, 15:9, 16:16, 18:1, 20:1, 20:10, 22:13, 23:6, 24:1, 25:14, 26:11, 27:4, 27:17, 29:1, 32:8, 33:17, 35:13, 36:3, 37:17, 40:24, 41:9, 46:20, 49:10, 49:22, 51:8, 51:17, 52:4, 54:21, 55:25, 59:23, 64:8 Ninth [3] - 6:3, 6:16, 6:19 nominees [1] - 14:11 non [3] - 12:14, 18:25, 29:12 non-partisan [3] - 12:14, 18:25, 29:12</p>	<p>nonexistent [1] - 25:3 note [1] - 47:6 nothing [4] - 4:11, 63:15, 66:6, 67:13 notice [2] - 11:12, 64:13 November [4] - 5:13, 14:15, 20:11, 64:13 number [10] - 10:25, 17:4, 17:22, 20:4, 21:7, 22:8, 30:25, 33:1, 34:3, 58:18 numbers [5] - 20:8, 22:14, 23:3, 36:1, 50:24 nut [1] - 46:1</p> <p style="text-align: center;">O</p> <p>O'odham [1] - 52:21 obviously [3] - 6:25, 47:12, 62:7 occurred [2] - 13:10, 32:21 October [2] - 4:3, 23:10 offer [1] - 44:17 office [4] - 14:14, 25:2, 44:9, 52:14 officers [1] - 12:1 offices [5] - 19:7, 29:15, 34:9, 51:6, 52:13 official [4] - 12:14, 17:13, 24:15, 29:12 officials [1] - 56:16 on-site [1] - 33:1 once [1] - 40:4 one [33] - 8:24, 9:1, 10:5, 11:21, 12:12, 17:21, 19:19, 19:22, 22:11, 24:16, 25:10, 25:21, 27:5, 27:12, 27:15, 31:14, 33:19, 34:16, 36:12, 38:3, 38:15, 40:3, 41:12, 43:18, 43:19, 44:12, 48:22, 51:21, 57:20, 59:12, 64:7, 67:22, 67:23 one-stop [2] - 19:19, 24:16 ones [5] - 9:17, 18:5, 24:11, 24:12, 24:13 online [1] - 35:18 op [2] - 55:10, 55:11 open [4] - 8:21, 13:21, 14:7, 52:5 opportunities [3] - 12:17, 30:17, 38:19</p>
---	---	--	---	--

<p>opportunity [7] - 13:13, 13:17, 14:16, 41:11, 47:16, 55:10, 60:25</p> <p>option [1] - 44:25</p> <p>or.. [1] - 46:14</p> <p>order [1] - 55:23</p> <p>ordinary [1] - 62:2</p> <p>organic [3] - 17:4, 20:3, 22:15</p> <p>organically [1] - 22:17</p> <p>organizations [1] - 51:5</p> <p>originally [1] - 18:7</p> <p>ought [3] - 9:4, 9:5, 9:6</p> <p>ourselves [1] - 48:19</p> <p>outlines [1] - 63:23</p> <p>outreach [16] - 13:6, 14:1, 25:21, 26:2, 27:5, 36:4, 37:8, 37:18, 38:20, 40:1, 40:6, 47:13, 47:14, 48:6, 50:24, 59:1</p> <p>outstanding [1] - 59:1</p> <p>overall [6] - 24:2, 24:18, 26:8, 26:12, 27:7</p> <p>overs [1] - 57:8</p> <p>overseas [1] - 33:25</p> <p>overview [2] - 13:2, 35:14</p> <p>overwhelming [2] - 27:20, 38:10</p> <p>own [3] - 17:9, 46:3, 51:2</p>	<p>15:1, 31:8</p> <p>particular [3] - 23:12, 25:2, 50:12</p> <p>particularly [1] - 5:14</p> <p>parties [3] - 13:22, 15:23, 18:15</p> <p>parting [1] - 59:21</p> <p>partisan [3] - 12:14, 18:25, 29:12</p> <p>partner [2] - 35:5, 58:11</p> <p>partnering [1] - 36:13</p> <p>partners [3] - 31:7, 33:1, 46:21</p> <p>partnership [6] - 28:22, 29:4, 30:15, 30:23, 32:4, 32:7</p> <p>partnerships [2] - 33:14, 41:14</p> <p>Party [2] - 18:16, 18:17</p> <p>party [5] - 13:20, 14:11, 15:12, 19:21</p> <p>pass [2] - 34:10, 55:15</p> <p>past [2] - 9:11, 53:20</p> <p>Paton [19] - 4:1, 4:8, 7:11, 8:15, 39:9, 39:19, 42:18, 43:3, 47:8, 52:9, 54:19, 63:5, 63:10, 65:21, 66:1, 67:2, 67:8, 68:10, 68:14</p> <p>PATON [34] - 4:9, 7:10, 7:13, 39:8, 39:10, 43:2, 43:4, 43:13, 43:16, 45:4, 45:11, 45:14, 46:2, 46:6, 46:9, 46:12, 46:17, 46:23, 52:8, 52:10, 52:21, 52:25, 53:2, 55:2, 55:5, 62:5, 63:3, 63:11, 65:19, 66:2, 66:25, 67:9, 68:9, 68:15</p> <p>pattern [1] - 9:11</p> <p>Patty [11] - 56:1, 56:10, 56:14, 56:22, 57:7, 58:1, 59:17, 59:25, 60:2, 60:6, 61:8</p> <p>Patty's [1] - 57:15</p> <p>Paula [1] - 66:13</p> <p>pause [1] - 38:22</p> <p>paused [1] - 36:19</p> <p>pavement [1] - 34:11</p> <p>pay [3] - 17:18, 31:17, 31:23</p> <p>paying [1] - 31:21</p> <p>pending [2] - 6:8, 6:15</p> <p>penetrating [1] -</p>	<p>45:23</p> <p>Pennsylvania [1] - 56:12</p> <p>people [48] - 7:18, 8:5, 9:11, 11:24, 16:3, 16:13, 17:5, 17:24, 18:11, 18:14, 19:4, 19:15, 19:18, 19:23, 20:6, 21:1, 22:1, 22:2, 22:12, 22:17, 23:11, 23:14, 23:20, 24:24, 25:16, 25:18, 26:6, 26:14, 33:2, 34:17, 35:10, 36:15, 37:1, 37:3, 37:4, 37:12, 37:25, 38:6, 43:9, 45:7, 49:16, 50:8, 53:21, 54:13, 54:14, 58:6, 59:5, 62:7</p> <p>per [2] - 16:1, 19:15</p> <p>percent [13] - 4:22, 7:16, 7:17, 14:22, 14:25, 15:3, 15:22, 19:11, 22:1, 26:5, 26:17, 45:25, 64:15</p> <p>percentage [1] - 14:23</p> <p>performance [17] - 15:24, 16:22, 18:3, 18:4, 19:12, 20:2, 20:8, 21:19, 22:15, 22:21, 23:9, 24:3, 26:12, 28:19, 30:22, 35:19, 40:13</p> <p>performing [1] - 24:3</p> <p>performs [1] - 26:13</p> <p>perhaps [2] - 25:12, 26:23</p> <p>person [6] - 20:25, 24:5, 31:9, 32:22, 60:11, 60:23</p> <p>personal [1] - 60:19</p> <p>personally [2] - 20:19, 27:15</p> <p>perspective [1] - 57:18</p> <p>Peterson [1] - 62:18</p> <p>petition [2] - 6:7, 6:13</p> <p>phase [1] - 6:11</p> <p>phenomenal [2] - 17:3, 28:15</p> <p>Phoenix [2] - 48:17, 50:19</p> <p>phone [4] - 16:3, 26:15, 57:22, 58:18</p> <p>phones [2] - 17:6, 42:2</p> <p>photo [2] - 55:10, 55:11</p> <p>pie [3] - 26:14, 26:17,</p>	<p>26:19</p> <p>piece [2] - 8:13, 40:13</p> <p>pillar [1] - 60:11</p> <p>Pima [1] - 52:14</p> <p>pivot [1] - 41:17</p> <p>place [3] - 20:22, 22:3, 43:12</p> <p>places [2] - 49:9, 51:12</p> <p>plaintiffs [2] - 5:22, 6:12</p> <p>plan [7] - 40:7, 41:7, 42:9, 54:21, 63:20, 63:24, 65:15</p> <p>Plan [1] - 40:22</p> <p>planning [3] - 40:15, 41:5, 44:12</p> <p>plans [2] - 46:20, 47:17</p> <p>play [5] - 27:12, 32:10, 32:16, 36:16, 51:13</p> <p>played [6] - 27:14, 32:18, 36:18, 36:20, 51:14, 56:15</p> <p>pleased [2] - 28:3, 40:2</p> <p>pleasure [2] - 57:24, 60:9</p> <p>plenty [1] - 35:23</p> <p>point [10] - 20:12, 38:5, 38:21, 44:17, 47:9, 53:1, 53:6, 64:4, 64:24, 68:2</p> <p>Policy [2] - 5:22, 6:12</p> <p>political [1] - 13:22</p> <p>politics [1] - 44:14</p> <p>polling [1] - 20:22</p> <p>polls [1] - 38:14</p> <p>pool [2] - 29:22, 30:1</p> <p>poses [2] - 51:23, 51:24</p> <p>positive [3] - 5:6, 26:5, 64:11</p> <p>possible [6] - 4:12, 12:10, 43:5, 61:11, 63:19, 66:10</p> <p>possibly [1] - 13:4</p> <p>post [1] - 34:9</p> <p>posted [1] - 32:19</p> <p>posts [1] - 28:11</p> <p>potentially [1] - 21:1</p> <p>pounding [1] - 34:11</p> <p>PPE [4] - 15:11, 15:18, 15:21, 16:7</p> <p>practice [1] - 27:22</p> <p>precedent [1] - 6:23</p> <p>precise [1] - 10:22</p> <p>predict [1] - 9:24</p> <p>preference [2] - 13:15, 16:11</p>	<p>preferred [2] - 13:18, 15:12</p> <p>prepared [2] - 20:24, 21:2</p> <p>preregistration [1] - 26:23</p> <p>presence [2] - 54:8, 57:20</p> <p>present [4] - 40:24, 41:8, 47:17, 53:12</p> <p>presentation [5] - 12:19, 38:25, 41:13, 43:6, 44:25</p> <p>presentations [1] - 5:4</p> <p>president [3] - 13:16, 38:16, 56:17</p> <p>presidential [6] - 13:14, 13:18, 14:15, 14:17, 16:11, 21:3</p> <p>press [3] - 31:10, 43:23, 44:7</p> <p>presume [1] - 10:17</p> <p>pretty [16] - 13:1, 14:22, 16:5, 16:10, 17:11, 17:25, 23:17, 23:18, 24:6, 26:4, 26:19, 31:4, 31:25, 33:4, 37:6</p> <p>preview [1] - 11:21</p> <p>primaries [1] - 15:4</p> <p>primary [23] - 14:6, 14:7, 14:10, 15:2, 15:5, 15:14, 18:6, 18:8, 18:12, 18:18, 18:20, 18:22, 19:1, 19:10, 20:2, 29:14, 31:15, 31:20, 33:22, 33:23, 34:5, 61:11, 61:21</p> <p>principles [1] - 56:15</p> <p>print [3] - 25:22, 34:18, 34:25</p> <p>private [1] - 5:24</p> <p>problems [1] - 55:15</p> <p>proceed [2] - 4:24, 41:9</p> <p>proceeding [2] - 9:19, 68:20</p> <p>process [10] - 11:15, 11:23, 11:24, 18:9, 22:2, 22:3, 22:8, 25:13, 40:12</p> <p>produced [3] - 27:16, 29:5, 31:18</p> <p>program [5] - 12:13, 43:24, 43:25, 44:1, 61:15</p> <p>programs [1] - 48:15</p> <p>project [2] - 12:21,</p>
P				
<p>page [7] - 17:16, 19:16, 19:18, 20:13, 20:14, 22:9, 22:18</p> <p>pages [12] - 16:7, 20:5, 20:6, 21:21, 22:2, 23:1, 24:4, 24:5, 24:6, 27:1</p> <p>paid [3] - 28:12, 31:22, 39:3</p> <p>Pandora [1] - 28:10</p> <p>panels [1] - 50:9</p> <p>papers [1] - 53:13</p> <p>parents [1] - 48:14</p> <p>Park [1] - 13:12</p> <p>part [2] - 27:6, 32:6</p> <p>participate [10] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participation [2] -</p>	<p>participating [1] - 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participations [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participate [10] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participation [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p>	<p>participating [1] - 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participations [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participate [10] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participation [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p>	<p>participating [1] - 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participations [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participate [10] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participation [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p>	<p>participating [1] - 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participations [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participate [10] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p> <p>participation [2] - 13:20, 15:16, 15:20, 15:23, 16:8, 16:15, 18:18, 18:19, 19:25, 32:24</p>

<p>52:1 promote [3] - 7:21, 15:1, 50:7 promotes [1] - 50:13 promoting [1] - 53:16 prompted [1] - 17:9 Prop [9] - 5:16, 6:1, 6:23, 8:25, 9:3, 10:12, 11:17, 11:23 properties [1] - 50:2 proportion [1] - 10:2 proportioned [1] - 26:19 proposed [2] - 66:13, 66:16 proposition [3] - 24:4, 24:6, 24:10 propositions [8] - 21:6, 21:7, 21:11, 24:7, 24:22, 29:21, 38:4, 38:14 proud [1] - 32:4 provide [8] - 11:12, 13:8, 25:1, 35:6, 35:12, 41:17, 41:24, 47:16 provided [3] - 31:1, 33:13, 41:25 provides [2] - 19:18, 41:22 providing [3] - 5:9, 35:4, 60:20 public [13] - 27:25, 30:13, 37:18, 38:20, 50:17, 52:2, 58:20, 59:1, 59:4, 67:14, 67:15, 67:16, 67:25 PUBLIC [1] - 56:7 publicized [1] - 32:25 pulling [1] - 17:6 purpose [4] - 14:10, 15:11, 15:17, 53:15 put [9] - 16:10, 24:14, 31:17, 35:14, 37:25, 41:1, 43:6, 45:12, 46:21 puts [1] - 6:9 putting [4] - 17:23, 23:23, 31:22, 39:24</p>	<p>quickly [2] - 42:17, 61:24 quite [2] - 10:12, 44:9</p> <p style="text-align: center;">R</p> <p>races [7] - 12:16, 19:4, 19:10, 21:5, 27:23, 29:19, 47:7 Rachel [1] - 62:19 radio [3] - 25:23, 31:2, 58:19 ran [2] - 41:25, 57:22 random [1] - 9:15 range [2] - 9:9 rate [1] - 7:16 rather [1] - 5:18 rational [1] - 12:5 reach [5] - 26:9, 41:16, 44:13, 47:18, 58:15 reached [3] - 29:22, 41:19, 53:11 reaching [3] - 16:19, 19:22, 37:25 read [4] - 35:10, 35:18, 62:14, 66:14 readers [1] - 35:10 reads [1] - 25:23 real [1] - 9:10 realized [2] - 41:20, 60:8 really [32] - 5:5, 5:6, 5:19, 7:4, 7:15, 7:18, 7:23, 8:1, 9:9, 9:15, 10:19, 13:3, 20:7, 20:9, 24:21, 26:13, 27:2, 27:11, 27:24, 27:25, 28:24, 32:5, 32:19, 35:21, 36:13, 39:13, 40:2, 40:23, 45:21, 53:17, 58:15, 62:1 realm [1] - 11:20 reason [2] - 23:7, 47:7 reasons [1] - 44:13 recap [2] - 13:8, 40:15 receive [2] - 19:1, 64:16 received [4] - 24:22, 34:24, 64:13, 64:14 recently [1] - 56:20 receptivity [1] - 5:8 recognition [1] - 55:25 recognize [3] - 17:8, 44:1, 56:22 recognized [4] - 5:13, 18:15, 56:19, 58:4 recognizing [2] -</p>	<p>57:15, 59:14 recommendation [1] - 60:20 recommendations [2] - 41:8, 42:10 record [1] - 62:14 Recorder [3] - 19:7, 56:1, 56:11 recorder [1] - 57:23 Recorders [1] - 56:17 recorders [1] - 57:21 recounts [1] - 18:9 redesigning [1] - 22:25 reel [1] - 32:19 refer [3] - 23:4, 34:20, 36:15 referrals [3] - 17:21, 17:22, 20:4 reflected [1] - 34:1 register [1] - 34:4 registered [5] - 13:19, 13:21, 18:24, 19:24, 33:21 registration [2] - 59:7, 60:13 relatable [1] - 27:24 relate [1] - 37:7 related [1] - 9:9 relations [2] - 37:18, 38:20 relatively [1] - 10:15 relatives [1] - 8:2 reliable [1] - 22:23 rely [1] - 25:22 remain [1] - 41:10 remainder [1] - 38:24 remember [3] - 10:9, 18:7, 42:20 remembering [1] - 42:24 reminder [2] - 27:5, 27:12 remiss [2] - 60:6, 61:1 report [10] - 4:13, 4:18, 7:4, 8:17, 10:5, 10:6, 11:2, 11:3, 12:11, 14:21 reported [2] - 9:4, 9:5 reporters [2] - 44:3, 44:4 reports [3] - 10:7, 61:14, 61:23 Representative [4] - 62:16, 62:18, 62:21, 62:22 represented [1] - 31:13 Republican [4] - 13:20, 14:9, 18:17,</p>	<p>18:21 request [1] - 35:11 requests [2] - 34:13, 37:19 require [2] - 9:22, 11:10 required [2] - 19:1, 63:22 requires [2] - 10:8, 11:15 rescheduling [1] - 67:17 research [2] - 20:24, 41:1 Reservation [1] - 52:22 Reservations [2] - 34:8, 54:23 resolve [1] - 9:18 resolved [2] - 9:19, 11:8 resonating [1] - 53:17 resources [1] - 48:23 respect [1] - 44:23 respond [1] - 50:11 responding [1] - 67:18 response [1] - 47:5 responses [2] - 9:17, 10:21 rest [1] - 15:5 result [3] - 9:20, 17:19, 67:16 results [1] - 16:6 retention [1] - 21:14 retirement [1] - 57:17 return [2] - 48:21, 61:10 revenue [6] - 32:2, 64:12, 64:14, 64:17, 64:19, 64:23 review [4] - 6:7, 6:13, 8:24, 66:13 RIESTER [1] - 28:22 ROBERTS [11] - 12:24, 38:10, 39:5, 39:17, 40:10, 47:2, 47:5, 47:22, 53:4, 53:6, 60:4 role [2] - 12:13, 56:15 roll [5] - 4:3, 63:7, 65:23, 67:5, 68:11 rolls [1] - 34:4 Ruben [1] - 32:23 rules [1] - 11:10 run [3] - 18:23, 43:25, 50:20 running [5] - 25:5, 28:8, 38:16, 46:13, 46:18</p>	<p>rural [4] - 25:19, 25:24, 26:9, 47:15</p> <p style="text-align: center;">S</p> <p>safe [1] - 11:6 safeguards [1] - 22:3 San [1] - 13:24 saw [4] - 19:10, 46:6, 50:20, 50:21 scale [1] - 45:19 scene's [1] - 32:20 scenes [2] - 32:11, 39:25 schedule [2] - 21:16, 35:16 scheduling [1] - 52:12 scholars [1] - 53:18 School [2] - 49:6, 53:3 schoolers [2] - 37:23, 49:5 schools [4] - 18:13, 34:11, 34:12, 51:5 screen [2] - 35:10, 48:7 screenshot [2] - 19:20, 25:15 search [7] - 17:4, 17:16, 17:19, 20:3, 22:15, 25:10, 28:12 seat [1] - 19:5 second [11] - 32:10, 57:4, 60:2, 63:2, 63:3, 65:18, 65:19, 66:24, 66:25, 68:8, 68:9 seconded [4] - 4:2, 63:6, 65:22, 67:3 secondly [1] - 64:11 seconds [1] - 19:15 securing [1] - 56:23 see [37] - 7:1, 9:23, 14:20, 15:5, 15:6, 20:4, 20:12, 21:3, 21:25, 22:14, 22:18, 23:19, 24:10, 24:20, 25:17, 26:3, 26:18, 28:14, 31:5, 32:12, 33:4, 33:23, 34:2, 34:3, 35:21, 38:11, 44:2, 44:5, 48:7, 49:8, 49:20, 51:10, 51:11, 64:6, 64:23, 66:9 seeing [3] - 22:8, 39:25 seem [1] - 16:2 segment [1] - 4:17 select [2] - 14:9, 14:10 selecting [1] - 18:20</p>
Q				
<p>quarter [1] - 22:16 queries [1] - 24:21 questions [11] - 7:6, 7:8, 25:11, 38:22, 39:6, 47:1, 52:6, 62:4, 63:25, 65:3, 65:6 quick [2] - 32:19, 40:3</p>				

<p>selections [2] - 19:3, 21:17 Sells [1] - 53:2 Senate [9] - 19:5, 21:4, 29:16, 32:11, 32:20, 32:21, 42:21, 62:17, 62:19 senators [1] - 38:15 send [3] - 33:20, 33:21, 67:25 sense [2] - 10:1, 43:22 sensitive [1] - 10:7 sent [7] - 33:23, 35:8, 51:1, 51:2, 51:4, 52:15, 53:10 serves [1] - 22:4 service [4] - 5:9, 33:13, 35:6, 41:22 serving [2] - 56:11, 59:4 session [2] - 25:8, 43:12 set [2] - 58:18, 60:22 seven [1] - 11:8 seven/eight [1] - 45:14 several [1] - 48:7 SHAFFER [1] - 38:8 shaking [1] - 36:23 share [2] - 48:23, 60:25 Shawn [1] - 62:21 Sheriff [1] - 19:8 shop [3] - 19:19, 24:17, 51:3 short [2] - 9:19, 24:14 shout [1] - 51:3 show [5] - 26:20, 41:13, 44:14, 44:15, 44:18 showcase [4] - 22:22, 23:10, 31:14, 33:6 showcases [4] - 17:12, 25:16, 31:25, 35:22 showed [2] - 33:2, 38:23 showing [3] - 5:7, 43:21, 46:18 shows [5] - 13:5, 26:9, 26:14, 26:22, 55:2 side [1] - 15:2 Sierra [1] - 12:16 sign [3] - 22:4, 64:9, 64:17 signature [1] - 22:6 significantly [1] - 10:3 signs [1] - 9:6 simple [1] - 59:5 simplify [1] - 50:6</p>	<p>single [1] - 44:18 site [6] - 24:9, 26:13, 26:15, 26:20, 33:1, 38:1 six [1] - 8:5 size [1] - 25:21 Skylar [1] - 49:14 slices [1] - 26:19 slide [29] - 13:7, 14:18, 15:9, 16:16, 18:1, 20:1, 20:10, 22:13, 23:4, 23:6, 24:1, 25:14, 26:11, 27:4, 27:17, 29:1, 32:8, 33:17, 35:13, 36:3, 37:17, 43:21, 48:7, 49:10, 49:22, 51:8, 51:17, 52:4 slides [2] - 25:9, 47:20 slotting [1] - 11:4 smaller [4] - 18:3, 26:3, 34:3, 45:19 Snapchat [1] - 37:14 snapshot [2] - 14:19, 38:18 soccer [1] - 27:21 social [1] - 37:2 Society [1] - 48:13 sold [1] - 50:21 solidified [1] - 12:13 sometimes [2] - 15:12, 27:19 sorry [2] - 42:14, 48:2 sort [5] - 10:17, 11:2, 11:21, 40:5, 40:6 sounds [1] - 54:1 Sounds [1] - 35:6 source [2] - 17:13, 22:23 south [1] - 54:16 South [1] - 54:22 southeast [1] - 8:2 space [2] - 33:3, 35:2 Spanish [1] - 35:8 SPEAKER [1] - 56:7 special [1] - 12:21 specific [4] - 14:11, 36:8, 36:10, 59:8 specifically [2] - 43:20, 44:24 spend [1] - 16:3 spending [4] - 10:8, 28:25, 63:20, 65:15 splash [1] - 52:1 spoil [1] - 12:22 spoken [1] - 42:17 sponsor [2] - 12:14, 29:12 sponsored [1] - 58:21 staff [3] - 37:20,</p>	<p>37:21, 67:17 staff's [1] - 63:24 stages [1] - 41:5 staggering [1] - 33:1 standards [2] - 28:21, 35:22 standpoint [1] - 53:14 started [2] - 42:19, 47:7 starting [1] - 18:13 state [13] - 5:20, 5:24, 5:25, 6:10, 19:6, 21:9, 29:7, 29:17, 30:1, 34:15, 51:7, 58:12 State [10] - 18:15, 24:9, 24:11, 51:11, 62:15, 62:17, 62:19, 62:21, 62:22 State's [1] - 12:13 statement [1] - 35:1 states [4] - 39:14, 53:10, 53:11, 53:12 statewide [7] - 5:1, 12:16, 18:5, 24:8, 26:8, 26:9, 34:18 station [1] - 29:9 stations [1] - 29:10 statistics [1] - 35:19 statute [2] - 5:21, 12:1 stay [2] - 55:9, 59:11 staying [1] - 64:21 Steve [1] - 62:22 stick [1] - 18:5 sticker [1] - 34:23 still [9] - 10:9, 10:10, 19:21, 19:24, 30:24, 35:25, 40:4, 43:24, 57:21 stood [1] - 32:5 stop [2] - 19:19, 24:16 stops [1] - 53:21 straightforward [1] - 16:10 streaming [1] - 31:3 strive [1] - 61:2 strived [1] - 60:17 strong [1] - 56:14 strongest [1] - 57:21 structured [1] - 23:1 students [4] - 49:14, 49:17, 49:20, 50:4 study [1] - 67:17 stuff [8] - 7:22, 7:23, 8:4, 8:5, 39:14, 43:9, 45:15, 46:18 subject [1] - 10:22 success [4] - 16:20, 23:9, 30:21, 50:19 successes [1] - 12:20</p>	<p>successful [2] - 6:2, 30:3 suggestions [1] - 67:15 summer [1] - 18:14 summertime [1] - 18:13 Sun [2] - 35:5, 62:19 support [2] - 41:17 supposed [2] - 52:13, 59:18 Supreme [2] - 6:8, 6:14 surcharge [1] - 64:15 surpass [2] - 14:23, 23:16 survey [1] - 41:1 suspected [1] - 54:8 sustainable [1] - 56:20 system [2] - 8:24, 60:13</p>	<p>thousand [2] - 31:5, 31:6 thousands [1] - 48:19 three [5] - 9:2, 9:8, 11:3, 29:20, 58:18 throughout [1] - 34:14 time-sensitive [1] - 10:7 timeline [2] - 22:6, 38:17 tip [1] - 22:11 Titla [1] - 47:14 title [2] - 24:15 today [3] - 5:11, 13:1, 61:8 together [8] - 30:12, 33:16, 39:24, 41:6, 41:7, 45:12, 54:11, 57:7 Tom [8] - 4:14, 8:17, 12:9, 37:18, 38:3, 38:13, 43:5, 59:2 tons [1] - 52:15 took [1] - 20:20 tool [1] - 44:17 top [9] - 10:20, 17:19, 21:21, 23:4, 24:3, 24:20, 25:10, 27:1, 28:8 Topawa [1] - 53:2 topics [1] - 50:6 total [8] - 15:21, 29:14, 30:25, 31:5, 31:8, 34:1, 34:5, 51:6 totally [2] - 52:2, 54:3 touch [1] - 57:19 tough [3] - 46:1, 60:12 towns [1] - 21:11 track [2] - 16:18, 23:25 tracking [1] - 23:8 tradition [2] - 33:7 traditional [1] - 6:4 translate [1] - 58:17 translated [1] - 42:1 traveled [1] - 53:12 trend [2] - 64:11, 64:22 trends [1] - 40:19 trial [1] - 5:18 trigger [4] - 10:4, 10:6, 11:2, 11:3 true [1] - 44:6 trusted [2] - 17:13, 22:23 try [2] - 33:10, 49:11 trying [6] - 19:23, 26:1, 39:12, 43:21, 45:7, 45:24 Tucson [3] - 52:10,</p>
T				
<p>tabs [1] - 16:21 tabulation [2] - 25:13, 38:17 tailored [1] - 19:19 talent [1] - 30:7 tally [1] - 6:9 targeted [1] - 42:2 targeting [1] - 36:10 teach [1] - 39:15 team [2] - 40:21, 58:6 teams [1] - 49:13 technology [1] - 58:24 television [3] - 31:3, 44:14, 44:15 Tempe [2] - 13:12, 48:13 ten [4] - 10:2, 61:21, 61:25, 63:7 terms [5] - 11:18, 13:5, 15:24, 22:15, 40:19 text [1] - 35:9 THE [1] - 63:1 theater [3] - 41:21, 41:22, 41:25 theaters [1] - 58:14 theme [2] - 27:7, 36:11 themselves [8] - 17:6, 20:16, 24:17, 24:25, 32:2, 33:9, 34:10 thinking [4] - 16:3, 43:18, 50:8, 53:25 third [2] - 6:8, 6:15 thoughts [1] - 60:25</p>				

<p>52:11, 52:17 turn [5] - 13:13, 17:9, 33:18, 38:23, 47:19 turning [1] - 49:16 turnout [10] - 4:22, 7:15, 14:19, 14:21, 15:3, 15:5, 15:21, 15:22, 19:11, 42:7 TV [2] - 29:9, 55:2 Twitch [2] - 37:12, 37:15 two [15] - 9:1, 10:6, 13:10, 16:9, 18:3, 20:13, 20:14, 29:20, 39:4, 40:23, 41:9, 54:13, 65:1, 67:19 two-page [2] - 20:13, 20:14 type [2] - 26:15, 34:2 types [3] - 5:4, 17:17, 17:18 typically [5] - 8:20, 11:3, 21:24, 34:3, 34:4 typing [1] - 17:7</p>	<p>user-generated [2] - 36:16, 37:1 users [11] - 15:25, 16:4, 16:17, 16:25, 19:13, 19:14, 21:20, 22:19, 37:3 utilizing [1] - 27:6</p>	<p>Voters [1] - 48:22 voters [71] - 12:18, 13:9, 13:12, 13:17, 13:19, 13:21, 13:24, 14:1, 14:8, 14:13, 14:16, 15:13, 15:15, 15:19, 16:6, 16:20, 16:23, 17:1, 17:14, 18:19, 19:2, 19:22, 20:14, 20:15, 20:17, 20:24, 21:12, 21:18, 21:25, 22:7, 22:23, 23:2, 23:24, 24:17, 24:21, 25:12, 28:6, 28:20, 28:25, 29:13, 30:17, 32:3, 33:5, 33:8, 33:16, 33:25, 34:19, 35:4, 35:15, 36:8, 37:13, 38:13, 38:19, 40:2, 41:3, 41:20, 41:23, 42:5, 45:6, 47:13, 49:23, 50:25, 54:5, 56:13, 56:14, 57:10, 58:16, 60:14, 60:15, 60:21 votes [5] - 4:10, 63:14, 66:5, 67:12, 68:18 voting [16] - 7:22, 13:16, 14:3, 14:5, 16:7, 17:18, 19:19, 20:25, 21:22, 21:23, 22:1, 24:5, 25:11, 27:8, 30:13, 36:12</p>	<p>38:8, 38:9 week [1] - 18:8 Week [1] - 48:12 weeks [1] - 37:20 weird [1] - 10:18 Werther [14] - 4:6, 39:21, 40:11, 57:3, 57:5, 57:12, 63:1, 63:12, 65:17, 66:3, 66:23, 67:10, 68:7, 68:16 WERTHER [12] - 4:7, 39:22, 57:1, 57:6, 62:24, 63:13, 65:13, 66:4, 66:19, 67:11, 68:4, 68:17 Werther's [1] - 47:9 whacky [1] - 54:1 white [3] - 29:5, 29:8, 53:13 whole [3] - 40:21, 45:16, 54:4 widely [1] - 32:25 widgets [1] - 21:21 Wildman [1] - 62:21 wise [1] - 44:4 wish [2] - 56:24, 67:21 woman [1] - 28:1 wonder [1] - 7:16 wonderful [2] - 28:22, 35:6 wondering [1] - 15:14 words [1] - 59:19 works [4] - 22:3, 22:8, 40:9, 60:23 workshop [1] - 58:22 world [1] - 49:12 worth [2] - 4:21, 43:18 Wynne [1] - 62:15</p>	<p>years [15] - 8:5, 9:11, 10:2, 14:19, 15:5, 27:16, 39:4, 39:11, 40:23, 54:21, 56:12, 57:8, 57:9, 58:7, 59:3 Ylenia [1] - 62:20 younger [1] - 54:5 youth [3] - 36:4, 36:9, 37:16 YouTube [4] - 28:9, 28:12, 37:15, 56:4</p>
<p style="text-align: center;">U</p>	<p style="text-align: center;">V</p>	<p style="text-align: center;">W</p>	<p style="text-align: center;">X</p>	<p style="text-align: center;">Z</p>
<p>U.S [7] - 19:5, 21:4, 29:16, 32:11, 32:20, 32:21, 42:21 ultimately [1] - 44:20 under [7] - 6:23, 8:24, 12:2, 44:25, 47:13, 48:4, 63:23 understandable [1] - 59:5 underway [1] - 10:18 universe [3] - 44:6, 44:7, 44:19 universities [1] - 34:13 unknown [1] - 26:18 unless [1] - 18:25 unreasonable [2] - 10:25 up [18] - 4:22, 8:7, 9:12, 12:5, 17:6, 18:8, 19:7, 32:5, 33:2, 38:15, 49:5, 49:13, 50:20, 52:5, 53:24, 58:18, 64:8 upwards [1] - 21:13 urban [2] - 25:18, 26:9 urge [1] - 54:15 URL [1] - 17:19 usage [1] - 28:17 useful [2] - 33:7, 38:5 user [5] - 16:1, 19:15, 23:2, 36:16, 37:1</p>	<p>vacation [1] - 18:14 value [1] - 33:8 variety [1] - 5:5 verification [1] - 22:5 version [2] - 35:7, 35:11 versions [1] - 35:5 VI [2] - 63:18, 63:23 vice [1] - 38:16 vicinity [1] - 42:3 video [7] - 27:12, 32:10, 32:17, 36:16, 46:18, 51:9, 51:14 Video [4] - 27:14, 32:18, 36:18, 36:20 videos [1] - 46:13 view [2] - 44:17, 45:16 viewing [1] - 30:9 views [2] - 20:5, 22:18 VII [1] - 55:25 VIII [1] - 66:9 visit [3] - 17:24, 22:12, 45:20 visitor [1] - 12:22 Vista [1] - 12:16 visual [1] - 50:5 vital [1] - 12:17 voice [1] - 48:4 voicemail [1] - 28:1 voices [1] - 50:10 Volunteer [1] - 5:13 vote [10] - 7:17, 13:13, 14:16, 15:15, 21:25, 22:1, 34:9, 45:7, 49:15 voted [2] - 7:19, 34:23 Voter [3] - 33:18, 33:19, 40:22 voter [35] - 4:18, 5:2, 12:11, 12:12, 12:14, 13:5, 14:1, 17:10, 18:11, 19:2, 19:16, 19:18, 20:20, 21:15, 21:21, 24:9, 25:4, 25:20, 27:1, 33:21, 34:3, 34:14, 34:16, 34:23, 35:11, 35:17, 36:7, 40:6, 40:18, 44:11, 44:16, 58:17, 59:7, 59:8, 60:13</p>	<p>Walden [1] - 62:19 walk [1] - 46:17 wants [1] - 67:23 watch [2] - 30:18 watching [1] - 28:9 water [1] - 23:14 Water [3] - 25:2, 30:14, 32:13 ways [3] - 19:23, 39:13, 45:18 weather [1] - 48:4 website [40] - 14:2, 15:18, 15:24, 16:4, 16:14, 16:17, 16:21, 16:22, 17:2, 17:23, 17:24, 19:12, 19:14, 20:2, 20:6, 21:19, 22:12, 22:15, 22:22, 22:25, 23:9, 23:12, 23:15, 23:20, 24:2, 24:18, 26:7, 26:12, 26:25, 28:5, 31:4, 34:20, 35:1, 35:9, 37:4, 37:25, 38:6</p>	<p>XOLA [14] - 47:24, 48:1, 48:4, 52:11, 52:20, 52:23, 54:6, 54:10, 54:13, 54:18, 55:7, 55:13, 55:16, 55:19</p>	<p>Zoey [1] - 49:14 zombies [1] - 49:16 Zoom [3] - 56:6, 67:21, 67:22</p>
<p style="text-align: center;">Y</p>			<p>year [28] - 4:20, 9:21, 10:4, 10:5, 10:8, 11:21, 12:12, 13:9, 13:16, 22:24, 24:2, 24:7, 27:9, 29:3, 34:23, 35:2, 40:13, 40:25, 41:9, 44:12, 48:6, 49:4, 54:20, 63:21, 64:8, 64:20</p>	

**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
January 30, 2025**

Announcements:

- Local elections will occur on March 11, 2025.
 - The City of Tucson is holding a ballot by mail election for Proposition 414 – Safe & Vibrant City (half-cent sales tax increase for the next 10 years).
 - Voters can find details on the Clean Elections website.
 - Tucson will mail publicity pamphlet’s to voters beginning February 4th.
 - The Voter Registration Deadline is February 10th.
 - Ballots will be mailed to every eligible voter beginning February 12th.

Voter Education and Outreach:

- Alec launched a new page on the website, The People’s Ledger! A ledger is usually a book or collection of financial records but for our purposes, it will house election related information. This ledger will contain articles that explore, summarize or explain relevant election topics and ways to become involved & engaged.
- Avery is coordinating communication efforts to county voter outreach programs.
- Avery is actively participating in the planning committee for the 23rd Annual Arizona African-American Legislative Conference.
- Avery met with Tiffany Thornhill of the Pastor Center at ASU to discuss the impact of 2024 partnership and explore opportunities for future collaboration.
- Avery attends the Students Learn Students Vote Coalition’s monthly meetings.
- Alec is working with Coconino County on new designs for signage at polling places.
- Gina and Tom attended the SOS’s monthly meeting with county elections officials.

Legal:

- Center for Arizona Policy v. Arizona Secretary of State, Arizona Supreme Court No. CV-24-0295-PR.
 - The Court of Appeals issued an opinion November 8 affirming the Superior Court’s denial of the Plaintiffs’ request for injunctive relief and the granting of the Commission and other defendants motion to dismiss. <https://www.azcourts.gov/Portals/0/OpinionFiles/Div1/2024/CV%2024-0272%20Center%20for%20AZ%20Policies%20OP.pdf>.
 - The Plaintiffs/Appellants filed a Petition for Review with the Arizona Supreme Court. Defendants/Appellees response is pending. The court will consider the petition after the briefing is complete.

- Americans for Prosperity v. Meyer, No. 24-2933 (9th Cir.).
 - Anticipating Oral Argument in May, likely in Phoenix.
- Toma v. Fontes, Arizona Supreme Court No. CV-24-0166-PR.
 - Petitioner Legislative Leaders and Respondents Commission, et al. filed simultaneous supplemental briefs this week.
 - Oral argument is March 6 at 9:45 a.m. at Arizona State University's College of Law in Phoenix. Please let us know if you are planning to attend.
- The Power of Fives, LLC v. Clean Elections, CV2021-015826, Superior Court for Maricopa County & Clean Elections v. The Power of Fives, LLC et al. CV2022-053917, Superior Court for Arizona. No new developments.
- Branch et al. v. Collins, et al., CV2024-004136 in Superior Court for Maricopa County. Motion to dismiss pending.

Appointments:

- No additional information.

Complaints

- MUR 24-01, Barnett
- MUR 24-02, Walden, Marquez-Peterson, Lopez
 - Dismissed. Complaint filed concurrently with Secretary of State and Attorney General who are better positioned to address the issue of candidate disclaimers.
- MUR 24-03, Arizona Senate Victory Fund
 - Proposition 211. Dismissed. Respondent provided evidence that donor opted out of usage of funds for campaign media spending.
- MUR 24-04, Make Liberty Win
 - Proposition 211. Dismissed. Respondent provided evidence sufficient donors of \$5,000 or less provided initial donation so no additional disclosure required.
- MUR 24-05, Roberts
- MUR 24-06, Stand for Children IEC
 - Proposition 211. Dismissed. Respondent provided evidence of good faith effort to use nonprofit's business income.
- MUR 24-07, Arizona Solutions PAC
- MUR 24-08, Opportunity Arizona.
- MUR 25-01, Jaramillo

Reports of Proposition 211 Dismissals are attached to this report.

2025 Regulatory Agenda:

The Commission may conduct a rulemaking even if the rulemaking is not included on the annual regulatory agenda. Staff will be taking a look at Proposition 211 implementation rules for improvement.

The following information is provided under A.R.S. § 41-1021.02:

- Notice of Docket Opening: **None.**
- Notice of Proposed Rulemaking: **None.**
- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **None pending**
- Notice of Final Rulemaking: **None.**
- Rulemakings terminated: **None.**
- Privatization option or nontraditional regulatory approach considered: **None Applicable.**

2025 Legislative Update

HB2004 - Voter registration cards; mailing limitation

Sponsor

Rep. John Gillette (R)

Summary

Prohibits the county recorders from providing an initial or updated voter registration card to a person whose mailing address is outside the state of Arizona, except for absent uniformed services voters or overseas voters as defined in the Uniformed and Overseas Citizens Absentee Voting Act, and persons who are residents of Arizona and who are not served by a United States Post Office.

HB2005 - Voter registrations; recorder; inactive status

Sponsor

Rep. John Gillette (R)

Summary

Permits the county recorders to place a person's voter registration information in inactive status and provide the person with notice of the action, if the County Recorder believes the person provided fraudulent or incorrect voter registration information

HB2006 - Election mailings; third-party disclosures

Sponsor

Rep. John Gillette (R)

Summary

Requires a nongovernmental person or entity that mails or delivers by hand an official election-related document or a document that resembles an official election-related document from the county recorder, county officer in charge of elections, or the Secretary of State, including a voter registration application or an early ballot request to include the words "not from a government agency" in boldfaced, clearly legible print on the outside of the envelope.

Action Taken

Passed House Federalism, Military Affairs, & Elections 5-2

HB2007 - Voter registrations; payment prohibited

Sponsor

Rep. John Gillette (R)

Summary

Prohibits a person from paying or receiving money or any other thing of value based on the number of voter registrations or voter registration forms collected, completed or submitted.

Action Taken

Passed House Federalism, Military Affairs, & Elections 5-2

HB2017 - Voting centers ban; precinct size

Sponsor

Rep. Rachel Jones (R)

Summary

Prohibits a designated election precinct from containing more than 1,000 registered voters at the time County Board of Supervisors designate precincts. Prohibits the Board from authorizing the use of voting centers in place of or in addition to specifically designated polling places and repeals all other associated mandates and prohibitions.

Action Taken

Passed House Federalism, Military Affairs, & Elections 4-3

HB2021 - Early ballots; early voting; identification

Sponsor

Rep. Selina Bliss (R)

Summary

Prohibits early ballot distribution from beginning more than 30 days before an election and stipulates that if an early ballot request is received on or before the 34th day before the election, the early ballot may not be distributed earlier than the 30th day before the election. Requires the county recorder to mail an early ballot within 48 hours of the receipt of an early ballot request, if the request is complete and correct, and made within 30 days of an election. Modifies the required wording that must be printed on the backside of an official early ballot return envelope, and the official instructions included with the early ballot. Defines the criteria an early ballot submission must meet, beginning in 2026, to be counted as an official vote. Requires that a county recorder or other officer in charge of elections provide to a qualified elector who appears at the electors designated polling location, an on-site early voting location, or any other voting location after 7:00 PM on the Friday before Election Day proof that their ballot has been tabulated, provided that elector provide identification pursuant to state law.

HB2045 - Ballot order; names; parties; rotation

Sponsor

Rep. Alexander Kolodin (R)

Summary

Removes the exclusion for alternating the names of candidates on ballots in listed elections and during listed election related activities. Requires that beginning in 2027, the parties are to be alternated on the ballots used in each election precinct so that each party appears substantially in equal number of times at the top, bottom, and in each intermediate place of the list or group of parties in which they belong.

Action Taken

Passed House Federalism, Military Affairs, & Elections 7-0

HB2046 - Audits; precincts; voting centers

Sponsor

Rep. Alexander Kolodin (R)

Summary

Adds voting centers in with precincts for hand counts and defines when hand counts are to begin in listed election scenarios.

Action Taken

Passed House Federalism, Military Affairs, & Elections 7-0

HB2050 - Provisional ballots; cure data

Sponsor

Rep. Alexander Kolodin (R)

Summary

Adds electors that voted with a provisional ballot to the list of voter signatures that are to be sent to political parties after specified elections by the county recorder or other officer in charge of elections.

Action Taken

Passed House Federalism, Military Affairs, & Elections 6-1

HB2051 - Governor; question time

Sponsor

Rep. Alexander Kolodin (R)

Summary

Requires the Governor to appear before the legislature to answer questions posed by members of the legislature on the third Wednesday of every month the legislature is in session and lists the criteria for holding this special session. Stipulates that if the Governor is not present in the state, the Lieutenant Governor shall pose as a substitute and permits the Governor to designate that person, with approval from the presiding officer of the body to be attended, to appear for them. Presents the legislative intent that the Arizona legislature would like to emulate question and answer sessions that occur in the United Kingdom between Parliament and the Prime Minister.

Action Taken

Passed House Government 4-3

HB2060 - State sovereign authority; elections

Sponsor

Rep. Lisa Fink (R)

Summary

Requires that elections held in Arizona for federal offices adhere to the same rules and laws as elections held in Arizona for state and local offices, including statutes that cover voter registration and proof of citizenship, residency and identification.

HB2072 - Voter registration; same day

Sponsor

Rep. Stacey Travers (D)

Summary

A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on election day by appearing at the polling place, completing a registration form, and providing proof of residence. A person registering in this manner may vote using a provisional ballot per state law. Registration under these circumstances does not qualify a person to vote in a partisan primary election.

HB2096 - Permanent early voting list

Sponsor

Rep. Seth Blattman (D)

Summary

Replaces “Active” early voter list with “Permanent” Early Voter list. Except in a special taxing district that is authorized to conduct its own election and a special district mail ballot election, a voter is no longer removed automatically from being sent an early ballot if the voter fails to vote an early ballot in all “elections” (formerly defined) for two consecutive election cycles. Removes several exceptions to removing a voter from the permanent early voter list. Removes the definition of “election cycle” for this section.

HB2097 - Voting rights; restoration

Sponsor

Rep. Seth Blattman (D)

Summary

A person's right to vote is automatically restored on the person's completion of probation or the receipt of an absolute discharge from imprisonment.

HB2153 - Voting locations; political party observers

Sponsor

Rep. Rachel Keshel (R)

Summary

Permits the county chairman of each political party to designate for each precinct or voting location a party representative and alternate for polling places including on site early voting locations, emergency early voting locations, or any other early voting location. Prohibits party challengers from entering a voting booth except to mark the challenger's ballot.

Action Taken

Passed House Federalism, Military Affairs, & Elections 4-3

HB2376 - County candidates; clean elections pamphlet

Sponsor

Rep. Pamela Carter (R)

Summary

Includes candidate names for county wide offices in the document that is delivered to eligible voters before the primary and general election, whether the candidate is participating or not participating. Stipulates that this legislation is effective only on the affirmative vote of at least three-fourths of the members of each House of the legislature.

HCR2002 - Voting centers; precinct voting

Sponsor

Rep. Rachel Jones (R)

Summary

The 2026 general election ballot is to carry the question of whether to amend Arizona State law to require that election precincts not contain more than 1,000 registered voters at the time precincts are designated, and to prohibit the use of voting centers in place of or in addition to specifically designated polling places.

Action Taken

Passed House Federalism, Military Affairs, & Elections 4-3

HCR2013 - Early ballots; deadlines; foreign money

Sponsor

Rep. Alexander Kolodin (R)

Summary

The 2026 general election ballot is to carry the question of whether to amend Arizona state statute to prohibit a government entity in Arizona from using money or in-kind goods or services that are donated, directly or indirectly, by foreign government, or any foreign nongovernmental source, for election administration. Asks voters to approve the issuance have a unique early voter ID number to each voter on the early voting list, defines the information that must be on an early voter ballot request, as well as rules to require a county recorder or other election officer to reject a voter's early ballot application if all required information is not submitted, and the process and wording that must be included on the issuance of early voting materials. Asks voters to approve the process and evaluator must follow to verify the information submitted by an early voter.

HCR2014 - House of representatives; designated seats

Sponsor

Rep. Rachel Jones (R)

Summary

The 2024 general election ballot is to carry the question of whether to amend the Arizona Constitution to require the seats for the House of Representatives be designated "A" and "B" in the alphabetic order of the surnames, then first names of elected members of each district and thereafter candidates shall run for and be elected from either seat "A" or "B" in a legislative district, beginning with the Inauguration of the Members of the fifty-seventh legislature in 2027.

SB1001 - Early ballots; identification; tabulation

Sponsor

Sen. J.D. Mesnard (R)

Summary

Prohibits a County Recorder or other Officer in Charge of Elections from operating an on-site early voting location after 7:00 P.M. on the Friday preceding an election if the official in question is not able to revise precinct registrations and other election materials for use on election day to help identify which voters have requested and early ballot, voted, or are on the inactive voter list. Revises the effective date of this legislation to be upon enactment and defines early voting procedures, including voter identification, roll signature, ballot mailing, delivery, ballot handling, processing, and security requirements, and timeframes for accepting early ballots.

SB1011 - Early voting; ballot deadlines; certificates

Sponsor

Sen. Warren Petersen (R)

Summary

Repeals provisions for a County Board of Supervisors to set up Emergency Voting Centers, for electors to request Emergency Voting Centers in the event of an emergency between 7 p.m. on the Friday and 5 p.m. on the Monday preceding an election, and for electors to deliver ballots to polling places on election day. Mandates that any early voting locations be open and available for use on the Saturday and Monday before an election, and details the requirements for an early voting elector to vote up until 7 p.m. the Monday before an election. Requires voters showing up at an early voting location to be given a ballot upon verification of their identification and provides wording for the early voting certification form and procedures for processing that elector and his or her ballot.

Action Taken

Passed Senate Judiciary and Elections 4-3

SB1013 - Municipalities; counties; fee increases; vote

Sponsor

Sen. Warren Petersen (R)

Summary

Prohibits a Common Council or County Board of Supervisors from imposing or increasing any assessment, tax or fee without a two-thirds vote of the governing body. Stipulates a municipality's or county's ability to do such, provided the two-thirds vote authorizes the imposition or increase in any assessment, tax or fee, is not subject to further regulation by the applicable municipality or county.

Action Taken

Passed Senate Government 4-3

SB1019 - Photo enforcement systems; prohibition

Sponsor

Sen. Wendy Rogers (R)

Summary

Prohibits the use of "photo enforcement systems" (defined) by law enforcement and local authorities to enforce traffic laws. Contains a legislative intent clause.

SB1024 - State agencies; payments; cryptocurrency

Sponsor

Sen. Wendy Rogers (R)

Summary

State agencies are authorized to accept "cryptocurrency" (defined) as a payment method for taxes, fees, fines, civil penalties, financial obligations, and special assessments by entering into an agreement with a "cryptocurrency service provider" (defined) to provide a method to accept cryptocurrency as a payment for any amount due to that agency or the state. Requirements for the agreement are listed. Effective January 1, 2026.

SB1036 - Public resources; influencing elections; penalties

Sponsor

Sen. John Kavanagh (R)

Summary

Establishes penalties for a municipality or county found to be guilty of using municipal resources to influence an election and provides that the penalties be paid to the Arizona Attorney General, County Attorney or resident, as is appropriate based on the entity that brought the complaint and the entity or entities found guilty of violating the prohibition. Permits a resident to file an action in Superior Court pertaining to a violation of this prohibition.

SB1040 - Recall elections; procedures; timeline

Sponsor

Sen. John Kavanagh (R)

Summary

Increases to 75 days after receiving the front and back of recall signature sheets the time the county recorder must determine the number of signatures or affidavits of individuals whose names were included on the sheets that must be disqualified. Increases to 120 days, or more, the time frame between when a recall election order is issued and the recall election held. Requires any person who desires to be a candidate for the office associated with the recall election to file a Statement of Interest with the appropriate filing officer in the form prescribed by state law. Stipulates that any nomination petition signatures that are collected before the Statement of Interest and the recall application are filed are invalid and subject to challenge.

SB1052 - Voter registration; temporary absence

Sponsor

Sen. Wendy Rogers (R)

Summary

Repeals the ability of a United States citizen who has never resided in the United States and whose parent is a United States citizen who is registered to vote in Arizona, to register to vote and vote in Arizona using a federal write-in early ballot.

SB1097 - Elections; voting centers; polling places

Sponsor

Sen. Jake Hoffman (R)

Summary

Requires district schools to close on a primary election day and a general election day but requires teachers and staff to receive in-service training or development and prohibits them from using personal, vacation or other leave excepting a school district from allowing an employee time off to

vote. Allows voting centers to be created on a specific resolution of the Board of Supervisors. Requires a state, county, city, town or school district office to provide sufficient space for use as a polling place upon request of the Officer in charge of elections for any state, county, city or town elections and exempts district schools with a “gymnasium” (defined) from any state, local or school district requirements that would otherwise prevent or limit the use of the school or its gymnasium as a polling place. Removes the ability of the principal of a district or charter school to deny a request to provide space for use as a polling place for an election by providing a written statement indicating that space is not available at the school; or the safety or welfare of the children would be jeopardized.

SB1098 - Early ballot drop off; identification

Sponsor

Sen. Jake Hoffman (R)

Summary

For any voter or voter's agent who delivers one or more voted early ballots in affidavit envelopes at any polling place or voting center, the election board must require the person to present valid identification that meets statutory requirements for his/her own early ballot or for another person's ballot, and to attest in writing that he/she is the voter's family member, household member or caregiver for another person's early ballot. Knowing violations are a class 5 (second-lowest) felony.

SB1100 - Maricopa county; division; new counties

Sponsor

Sen. Jake Hoffman (R)

Summary

Defines the boundaries of Gila, Maricopa, Pinal, Yavapai, Yuma, and La Paz Counties. Requires legislative council staff to prepare proposed legislation to conform Arizona State Statutes to this legislation for the 57th legislature, second regular session. Effective date is January 1, 2026.

SB1101 - Maricopa county; new counties; division

Sponsor

Sen. Jake Hoffman (R)

Summary

Divides Maricopa County into four counties by modifying the Maricopa County boundaries and adding three new counties: Hohokam County, Mogollon County, and O'odham County. Maricopa County operations will continue in their existing form through a transition period of up to three years after the effective date of this legislation. The boards of supervisors of Hohokam, Mogollon, and O'odham Counties will be elected at a special election held within 120 days after the effective date of this legislation. Currently elected Maricopa County Supervisors continue in their capacity for the

remainder of their term in whichever county their supervisory district is located. The elected boards of supervisors in the three new counties will determine an application process for municipalities to apply to be the county seat, which will be determined at a special election to be held within 120 days from the election of the boards of supervisors. The four counties are authorized to enter into a ten-year shared use agreement for the use of existing shared capital assets. The four counties are required to enter into an intergovernmental agreement for the continued operation of community colleges for at least ten years after the effective date of this legislation. Effective January 1, 2026.

SCR1002 - Photo enforcement systems; prohibition

Sponsor

Sen. Wendy Rogers (R)

Summary

Bans local authorities and state agencies from using automated photo enforcement systems (defined) to identify excessive speed violations or failures to obey traffic control devices.

Katie Hobbs
Governor

Thomas M. Collins
Executive Director



**State of Arizona
Citizens Clean Elections Commission**

1110 W. Washington St. - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

Via E-Mail

January 23, 2025

Brett W. Johnson
Tracy Olson
Snell & Wilmer
One East Washington Street
Suite 2700
Phoenix, AZ 85004

Re: MUR 24-03 Arizona Senate Victory Fund PAC

Dear Mr. Johnson and Ms. Olson:

I am writing to notify you that I have dismissed this Complaint and provide the report required by Ariz. Admin. Code R2-20-811(F).

The Complaint

The Complaint arose from a claim of incomplete disclosures on public communications against Democratic legislative candidates by the Arizona Senate Victory Fund, an Arizona political action committee (“the fund”). Complaint at 1. The Complaint alleged that the Arizona Senate Victory Fund became a covered person in 2023 because its expenditures, or “disbursements” as reflected on the fund’s 2023 amended Q2 and Q3 campaign finance reports, totaled \$68,975.16. *Id.* Cf. A.R.S. § 16-971(7)(a)(defining covered person).¹

¹ The Amended Q2 report is available here:

<https://seethemoney.az.gov/PublicReports/2024/1E78455B-308A-4632-97CC-B0F036B73BA6.pdf>.

The Amended Q3 report is available here:

<https://seethemoney.az.gov/PublicReports/2024/DBC79AEA-216F-408D-B232-E6C754DA5BC8.pdf>.

Covered persons are required to provide certain information about their donors on their public communications. A.R.S. § 16-974(C), Ariz. Admin. Code § R2-20-805.

Specifically, the statute and rule require that public communications disclose the “three largest contributions of original monies.” *Id.* This means that covered persons do not meet the requirement by substituting an organization through whom it received monies for a person who is the original source of those monies. CEC AO 2024-06.

The Complaint alleged that in its public communications against particular Democratic legislative candidate, rather than disclosing a particular corporation that donated to the fund as its largest donor for purposes of the Voter’s Right to Know Act, the fund disclosed only organizations that took donations from others and provide monies to the fund. Complaint at 1.

The Response

The fund’s response takes issues with both factual premises of the Complaint. First, it disputes that it was a covered person beginning in 2023, noting that it filed its initial report of campaign media spending under VRKA on September 3, 2024. Response at 1, Ex. A.² The corporation that made the donation, the fund explained, had opted out of having its monies used for campaign media spending. *Id.* at 1-2 *See* Ariz. Admin. Code § R2-20-805(B) (explaining that donors who have opted out need not be disclosed on public communications).

Analysis

The allegations of the Complaint are not substantiated. First, the Complaint relies on the aggregate expenses or disbursements reported on the fund’s campaign finance reports to identify the date when it became a covered person. But while PAC disbursements may be presumptively for the purpose of influencing an election, such expenses are not necessarily campaign media spending. The reports disclose expenses for such items as campaign finance compliance and airfare. A PAC may disclose campaign media spending, in contrast, on forms created for reports under the VRKA. Here, the fund began those disclosures in late 2024.

² The initial report is available here: https://azsos.gov/sites/default/files/vrka/2025/9.3.2024_AZ_Senate_Victory_Fund.pdf.

The fund also disclosed communications with the donor confirming that the donor opted out of having their donation used for campaign media spending.

Conclusion

For the reasons identified above, the Complaint is not substantiated and is dismissed.

Thank you for your response in this matter. This letter, along with the Complaint and Response will be made available to the Commission as part of the Executive Director's Report at the next regular Commission meeting.

Sincerely,

S/ Thomas M. Collins

cc: Mark Ashley

9 September 2024

Mark. Ashley
9330 E Dreyfus Pl.
Scottsdale, AZ 85260
cptmashley@gmail.com

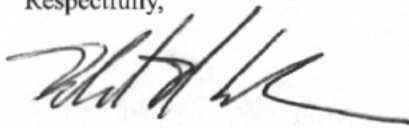
Dear Director Thomas Collins:

In Advisory Opinion 2024-06 sent out by Chair Mark S. Kimble dated July 25th, 2024, the summary answer provides the following:

“A covered person should include the names of the top three original donors of monies. The names should be those of the persons whose business income or, in the case of an individual, their personal monies, that make up ‘the three largest contributions of original monies during the election cycle to the covered person.’”

The Arizona Senate Victory Fund has completed various express advocacy expenditures throughout the 2024 Election Cycle, such as street signs in Legislative Districts 2 and 4, and the websites extremechristine.com and radicaljudy.com, which lists the organization’s top donors as the Republican State Leadership Committee, the Republican Legislative Victory Fund, and GOPAC. All three organizations, the Republican State Leadership Committee, the Republican Legislative Victory Fund, and GOPAC ELECTION ARIZONA, serve as intermediary or pass-through organizations and fail to qualify as original source donors. The Arizona Senate Victory Fund became a qualified covered person after their Amended 2023 Quarter 3 Campaign Finance Report filed on July 15th, 2024 indicated expenditures totaling \$68,975.16. As a political action committee, all expenditures made are conducted in the preparation of campaign media spending and should count towards the \$25,000 threshold for a qualified covered person, according to Advisory Opinion 2024-04 published on April 18th, 2024. Furthermore, the Arizona Senate Victory Fund’s 2024 Quarter 2 Campaign Finance Report filed on July 15th, 2024, lists the organization’s top contributor this cycle to date as Uber Technologies Inc. with a contribution total of \$75,000. The Arizona Senate Victory Fund has failed to identify Uber Technologies Inc. as a top three original source donor, but identified another organization, GOPAC, as a top three original source donor despite the organization having a smaller contribution total of \$51,000 cycle to date. Express advocacy to support or oppose a specific candidate for office makes the entity a covered person who must comply. The Arizona Senate Victory Fund became a covered person on August 3rd, 2023. Accordingly, I request that the Citizens Clean Elections Commission investigate these matters pursuant to Arizona Revised Statutes Title 16, Chapter 6.1.

Respectfully,



Mark Ashley



Rebecca Smith Gross
September 10, 2024

WARSH

VOTED AGAINST

RAISING TEACHER PAY

EXTREME CHRISTINE.COM

PAID FOR BY ARIZONA SENATE VICTORY FUND WITH 50% FROM IN-STATE CONTRIBUTORS AND 50% FROM OUT-OF-STATE CONTRIBUTORS. TOP DONORS: REPUBLICAN STATE LEADERSHIP COMMITTEE, REPUBLICAN LEGISLATIVE VICTORY FUND, AND GOPAC. WWW.AZSENATEVICTORYFUND.ORG 480-478-7988



**SEND
EXTREME**

CHRISTINE

HOME.

PAID FOR BY ARIZONA SENATE VICTORY FUND WITH 60% FROM IN STATE
CONTRIBUTORS AND 40% FROM OUT OF STATE CONTRIBUTORS. TOP DONORS
REPUBLICAN STATE LEADERSHIP COMMITTEE, REPUBLICAN LEGISLATIVE VICTORY
FUND, AND ORFAC. NOT AUTHORIZED BY ANY CANDIDATE.

State of Arizona



Campaign Finance Report

Arizona Senate Victory Fund PAC
Committee #: 101359
Jurisdiction: Arizona Secretary of State

Treasurer: RAGAN, ASHLEY
2211 E Highland Ave, Ste 210, Phoenix, AZ 85016
Phone: (602) 451-4292
Email: ashleymragan@cox.net

2024 Quarter 2

Election Cycle: 2024
Date Filed: July 15, 2024
Reporting Period: April 1, 2024-June 30, 2024
Jurisdiction: Arizona Secretary of State

Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$461,231.19
Total Cash Receipts this Reporting Period:	\$288,000.00
Total Cash Disbursements this Reporting Period:	\$83,867.92
Cash Balance at End of Reporting Period:	\$665,363.27

Report ID: 259954

101359 Arizona Senate Victory Fund PAC

Jurisdiction: Arizona Secretary of State

Covers 04/01/2024 to 0

Schedule C2 - Individual contributions

		Date	Amount	Cycle
Name:	Barclay, Steven	04/02/2024	\$1,000.00	\$
Address:	2 N Central Ave, Ste 1800, Phoenix, AZ 85004		Cash	
Occupation:	Lawyer, Barclay Legal, PLC			
Memo:	Anedot 4.30			
Name:	Barclay, Steven	04/02/2024	\$2,500.00	\$
Address:	2 N Central Ave, Ste 1800, Phoenix, AZ 85004		Cash	
Occupation:	Lawyer, Barclay Legal, PLC			
Memo:	Anedot 4.30			
Name:	Helgason, Grant	04/08/2024	\$150.00	
Address:	8141 E Indian Bend Rd, Scottsdale, AZ 85250		Cash	
Occupation:	Business Owner, GDH Investments			
Memo:	Anedot 4.30			
Name:	Spataro, Lucian	04/09/2024	\$500.00	
Address:	32026 N Black Cross Rd, Scottsdale, AZ 85266		Cash	
Occupation:	Professor, Lucian Spataro			
Memo:	Anedot 4.30			
Name:	Candland, James	04/12/2024	\$600.00	
Address:	305 N 159th St, Gilbert, AZ 85234		Goods/Services	
Occupation:	Consultant, Self			
Trans. Type:	In-Kind Contribution			
Memo:	In-Kind Food and Beverage			
Name:	Jacobs, Gretchen	04/12/2024	\$10,000.00	\$1
Address:	6916 E Mariposa Dr, Scottsdale, AZ 85251		Cash	
Occupation:	ATTORNEY, LAW OFFICES OF GRETCHEN JACOBS, LTD			
Memo:	Batch 4.19.24			
Name:	Kendrick, Randy	04/12/2024	\$25,000.00	\$3
Address:	3964 E Paradise View Dr, Paradise Valley, AZ 85253		Cash	
Occupation:	Retired Attorney, Philanthropist Goldwater Institute Board Member			
Memo:	Batch 4.19.24			
Name:	Norton, James	04/15/2024	\$5,000.00	\$
Address:	2525 East Biltmore Circle, Suite D-140, Phoenix, AZ 85016		Cash	
Occupation:	Government Relations, Garrison 48			
Memo:	Anedot 4.30			
Name:	Tapia, Donald	05/10/2024	\$12,500.00	\$1
Address:	4805 E Road Runner Rd, Paradise Valley, AZ 85253		Cash	
Occupation:	Ambassador, US State Dept			
Memo:	5.13.24			

101359 Arizona Senate Victory Fund PAC

Jurisdiction: Arizona Secretary of State

Covers 04/01/2024 to 0

Schedule C3b - Contributions from PACs

		Date	Amount	Cycle
Name:	101291 - GOPAC ELECTION ARIZONA	06/24/2024	\$16,000.00	\$5
Address:	1201 Wilson Blvd, Ste 2110, Arlington, VA 22209		Cash	
Trans. Type:	Contributions from PACs			
Memo:	Original source information available here: https://www.fec.gov/data/committee/C00559740/ (This links to			
Total of Contributions from PACs			\$16,000.00	
Total of Refunds Given			\$0.00	
Net Total of Contributions from PACs			\$16,000.00	

101359 Arizona Senate Victory Fund PAC

Jurisdiction: Arizona Secretary of State

Covers 04/01/2024 to 0

Schedule C4b - Contributions from Corporations/LLCs

		Date	Amount	Cycle
Name:	McDonald's Corporation	04/07/2024	\$2,000.00	\$
Address:	110 N Carpenter St, Chicago, IL 60607		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 4.8.24			
Name:	Acess Financial Services Inc.	04/12/2024	\$5,000.00	\$
Address:	7755 Montgomery Rd, Cincinnati, OH 45236		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 4.19.24			
Name:	Cash Time Title Loan	04/12/2024	\$3,000.00	\$
Address:	8590 East Shea Blvd #110, Scottsdale, AZ 85260		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 4.19.24			
Name:	Community Choice Financial	04/12/2024	\$5,000.00	\$
Address:	5165 Emerald Pkwy, Ste 100, Dublin, OH 43017		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 4.19.24			
Name:	Populus Financial Group, Inc.	04/12/2024	\$5,000.00	\$
Address:	300 E John Carpenter Fwy, Ste 900, Irving, TX 75062		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 4.19.24			
Name:	Barclay Legal plc	05/03/2024	\$1,500.00	\$
Address:	2 N Central Ave, Ste 1800, Phoenix, AZ 85004		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 5.3.24			
Name:	HSL Properties Inc.	05/10/2024	\$25,000.00	\$2
Address:	3901 E Broadway Blvd, Tucson, AZ 85711		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	5.13.24			
Name:	Sazerac Company, Inc.	05/21/2024	\$510.00	
Address:	10101 Linn Station Rd, #400, Louisville, KY 40223		Goods/Services	
Trans. Type:	Corp and LLC In-Kind Contribution (later)			
Memo:	In Kind Food & Beverage			
Name:	Advance Financial Administration, LLC	05/31/2024	\$5,000.00	\$
Address:	100 Oceanside Dr, Nashville, TN 37204		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 5.31.24			
Name:	Isaacson Law Firm, P.C.	05/31/2024	\$1,000.00	\$
Address:	3101 N Central Ave, Ste 650, Phoenix, AZ 85012		Cash	
Trans. Type:	Contributions from Corps and LLCs			
Memo:	Batch 5.31.24			

101359 Arizona Senate Victory Fund PAC

Jurisdiction: Arizona Secretary of State

Covers 04/01/2024 to 0

Schedule E1 - Operating expenses

		Date	Amount	Cycle
Name:	InCompliance	04/02/2024	\$3,000.00	\$2
Address:	2211 E Highland Ave, Ste 210, Phoenix, AZ 85016		Cash	
Category:	Professional Services - Consultants			
Name:	Snell and Wilmer L.L.P.	04/02/2024	\$677.00	\$
Address:	1 Arizona Ctr, Phoenix, AZ 85004		Cash	
Category:	Professional Services - Attorney fees			
Name:	Winged Victory	04/02/2024	\$7,500.00	\$4
Address:	1677 East Maryland, Phoenix, AZ 85012		Cash	
Category:	Professional Services - Consultants			
Name:	Hermitage Retail	04/10/2024	\$2,226.50	\$
Address:	10508 W HWY 42, Goshen, KY 40026		Cash	
Category:	Event Expenses - Event site rentals			
Name:	Lovas, Corinne	04/19/2024	\$291.50	
Address:	7197 W Mariposa Grande Ln, Peoria, AZ 85383		Cash	
Category:	Event Expenses - Event site rentals			
Memo:	Reimbursement			
Name:	Lovas Co., LLC	04/22/2024	\$11,982.50	\$7
Address:	7197 W Mariposa Grande Ln, Peoria, AZ 85383		Cash	
Category:	Professional Services - Consultants			
Name:	InCompliance	04/26/2024	\$3,000.00	\$2
Address:	2211 E Highland Ave, Ste 210, Phoenix, AZ 85016		Cash	
Category:	Professional Services - Consultants			
Name:	Barclay's	04/29/2024	\$11,349.12	\$1
Address:	PO Box 60517, City of Industry, CA 91716		Cash	
Category:	Event Expenses - Event site rentals			
Memo:	MEMO ITEMS: Credit Card Payment			
Name:	Anedot	04/30/2024	\$367.50	\$
Address:	1340 Poydras Street, New Orleans, LA 70122		Cash	
Category:	Administration - Bank fees/service charge			
Memo:	Anedot 4.30			
Name:	Lovas Co., LLC	05/09/2024	\$7,227.50	\$7
Address:	7197 W Mariposa Grande Ln, Peoria, AZ 85383		Cash	
Category:	Professional Services - Consultants			
Name:	Snell and Wilmer L.L.P.	05/09/2024	\$5,927.00	\$
Address:	1 Arizona Ctr, Phoenix, AZ 85004		Cash	
Category:	Professional Services - Attorney fees			
Name:	Winged Victory	05/09/2024	\$10,000.00	\$4
Address:	1677 East Maryland, Phoenix, AZ 85012		Cash	
Category:	Professional Services - Consultants			
Memo:	2500 spent towards campaign media spending threshold-texting communiations			



Brett W. Johnson
O 602.382.6312
bwjohnson@swlaw.com

Tracy A. Olson
O 602.382.6431
tolson@swlaw.com

November 12, 2024

Thomas M. Collins, Executive Director
Arizona Citizens Clean Elections Commission
1110 West Washington Street
Phoenix, Arizona 85007
ccec@azcleelections.gov

Re: Response to Clean Elections Commission Complaint

Dear Director Collins,

Arizona Senate Victory Fund (“ASVF”) has retained Snell & Wilmer regarding the above referenced Complaint. We are in receipt of your October 11, 2024, notice letter and the September 9, 2024, complaint from Mr. Ashley regarding ASVF’s compliance with the Voter’s Right to Know Act.

The Complaint makes two allegations: (1) that ASVF’s top-three disclaimers on various ads listed intermediaries instead of original sources; and (2) that ASVF “failed to identify Uber Technologies Inc. as a top three original source donor, but identified another organization, GOPAC, as a top three original source donor despite the organization having a smaller contribution total.” We will address each in turn.

Allegation #1: Entities in Top Three Donor Rule

A.R.S. § 16-974(C) requires covered persons to include on all public communications “the names of the top three donors who directly or indirectly made the three largest contributions of original monies during the election cycle to the covered person.”

However, the public communications cited by Complainant were published before ASVF met Prop 211’s campaign media spending thresholds. Specifically, ASVF became a covered person on or around August 30, 2024, and the Marsh road sign was printed on or around July 31, 2024, the webpage “extremechristine.com” was published on or around August 6, 2024, and the webpage “radicaljudy.com” was published on or around August 16, 2024. **Exhibit A** (ASVF Initial Report); **Exhibit B** (road sign order confirmation and X posts regarding website publication).

Accordingly, as a political action committee that was not yet a covered person, ASVF properly complied with A.R.S. § 16-925(B), which requires that it list its top three donors that are PACs contributing more than \$20,000.

Allegation #2: Uber as a Top Three Donor

Covered persons are only required to list a top three source of original monies if that donor has “not opted out pursuant to A.R.S. § 16-972.” A.A.C. § R2-20-805(B). When Uber

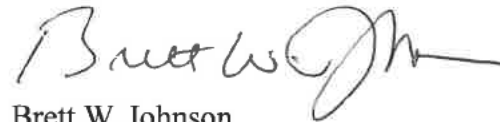
Technologies Inc. contributed to ASVF, it opted out of campaign media spending. See **Exhibit C** (May 20, 2024, Opt-Out Correspondence).¹ ASVF designated Uber's contribution for administrative purposes only, and has not used it for any campaign media spending, including those listed in the complaint.

Accordingly, while ASVF disclosed Uber Technologies Inc. on its campaign finance disclosure statement, it was not required to list Uber on its VRKA reports or top-three donor disclosure.

Please feel free to reach out if you require any further information or clarification regarding this issue.

Very Truly Yours,

Snell & Wilmer



Brett W. Johnson
Tracy A. Olson

Enclosures

¹ ASVF respectfully requests that the information contained in Exhibit C be treated as confidential. This disclosure contains information that is confidential, the release of which could cause harm to ASVF's competitive position. Further, the information provided may also be personal and private. Accordingly, this information is exempt from disclosure. Cf. *Carlson v. Pima County*, 141 Ariz. 487, 490-491 (1984); *Scottsdale Unified Sch. Dist. v. KPNX Broadcasting Company*, 191 Ariz 297 (1998) (holding that disclosure did not override privacy interest) (citing *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 763 (1989)); *Pomares v. Department of Veterans Affairs*, 113 F.4th 870, 885 (9th Cir. 2024).


NOTARY CERTIFICATE

State of Arizona

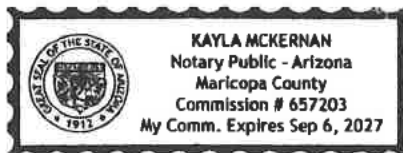
County of Maricopa

Subscribed and Sworn to me under the penalty of perjury on this 12th day of November, 2024, Brett W. Johnson, who personally appeared before me and whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document.

Seal:



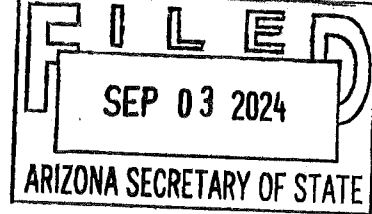
Notary Public



My Commission Expires:

September 6, 2027

EXHIBIT A



Voters Right to Know Act Initial Report: Campaign Media Spending

A covered person must file within five days after first spending monies or accepting in-kind contributions totaling \$50,000 or more for a statewide campaign or \$25,000 or more for any other type of campaigns. A.R.S. § 16-973(A).

Covered Person¹ Reporting Campaign Media Spending

<p>In the case of an entity: Arizona Senate Victory Fund PAC</p> <p>Name: _____</p> <p>Mailing address: 2211 East Highland #210 Phoenix AZ 85016</p> <p>Federal tax status: 527 political organization</p> <p>State of incorporation, registration or partnership: Arizona, Secretary of State</p>
<p>In the case of an individual:</p> <p>Name: _____</p> <p>Mailing address: _____</p> <p>Occupation: _____</p> <p>Employer: _____</p>

Identity of Entity/Entities Under the Covered Person²

<p>Name: _____</p> <p>Mailing address: _____</p> <p>Federal tax status: _____</p> <p>State of incorporation, registration or partnership: _____</p> <p>Relationship to the Covered Person: _____</p>
--

¹ The identity of the person that owns or controls the traceable monies goes here. A.R.S. § 16-973(A)(1). Traceable monies are either money that has been given, loaned or promised for campaign media spending or in-kind contributions to enable campaign media spending. A.R.S. § 16-971(18)(a)-(b). "Person" includes both a natural person and an entity such as a corporation, limited liability company, labor organization, partnership or association, regardless of legal form. A.R.S. § 16-971(13). Identity means, in the case of an individual, the name mailing address, occupation, and employer of that individual. A.R.S. § 16-971(10). In the case of any other person, identity means the name, mailing address, federal tax status, and state of incorporation, registration, or partnership, if any. A.R.S. § 16-971(10).

² Includes any entity established, financed, maintained or controlled by the person who owns or controls the traceable monies and maintains its own transfer records and that entity's relationship to the covered person. A.R.S. § 16-973(2).



Custodian of Transfer Records

Name: Ashley Ragan
Mailing address: 2211 East Highland #210 Phoenix AZ 85016
Position: Treasurer

Campaign Media Spending Manager³

Name: James Candland
Mailing address: 2211 East Highland #210 Phoenix AZ 85016
Position with Covered Person: Chairman

Covered Person's Traceable Monies (Cash on hand for campaign media spending)⁴

Total amount of traceable monies: 1,011,700.50
Total COH less donors who opt out.

³ Provide this information for at least one individual who controls, directly or indirectly, how the traceable monies are spent. A.R.S. § 16-973(A)(4).

⁴ Provide the total amount of traceable monies owned or controlled by the covered person on the date the report is made. A.R.S § 16-973(A)(5). Traceable monies are monies that have been given, loaned or promised to be given to a covered person and for which no donor has opted out of their use or transfer for campaign media spending pursuant to A.R.S. §16-972 and monies used to pay for in-kind contributions to a covered person to enable campaign media spending. A.R.S. § 16-971(18).



Donors of original monies exceeding \$5,000 or more directly or indirectly to the Covered Person⁵

Donor	Mailing Address	Occupation (Individual)/ Federal Tax Status (Entity)	Employer (Individual)/ State of Incorporation, Partnership, or Registration	Amount	Date
Kristi DesJarlais	5420 Lyndon B Johnson Frwy #600 Dallas, TX 75240	SVP Communications	Invitation Homes	10,000	7/23/2024
Doug McGregor	20729 N. 102nd Pl Scottsdale, AZ 85255	Retired	Retired	5,000	7/24/2024
Elijah Norton	30 W. Palm Ln Phoenix AZ 85003	Founder	Veritas Global	15,000	8/21/2024
The Geo Group	4955 Technology Way Boca Raton, FL 33431	Corporation	Florida	10,000	8/27/2024

⁵ The identity of each donor of original monies who contributed, directly or indirectly, more than \$5,000 of traceable monies or in-kind contributions for campaign media spending during the election cycle to the covered person and the date and amount of each of the donor's contributions. This includes donors to intermediaries that provided monies to the covered person.



Intermediaries⁶

Intermediary	Mailing Address	Occupation (Individual)/ Federal Tax Status (Entity)	Employer (Individual)/ State of Incorporation, Partnership, or Registration	Amount	Date	Source
RSLC AZ PAC	1201 F St NW #675 Washington DC 20004	527 political action committee	FEC	400,000	8/30/2024	Patee/Tate: see below
RSLC Original Source: David Patee	440 Bayhill North Sioux City, SD 57049	Retired	Retired	5,205.08	8/30/2024	
RSLC Original source: Sonya Tate	304 Robert Rose Blvd Murfreesboro, TN 37129	Business	Venture Express	2,800.00	8/30/2024	

⁶ The identity of each person that acted as an intermediary and that transferred, in whole or in part, traceable monies of more than \$5,000 from original sources to the covered person and the date, amount and source, both original and intermediate, of the transferred monies. A.R.S. § 16-973(A)(7).



Disbursements⁷

Example

Recipient and Amount of Disbursement	Mailing Address	Occupation (Individual)/ Federal Tax Status (Entity)	Employer (Individual)/ State of Incorporation, Partnership, or Registration	Date	In Support or Opposition of Candidate or Ballot Measure
ABC Consulting \$10,000	1234 W. Washington St. Phoenix, AZ 85007	Consultant	State of Arizona	8/02/2021	Supporting Jane Doe for State Senate District 01
Roosevelt Strategy 8200	3104 E. Camelback Rd #616 PHX AZ 85016	Consultant	State of Arizona	8/5/2024	Opposing Chris4AZ
Red Maverick Media 10,669.50	1426 N. 3rd Street #310 Harrisburg, PA 17102	Consultant	Pennsylvania	8/30/2024	Supporting Werner for AZ
					Select One

⁷ The purpose of each disbursement must include the full name and office sought of any candidate or a description of any ballot proposition that was supported, opposed or referenced in a public communication that was paid for, in whole or in part, with the disbursed monies. A.R.S. § 16-973(A)(8).



Disbursements⁶

Recipient and Amount of Disbursement	Mailing Address	Occupation (Individual)/ Federal Tax Status (Entity)	Employer (Individual)/ State of Incorporation, Partnership, or Registration	Date	In Support or Opposition of Candidate or Ballot Measure
BW Creative \$3500	344 W Thunderbird Phoenix AZ 85023	Consultant	Arizona	8/28/2024	Opposing Eva for AZ
Roosevelt Strategy Group \$8200	3104 E Camelback Road Phx AZ 85016	Consultant	Arizona	8/28/2024	Opposing Judy for AZ
Roosevelt Strategy Group \$4100	3104 E Camelback Road Phx AZ 85016	Consultant	Arizona	8/28/2024	Opposing Eva for AZ
Red Maverick Media \$10,669.50	1426 N 3rd Street #310 Harrisburg, PA 17102	Consultant	PA	8/30/2024	Opposing Chris4Arizona

⁶ The purpose of each disbursement must include the full name and office sought of any candidate or a description of any ballot proposition that was supported, opposed or referenced in a public communication that was paid for, in whole or in part, with the disbursed monies. A.R.S. § 16-973(A)(8).



Major Donors⁹

Major Contributor's Name:

Mailing address:

Position:

I CERTIFY, UNDER PENALTY OF PERJURY, THAT I HAVE EXAMINED THE CONTENTS OF THIS REPORT AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE IF IT TRUE AND COMPLETE.

Filer Name:

Ashley Ragan

Signature:

Ashley Ragan

Date:

11/3/2024

⁹ Any person whose total contributions of traceable monies to the covered person constituted more than half of the traceable monies of the covered person at the start of the election cycle. A.R.S. § 16-973(A)(9)



EXHIBIT B



[Redacted]@rooseveltstrategy.com>

Proof for Project MARSH (259787)

Wed, Jul 31, 2024 at 10:32 AM

To: [Redacted]@rooseveltstrategy.com
Cc: [Redacted]@rooseveltstrategy.com

The proofs for the following orders have been approved.

Order #: 259787-1
Advertiser: MARSH
Design: OPEN BORDERS
Product: Street Sign - 4' 0" x 4' 0"
Quantity: 75

Order #: 259787-2
Advertiser: MARSH
Design: TEACHER PAY
Product: Street Sign - 4' 0" x 4' 0"
Quantity: 75

Order #: 259787-3
Advertiser: MARSH
Design: SHOWER CURTAINS
Product: Street Sign - 4' 0" x 4' 0"
Quantity: 10

Order #: 259787-4
Advertiser: MARSH
Design: EXTREME
Product: Street Sign - 4' 0" x 4' 0"
Quantity: 40





Post



AZ War Room
@AZVictoryPAC

Follow

Meet [#RadicalJudy](#):

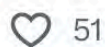
[@JudyForAZ](#) is out of touch with Arizona values and her extreme record proves it.

From being weak on border security to opposing parental rights, she's the last person we need in our Senate.

Here's why 🗣️ 📌



9:43 AM · 8/15/24 · **8.4K** Views





Post



AZ War Room
@AZVictoryPAC

Follow



🇺🇸 THE TRUTH ABOUT EXTREME
CHRISTINE 🇺🇸

We're launching the [#EXTREMECHRISTINE](#) campaign to expose the radical and dangerous record of [@ChristinePMarsh](#).

Arizona and [#LD4](#) deserve to know the truth. 🧵



2:44 PM · 8/6/24 · 12K Views



3



20



18



1



EXHIBIT C

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: UBER OPT OUT EMAIL
Date: Wednesday, September 4, 2024 10:13:40 AM

OPT OUT EMAIL FOR UBER

Begin forwarded message:

From: [REDACTED]@uber.com>
Subject: Re: Uber donation
Date: May 20, 2024 at 1:39:13 PM MST
To: [REDACTED]
Cc: [REDACTED]

[REDACTED] >

Can do. Please find forthcoming a donation in May/Jun 2024 of \$37,500 to the House Victory Fund and \$37,500 to the Senate Victory Fund from UBER. We acknowledge that the donation amount will be used for purposes OTHER than campaign media spending.

[REDACTED]

On Mon, May 20, 2024 at 3:36 PM [REDACTED] > wrote:

Hello [REDACTED],

Following up to [REDACTED] email dated 5/15. Would you please reply to this email acknowledging the following:

Please find forthcoming a donation in May/Jun 2024 of \$37,500 to the House Victory Fund and \$37,500 to the Senate Victory Fund from UBER. We acknowledge that the donation amount will be used for purposes OTHER than campaign media spending.

The Victory Teams are so very grateful for the generous support of UBER in this important effort.

Once the contributions are received you will receive a letter of acknowledgment from the Victory Team as well for your files.

Thanks again!

Best regards,
[REDACTED]

Katie Hobbs
Governor

Thomas M. Collins
Executive Director



**State of Arizona
Citizens Clean Elections Commission**

1110 W. Washington St. - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

Via E-Mail

January 27, 2025

Alex Kaufman
Petra Mangini
CABK, LLC
100 North Main Street, Suite 340
Alpharetta, GA 30009

Re: MUR 24-04 Make Liberty Win

Dear Mr. Kaufman and Ms. Mangini:

I am writing to notify you that I have dismissed this Complaint and provide the report required by Ariz. Admin. Code R2-20-811(F).

The Complaint

The Complaint arose from a claim of incomplete disclosures on campaign filings made by Make Liberty Win Arizona, an Arizona political committee. Complaint at 1. The Complaint alleged that the Make Liberty Win Arizona became a covered person based on certain expenditures allegedly should have disclosed underlying donors to its major named benefactor, Make Liberty Win. *Id.* The Complaint identified donors who provided more than \$5,000 to Make Liberty Win, which is a committee registered with the Federal Election Commission. *Id.* at 1-2.

The Response

The Make Liberty Win Arizona's response provides a number of different reasons why the Complaint should be dismissed. These include: insufficiency of the Complaint, that Make Liberty Win Arizona is not a covered person based on its activities or the amount it spent in Arizona elections, complications with the filing systems provided for committees in Arizona, whether the Act requires each

disclosed donor to have intent that their monies be used for campaign media spending in Arizona, constitutional issues with the Act and its application here, and that Committee need not disclose \$5,000 or greater donors because its upstream donors have sufficient smaller donations to make up the amount of money received by Make Liberty Win Arizona.

Analysis

The Committee provides several reasons to dismiss the Complaint. However, for purposes of dismissal under Ariz. Admin. Code R2-20-811(F) this report need only address one, that there were no donors over \$5,000 to disclose.

There is no dispute that the federal Committee Make Liberty Win received donations of greater than \$5,000. But the Act and Rules both make clear that an intermediary need only identify underlying donors up to the amount of the donation. A.R.S. § 16-972(D) (“Any person that donates to a covered person more than \$5,000 in traceable monies in an election cycle must inform that covered person in writing. . . . of the identity of each other person that . . . contributed more than \$2,500 in original monies *being transferred* and the amount of each other person's original monies *being transferred*.”); accord Ariz. Admin. Code R2-20-801(C).

The sworn response of Make Liberty Win Arizona states that Make Liberty Win, the federal committee, and its major donor Young Americans for Liberty, Inc. have sufficient donors of less than \$5,000 to make up the donation ultimately reported on the Arizona committee’s reports.¹ In this context, it follows, no amendment of reports would be necessary.

Conclusion

For the reason identified above, the Complaint is not substantiated and is dismissed.

¹ Respondents should consider providing the appropriate records required under A.R.S. § 16-972 in their responses to complaints. But in this initial period of activity under the Act, I accept the sworn response as sufficient to find this Complaint has not been substantiated.

Thank you for your response in this matter. This letter, along with the Complaint and Response will be made available to the Commission as part of the Executive Director's Report at the next regular Commission meeting.

Sincerely,

S/ Thomas M. Collins

cc: Ralph Atchue

October 8, 2024

Dear Director Collins,

I am writing to report violations of Arizona Revised Statutes Title 16, Chapter 6.1 committed by Make Liberty Win Arizona. While the attached campaign finance reports show that Make Liberty Win Arizona has completed recent expenditures for the 2024 Arizona Primary Elections, the Secretary of State's Voters' Right to Know Act Reporting website shows that neither organization has filed the necessary reporting to comply with the Voters' Right to Know Act. Make Liberty Win Arizona is a Political Action Committee that according to their website, "is dedicated to deploying activists to state legislative races across the nation.

Our activists, stakeholders, and candidates are fighting to advance the cause of liberty and defend our only special interest: the U.S. Constitution." Additionally, their website says, "Make Liberty Win specializes in mobilizing voters to engage in primary and general elections through direct voter contact. Door Knocking, Phone calls, and texting are the best way to establish an authentic connection in today's political environment", before concluding with "The candidates we support Must Show the same level of commitment and passion for the principles of limited government".

Make Liberty Win Arizona's 2024 Quarter 2 Campaign Finance Report indicates that the committee has made \$389,178.60 in expenditures this cycle to date. Make Liberty Win Arizona became a covered person on June 3rd, 2024. Additionally, Make Liberty Win Arizona's 2024 Quarter 2 Campaign Finance Report indicates that Make Liberty Win Arizona has received contributions this cycle from only one contributor Make Liberty Win. Contributions from Make Liberty Win to Make Liberty Win Arizona are dated May 29th, 2024, and June 14th, 2024, and amount to a total of \$420,000. A.R.S. § 16-973(A) states that cover persons must identify "each donor of original monies who contributed, directly or indirectly, more than \$5,000 of traceable monies or in-kind contributions for campaign media spending during the election cycle to the covered person and the date and amount of each of the donor's contributions". However, Make Liberty Win used monies from original donors in their contributions to Make Liberty Win Arizona totaling over \$5,000 that Make Liberty Win Arizona failed to disclose.

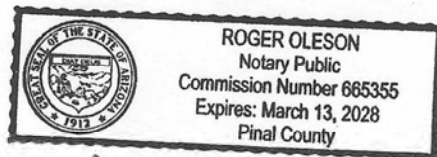
Two examples of this can be viewed in Schedule A Itemized Receipts from the Federal Elections Commissions. These receipts, with the Transaction IDs A04901A36C5F24396ADA and A612DDE1BEC204E15AAF, respectively, show contributions to Make Liberty Win from Young Americans for Liberty, Inc. and George Macricostas worth \$3,000,000 and \$99,781.75 that were made on April 5th, 2024, and April 18th, 2024. Make Liberty Win Arizona has violated A.R.S. § 16-973(A) by failing to name each donor of original monies of more than \$5,000 contributed to them by Make Liberty Win. Express advocacy to support or oppose a specific candidate for office makes the listed entity a covered person who must comply. Accordingly, I respectfully request that the Citizens Clean Elections Commission investigate this matter pursuant to Arizona Revised Statutes Title 16, Chapter 6.1.

Thank you,
Ralph Atchue



atchuer@gmail.com

3968 W Mustang Ct Eloy, AZ 85131



Roger Oleson
10/08/2024

State of Arizona



Campaign Finance Report

Make Liberty Win Arizona

Committee #: 101698

Jurisdiction: Arizona Secretary of State

Treasurer: Curtis, Elizabeth

441 North Lee Street, Suite 100, Alexandria, VA 22314

Phone: (512) 761-8368

Email: notices@makelibertywin.com

2024 Quarter 2

Election Cycle: **2024**
Date Filed: **July 15, 2024**
Reporting Period: **April 1, 2024-June 30, 2024**
Jurisdiction: **Arizona Secretary of State**

Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$0.00
Total Cash Receipts this Reporting Period:	\$420,000.00
Total Cash Disbursements this Reporting Period:	\$389,178.60
Cash Balance at End of Reporting Period:	\$30,821.40

Report ID: 280691

Summary of Activity

Income	Schedule	This Period			Total to Date
		Cash	Other	Total	
Personal and Family Contributions	C1	\$0.00	\$0.00	\$0.00	\$0.00
Individual Contributions	C2	\$0.00	\$0.00	\$0.00	\$0.00
Contributions from Political Committees	C3a,b,c	\$420,000.00	\$0.00	\$420,000.00	\$420,000.00
Business Contributions	C4a,b,c	\$0.00	\$0.00	\$0.00	\$0.00
Small Contributions	C5	\$0.00	\$0.00	\$0.00	\$0.00
CCEC Funding and Matching	C6	\$0.00	\$0.00	\$0.00	\$0.00
Qualifying Contributions	C7	\$0.00	\$0.00	\$0.00	\$0.00
Loans Made to this Committee	L1	\$0.00	\$0.00	\$0.00	\$0.00
Other Receipts, including Interest and Dividends	R1	\$0.00	\$0.00	\$0.00	\$0.00
Transfers from Other Committees	T1	\$0.00	\$0.00	\$0.00	\$0.00
Cash Surplus from Previous Committee	S1	\$0.00	\$0.00	\$0.00	\$0.00
Total Income		\$420,000.00	\$0.00	\$420,000.00	\$420,000.00

Expenditures	Schedule	This Period			Total to Date
		Cash	Other	Total	
Operating Expenses	E1	\$0.00	\$0.00	\$0.00	\$0.00
Independent & Ballot Measure Expenditures	E2a,b,c	\$389,178.60	\$0.00	\$389,178.60	\$389,178.60
Contributions to Committees/Businesses	E3a -E3f	\$0.00	\$0.00	\$0.00	\$0.00
Small Expenses	E4	\$0.00	\$0.00	\$0.00	\$0.00
Transfers to Other Committees	T1	\$0.00	\$0.00	\$0.00	\$0.00
Loans Made by This Committee	L2	\$0.00	\$0.00	\$0.00	\$0.00
Disposal of Surplus Cash	S1	\$0.00	\$0.00	\$0.00	\$0.00
Total Expenditures		\$389,178.60	\$0.00	\$389,178.60	\$389,178.60
Bill Payments for Previous Expenditures	D1	\$0.00		\$0.00	\$0.00
Total Cash Disbursed		\$389,178.60			

Schedule C3b - Contributions from PACs

		Date	Amount	Cycle To Date
Name:	Make Liberty Win	05/29/2024	\$355,000.00	\$420,000.00
Address:	441 North Lee Street, Suite 100, Alexandria, VA 22314		Cash	
Trans. Type:	Contributions from PACs			
Name:	Make Liberty Win	06/14/2024	\$65,000.00	\$420,000.00
Address:	441 North Lee Street, Suite 100, Alexandria, VA 22314		Cash	
Trans. Type:	Contributions from PACs			
Total of Contributions from PACs			\$420,000.00	
Total of Refunds Given			\$0.00	
Net Total of Contributions from PACs			\$420,000.00	

Schedule E2a - Independent expenditures

	Date	Amount	Cycle To Date
Name: PAC Management Services, LLC Address: 441 North Lee Street, Suite 100, Alexandria, VA 22314 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Flyers/handouts/door hangers Memo: Field Distribution of Literature Benefits: 101026 - Justine Wadsack for Arizona	06/03/2024	\$58,824.12 Cash	\$351,735.20
Name: PAC Management Services, LLC Address: 441 North Lee Street, Suite 100, Alexandria, VA 22314 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Flyers/handouts/door hangers Memo: Field Distribution of Literature Benefits: 100917 - Jones for Arizona	06/03/2024	\$58,824.12 Cash	\$351,735.20
Name: PAC Management Services, LLC Address: 441 North Lee Street, Suite 100, Alexandria, VA 22314 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Flyers/handouts/door hangers Memo: Field Distribution of Literature Benefits: 100908 - McGarr for Arizona House	06/03/2024	\$58,824.11 Cash	\$351,735.20
Name: PAC Management Services, LLC Address: 441 North Lee Street, Suite 100, Alexandria, VA 22314 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Flyers/handouts/door hangers Memo: Field Distribution of Literature Benefits: 101058 - Hudelson for Arizona	06/03/2024	\$130,924.75 Cash	\$351,735.20
Name: PAC Management Services, LLC Address: 441 North Lee Street, Suite 100, Alexandria, VA 22314 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Flyers/handouts/door hangers Memo: Field Distribution of Literature Benefits: JOHN FILLMORE for State Representative - District 7	06/03/2024	\$22,169.05 Cash	\$351,735.20
Name: PAC Management Services, LLC Address: 441 North Lee Street, Suite 100, Alexandria, VA 22314 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Flyers/handouts/door hangers Memo: Field Distribution of Literature Benefits: 202000052 - Wendy Rogers for AZ Senate	06/03/2024	\$22,169.05 Cash	\$351,735.20

Schedule E2a - Independent expenditures

		Date	Amount	Cycle To Date
Name:	Campaign HQ	06/14/2024	\$923.94	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	P2P Texting			
Benefits:	101026 - Justine Wadsack for Arizona			
Name:	Campaign HQ	06/14/2024	\$923.94	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	P2P Texting			
Benefits:	101026 - Justine Wadsack for Arizona			
Name:	Campaign HQ	06/14/2024	\$923.94	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	P2P Texting			
Benefits:	101026 - Justine Wadsack for Arizona			
Name:	Campaign HQ	06/14/2024	\$923.94	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	P2P Texting			
Benefits:	101026 - Justine Wadsack for Arizona			
Name:	Campaign HQ	06/14/2024	\$923.95	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	P2P Texting			
Benefits:	100917 - Jones for Arizona			
Name:	Campaign HQ	06/14/2024	\$923.95	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	P2P Texting			
Benefits:	100908 - McGarr for Arizona House			

Schedule E2a - Independent expenditures

	Date	Amount	Cycle To Date
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 101026 - Justine Wadsack for Arizona	06/14/2024	\$923.94 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100917 - Jones for Arizona	06/14/2024	\$923.95 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100908 - McGarr for Arizona House	06/14/2024	\$923.95 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100917 - Jones for Arizona	06/14/2024	\$923.95 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100908 - McGarr for Arizona House	06/14/2024	\$923.95 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100917 - Jones for Arizona	06/14/2024	\$923.95 Cash	\$37,443.40

Schedule E2a - Independent expenditures

	Date	Amount	Cycle To Date
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100908 - McGarr for Arizona House	06/14/2024	\$923.95 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: P2P Texting Benefits: 100917 - Jones for Arizona	06/14/2024	\$923.95 Cash	\$37,443.40
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Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 101026 - Justine Wadsack for Arizona	06/14/2024	\$1,709.00 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 100917 - Jones for Arizona	06/14/2024	\$1,709.00 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 100908 - McGarr for Arizona House	06/14/2024	\$1,709.00 Cash	\$37,443.40

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Schedule E2a - Independent expenditures

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Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 101026 - Justine Wadsack for Arizona	06/14/2024	\$1,709.00 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 100917 - Jones for Arizona	06/14/2024	\$1,709.00 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 100908 - McGarr for Arizona House	06/14/2024	\$1,709.00 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 101026 - Justine Wadsack for Arizona	06/14/2024	\$341.80 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 100917 - Jones for Arizona	06/14/2024	\$341.80 Cash	\$37,443.40
Name: Campaign HQ Address: PO Box 257, Brooklyn, IA 52211 Trans. Type: Independent Expenditure - Pay Cash/Check Category: Communications - Other Memo: Phone Calls Benefits: 100908 - McGarr for Arizona House	06/14/2024	\$341.80 Cash	\$37,443.40

Schedule E2a - Independent expenditures

		Date	Amount	Cycle To Date
Name:	Campaign HQ	06/14/2024	\$341.80	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	Phone Calls			
Benefits:	101026 - Justine Wadsack for Arizona			
Name:	Campaign HQ	06/14/2024	\$341.80	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	Phone Calls			
Benefits:	100917 - Jones for Arizona			
Name:	Campaign HQ	06/14/2024	\$341.80	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	Phone Calls			
Benefits:	100908 - McGarr for Arizona House			
Name:	Campaign HQ	06/14/2024	\$341.80	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	Phone Calls			
Benefits:	101026 - Justine Wadsack for Arizona			
Name:	Campaign HQ	06/14/2024	\$341.80	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	Phone Calls			
Benefits:	100917 - Jones for Arizona			
Name:	Campaign HQ	06/14/2024	\$341.80	\$37,443.40
Address:	PO Box 257, Brooklyn, IA 52211		Cash	
Trans. Type:	Independent Expenditure - Pay Cash/Check			
Category:	Communications - Other			
Memo:	Phone Calls			
Benefits:	100908 - McGarr for Arizona House			
Total of Independent Expenditures			\$389,178.60	
Total of Refunds, Rebates, and Credits Received			\$0.00	
Net Total of Independent Expenditures			\$389,178.60	

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 10 OF 56
	<input type="checkbox"/> 11a <input type="checkbox"/> 11b <input type="checkbox"/> 11c <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input checked="" type="checkbox"/> 17	

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Make Liberty Win

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
A. Peterson, Patrick, , ,

Mailing Address 469 Foxborough Ct

City Versailles	State KY	Zip Code 40383-1537
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FEC ID number of contributing federal political committee. **C**

Name of Employer (for Individual) Eli Lilly	Occupation (for Individual) Scientist
--	--

Receipt For:
 Primary General
 Other (specify) ▼

Aggregate Year-to-Date ▼
6000.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
04 / 17 / 2024

Transaction ID : A19E271A1F25E4AB7931

Amount of Each Receipt this Period
6000.00

Memo Item
Carey Contribution

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
B. Sheely, Marlene, , ,

Mailing Address 23774 Wallace Street

City Rapid City	State SD	Zip Code 57702-7317
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FEC ID number of contributing federal political committee. **C**

Name of Employer (for Individual) Retired	Occupation (for Individual) Retired
--	--

Receipt For:
 Primary General
 Other (specify) ▼

Aggregate Year-to-Date ▼
500.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
05 / 17 / 2024

Transaction ID : AD39EC1E0510E4B21B74

Amount of Each Receipt this Period
500.00

Memo Item
Carey Contribution

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
C. Young Americans for Liberty, Inc.

Mailing Address 3267 Bee Cave Rd
Ste 107-65

City Austin	State TX	Zip Code 78746-6700
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FEC ID number of contributing federal political committee. **C**

Name of Employer (for Individual)	Occupation (for Individual)
-----------------------------------	-----------------------------

Receipt For:
 Primary General
 Other (specify)

Aggregate Year-to-Date ▼
3008388.00

Date of Receipt

M M / D D / Y Y Y Y Y Y
04 / 05 / 2024

Transaction ID : A04901A36C5F24396ADA

Amount of Each Receipt this Period
3000000.00

Memo Item
Carey Contribution

SUBTOTAL of Receipts This Page (optional).....	3006500.00
TOTAL This Period (last page this line number only).....	3117790.27

**SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page		FOR LINE NUMBER: (check only one)	PAGE 9 OF 56
<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
			<input checked="" type="checkbox"/> 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Make Liberty Win

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
A. Capital Bank, NA

Mailing Address 10700 Parkridge Blvd.
Ste. 180

City Reston State VA Zip Code 20191-5429

FEC ID number of contributing federal political committee. **C**

Name of Employer (for Individual) Occupation (for Individual)

Receipt For:
 Primary General
 Other (specify) ▼

Aggregate Year-to-Date ▼
41075.27

Date of Receipt
04 / 30 / 2024
Transaction ID : AC7141556B9DD4A569C4

Amount of Each Receipt this Period
11448.52

Memo Item
Interest

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
B. Capital Bank, NA

Mailing Address 10700 Parkridge Blvd.
Ste. 180

City Reston State VA Zip Code 20191-5429

FEC ID number of contributing federal political committee. **C**

Name of Employer (for Individual) Occupation (for Individual)

Receipt For:
 Primary General
 Other (specify) ▼

Aggregate Year-to-Date ▼
41135.27

Date of Receipt
05 / 01 / 2024
Transaction ID : AFC87D155082C4BC197B

Amount of Each Receipt this Period
60.00

Memo Item
Bank Fee Refund

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name
C. Macricostas, George, , ,

Mailing Address 930 Tahoe Blvd.
#802-525

City Incline Village State NV Zip Code 89451-9488

FEC ID number of contributing federal political committee. **C**

Name of Employer (for Individual) Occupation (for Individual)
Flat Willow Farm LLC Farmer

Receipt For:
 Primary General
 Other (specify)

Aggregate Year-to-Date ▼
99781.75

Date of Receipt
04 / 18 / 2024
Transaction ID : A612DDE1BEC204E15AAF

Amount of Each Receipt this Period
99781.75

Memo Item
Carey Contribution: 725 shares DLR

SUBTOTAL of Receipts This Page (optional).....	111290.27
TOTAL This Period (last page this line number only).....	

CITIZENS CLEAN ELECTIONS COMMISSION

IN THE MATTER OF § MUR 24-04
MAKE LIBERTY WIN ARIZONA, §
RESPONDENT §
§
§

Make Liberty Win Arizona Response to Notice of Complaint

Respondent Make Liberty Win Arizona (“MLW Arizona”), through undersigned counsel, submits this response to the notice of the above-identified complaint.

As an initial matter, the complaint is defective and the Commission should take no action on it. *See* Sec. I. But even if the complaint is considered, there can be no finding of any violation by Respondent.

The complaint alleges a violation of the Voters’ Right to Know Act, A.R.S. § 16-971 *et seq.* (“VRKA” or “the Act”). However, the expenditures identified by the complainant do not qualify as “campaign media spending” that would implicate the Act’s disclosure requirements. Respondent paid for canvassing and phone communications supporting certain candidates for nomination in the July 30, 2024 primary elections. However, paid canvassing is not a “public communication.” Nor, when undertaken in the primary phase, is canvassing encompassed as “activity” within the meaning of § 16-971(2)(a)(vi). Further, even if phone communications qualify as “public communications,” Respondent’s expenditures were well below the \$25,000 threshold applicable in non-statewide campaigns. Accordingly, Respondent never crossed the threshold to become a “covered person” under A.R.S. § 16-971(7). The fact that the state-sponsored filing software never flagged any additional reporting obligation after the relevant expenditures were entered supports this straightforward reading. The relevant statutes are

sufficiently clear that reading them otherwise, to seek to engulf the expenditures here, beyond their plain meaning, would violate due process.

Even if MLW Arizona had become subject to the VRKA, Respondent's campaign finance reports still disclosed all relevant donor information, according to the plain text of the statute. The statute requires the disclosure of original-monies donors who contributed "more than \$5,000 of traceable monies ... *for* campaign media spending ... *to* the covered person." A.R.S. § 16-973(A)(6) (emphasis added). The plain text of this provision—both in isolation and in context—clearly requires disclosure only of donors who intended their funds to reach the covered person and be used for campaign media spending in Arizona. *See* Sec. IV. All the pending cases challenging portions of the VRKA regime merely assumed intent/earmarking was not required; none have actually raised this point.

Even if donor intent were irrelevant, Respondent's timely-filed Quarter 2 campaign finance report still discloses all donor information required by Arizona law. When MLW Arizona made the expenditures in issue, sufficient "original monies" of \$5,000 or less were available in its accounts to cover the amounts expended. This is true even if the Commission were to erroneously consider both the canvassing and phone expenditures to be "campaign media spending." Respondent disbursed less than \$390,000 for the canvassing and phone communications in total but had far more than that in under-threshold original monies available for allocation.

Therefore, the Commission has no basis to find Respondent ever became a "covered person" or, if it did, that any donor went undisclosed. Even if that were not true, the VRKA cannot be applied to Respondent consistent with the United States Constitution. As explained below, any finding of a violation on these facts would be based on a misreading of the relevant statutory text

and violate due process. Application of the stifling VRKA regime would also violate the First Amendment, both facially and as-applied, for the (inexhaustive) reasons given below.

I. The Commission Should Take No Action Because the Complaint Is Not Sworn or Notarized.

As an initial matter, the complaint should not be considered at all, because it is not properly sworn or notarized. The Voters' Right to Know Act ("VRKA", the "Act"), under which this purported complaint is submitted, permits only qualified voters to file a complaint, and complaints must be verified. A.R.S. § 16-977(A). The Citizens Clean Elections Commission ("Commission", "CCEC") has promulgated rules for such complaints, including that "the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized." R2-20-809.C.4. The submission attached to the Commission's October 11, 2024 letter to Respondent is neither. Verification requires the complainant include a statement in the document affirming the contents are true and correct and that the statement is made under penalty of perjury. No such statement is included in the letter. Without such a statement, the allegations purportedly attested by Mr. Atchue are not *actually* attested, and are not a "complaint," under the VRKA or this Commission's own rules.

Even if a proper verification by the complainant were included, the letter would still be deficient because it is not properly notarized. The letter bears a notary's stamp and signature. While those are two necessary *components* of a notarization, they are not themselves *sufficient* for a notarization. Notarization requires a "certificate" attesting to certain basic facts, including that the notarial act (here, Mr. Atchue's signature) was executed on the same date as the notarization; that it was done in the notary's presence; and the jurisdiction in which the letter was executed. A.R.S. § 41-264(A). The statute provides a "short form" certificate that may be used to notarize the execution of a signature. *Id.* §§ 41-264(C)(1); 41-265(4). All of these elements are missing. The

notary's bare stamp and signature are insufficient, because the notary has not included the certificate stating what his signature is supposed to be attesting.

Accordingly, the complaint is deficient and void *ab initio* and the Commission should take no action. A.A.C. R2-20-809E.. Nonetheless, should the Commission consider the deficient complaint, there has been no violation, as provided herein.

II. Factual Background and Complaint Allegations

MLW Arizona (Filer ID 101698) is a state political action committee registered with the Arizona Secretary of State ("SOS") on June 7, 2024. See A.R.S. § 16-905(C). Respondent has timely filed its regular periodic reports. A.R.S. § 16-927(A).

MLW Arizona timely filed its 2024 Quarter 2 report on July 15, 2024. It reflects a total of \$420,000 in contributions received (\$355,000 on May 29, 2024 and \$65,000 on June 14, 2024, each from Make Liberty Win,¹ a federally-registered *Carey* political action committee).²

MLW Arizona reported expenditures to PAC Management Services LLC for canvassing activity on June 3, 2024, totaling \$351,735.20. These expenditures were for canvassers to knock on doors and speak to voters, including compensation to and lodging for the canvassers, gas cards and generic supplies, and the nominal cost of printed literature, including "door hangers" and palm cards. These were correctly reported under "Category: Flyers/handouts/door hangers" with the "Memo" "Field distribution of literature." The total is broken out into six itemized expenditures in proportion to the amount expended relative to each of six different candidates in the July primaries who were supported by this independent canvassing effort. All six candidates were competing in

¹ 2024 Quarter 2 Report, Make Liberty Win Arizona, Schedule C3b, <https://seethemoney.az.gov/PublicReports/2024/19CA1924-389E-4962-BDCA-26B7354E7D77.pdf>;

² FEC Statement on *Carey v. FEC* (2011), FEC Record: Litigation Federal Election Commission, Oct. 6, 2011, <https://www.fec.gov/updates/fec-statement-on-carey-v-fec/>.

their respective Republican Party primaries. None of the printed literature used the word “Republican” or “Democrat” or otherwise mention the opponent of the supported candidate. See **Exhibit A** (literature).

MLW Arizona also reported a total of \$37,443.40 in expenditures to CampaignHQ on June 14, 2024.³ CampaignHQ is a phone vendor to campaigns, committees, and organizations in the United States. These expenditures were for contacts with voters by texts and phone calls; the total is broken out into the amount expended relative to each supported candidate for a respective communication. The candidates supported were the same candidates as supported with the canvassing activity. The total disbursed to PAC Management Services LLC and CampaignHQ for these activities combined was \$389,178.60.

MLW Arizona subsequently received a refund of \$121,001.78 from the canvassing vendor (PAC Management Services LLC), for unspent funds.⁴ MLW Arizona refunded a total of \$151,823.18 in unused contributions to Make Liberty Win (federal PAC).⁵ MLW Arizona’s 2024 Post-Primary Election (Q3) report reflects the refund from the vendor and the subsequent contribution refund to Make Liberty Win. Accordingly, MLW Arizona’s actual expenditure for the canvassing activity, apart from the telephone communications, was only \$230,733.42.

III. MLW Arizona Did Not Become a “Covered Person,” According to the VRKA’s Plain Text.

The Voters’ Right to Know Act is triggered only if a person exceeds the requisite monetary threshold in “campaign media spending” becoming a “covered person.” A.R.S. § 16-971(7).

³ 2024 Quarter 2 Report, Make Liberty Win Arizona, Schedule E2a, at 5–10, <https://seethemoney.az.gov/PublicReports/2024/19CA1924-389E-4962-BDCA-26B7354E7D77.pdf>.

⁴ 2024 Post-Primary Election (Q3) Report, Make Liberty Win Arizona, Schedule E2a, at 4-5, <https://seethemoney.az.gov/PublicReports/2024/5C47697B-F7E6-4EC2-B06A-1F123596EA7B.pdf>.

⁵ 2024 Post-Primary Election (Q3) Report, Make Liberty Win Arizona, Schedule E2a, at 3, <https://seethemoney.az.gov/PublicReports/2024/5C47697B-F7E6-4EC2-B06A-1F123596EA7B.pdf>.

Complainant suggests MLW Arizona “became a covered person on June 3, 2024” (Complaint at 1), referring to the expenditures reported on that date for canvassing. However, MLW Arizona’s canvassing expenditures do not constitute “campaign media spending” that would count toward the threshold for attaining “covered person” status.

a. Canvassing is not “campaign media spending”

The first five subcategories of “campaign media spending” are various types of “public communication[s],” §§ 16-971(2)(a)(i)-(v), but canvassing is not a “public communication.”

“Public communication ... [m]eans a paid communication to the public by means of broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing or another mass distribution, telephone bank or any other form of general public political advertising or marketing, regardless of medium.” A.R.S. 16-971(17)(a). Paid canvassing is not one of the specific activities expressly enumerated in this statute. Accordingly, it would only be within the definition if it qualified as another form of “general public political advertising or marketing.” As the Commission has already impliedly acknowledged in Advisory Opinion 2024-04 (Arizona Democratic Party), it does not.

The term “general public political advertising” is not further defined in Arizona law. However, the VRKA clearly draws this term from federal law. The VRKA incorporates the federal definition of “public communication” with some slight modifications, concluding with a similar general catch-all at the end. *See* 52 U.S.C. § 30101(22) (“‘public communication’ means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising”); *see also* 11 C.F.R. § 100.26.

Arizona provides by statute that “[t]echnical words and phrases and those which have acquired a peculiar and appropriate meaning in the law shall be construed according to such peculiar and appropriate meaning.” A.R.S. § 1-213 (cited in CCEC Adv. Op. 24-06). The term “general public political advertising” has a peculiar meaning developed under federal campaign law, and relying on these principles, the Federal Election Commission (“FEC”) has recently concluded paid canvassing is not “general public political advertising” and therefore not a “public communication.” FEC Adv. Op. No. 2024-01 (Texas Majority PAC). The FEC distinguished door-to-door canvassing from the other types of communications typically within the definition of “general public political advertising” for two reasons. First, a common element of “general public political advertising” is that it “typically require[s] the person making the communication to pay ‘for access to an established audience using a forum controlled by another person’” instead of a forum or audience established and controlled by the person making the communication. *Id.* at 5 (relying on FEC Adv. Op. 2022-20 (Maggie for NH)). Canvassing does not require the distribution of communication through a third party-controlled forum or to an audience curated or established by a third party. As with MLW Arizona, Texas Majority PAC controlled all aspects of the canvassing program, and vendors merely acted as agents executing the committee’s program. Second, the FEC observed that canvassing is “fundamentally different from the types of mass media enumerated” in the statute because it “involves individual[s] . . . talking face-to-face with voters.” *Id.* at 6.

The VRKA borrowed the term from federal law, and, for the reasons expressed by the FEC, the same conclusion follows as a matter of Arizona law. Arizona statute states the VRKA’s use of the term should be interpreted in accordance with its peculiar technical meaning, and both this Commission and the District Court of Arizona have regularly looked to terms defined in federal

campaign finance law, practices permitted by the FEC, and tests applied under FECA as reliable references to the meaning of VRKA provisions.⁶ Respondent’s canvassing does not qualify as “general public political advertising or marketing.” The Commission has already recognized as much, at least impliedly, in Advisory Opinion 2024-04, which considered the Arizona Democratic Party’s proposed canvassing to elect Democratic candidates as “partisan get-out-the-vote efforts” that qualified as “campaign media spending” under A.R.S. § 16-971(2)(a)(vi). But unlike the Arizona Democratic Party—which specifically stated in its advisory opinion request that its planned expenditures would be undertaken with the “mission of electing Democrats” and canvassing would “support ... Democratic candidates[,]” Adv. Op. 24-04 at 2, 3, MLW Arizona’s canvassing does not qualify as partisan campaign activity.

Subsection (2)(a)(vi) reaches “*an activity or public communication that supports the election or defeat of candidates of an identified political party or the electoral prospects of an identified political party, including partisan voter registration, partisan get-out-the-vote activity or other partisan campaign activity.*” A.R.S. § 16-973(2)(a)(vi). MLW Arizona’s canvassing does not fall within this subsection.

⁶ In CCEC Adv. Op. 24-03, the Commission reasoned that while “the terms ‘clearly identified candidate’ were not defined in VRKA, they are defined in other federal and state laws.” *Id.* at 8. The Commission pointed to the federal definition of “clearly identified” in 52 U.S.C. § 30101(18) as similar in context to the use in VRKA. Further, the Commission cited the District Court of Arizona and its “expla[nation] how the language in the VRKA parallels federal standards[,]” including the federal definition of “electioneering communications” being the “relevant authority” to engage with for similar definitions. While the terms “clearly identified candidate” are defined in Arizona’s campaign finance law, the Commission and the District Court of Arizona referred to and relied on federal definition and interpretation to construe the technical term under VRKA. In another advisory opinion discussed further below, the Commission reasoned that, while the VRKA fails to specify an accounting system for compliance with recordkeeping requirements, the methods proposed by the requestor there were reasonable, in accord with VRKA and CCEC rules, and “consistent with permitted practices by the FEC.” *Id.* at 8. In CCEC Adv. Op. 24-05, where the media exception language of the VRKA was noted as indistinguishable from the exception under the Federal Campaign Finance Act, and VRKA did not have an articulated test for determining if a media exception applies, CCEC concluded the FEC test should apply based on VRKA’s statutory language, and so analyzed the AOR including evaluating FEC enforcement matters in this context. *Id.* at 6.

MLW Arizona paid for door hangers and palm cards distributed door-to-door in advance of the July 2024 primary elections, but without reference to either political party, or the opponents of the supported candidates. The canvassing was not furthering the “*election* or defeat of *candidates of an identified political party*” because none of the candidates were yet the nominee of the Republican Party. To the contrary, they were competing precisely to determine who would be *nominated* to represent the Party. Nor does canvassing during a primary election support “the electoral prospects of an identified political party,” because the Republican Party stood to win no elections in July.

The inapplicability of (2)(a)(vi) to primary activity is further evident in the fact that the VRKA *does* expressly reach certain “public communications” regarding primary contests. A.R.S. §§ 16-971(2)(a)(i) (defining “campaign media spending” to include “a public communication that expressly advocates for or against the nomination, or election of a candidate”); 16-971(2)(a)(iii) (“a public communication that refers to a clearly identified candidate within ninety days before a primary election until the time of the general election and that is disseminated in the jurisdiction where the candidate’s election is taking place”). The authors of the VRKA thus demonstrated acute awareness of the distinction between primaries and other elections; between “nomination” and “election.” This variation in the terminology is material and must be given effect. Courts “must avoid interpreting a statute so as to render any of its language mere ‘surplusage,’ but rather, must give meaning to ‘each word, phrase, clause, and sentence . . . so that no part of the statute will be void, inert, redundant, or trivial.’” *Herman v. City of Tucson*, 197 Ariz. 430, 434 (Ct. App. 1999); *see also City of Tucson v. Clear Channel Outdoor, Inc.*, 218 Ariz. 172, 183, (Ct. App. 2008) (must “avoid an interpretation that makes any language superfluous or redundant”) (internal quotations omitted). “Activity” that is *not* a “public communication” is only included as “campaign media

spending” where it is “partisan,” which means supporting the “election” of a candidate, as distinguished from supporting “nomination” in a primary.⁷

b. MLW Arizona Phone expenditures did not trigger VKRA reporting

MLW Arizona’s phone expenditures were “public communications,” but did not meet the statutory threshold triggering additional disclosure. The statute is triggered where a “covered person” spends \$50,000 or more in “statewide campaigns” or “\$25,000 or more during the election cycle in any other type of campaigns.” A.R.S. § 16-973(A). MLW Arizona spent approximately \$37,000 total in “public communications” by phone across several legislative primary elections (i.e., not statewide), but the total with respect to any one of those particular races was less than half the \$25,000 threshold – only \$12,481 each. The plain language of the statute is clearly read as imposing a threshold of \$25,000 *per non-statewide campaign*, not an aggregate threshold across all non-statewide campaigns.⁸

The Arizona Secretary of State’s own guide to the law confirms this interpretation. *See Exhibit B*, Sec’y of State, Voter’s Right to Know Act (VRKA): Guide to Arizona’s New Campaign Finance Disclosure Law. The Secretary of State describes the threshold as follows:

Statewide Campaigns: Any individual or entity spending \$50,000 or more on campaign media spending in support of or opposition to **a candidate, a recall election, or ballot measure** must disclose their spending ...

Other Campaigns: For campaigns not at the statewide level, the disclosure threshold is set at \$25,000 on campaign media spending for the same reasons described for statewide campaigns

⁷ Notably, the literature distributed by MLW Arizona’s canvassers does not mention or advocate an “identified political party.” *See, e.g., Exhibit A*. The word “Republican” does not appear on any of the door hangers or palm cards, nor does the word “Democrat,” nor any of their derivatives, nor any other party identifier. Even if the literature had used Party-identifying terms, it still would not transform a primary competition into a partisan competition, for the reasons stated above. But the fact such terms were absent serves to illustrate the lack of partisan nature of the activity.

⁸ And in a post-*Chevron* world, post-facto agency interpretations amongst equally reasonable interpretations of a statute may not be used as a regulatory cudgel.

Exh. B at 1 (emphasis added).⁹

MLW Arizona spent less than the threshold in each of these races and therefore did not trigger “covered person” status.

Even assuming, arguendo, that the text could be reasonably interpreted to impose an aggregate threshold of \$25,000, and assuming there was no regulatory guidance one way or the other promulgated before the activity at issue, the law would still have to be read in favor of Respondent and precluding enforcement. In *Fed. Election Comm'n v. Wisconsin Right To Life, Inc.*, the Court held that, because a communication could “reasonably be interpreted as something other than” the functional equivalent of express advocacy, it *must* be treated as such, rather than as coming within the regulation’s scope. 551 U.S. 449, 474 (2007) (“Where the First Amendment is implicated, the tie goes to the speaker, not the censor.”) This is especially true where the regulatory guidance supports Respondent’s interpretation.

c. AZ SOS filing software itself supports this reading because it failed to provide notice that any additional disclosure was required.

Political action committees (“PAC”) are required to file campaign finance reports, including a comprehensive periodic report on the regular schedule and supplemental independent expenditure reports or “Trigger Reports.” A.R.S. §§ 16-926(A), (H); 16-927(A); 16-941(D); 16-958. The Arizona Secretary of State (“SOS”) is the filing officer for a political committee engaging in statewide and legislative elections. A.R.S. § 16-928(A)(1). Comprehensive reports may be electronically filed using the SOS’s electronic filing system. A.R.S. § 16-928(C). Supplemental independent expenditure reports are required to be electronically filed, and the SOS software made available to committees “must accommodate such electronic filing.” A.R.S. § 16-958(E).

⁹ The \$25,000 threshold would make little sense as an aggregate limit across all non-statewide races. With 90 House and Senate seats in Arizona, a speaker would become a “covered person” by spending as little as \$277 in each race.

All campaign media spending reports under the VRKA are required to be electronically filed with the SOS. A.R.S. §16-973(H). PACs that become covered persons required to file VRKA reports are permitted to satisfy the reporting requirements under VRKA by filing the PAC's periodic reports, "provided that the disclosures required by [the VRKA] are included in those periodic reports," including identifying "original sources of traceable monies who gave, directly or indirectly, and any intermediaries who transferred, directly or indirectly, more than \$5,000 in traceable monies to [a] covered person during the election cycle." A.R.S. § 16-973(I).

The SOS electronic filing software, Beacon, generates and "publishes reports consistent with the statutory requirements from data input by each PAC." Office of the Secretary of State, Campaign Finance – Political Action Committee Guide, at 22 (Apr. 22, 2024). When a user enters information about a transaction into the Beacon system, the system logs the information, determines the relevant regular report the information should be disclosed on, and when the report filing period opens, generates a report for users to review and file. The tab for generated reports details the reporting period and filing due date. This method of operation is consistent whether a user is filing a regular report or a Trigger Report.

MLW Arizona, as it has done in the past, entered its transactions into Beacon with the expectation, and reliance thereupon, that any statutorily required reports would automatically be generated and appear for filing as they had before. All expenditures by MLW Arizona were entered into Beacon as independent expenditures, detailing all required parts including payee, amount, date, election date, whether the expenditure supported or opposed a candidate, the candidate, publication start and end dates, a category, and purpose description. All contributions were entered as receipts of contributions, detailing all required parts including the contributor's name, amount, and date.

During the primary election reporting period, Beacon failed to generate Trigger Reports, or *any* campaign media spending reports under VRKA. MLW Arizona entered the data as required, but no VRKA reports or special fields for VRKA-required information appeared in Beacon’s “reports” tab.

Beacon did not provide any other form of notice that a report would be due, what type of report, or when such report may be due. The SOS did not send any standard courtesy emails to MLW Arizona providing a friendly reminder that a filing period opened for a Trigger Report or campaign media spending report or that any such report was due by a specified date.

Not only did Beacon not generate a separate campaign media spending VRKA report for filing through its system, it did not allow a filer to enter the specific information required by VRKA. *See* § 16-973(1)-(6).¹⁰ This was another indication to a reasonable filer that nothing additional was expected based upon the data Respondent entered. Further, there is no option to enter a contribution or expenditure as a memo entry transaction, which would allow for the disclosure of multiple related transactions, including the chain-of-custody required by VRKA, without impacting the cash balance.¹¹

Operating under the exception for PAC filers meant not having to file separate VRKA reports but rather meeting the disclosure requirements by filing periodic reports. Yet Beacon did

¹⁰ There are no options to enter information relative to persons or entities controlled by persons that own or control any traceable monies, any custodian of transfer records, or the total amount of traceable monies a covered person holds. A.R.S. § 16-973(1)-(5). On presumably the receipt side, there is no way to separately enter or otherwise distinguish a contribution as being from an original source versus an intermediary or identify any person that makes up more than half of the traceable monies at the beginning of an election cycle. A.R.S. § 16-973(6)-(7), (9). On the disbursement side, there was no way to separately enter or otherwise distinguish or designate an expenditure as campaign media spending versus any other applicable expenditure reporting option available.

¹¹ For example, a covered person who receives a contribution of \$30,000 from an “intermediary” that was comprised of two “original monies” donations (say, \$15,000 each) would have to report the receipt from the intermediary (for purposes of the regular campaign report) but also the receipts from the original donors (to satisfy the VRKA). Without a memo entry option, the total contributions and cash balance disclosed will be inflated by \$30,000.

not appear to have a configuration to allow MLW Arizona to provide information outside the normal reporting process that would be relevant to additional VRKA information.

- d. Even if MLW Arizona decided to separately file VRKA reports during the primary period using the VRKA/Prop 211 portal within Beacon, the new filing software released for VRKA failed to accommodate the requirements for filing VRKA reports.**

The VRKA/Prop 211 portal in Beacon today is not what filers saw or experienced leading up to the primary election. SOS released a beta filing system (“Beta System”) within Beacon for VRKA reports under the VRKA/Prop 211 tab. The Beta System was visually and functionally different than the Beacon operating system. The Beta System was a web-based software using form fill-in fields for data entry. Data initially entered into Beacon did not pull into the Beta System, requiring filers to engage in duplicate data entry. The fields to complete only captured basic transaction information—selecting whether a transaction is a contribution or expenditure, contributor or payee name, address, date and amount of the transaction, and “details.” This specific information does not appear to be expressly required under the statute. Moreover, there were no fields to identify a candidate or office any expenditure related to nor indicate whether a transaction was supporting or opposing a candidate for that office, or to provide a purpose description regarding the transaction. Though not expressly required under statute, without the ability to detail the expenditures, filers are unable to attribute campaign media spending to candidates and demonstrate the relevant spending thresholds have been met or exceeded during the election cycle. Technically, and likely due to VRKA being a source of funds versus expenditure disclosure law, filers using the Beta System were, at least on occasion, unable to enter data into the Beta System that had a dollar amount of less than \$5,000, which corresponds to the contribution source disclosure requirement but makes expenditure disclosure impractical. A filer like MLW Arizona that makes a lump sum payment for an independent expenditure, in the amount of \$20,000 to

support or oppose a slate of ten candidates in equal amounts, may have been unable to breakdown the lump sum expenditure to ten entries of \$2,000 per candidate in the Beta System.

VRKA goes the distance to capture and require the disclosure of any conceivable form and source of money that finds its way into campaign media spending, yet there is no express requirement to disclose any type of expenditure or any details of any campaign media spending, not to a level required of a disbursement nor to the level required of an independent expenditure.¹² Arizona voters are provided extensive details regarding the sources of funds used for campaign media spending, giving them the impression they can make fully informed decisions. However, there is no requirement for providing extensive details regarding how those funds are actually spent, rendering the former information useless in understanding who is paying for what.

Similar to the Beacon system, as noted above, the Beta System did not prompt users to enter transaction information in a way consistent with the requirements under VRKA. Reviewing contemporaneously filed VRKA reports by others clearly demonstrates the Beta System failed to create data that actually comply with VRKA. For example, in a report filed by Arizona Taxpayers for a Secure Border, the report cover page shows the committee had total income of \$386,430.70.¹³

¹² A.R.S. § 16-973 (contains no express language regarding specific expenditure type or details required to be reported on a disclosure report); *see also* Voter’s Right to Know Act (VRKA): Guide to Arizona’s New Campaign Finance Disclosure Law, Section 4. Content of Disclosure Report and Conclusion, at 2, https://azsos.gov/sites/default/files/docs/VRKA_Guide.pdf (The guide states that “by mandating the disclosure of significant media expenditures, the law aims to provide voters with critical information about the financial influences shaping their elections.” In the Content of Disclosure Report section of the guide, there is no stated requirement to disclose any type of expenditure with any level of specificity, let alone a media expenditure.), *see* A.R.S. § 16-926(3) (committee reported disbursements must disclose “the recipient, the recipient’s address, a description of the disbursement and the amount and date of the disbursement); A.R.S. § 16-926(3)(l) (committees reporting independent expenditures must include the “identification of a candidate, office sought by the candidate, election date, mode of advertising, and distribution or publication date); A.R.S. § 16-926(H) (reporting for entities making an independent expenditure or ballot measure expenditure shall “identify the candidate or ballot measure supported or opposed, office sought by the candidate, if any, election date, mode of advertising and first date of publication, display, delivery or broadcast of the advertisement.)

¹³ Arizona Taxpayers for a Secure Border, VRKA Disclosure Report, State of Arizona, Jul. 9, 2024, https://apps.azsos.gov/files/vrka/2024/7.9.24_Arizona_Taxpayers_for_a_Secure_Border.pdf.

However, the report details page shows a series of transactions, and the total contributions disclosed on the report was \$205,000 and the total expenditures disclosed on the report was \$181,430.70. This is clearly misleading output from use of the Beta System—it does not allow users to actually comply with the law. Further, the form does not contain fields to allow the filer to distinguish between sources of original monies or intermediaries.

Use of the Beta System in operation during the relevant period MLW Arizona would have filed reports would not yield any greater information than contained on a comprehensive periodic report filed with the SOS using Beacon. The SOS's transition from the Beta System, just before the primary, but after MLW Arizona's spending concluded, to requiring filers to download, prepare newly formatted PDF forms, and submit them via email, supports the conclusion the Beta System would not have led to compliance with VRKA.

The information the Beta System was prompting users to include and what was generated on a report is was inconsistent with the VRKA disclosure requirements. If in fact the Beta System was able to produce reports that met disclosure requirements, and the vast trove of incorrect and inadequate reports submitted by numerous filers were the result of user error, the SOS did not appear to inform filers of how to use the Beta System (or Beacon) to accomplish the required filings. The SOS failed to provide adequate instruction and guidance on how PAC's that file comprehensive periodic reports and Trigger Reports should prepare for and file any required campaign media spending reports under VRKA, whether using Beacon, the Beta System, or other third-party software. There were no updates to the PAC Manual or Beacon User Guide to provide instructions and details about how to properly file any required VRKA report using the existing software or new Beta System.

Filers should not be faulted for noncompliance, as they were clearly hindered by the SOS's incompatible software, lack of proper instructions, and insufficient guidance on the new law's technical reporting requirements. The State cannot simultaneously demand compliance, fail to provide a reasonable method of compliance, and fault filers who relied on the State's lack of contrary indication their filings were correct.

IV. Even if MLW Arizona's expenditures did trigger VRKA reporting, the reports comply with the law.

For the reasons given above, MLW Arizona did not cross the threshold to become a "covered person." But, even if MLW Arizona's expenditures triggered the VRKA, Respondent's report timely disclosed all relevant donors in any event.

The statute requires "the identity of each donor of original monies who contributed, directly or indirectly, *more than \$5,000 of traceable monies . . . for campaign media spending* during the election cycle *to the covered person*[".]” A.R.S. § 16-973(A)(6) (emphasis added). MLW Arizona's Quarter 2 report (which was timely filed pursuant to A.R.S. § 16-973(I)) is complete and correct in disclosing the two contributions from Make Liberty Win. This is true for two independent reasons based on the plain text of the statute.

a. The plain text of the statute reaches only funds from a donor who intended the funds to reach the "covered person" and to be used "for campaign media spending" in Arizona.

"When interpreting statutes, [a court must] begin with the text." *In re Riggins*, 257 Ariz. 1, 544 P.3d 64, 67 (2024) (internal citation omitted). "We interpret statutory language in view of the entire text, considering the context and related statutes on the same subject." *Id.* "If a statute's text is plain and unambiguous, it controls unless it results in an absurdity or a constitutional violation." *Id.* Here, the text of the particular disclosure provision at issue (§ 16-973(A)(6)), both read by itself and in context, plainly and unambiguously incorporates a donor-intent element.

Starting with the particular provision, the text of § 16-973(A)(6) limits its application to donors of “original monies” who intended their funds would be used for campaign media spending in Arizona. This is clear from the grammatical structure of the subsection. It requires “the identity of each donor of original monies who contributed . . . more than \$5,000 . . . *for* campaign media spending . . . *to* the covered person.” A.R.S. § 16-1973(A)(6) (emphasis added). The dependent clauses—“for campaign media spending” and “to the covered person”—both refer to the subject, that is, the “donor . . . who contributed.” The *donor* who contributed must have contributed for a purpose (“campaign media spending” in Arizona), and, to a person (a “covered person”). The clause “directly or indirectly” clarifies the mere presence of intermediaries through which “original monies” travel to arrive at the “covered person” do not obviate the disclosure requirement. But that phrase itself cannot be read as if it negates the other elements present in the text.¹⁴

This is also consistent with, and effectuates, the express purpose and intent of the Act. Section 2 of the Act explains “the People of Arizona affirm their desire to stop . . . the practice of *laundering* political contributions, often through multiple intermediaries, *to hide the original source.*” VRKA Section 2.A.C. These references to laundering and hiding denote intentional acts affirmatively calculated to shield from disclosure those who nonetheless intended to fund campaign ads in Arizona. To this end, the Act aims to achieve the “public disclosure of the identity of all donors who give more than \$5,000 *to fund campaign media spending* in an election cycle

¹⁴ The cases considering various challenges to the VRKA thus far have not addressed the fact the statute itself requires earmarking, and instead have apparently assumed earmarking is not required by the text. For example, in *Center for Arizona Policy, Inc. v. Az. Sec’y of State*, __ P.3d __, 135 Az. Cases Digest 17, *1 (Ct. of Appeals Div.1, 2024), the court of appeals characterizes the statute as “requir[ing] a ‘covered person’ to disclose the original source of campaign donations exceeding \$5,000 used for ‘campaign media spending.’” (emphasis added). But that is not what the statute says. The statute requires the disclosure of those who “contributed . . . *for* campaign media spending . . . *to* the covered person.” (*Emph.* added). It is phrased with reference to the donor’s knowledge/intent, rather than the ultimate use of the funds irrespective of the donor’s intent. The plaintiffs in CAP did not address the plain text of the statute as Respondent does here, and instead appear to have assumed the statute reaches unearmarked contributions (see *id.* At *8 (para 40). Having not been argued by the plaintiffs there, these textual elements were understandably not addressed by the court.

and the source of those monies, regardless of whether they passed through one or more intermediaries.” VRKA Section 2.A. Indeed, the “donor opt-out” procedure mandated by § 16-972(B) and (C) would mean that, even if an “original monies” donor had not intended or authorized his funds for “campaign media spending” in Arizona when he relinquished control of the funds, he would *have* to provide such authorization (expressly or constructively) before they can be used for such purposes.¹⁵ As noted below, the opt-out requirement is a nefarious prior restraint on speech, and even an invasion of the property rights of entities with regard to their own funds. But even assuming a court ultimately recognizes the opt-out provision is unconstitutional and unenforceable, it would not change the fact that the disclosures required under § 16-973(A)(6), when read in isolation *and* in context of the entire VRKA scheme, include only those donors of original monies who intended or authorized their funds to be used for campaign media spending in Arizona. If a donor is not required to provide retroactive consent after receiving an opt-out notice, § 16-973(A)(6) still requires disclosure only of those donors who contributed more than \$5,000 “for campaign media spending ... to the covered person.”

Nobody contributed “original monies” (“business income or an individual’s personal monies”) to MLW Arizona (or Make Liberty Win, or YAL) “for campaign media spending” in Arizona. Accordingly, there are no additional donors Respondent was required to report. Donors give money to Make Liberty Win (or to Make Liberty Win’s largest organizational contributor, Young Americans for Liberty, Inc. (“YAL”)) for the respective purposes of those organizations, to be spent in the organization’s exclusive discretion, and such funds are not earmarked or

¹⁵ Such consent, under the VRKA, may be given affirmatively or impliedly, by failing to respond after the expiration of the 21-day waiting period. A.R.S. § 16-972(C) (“[T]he donor’s monies may not be used or transferred for campaign media spending until at least twenty-one days after the notice is provided or until the donor provides written consent pursuant to this section, whichever is earlier.”).

contributed for any particular purpose. YAL decides what modest percentage of the substantial general/unearmarked funds it receives annually it wishes to contribute to Make Liberty Win based on YAL's own decision making, without regard to whether Make Liberty Win will spend money in any particular state, election, or race. Make Liberty Win, in turn, considers the funds it receives from YAL and all other donors and decides for itself where it chooses to engage in political activity, and whether and how much to give to local political committees to do so. Make Liberty Win did not solicit any funds for use in Arizona generally, nor for campaign media spending in Arizona. Consequently, those who gave original monies to YAL and to Make Liberty Win did not earmark or intend for any funds to be used in Arizona "for campaign media spending," and such donors are therefore not required to be disclosed under the plain text of § 16-973(A).¹⁶

This straightforward textual reading, giving effect to all elements of the text rather than ignoring elements of the text, must be adopted to avoid an unconstitutional interpretation of the VRKA scheme, for two reasons. *See Hayes v. Cont'l Ins. Co.*, 178 Ariz. 264, 272, 872 P.2d 668, 676 (1994) (court should "construe[] statutes to avoid rendering them unconstitutional"). First, ignoring the intent-based elements of the text would violate due process. Second, if the statute is not read to require disclosure only of those "original monies" earmarked for use by the covered person for campaign media spending in Arizona, then the VRKA would unconstitutionally burden the desired disbursements of all affected parties (Make Liberty Win, MLW Arizona, and YAL) free exercise of their constitutional rights. As explained below, limiting the covered person's desired expenditures by (1) requiring them to secure the consent of donors *prior to* disposition of

¹⁶ Respondent acknowledges that a donation exceeding \$5,000 (individual or in the aggregate) to an intermediary that was earmarked to support "campaign media spending" in Arizona would be within the statutory description of what must be disclosed in a special report under 16-973(A)(6). But no "original monies" (given to Make Liberty Win federal committee or YAL) were actually earmarked for any "campaign media spending" in Arizona.

unencumbered funds already legally held by the recipient, and (2) requiring public disclosure of donors of un earmarked funds to groups that don't otherwise publicly disclose their donors (like YAL), imposes severe burdens on fundamental First Amendment rights, where time is often of the essence. These burdens would be unconstitutional, as explained below.

These serious constitutional problems may be avoided by simply respecting the textual limitations already present in the statute itself, which reaches only "original monies" earmarked *for* campaign media spending by the covered person.

b. Even setting aside the issue of intent, MLW Arizona's report is still complete because the funds received by MLW Arizona are comprised of sufficient "original monies" of \$5,000 or less to cover the amount(s) expended by MLW Arizona.

Even assuming, *arguendo*, that intent plays no role, MLW Arizona's Quarter 2 report already disclosed the "identity of each donor of original monies" who contributed "more than \$5,000 of traceable monies[.]" This is because, considering all funds in Make Liberty Win's accounts when it made its total of \$420,000 in contributions to MLW Arizona, including the \$3,000,000 Make Liberty Win had received from YAL on April 5, 2024, there were more than sufficient receipts of amounts of \$5,000 or less to support MLW Arizona's "campaign media spending," regardless of what the Commission considers to meet that definition.¹⁷ That is, whether the Commission counts only the \$37,000 in phone communications, or includes the canvassing expenses, for a total of \$389,178.60,¹⁸ no additional donor identities are required to be disclosed because sufficient below-threshold monies existed in MLW Arizona's account to pay for such

¹⁷ Respondent understands, based on representations made by YAL representatives, that, before YAL's \$3,000,000 contribution to Make Liberty Win, YAL held more than \$469,000 in funds from donations of \$5,000 or less.

¹⁸ YAL's contribution itself, therefore, contained sufficient below-threshold receipts to cover the entire amount of the original disbursements by MLW Arizona. MLW itself had substantial additional receipts of \$5,000 or less prior to its contributions in May and June to MLW Arizona, from other contributions made directly to, Make Liberty Win, including more than \$25,000 in interest earned and paid into its bank account before its contributions to MLW Arizona. Such interest income is allowed to a federal political committee and constitutes additional "original monies" available for allocation to the contributions made to MLW Arizona. *See* A.R.S. § 16-971(18).

expenditures. Neither the Federal Election Commission nor Arizona require a political committee to designate or use a particular accounting method. CCEC Adv. Op. 24-02 (concluding all three accounting methods proposed by the requestor as means of identifying which original monies went into a transfer, including allocation of funds without respect to order of receipt, would be reasonable and consistent with practices permitted by the FEC). The complainant’s allegation of insufficient disclosure, therefore, is simply his unfounded speculation. There were more than enough “original monies” of \$5,000 or less just within the funds received from YAL to support all of the expenditures.

Accordingly, because the funds held by Make Liberty Win—before it made its contributions to MLW Arizona—were comprised of funds from original donations under the threshold, there are no additional “original monies” to disclose. To the extent MLW Arizona was required to file a VRKA report, MLW Arizona’s report would mirror reports filed by other similarly situated organizations where the form field for the \$5,000 original monies entry is tagged “N/A”.¹⁹

V. Finding a Violation on These Facts Would Violate Due Process.

“A fundamental principle in our legal system is that laws must give fair notice of conduct that is forbidden or required.” *F.C.C. v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012) (“*Fox II*”). This principle “requires the invalidation of laws that are impermissibly vague.” *Id.* “Even when speech is not at issue, the void for vagueness doctrine addresses at least two connected but discrete due process concerns: first, that regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those

¹⁹ See Voters Right to Know Act Supplemental Report: Campaign Media Spending, MoveOn.org Political Action, filed September 23, 2024, https://apps.azsos.gov/files/vrka/2024/09232024_MoveOnorg_Political_Action.pdf.

enforcing the law do not act in an arbitrary or discriminatory way.” *Id.* (citing *Grayned v. City of Rockford*, 408 U.S. 104, 108–109 (1972)); *see also Connally v. General Constr. Co.*, 269 U.S. 385, 391 (1926) (“[A] statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law”). “When speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.” *Fox II*, 567 U.S. at 253-54. Due process precludes finding a violation here due to ambiguity inherent in several aspects of the VRKA regime.

a. Ambiguity in threshold to become a “covered person”

First, MLW Arizona had no reasonable notice, based on the text of the statute, that its activity would be construed as “campaign media spending” that could turn it into a “covered person” implicating additional, onerous disclosure and recordkeeping obligations. The Commission has already effectively recognized that canvassing is not a “public communication,” CCEC Adv. Op. 2024-04, and *primary*-phase canvassing is not an “activity” within the meaning of §16-971(a)(2)(vi) either, as explained in section III, above. The plain text clearly *omits* primary canvassing because surrounding provisions reflect the VRKA’s authors specifically denoted primary activity when they wanted to do so. That omission must be given effect; otherwise, the specific references to “nomination” as distinct from “election,” and specific treatment of “primary” activity, in other subsections would be mere surplusage. Further, even if “a reasonable doubt persist[ed]” after applying this ordinary canon of construction (it does not), the rule of lenity would require subsection (vi) to be read in Respondent’s favor. *See SCALIA & GARNER, READING LAW: THE INTERPRETATION OF LEGAL TEXTS* at 299 (West 2012).

Even if the text-message expenditures were “public communications,” they were under the threshold to make MLW Arizona a “covered person.” The Secretary of State’s own guidance—provided to the public to assist in compliance with the statute—describes the threshold as \$25,000 per non-statewide race. Respondent’s phone expenditures never met that threshold. Respondent certainly cannot be subject to enforcement where guidance promulgated by the state reflects that Respondent did not become a covered person.

“Those regulated by an administrative agency are entitled to know the rules by which the game will be played.” *United States v. AMC Entm’t, Inc.*, 549 F.3d 760, 768 (9th Cir. 2008) (quotations omitted). Agencies are to “provide regulated parties fair warning” of the conduct the agency “prohibits or requires” and cannot “unfair[ly] surprise” a regulated entity by penalizing it for actions taken in “good-faith reliance” on the agency’s prior positions. *Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 156-57 (2012) (quotation omitted); *see also ExxonMobil Pipeline Co. v. United States DOT*, 867 F.3d 564, 580 (5th Cir. 2017). An agency “must give the person of ordinary intelligence a reasonable opportunity to know” what is required or prohibited, so they may act accordingly. *United States v. 64,695 Pounds of Shark Fins*, 520 F.3d 976, 980 (9th Cir. 2008); *see also United States v. Chrysler Corp.*, 158 F.3d 1350 (D.C. Cir. 1998). The fair notice requirement applies not only to formal regulations issued by an agency, but also to an agency’s “other public statements,” including informal, internal, or non-binding policies, positions, and representations. *See Gen. Elec. Co. v. EPA*, 53 F.3d 1324, 1329 (D.C. Cir. 1995); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (internal agency procedures); *PHH Corp. v. CFPB*, 839 F.3d 1, 48 (D.C. Cir. 2016), *reinstated in relevant part en banc*, 881 F.3d 75, 83 (D.C. Cir. 2018) (nonbinding letter guidance); *ExxonMobil Pipeline Co.*, 867 F.3d at 579-580 (“extra-regulatory” source agency had previously endorsed numerous times); An agency acts arbitrarily

and capriciously when it fails to adhere to this “[r]ule of law,” *Circus Circus Casinos, Inc. v. NLRB*, 961 F.3d 469, 476 (D.C. Cir. 2020), and instead announces a new requirement at the same time it seeks to enforce it.

b. Due process requires giving effect to donor intent element in text of statute.

MLW Arizona also lacked sufficient notice its own activity in Arizona, undertaken without any earmarked contributions, could somehow (purportedly) require the public disclosure of its donors’ donors (and, potentially, its donors’ donors’ donors, ad infinitum). As explained above, a grammatically correct reading of the text of § 16-973(A)(6) includes donor intent as an element in determining which donors of “original monies” are required to be disclosed. Any reading ignoring the element of intent is inconsistent with the text and, *ipso facto*, contrary to due process. The actors here, including twice-removed, non-earmarked, far-in-advance contributor YAL—and beyond that YAL’s own unearmarked donors, had no notice of the requirement, and if it were to require disclosure, it would chill contributions to 501(c)(4)s (and others), restricting speech of entities who have their own rights. *Fox*, 567 US. 239 (2012).²⁰

* * *

Accordingly, the statute must be applied to avoid infringing the First Amendment rights of Respondent and related third parties, or it is unconstitutional.

The potential injury to Respondent and Respondent’s contributors would not arise merely in the case of a fine; *any* finding of a violation would constitute a harm violating due process. For the same reasons expressed by the Supreme Court in *Fox II*, severe reputational injury to MLW

²⁰ Respondent expressly asserts the First Amendment interests of YAL. While one must normally stand on one’s own rights, longstanding precedent recognizes the right of Respondent to assert the constitutional interests of affected parties here, including organizations who may be chilled from contributing to Respondent due to the prospect of disclosure of its contributors, as well as the burdensome accounting and recordkeeping requirements imposed on “intermediaries” transferring “original monies.” See *Sec’y of State of Md. v. Joseph H. Munson & Co., Inc.*, 467 U.S. 947, 955-58 (1984).

Arizona (and Make Liberty Win and potentially YAL) would result from any finding of wrongdoing. *See* 567 U.S. at 255. The Supreme Court recognized “findings of wrongdoing can result in harm to a broadcaster’s ‘reputation with viewers and advertisers,’” given the public nature of the business and the dissemination of the findings to interested or affected parties. *Id.* at 256. This interest is at least as pronounced here as it was in *Fox II*. The mere finding of a violation would also likely affect Respondent’s ability to fundraise and negatively affect the public’s perception and credibility of Respondent (whose identity will continue to be disclosed in any campaign communications disseminated in the future). *Id.* at 256 (“The challenged orders could have an adverse impact on Fox’s reputation that audiences and advertisers alike are entitled to take into account.”).

Principles of due process therefore foreclose any finding of a violation, with or without a fine, against MLW Arizona in the circumstances here.

VI. The VRKA Violates the First Amendment Facially and As-Applied.

The VRKA scheme violates the First Amendment both facially and as applied to Respondent.

a. The VRKA’s burdens are uniquely broad and severe.

If “traceable monies” are not limited to earmarked monies, the VRKA’s recordkeeping and reporting requirements present an accounting nightmare and limit protected activity both directly and indirectly.

The VRKA requires each “covered person” to “maintain transfer records.” A.R.S. § 16-972(A). “‘Transfer records’ means a written record of the identity of each person that directly or indirectly contributed or transferred more than \$2,500 of original monies used for campaign media spending, the amount of each contribution or transfer and the person to whom those monies were

transferred.” A.R.S. § 16-971(19). The burden imposed by this deceptively short provision is breathtaking given the definitions of the incorporated terms.

The covered person, of course, only receives funds from the last donor in a chain that may have included numerous prior transfers. But the VRKA obliges the covered person to maintain the “transfer records” *from the origin of so-called “original monies” to itself*, regardless of how many legitimate, good-faith, non-earmarked transfers occurred over an unbounded time period. This alone distinguishes the VRKA from the San Francisco ordinance upheld in *No on E v. Chiu*, where the panel emphasized the ordinance only required disclosure of donors two-levels removed from the spender in an on-ad disclaimer. 85 F.4th 493, 510 (9th Cir. 2023), *reh’g en banc denied, cert. denied*, 220 L.Ed.2d 10 (Oct. 7, 2024) (emphasizing that San Francisco’s ordinance “*does not have an unconstrained reach*”)²¹ The VRKA’s unlimited scope therefore sets far outside even the most demanding disclosure provision otherwise upheld in this Circuit—which itself nearly drew an *en banc* rebuke. *See id.* Under the VRKA, the last person donating to the covered person is saddled with the following burden:

Any person that donates to a covered person more than \$5,000 in traceable monies in an election cycle must inform that covered person in writing, within ten days after receiving a written request from the covered person, of the identity of each other person that directly or indirectly contributed more than \$2,500 in *original monies* being transferred and the amount of each other person's *original monies* being transferred.

²¹ The San Francisco ordinance is materially less burdensome than the VRKA regime in several ways. For one, look-through disclosures are only even potentially required up to two-levels removed from the “primarily formed committee” that runs a candidate or ballot measure ad, *No on E*, 85 F.4th at 497-98, not infinite levels, as with the VRKA. Second, the secondary committee *would be on clear notice when a contribution would implicate disclosure of its donors*, because the ordinance is only triggered if it contributes to a “primarily formed committee,” an entity expressly formed to engage in campaign activity. *Id.* (“a primarily formed committee ... is formed or exists primarily to support or oppose a single candidate, a single measure, a group of candidates being voted on in the same election, or two or more measures being voted on in the same election”).

A.R.S. § 16-972(D) (emphasis added); *see also* R2-20-801.C. In other words, the donor is required (somehow) to make a representation to the covered person of the provenance of all dollars constituting the funds provided, disclosing (what the statute considers) the original source of the funds as someone’s “business income” or “personal monies.” This means that if any of the funds constituting the monies transferred to the covered person came from any kind of nonprofit entity (in other words, it was not “business income” or “personal monies” when received by the last donor), then that last donor is required to look behind the corporate/associational entity from which it received the funds and demand from that entity “transfer records” identifying the source of “original monies.”²²

But how does the donor-to-the-covered-person determine which of its funds constitute the funds transferred to the covered person, so that it can know to whom such funds should be allocated? If the donor had five million dollars in its bank account on the date of its \$100,000 contribution to the covered person, it must have some way of allocating the funds to one or more sources that contributed to its account. The VRKA provides the Commission authority to “establish the records persons must maintain to support their disclosures.” A.R.S. § 16-974(A)(7). The Commission has issued a rule stating that “[a]ll records required to be retained ... shall be kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information.” R2-20-807.A. The Commission has set out certain baseline requirements for “reasonable” recordkeeping:

²² That § 16-972(D) obligates donors to look beyond the corporate identity of any person from whom it received the funds—and any prior intermediaries, *ad infinitum*—to warrant the source of the “original monies,” is confirmed by the fact that the statute requires identification of all intermediaries through which the funds passed in addition to the purported original source. That is, the next sentence in § 16-972(D) states: “[i]f the original monies were previously transferred, the donor must disclose all such previous transfers of more than \$2,500 and identify the intermediaries.”

The Commission has not adopted any particular accounting method or required a particular accounting method of persons subject to the Act. Generally, a method of maintaining records will be reasonable where it:

- A) allows a reasonable person to confirm the accuracy of the transactions the person had engaged in,
- B) requires a written record of transactions that is replicable by the appropriate personnel,
- C) is determined prior to engaging in a set of transactions by the person responsible for the transactions, set forth in writing and distributed to appropriate agents and employees, and adhered to by the responsible person, their agents and employees,
- D) includes appropriate records retention policies that are determined in advance of engaging in a set of transactions by the person responsible for the transactions, set forth in writing, distributed and adhered to by the appropriate agents and employees of the responsible person,
- E) remains consistent with respect to transactions in Arizona over time,
- F) does not create false reports or double count disclosures in any jurisdiction or otherwise invalidate the information,
- G) is not adopted, used or attempted to be used to evade the reporting requirements of the Act or the Commission’s rules promulgated pursuant to the Act.

CCEC Adv. Op. 24-02 at 2 (Jan. 2024).

At this point, one begins to understand that “maintaining records” in the way many organizations do—including many, or perhaps most, of the nonprofit entities and political committees that may be “intermediaries” in a chain—is woefully insufficient to meet the requirements of the VRKA. Copies of canceled checks received, bank statements showing the dates of all receipts including receipts by wire/ACH, will not allow one to comply with the VRKA’s recordkeeping and disclosure requirements even if the “intermediary” donor keeps meticulous records reflecting who contributed each and every receipt populating its bank statements. Instead, the entity must apply some kind of accounting method to be able to allocate in a “reasonable” and “confirmable” manner *particular receipts* with *particular disbursements*. The entity must be able to say that a disbursement of \$10,000 made on December 1 is considered

to be comprised of \$5,000 received from the Sierra Club on a particular date and \$5,000 received from YAL on a particular date.²³

This requires applying an accounting method to the activity in its bank account, such as “first in, first out” (FIFO) or “last in, first out” (LIFO). No matter the method used, it cannot be applied unless *every single receipt and disbursement is individually itemized* in a comprehensive format, such as a spreadsheet or accounting software. But even that is not enough, because the entity would still have to decide whether to apply cash or accrual accounting. Under cash accounting, the last disbursement leaving the account is considered to be the last item paid that was actually debited; accrual accounting would mean that the last item considered to have left the account was the last item for which an obligation to pay was incurred (such as by sending a check that hasn’t yet been deposited by the payee, or paying by debit card but before the charge is actually drawn from the account). And all of this must be “*determined prior to engaging in a set of transactions by the person responsible for the transactions, set forth in writing and distributed to appropriate agents and employees, and adhered to by the responsible person, their agents and employees.*” CCEC Adv. Op. 24-02 at 2. In other words, some method of accounting must be determined not just by the last donor to the covered person, but by *all* prior entities that transferred funds in the chain, *before such transfer was made.*²⁴

²³ Then, because those receipts came from entities and do not qualify as “original monies,” the donor must trace the Sierra Club’s and YAL’s funds back to “original monies,” thus requiring application of the same forensic accounting methods by each and every association in the chain of custody.

²⁴ The Commission has stated that cherry-picking receipts to allocate to a given transaction retroactively can be a “reasonable” method of accounting. CCEC Adv. Op. 24-02 at 7. Even if this method would suffice for an intermediary entity with isolated transfers at issue, it seems unlikely to be a practical method for any entity engaging in substantial transactions, especially because it cannot know ahead of time which of its funds might eventually end up triggering disclosures. So an organization like YAL would worried about compliance and cognizant of the expectation that its method be decided and promulgated *before any transactions* would still likely have to adopt FIFO or LIFO and remain consistent in order to avoid double-counting.

Unfortunately, to fully understand the practical task necessitated by the VRKA, one must dive yet deeper into accounting detail. Consider an entity—call it Immigrant Rights Institute—that holds a fundraiser at which it received 10 paper checks, each for \$10,000, on the same evening, all of which were deposited into its bank account in a single deposit the following day. Assume that such entity transfers \$10,000 to a covered person a month later, which the covered person uses for “campaign media spending.” To which of the Institute’s \$10,000 donors should the transfer be attributed? There are at least ten viable donors who could be tagged as the person funding the “campaign media spending”—none of whom intended to fund any such expense and merely supported the general good work of the Institute. The Commission has already stated that in such cases, “the statute and rule provide certain flexibility to those providing information to covered persons,” and the Institute could allocate the funds in its discretion, so long as it “maintain[s] an objective standard to support the reliability of that information.” CCEC Adv. Op. 24-02 at 7. The Institute could select any one of the \$10,000 donors and report such person’s identity to the covered person. *Id.* This scenario will be revisited below for its relevance to the VRKA’s relationship to the State’s purported interests in disclosure.

Whatever accounting principles are decided upon by the last donor (or any prior “intermediary”), all records must be maintained in writing in a confirmable format, and “[t]he donor”—not merely the covered person—“must maintain these records for at least five years *and provide the records on request to the commission.*” A.R.S. § 16-972(D) (last sentence; emphasis added). Donors of in-kind contributions to a covered person are responsible for the same forensic accounting applicable to any monetary transfers. *Id.* § 16-972(E). Importantly, “[f]ailure to maintain records in a reasonable manner may give rise to a *factual presumption against the person* in an enforcement proceeding or other action under Chapter 6.1 of Title 16.” R2-20-807(C)

(emphasis added). The VRKA states that “to determine the sources, intermediaries and amounts of indirect contributions received, a covered person may rely on the information it received pursuant to § 16-972, *unless* the covered person knows or has reason to know that the information relied on is false *or unreliable*.” A.R.S. § 16-973(D) (emphasis added).

The covered person must also devise and implement a system that allows for adequate reporting compliance. The covered person must review new inbound transfer records, in whatever volume and written form they take (email, spreadsheet, hard copy, etc.), cross reference with its existing transfer records and presumably calculate when any source of original monies aggregates to the reportable threshold of \$5,000.01 for the election cycle, and then determine how to technically report these transactions. Absent the use of accounting or compliance software, which can be costly, the covered person must undertake a significant administrative burden to develop a comprehensive compliance system. Practical compliance with VRKA means this is an undoubtedly daunting task for any covered person, even more so for smaller organizations or less sophisticated organizations.

While the statute frames the donor’s obligation as arising only upon written request from the covered person, § 16-972(D), this obligation may not be avoided. In the absence of an earmarking limitation, covered persons *must* request the transfer records to collect the “original monies” contributor information necessary for their “initial” and “supplemental” reports under the VRKA. A.R.S. §§ 16-973(A)(6)-(7), (B).

Opt-out and waiting period. Even assuming the requisite information is collected and properly maintained, the covered person is not free to disburse funds for “campaign media spending” without providing donors the ability to “opt out.” Specifically:

Before the covered person may use or transfer a donor's monies for campaign media spending, the donor must be notified in writing that the monies may be so used and

must be given an opportunity to opt out of having the donation used or transferred for campaign media spending. The notice under this subsection must:

1. Inform donors that their monies may be used for campaign media spending and that information about donors may have to be reported to the appropriate government authority in this state for disclosure to the public.
2. Inform donors that they can opt out of having their monies used or transferred for campaign media spending by notifying the covered person in writing within twenty-one days after receiving the notice.

A.R.S. § 16-972(B).

Commission regulation imposes specific form requirements for the notice, including font size; requires “a receipt [be provided] to the donor confirming the donor’s choice” upon request by the donor; and requires “[a]ny person responsible for providing the opt-out information” to “keep a record of when the information was provided and maintain all related records including the written notice for five years.” R2-20-803.B.3, C.

The statute says the covered person is prohibited from disbursing the funds for “at least 21 days after the notice is provided,” unless the donor responds earlier with affirmative assent. *Id.* § 16-972(C). While the statute seems to limit the covered person’s potential wait time to three weeks, a Commission rule extends the potential waiting period indefinitely. R2-20-803(E) (“A donor may request to opt out at any time after the initial notice period and the covered person must confirm the opt out to the donor in writing no later than 5 days after the request and subsequently that donor shall be treated as having opted out by the covered person.”).

b. Level of scrutiny

At least three distinct aspects of the VRKA regime violate the First Amendment. MLW Arizona challenges the recordkeeping obligations imposed upon covered persons and all other donors (§ 16-972(D)) and the donor-disclosure requirement of § 16-1973(A)(6).

Even if these requirements are properly categorized as “disclosure” obligations, strict scrutiny should apply, given the uniquely intrusive and boundless burdens imposed and because

they threaten disclosure of donors to “multi-purpose” organizations such as YAL.²⁵ However, it is unnecessary to belabor this complex issue here, because the VRKA also fails exacting scrutiny. *See Canyon Ferry*, 556 F.3d at 1031. “Exacting scrutiny demands that the government show that it has (1) a sufficiently important interest (2) to which the challenged regulations are substantially related and narrowly tailored.” *Smith v. Helzer*, 95 F.4th 1207, 1214–15 (9th Cir. 2024), *cert. denied sub nom. Smith v. Stillie*, No. 23-1316, 2024 WL 4805897 (U.S. Nov. 18, 2024) (citing *Ams. for Prosperity Found.*, 141 S. Ct. at 2383). “To withstand exacting scrutiny, the strength of the governmental interest must reflect the seriousness of the actual burden on First Amendment rights.” *Id.* at 1214-15 (internal quotations omitted). “Unlike strict scrutiny, however, ‘exacting scrutiny does not require that disclosure regimes be the least restrictive means of achieving their ends.’” *Id.* “Narrow tailoring in this context therefore ‘require[s] a fit that is not necessarily perfect, but reasonable; that represents not necessarily the single best disposition but one whose scope is in proportion to the interest served.’” *Id.* at 1215 (quoting *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 218 (2014)).

Respondent also challenges the opt-out notice requirement (§ 16-972(B)), which is a direct temporal prohibition on speech subject to strict scrutiny. “Laws that burden political speech are subject to strict scrutiny, which requires the government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.” *Ariz. Free Enterprise Freedom’s Club PAC v. Bennett*, 564 U.S. 721, 131 S. Ct. 2806, 2817 (2011).

- c. The VRKA’s disclosure requirements impose an unjustifiably severe burden on associational and speech rights out of proportion to any legitimate government interest.**

²⁵ *Canyon Ferry*, 556 F.3d at 1031.

“Campaign media spending” in the VRKA is vastly broader than the scope of “independent expenditures” or “electioneering communications” in federal law. The VRKA reaches beyond advertisements that are the functional equivalent of express advocacy for identified candidates, or even broadcast communications referring to identified candidates in very narrow time periods before elections. For example, it would include, without temporal limitation, any “partisan get-out-the-vote activity,” or any other “partisan campaign activity,” presumably including, e.g., paid distribution of yard signs that read “Vote Republican.” If a person exceeds the spending threshold, the VRKA requires the disclosure of the “identity of each donor of original monies who contributed ... more than \$5,000” for the effort. A.R.S. § 16-973(A)(6). If construed to reach “original monies” irrespective of donor intent, the provision would require disclosure of donors with no knowledge or meaningful connection to the “covered person” or any spending in Arizona, as explained further below.

d. The limited scope of the legitimate governmental interest in disclosure

Given the boundless scope of the VRKA’s look-through scheme, which threatens to publicize otherwise private donors far removed from any intent to have anything to do with Arizona or any notice that it may occur, it is necessary to review the limited scope of the government interest in compelling disclosure in the electoral context juxtaposed against the vast backdrop of associational activity affected.

The “Court has ‘long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others.’” *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 606 (2021) (quoting *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984)). “Protected association furthers ‘a wide variety of political, social, economic, educational, religious, and cultural ends,’ and ‘is especially important in preserving political and cultural

diversity and in shielding dissident expression from suppression by the majority.” *Id.* (quoting *Roberts*, 468 U.S. at 622). It is “hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association as [other] forms of governmental action.” *Id.* (quoting *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958)). As the Court has observed, “[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association,” and there is a “vital relationship between freedom to associate and privacy in one’s associations.” *Bonta*, 594 U.S. at 606. (quoting *NAACP v. Alabama*, 357 U.S. at 460, 462). Laws compelling disclosure (without imposing actual limits on speech or association) are therefore invalid unless they withstand “exacting scrutiny” under the First Amendment. *Id.* at 607 (plurality opinion) (quoting *Buckley*, 424 U.S. at 64). Exacting scrutiny requires that a law bear a “substantial relation” to the “sufficiently important” interests asserted by the state. *Id.* (quotation omitted).

Not every interest so qualifies. The Ninth Circuit, in its recent decision in *Canyon Ferry Rd. Baptist Church of E. Helena, Inc. v. Unsworth*, summarized these interests:

In *Buckley* and again in *McConnell*, the Supreme Court identified three “important” interests that justified campaign finance disclosure in the context of elections for federal office: (1) “providing the electorate with information, (2) deterring actual corruption and avoiding any appearance thereof, and (3) gathering the data necessary to enforce more substantive electioneering restrictions.” *McConnell*, 540 U.S. at 196 (citing *Buckley*, 424 U.S. at 67–68).

556 F.3d 1021, 1031 (9th Cir. 2009) (numbering added; some citations truncated).

The latter two interests are wholly irrelevant to Respondent’s activity in issue, which involves only independent expenditures. Respondent’s canvassing and phone expenditures here were undertaken independently from any candidates or officeholders. The anti-corruption interest is not implicated by such independent expenditures. *Citizens United*, 558 U.S. at 368. Nor is the interest in “gathering the data necessary to enforce more substantive” restrictions, because there

are no substantive limits (1) on independent expenditures in support of any candidate or (2) contributions toward independent expenditures. *See Canyon Ferry*, 556 F.3d at 1032 (“[T]he state disclosure requirements at issue in this case are evidently not substantially related to the third important interest: aid in enforcing “more substantive electioneering *restrictions*,” for no substantive limits on contributions or expenditures apply in the context of Montana’s ballot issues.”).²⁶

Accordingly, if Arizona hopes to justify the application of the challenged VRKA requirements to Respondent’s activity, it must be in service of the state’s informational interest. That interest is not unlimited. The Court in *Buckley* observed that disclosure of contributions “allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches.” 424 U.S. at 67. *Buckley* also noted that “sources of a candidate’s financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.” *Id.*

While these interests are most acutely served by disclosure of contributions made to a candidate’s campaign (directly or indirectly, e.g., for coordinated communications), the Court has recognized that this informational interest is also served, at least to some extent, by disclosure of contributions for independent expenditures or electioneering communications. With respect to such contributions by organizations who are not political committees, the Court has allowed event-based disclosures temporally related to the specific independent expenditures/electioneering communications, which include disclaimers noting the name of the organization that paid for the

²⁶ *AFP v. Meyer* errs in relying on the interest in “gathering information” to police other limits, 724 F.Supp.3d at 872, because there are no limits for the data to be relevant to, to the extent the statute reaches campaign media spending uncoordinated with the relevant candidate.

communication and a public filing to the Federal Election Commission disclosing—at most—those persons who contributed *directly to the entity funding the communication at issue*. In *McConnell v. FEC*, 540 U.S. 93, 197-98 (2003), the Court upheld a new disclosure provision of the Bipartisan Campaign Reform Act of 2001 (BCRA) requiring organizations or individuals funding more than \$10,000 in “electioneering communications” in a calendar year to disclose the identities of persons who contributed \$1,000 or more to the payor.

The provision at issue there—2 U.S.C. § 434(f), now located at 52 U.S.C. § 30104(f)—is the same statute that was later upheld in *Citizens United*, 558 U.S. at 368–71. *Citizens United* had objected to both the disclaimer and disclosure requirements of BCRA, arguing they should not apply to what *Citizens United* characterized as a “commercial advertisement” for its film about Hillary Clinton. The disclaimer provision (BCRA §311) required the electioneering communication to include a statement identifying *Citizens United* as the payor; the disclosure provision (BCRA § 201) called for the filing with the FEC identifying the contributors who gave more than \$1,000 to *Citizens United*. It was in this context that the Supreme Court observed that, “[e]ven if the ads only pertain to a commercial transaction, the public has an interest in knowing *who is speaking* about a candidate shortly before an election.” 558 U.S. at 369 (emphasis added).

Thus, the statute upheld in *McConnell* and again in *Citizens United* only required the identification of the names of contributors who gave more than \$1,000 *directly to the entity funding the electioneering communication*. This remains the furthest the Supreme Court has yet gone in upholding election-related disclosure requirements. Accordingly, under federal law, if an organization contributes to a sponsor of electioneering communications, *the organization itself* would be disclosed on the electioneering report required by 52 U.S.C. § 30104(f). Efforts to exploit the disclosure rules to hide the true source of contributions are addressed by means of an

earmarking rule requiring disclosure of the actual source of any earmarked transfer. *See* 11 C.F.R. § 110.6. These cases did not reach, and federal law does not require, the kind of look-through disclosures that would be required under the VRKA.²⁷

e. The VRKA bears no substantial relationship to any legitimate interest.

As shown above, Arizona can assert a legitimate interest in providing the electorate with information regarding contributions funding campaign communications to the extent that the information may tend to illuminate “*who* is speaking about ... candidate[s] shortly before an election,” *Citizens United*, 558 U.S. at 369 (emphasis added), or “alert the voter to the interests to which a candidate is most likely to be responsive,” *Buckley*, 424 U.S. at 67. *See also Buckley*, 424 U.S. at 67. (“A public armed with information about a candidate’s most generous supporters is better able to detect any post-election special favors that may be given in return.”); *Canyon Ferry*, 556 F.3d at 1034 (explaining that, “in the ballot issue context, the relevant informational goal is to inform voters as to ‘who backs or opposes a given initiative’ financially, so that the voters ‘will have a pretty good idea of who stands to benefit from the legislation’”) (quoting *Cal. Pro-Life Council, Inc. v. Getman*, 328 F.3d 1088, 1106 (9th Cir. 2003)). Compelled disclosure of unearmarked donations made to associations other than the “covered person,” which may have been given to such association for any number of legitimate purposes, bears no substantial relationship to *either* disclosing “who is speaking” or who might stand to benefit from a candidate’s election.

²⁷ After *Citizens United* cleared the way for corporations and unions to use their general treasury funds for express advocacy (and, of course, electioneering communications), making such expenditures more commonplace, the FEC promulgated a rule that clarified that entities were only required to disclose those who contributed “for the purpose of furthering electioneering communications.” 11 C.F.R. 104.20(c). This regulation was upheld as a reasonable linguistic interpretation of the statutory text in *Van Hollen, Jr. v. FEC*, 811 F.3d 486, 501 (D.C. Cir. 2016). The D.C. Circuit specifically noted as “significant” the FEC’s rationale that the purpose requirement is “narrowly tailored to address many of the commenters’ concerns regarding individual donor privacy.” *Id.* at 499 (quoting 72 Fed. Reg. at 72901).

Consider an individual (or a business) who donates \$10,000 in December 2024 to a 501(c)(4) like the Sierra Club (organization A) because they appreciate the Sierra Club's efforts to preserve a wooded area near the donor's home in Washington State. In January 2025, the Sierra Club contributes \$100,000 to another organization (B) because it appreciates B's research into environmental problems in Texas. In January 2026, that organization contributes \$125,000 to C, a federal political committee advocating preferred candidates in Democratic primary elections in targeted congressional districts throughout the country. Finally, in October 2026, the federal political committee (C) contributes to NARAL Pro-Choice America (D) to support its last-minute independent expenditures in favor of an unexpectedly strong candidate for Arizona Attorney General who promises to fight any federal effort limiting abortion funding.

In such a scenario, there would be no basis for believing the original contributor, who donated to an environmental nonprofit in response to specific, localized conservation efforts nearly two years earlier, also supported the Attorney General candidate in any meaningful way. More to the point: the donor is not interested in any decisions the Attorney General candidate might make as an officeholder, and the candidate would have no favor to possibly provide to such a donor, even if he knew the donor's identity (which he would not know, but for compelled disclosure under the VRKA).

Disclosing this out-of-state Sierra Club donor's identity to the Arizona public does not remotely, much less "substantially," help Arizona voters evaluate who the potential officeholder may be "responsive" to or who stands to benefit. In *Canyon Ferry*, the Ninth Circuit fully acknowledged disclosure of in-kind contributions of even a miniscule amount may serve *some* informational interest ("signals are transmitted ... not only by a contribution's size but also by the contributor's identity"), but still held that Montana's reporting requirement was not substantially

related to the interest because the financial value of the church’s contribution was so tiny that disclosing it *would not communicate meaningful information*. 556 F.3d at 1033 (“As a matter of common sense, the value of this financial information to the voters declines drastically as the value of the expenditure or contribution sinks to a negligible level.”). *Shelton*—cited approvingly in *Bonta*, 594 U.S. at 608-11—provides another textbook illustration of an excessive restriction. *Shelton* invalidated a state statute requiring teachers to disclose every organization to which they belonged or contributed, purportedly to allow the state to assess competence and fitness. 364 U.S. at 480, 485. *Shelton* observed that “[t]he scope of the inquiry required by [the law] is completely unlimited.... It requires [the teacher] to list, without number, every conceivable kind of associational tie—social, professional, political, avocational, or religious. *Many such relationships could have no possible bearing upon the teacher's occupational competence or fitness.*” *Shelton*, 364 U.S. at 488 (emphasis added).

Similarly, knowing the identity of the “original monies” donor, regardless how far removed, communicates nothing of value to Arizona voters when that donor’s money reached the “covered person” only because of the independent decisions of one or more entities that transferred their funds for their own purposes.²⁸

In fact, an often-overlooked portion of *Buckley* itself is particularly apposite here. *Buckley* upheld FECA’s reporting requirement in section 434(e), which required groups (or individuals) that engaged in a certain amount of “contributions” or “expenditures” “*other than by contribution to a political committee or candidate*” to file a statement with the FEC disclosing its relevant

²⁸ To be sure, this is not to suggest that Arizona voters have no legitimate interest in identifying donors just because they may reside out of state or whose original donation may have travelled through multiple “intermediaries.” But that “substantial relationship” is present primarily where a donor intends to funnel his or her funds to support the communications/activity at issue.

disbursement(s). 424 U.S. at 75-76 (emphasis added). But the Court only upheld the provision after imposing a limiting construction to avoid chilling protected activity. While the triggering terms, “contribution” and “expenditure,” were already defined to mean use of money or assets “for the purpose of influencing” the nomination or election of federal candidates, *Buckley* held it was dangerously vague to the extent it touched upon persons not themselves candidates or political committees. 424 U.S. at 76-77 (“In its effort to be all-inclusive ... the provision raises serious problems of vagueness, particularly treacherous where, as here, the violation of its terms carries criminal penalties and fear of incurring these sanctions may deter those who seek to exercise protected First Amendment rights.”). Absent a limiting construction, the terms could require disclosure of “groups engaged purely in issue discussion.” *Id.* at 79. Accordingly, *Buckley* observed that, when the maker of the expenditure at issue was not itself a candidate or political committee, “the relation of the information sought to the purposes of the Act may be too remote.” *Id.* at 80. The Court solved the potential overbreadth by construing “expenditure” for purposes of this disclosure statute to mean only funds used for express advocacy, a “reading ... directed precisely to that spending that is unambiguously related to the campaign of a particular federal candidate.” *Id.* In other words, *Buckley* limited the reach of 434(e) so that it required “statements” only by those whose independent spending unmistakably reflected their *intent* to affect an election.

The unwitting donors who contributed unearmarked funds to 501(c)(4)s like YAL, or the Sierra Club, are precisely like the spenders *Buckley* was apt to shield from the reach of FECA 434(e). Such donors, who give their funds to associations for charitable or other tax-exempt purposes—without intent or knowledge that the recipient may later donate to another group whose funds may eventually support “campaign media spending” in Arizona—may be chilled from their protected associational activity if they knew there was a chance that a decision by some remote

and unknown actor far down the line could require his or her identity to be blasted to the Arizona public. Bonta; MCFL. Alternatively, the donor may simply refuse consent in response to an opt-out notice, which would prevent disclosure but also would prevent the covered person from spending what is actually its own money on political speech. Whether through compelled disclosure or foregone spending, the VRKA severely burdens fundamental rights.

Just like the hypothetical issue-ad spenders in *Buckley*, a donation to YAL by someone who appreciates YAL's educational endeavors is "too remote" from the purposes served by the VRKA. 424 U.S. at 80; *Canyon Ferry*, 556 F.3d at 1033. And the VRKA is treacherously vague if it is construed to erase the donor-intent element. *See Buckley*, 424 U.S. at 80 (limiting statute to require disclosure only where spender engages in activity clearly indicating intent to speak about an election). Limiting § 16-973(A)(6) to earmarked donations would remove such ambiguity.

Nor is the VRKA substantially related to the interest in disclosing "who is speaking" about candidates close to elections. *Citizens United*, 558 U.S. at 369. Disclosing the Sierra Club's donor does not provide any relevant information to the Arizona public; instead, it affirmatively misleads them. The Sierra Club's funds only reached NARAL after the independent decisions of multiple associations disposing of their own funds in their discretion. Ignoring the independence of these associations and treating a covered person's "campaign media spending" as if it were the product of a far removed "original monies" donor distorts rather than illuminates "who is speaking."

The Supreme Court has repeatedly recognized voluntary associations have their own corporate identity as speakers in their own right, apart from their donors, despite sympathy of interests. In *California Medical Association v. FEC*, the Court squarely rejected the view that communications by a corporate-sponsored PAC are the speech of the corporation itself. 453 U.S. 182, 196 (1981) ("CALPAC instead is a separate legal entity that receives funds from multiple

sources and that engages in independent political advocacy. Of course, CMA would probably not contribute to CALPAC unless it agreed with the views espoused by CALPAC, *but this sympathy of interests alone does not convert CALPAC's speech into that of CMA.*") (emphasis added). *Accord Citizens United*, 558 U.S. at 337 ("A PAC is a separate association from the corporation. So the PAC exemption ... does not allow corporations to speak."); *Zimmerman v. City of Austin, Tex.*, 881 F.3d 378, 395 (5th Cir. 2018), *cert. denied*, 586 U.S. 1051 (following *CMA* to hold candidates engage in "independent political advocacy" with campaign contributions received in prior election cycle, rejecting City's argument the candidate's First Amendment rights to use prior-cycle contributions in his discretion were extinguished because the contributors may not continue to support him). The courts that rejected First Amendment challenges to the VRKA have correctly recognized that "[d]isclosure regimes aimed at identifying 'who is speaking' are only effective if the disclosures identify the speaker," *Ams. for Prosperity v. Meyer*, 724 F.Supp.3d at 871, but their assumption the "original source of funds," *id.*, is the relevant speaker is too casual, and it contradicts *CMA* and progeny. These cases refute the simplistic assumption that look-through disclosures serve to "identify the speaker."

In fact, when one understands the practical realities of the accounting required by the VRKA as summarized above, it is clear the VRKA does not in any substantial way actually disclose "who is speaking." The last donor-to-the-covered person, and indeed every intermediary along the way, must engage in what really amounts to generic accounting methods in an attempt to tie a donor name to a financial transaction. The "original monies" donor disclosed by an association would differ completely depending on whether the association used FIFO as opposed to LIFO, or even cash versus accrual accounting. And the illustration regarding the ten \$10,000 checks collected at a single fundraiser further demonstrates the disconnect. The association itself

has the flexibility to identify any one of the ten potential “funders” as the donor to the covered person. This bears zero relationship to informing the Arizona electorate who is funding campaign activity in Arizona. The decision to provide the funding was made by the association(s) in these examples, not the contributors to the associations.

While the public is affirmatively misled in a misguided attempt to serve the informational interest, these organizations (like YAL) that enjoy their own corporate identity and serve such a fundamental purpose recognized in decades of caselaw will have their entity status violated and their activities chilled. Public disclosure of anonymous donors to 501(c)(4)s like YAL and onerous recordkeeping requirements will chill their activity.

f. The VRKA is not narrowly tailored.

Even if disclosure of unearmarked donations removed by one or more levels from contributions to MLW Arizona *were* substantially related to the state’s informational interest, the law must also be narrowly tailored. “A substantial relation is necessary but not sufficient to ensure that the government adequately considers the potential for First Amendment harms before requiring that organizations reveal sensitive information about their members and supporters. Where exacting scrutiny applies, the challenged requirement must be narrowly tailored to the interest it promotes, even if it is not the least restrictive means of achieving that end.” *Bonta*, 594 U.S. at 609–10.

First, it is important to understand that Arizona cannot escape or minimize the narrow tailoring requirement by arguing that the VRKA-imposed burden is not sufficiently severe. It is the *breadth* of a challenged statute—the fact that it applies to a broad swath of protected activity—rather than its severity that requires narrow tailoring. *Bonta*, 594 U.S. at 610. Narrow tailoring means that “[t]he breadth of legislative abridgment must be viewed in the light of less drastic

means for achieving the same basic purpose.” *Id.* (quoting *Shelton*, 364 U.S. at 488). The state’s interest in informing the electorate as to the actual speakers behind “campaign media spending” can be addressed more effectively with much less damage to First Amendment rights.

For one, requiring disclosure of earmarked donations, regardless of how far removed from the covered person’s ultimate expenditures, would serve the interest. *See McCutcheon*, 572 U.S. at 222-23. Consistent with the statutory text as discussed above, the First Amendment problems can be avoided by simply reading the statute as it is: requiring disclosure only of contributions given by donors who intended that they reach a covered person to be used for campaign media spending in Arizona.²⁹

Arizona could also, at a minimum, limit look-through disclosures to “original monies” given in a more reasonable temporal window and/or going back through a more limited number of transfers rather than infinite transfers. *Cf. No on E*, 85 F.4th at 510-11 (provision at issue only required potential disclosure of “secondary committee” contributors two-levels removed from the spender). This is not to say that such measures would be constitutional themselves, especially where it may require disclosure of nonprofit donors who would otherwise not be disclosed and did not earmark. But they are options available to the state that could be explored. *See McCutcheon*, 572 U.S. at 221-23.

g. The opt-out notice requirement is a direct ban on spending and violates the First Amendment.

²⁹ The court in *Center for Arizona Policy v. Arizona Sec’y of State* rejects the argument that the disclosure requirement isn’t narrowly tailored because it isn’t limited to earmarked contributions. 2024 WL 4719050, *8-9. This analysis is not persuasive. The court relied on the fact that FECA’s electioneering-contributor disclosure requirement was upheld in *McConnell*, but that provision is far less intrusive than VKRA’s infinite look-through, as explained above. The provision at issue in *McConnell* only required disclosure of contributions made to the person *directly funding the electioneering communications*. *Center for Arizona Policy* also fails to reckon with Buckley’s holding that the original FECA independent expenditure “statement” requirement was narrowly construed to apply only to expenditures for express advocacy specifically to avoid ensnaring those exercising their rights in a simple disclosure requirement without some clear indication of intent by that person’s actions. Moreover, challengers in *Center for Arizona Policy* did not address the fact that donor intent is already required under the statute’s plain text.

All of Respondent's expenditures at issue were undertaken independently from any candidates or officeholders. Because such expenditures, as a matter of law, do not present a relevant corruption threat, Arizona has no legitimate interest in restricting them, with an opt-out notice-and-waiting-period or otherwise. Section 16-972(B) is unconstitutional for lack of any cognizable government interest.

As a matter of law, "[i]ndependent expenditures...do not give rise to corruption or the appearance of corruption." *Citizens United*, 558 U.S. at 357; *see also American Tradition P'ship, Inc. v. Bullock*, 567 U.S. 516 (2012) (per curiam) (summarily reversing judgment of state supreme court that state-specific evidence justified limits on independent expenditures); *SpeechNow.org v. FEC*, 599 F.3d 686, 696 (D.C. Cir. 2010) ("*Citizens United* holds that independent expenditures do not corrupt or give the appearance of corruption as a matter of law[.]"). Because independent expenditures do not corrupt, and because combatting corruption is the only cognizable interest sufficient to *restrict* campaign finances (as opposed from a true disclosure requirement that may indirectly impose a burden but not directly restrict spending),³⁰ as a matter of law, the State has no legitimate interest "burdening" them. Thus, § 16-972(B) is facially unconstitutional to the extent it restricts independent expenditures.³¹

Meyer's brief analysis of the opt-out provision should not give the Commission any confidence. *See* 724 F.Supp.3d at 873-74. The district court claimed that "the opt-out provision is straightforward":

³⁰ The only governmental interest sufficient to justify campaign finance restrictions is the prevention of *quid pro quo* corruption or its appearance. *Citizens United*, 558 U.S. at 359; *see also NCPAC*, 470 U.S. at 496-97 ("[P]reventing corruption or the appearance of corruption are the only legitimate and compelling interests thus far identified for restricting campaign finances.").

³¹ Respondent focuses its argument here on the unconstitutionality of the opt-out notice requirement to the extent it restricts independent expenditures, because that is all that is at issue in this particular enforcement matter. But the opt-out requirement cannot be constitutionally applied to restrict *any* type of activity regulated by the VRKA, and if litigation is necessary, Respondent will challenge it across the board.

If covered persons wish to use donations for campaign media spending, they can provide the required notice to their donors at the time of the donation. Alternatively, covered persons could provide the notice later and the donors could provide immediate written consent. Under either of these options, covered persons would be free to spend donations immediately. Because covered persons and their donors can easily avoid the 21-day period, the opt-out provision is not unduly burdensome.

Id. at 873. *Meyer* thus blithely claimed that, to the extent a covered person would have to sit silent for 21 days, “it would only come about because of decisions made by the ... covered persons, or their donors.” *Id.*

This analysis ignores the practical reality of the notice requirement and of political speech in general. *Meyer* simply assumes that the restricted “covered person” knew in advance that it would want to engage in “campaign media spending” in Arizona, and that it has direct and easy communication with “original monies” donors such that it could have collected the necessary information at the time or subsequently. *Meyer*, 724 F.Supp.3d at 873.

These assumptions are belied by the reality of political speech. Groups cannot be in “control” of the timing of this waiting period unless they can predict the political future. The Supreme Court has stressed the impossibility of predicting when political speech will be necessary. In *Wisconsin Right to Life*, the Court noted that “groups like WRTL cannot predict what issues will be matters of public concern during a future blackout period....WRTL had no way of knowing well in advance that it would want to run ads on judicial filibusters[.]” *FEC v. Wisc. Right to Life, Inc.*, 551 U.S. 449, 462 (2007) (Roberts, C.J., for the Court). “It is well known that the public begins to concentrate on elections only in the weeks immediately before they are held,” and “[t]he need or relevance of the speech will often first be apparent at this stage in the campaign.” *Citizens United*, 558 U.S. at 334. Spontaneous speech is often necessary because “the decision to speak is made in the heat of political campaigns, when speakers react to messages conveyed by others.” *Id.*; see also *Ariz. Right to Life PAC v. Bayless*, 320 F.3d 1002, 1009 (9th Cir. 2003) (providing

examples of necessary spontaneous speech in the course of striking down a 24 hour advance notice requirement for expenditures in final ten days before election).

Respondent did not know at the time it was collecting funds whether it would want to spend money in Arizona or for what purpose. *Meyer*'s blinkered analysis ignores this scenario, although it is actually far more common than the scenario the district court imagined. Established political organizations like Make Liberty Win are often fundraising year-round and only decide which specific races (or even states) to engage after the fact – sometimes only shortly before election day.

Given this reality, *Meyer* also wrongly assumes a covered person would have easy access to the supposed “original monies” donors. The VRKA’s infinite look-through regime means an entity that decides *after* fundraising that it wants to engage in “campaign media spending” in Arizona would have to try to piece this information together retroactively. The entity would not have collected the “transfer records” from every entity that gave it money at the time because it would have had no need for it. Even if the entity had anticipated it, the requests themselves would likely be met with a stunned disbelief. “Before you can accept my money, you need me to give you written representation of which specific donors’ contributions constitute the money we are providing you, which must be based on ‘reasonable’ accounting confirmable in writing?” Such requests for transfer records themselves would stifle fundraising, and quite understandably. Nonprofit entities are not in the business of providing a forensic accounting of which of their donors the transfer should be allocated to; it is a nonsense request (because funds are generally treated as fungible) that would require a stilted and generic accounting. Therefore, gathering the “transfer records” would have to be done retroactively, and in an infinite-lookback regime, there is no reason to believe it would even be *possible*, much less easy, to trace funds back to an original

source. The “original monies” could have been given to the Sierra Club two (or more) years ago, and the original recipient organization might not have the relevant contact information. Even if they do, the donor might have moved, or they might not be checking their mail often, or they might not be apt to answer a cold call from an unknown phone number. Or, they may be the funds of entities that wound down or individual donors who have since died. The whole regime is built upon fantastical assumptions that ignore political reality.³²

In sum, the requirement to secure (express or constructive) opt-outs from “original monies” donors imposes a hard ban on spending money until the entity is able to meet the requirements. This takes it from the realm of mere “disclosure” requirements to an external ban, because, unlike a disclosure requirement, which may prevent activity only if the regulated person does not want to comply with it, the opt-out imposes a waiting period even for a covered person vigorously attempting to satisfy it. *See Catholic Leadership Coal. of Tex. v. Reisman*, 764 F.4th 409, 435 (5th Cir. 2014).

These logistical difficulties presented by the opt-out requirement are matched by the fact that it also *substantively* degrades the covered person’s property rights over its own funds. Forcing an entity to sit on its own legally-held funds unless and until the supposed “original monies” donor consents to its political program effectively transforms the entity’s wholly-owned funds into some kind of community-held property where the donors are vested with veto power. This is contrary to the principles recognized in *CMA* and *Zimmerman*.

“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury,” and “the timeliness of *political* speech is particularly important.”

³² The plaintiffs in *Center for Arizona Policy Inc.* did not challenge the opt-out as an unconstitutional burden on speech for these reasons. *See* 2024 WL 4719050, *9.

Elrod v. Burns, 427 U.S. 347, 373, 374 n. 9 (1976) (emphasis added).³³ See *Citizens United*, 558 U.S. at 338-39 (recognizing that corporations had a right to speak immediately “to make [their] views known...in a current campaign” rather than be forced to establish a PAC). The opt-out notice requirement is unconstitutional because it does not serve any legitimate government interest, and it is therefore unnecessary to consider its tailoring.

VII. Potential Penalties Are So Excessive They Violate the Constitution.

The penalty provisions of the VRKA are so excessively severe in terms of potential dollar amounts assessed against respondents that it is unconstitutional. The Supreme Court has repeatedly held even standard reporting burdens to constitute cognizable burdens that chill First Amendment rights. *E.g.*, *FEC v. Mass. Citizens for Life, Inc.*, 479 U.S. 238, 254 (1986). The excessive fines possible under the VRKA chill fundamental activity and render it unenforceable against Respondent. See *Osterberg v. Peca*, 12 S.W.3d 31, 49 n.24 (Tex. 2000) (“Because we need not address the issue in this case, we leave open the issue of whether punishment for reporting violations can rise to the level of being so severe and so extreme that it amounts to an unconstitutional infringement of rights under the First Amendment.”)

VIII. Conclusion

Respondent respectfully suggests that no further action should be taken by the Commission.

³³ The statute first held unconstitutional as applied in *WRTL II*, 551 U.S. at 449, and then facially invalidated in *Citizens United* (along with the rest of 2 U.S.C. § 441b), *Citizens United*, 558 U.S. at 320-21, 337, 365, was a temporal ban. Section 203 of the Bipartisan Campaign Reform Act of 2002 (BCRA) had amended 2 U.S.C. § 441b to prohibit “electioneering communications,” which were defined as certain advertisements referring to a federal candidate and “made within 30 days of a primary or 60 days of a general election.” *Citizens United*, 558 U.S. at 320-21. The Court referred to § 441b as “an outright ban” on speech, and specifically offered several examples of electioneering communications that would “all be felonies” under the statute, calling their prohibition “classic examples of censorship.” *Id.* at 337.

Respectfully submitted,

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CITIZENS CLEAN ELECTIONS COMMISSION

IN THE MATTER OF § MUR 24-04
§
MAKE LIBERTY WIN ARIZONA, §
§
RESPONDENT §
§

VERIFICATION OF RESPONDENT

I, Elizabeth Curtis, declare as follows:

1. I am the Treasurer for Respondent Make Liberty Win Arizona.
2. I verify under penalty of perjury that the factual statements in the accompanying Response, filed today with the Citizens Clean Elections Commission, concerning Respondent and Respondent's finances, plans, and activities, are true and correct.

3. Executed in Burlington (county), N.J. (state).

Elizabeth Curtis
Printed Name: Elizabeth Curtis

Notary:

Kimberly Cino
12/23/2024

KIMBERLY CINO
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 50081404
MY COMMISSION EXPIRES APR. 30, 2028

Exhibit A

ELECT ROB



**ROB
HUDELSON**

ARIZONA STATE HOUSE - DISTRICT 16

**PROVEN
CONSERVATIVE
CHOICE FOR
ARIZONA!**

VOTE JULY 30TH

EARLY VOTING JULY 3RD - JULY 26TH

- ★ **KICKSTART OUR ECONOMY**
- ★ **PROTECT OUR GUN RIGHTS**
- ★ **DEFEND SCHOOL CHOICE**

ELECT ROB



ELECT ROB HUDELSON

**FOR STATE HOUSE
VOTE ON JULY 30TH**

Rob Hudelson is a true conservative that will not waver in the face of adversity. He is determined to protect your constitutional rights and make Arizona's communities safer. Rob Hudelson is the clear choice in Phoenix.



KICKSTART OUR ECONOMY

In this time of turmoil, it is important we revitalize our economy. Rob will fight to lower taxes and cut state bureaucracy. He believes that we are bankrupting future generations.



PROTECT OUR GUN RIGHTS

Rob prioritizes our right to bear arms and will defend Constitutional Carry. He will never compromise on our Second Amendment rights. Period.



DEFEND SCHOOL CHOICE

Rob understands the importance of investing in our kids, and giving parents greater input in their children's education, so that we can build a better system!

**A CONSERVATIVE STANDING ON FAMILY VALUES!
VOTE FOR ROB ON JULY 30TH!**

**Paid for by Make Liberty Win Arizona with
100% from out-of-state contributors.
Not authorized by any candidate or
candidate's committee. Major contributor:
Make Liberty Win (federal PAC)**



VOTE 
JULY 30TH

**John
Fillmore**
For House



**Wendy
Rogers**
For Senate

*The conservative duo
for Arizona!*

THE CONSERVATIVE DUO!

ELECT JOHN FILLMORE
FOR ARIZONA HOUSE AND
WENDY ROGERS FOR SENATE

District 7 deserves conservative leadership! John Fillmore and Wendy Rogers are the freedom-loving champions we need. On July 30th, vote for the conservative duo!



SCHOOL CHOICE

MEDICAL FREEDOM



ELECTION INTEGRITY

ON JULY 30TH, VOTE FOR THE CONSERVATIVE DUO!

Paid for by Make Liberty Win Arizona with 100% from out-of-state contributors. Not authorized by any candidate or candidate's committee.
Major contributor: Make Liberty Win (federal PAC)



VOTE 
JULY 30TH

**CORY
MCGARR**
FOR HOUSE



**RACHEL
JONES**
FOR HOUSE

**JUSTINE
WADSACK**
FOR SENATE



*The conservative trio
for Arizona!*

THE CONSERVATIVE TRIO!

RE-ELECT **CORY MCGARR AND RACHEL JONES**
FOR ARIZONA HOUSE
AND **JUSTINE WADSACK** FOR SENATE

District 17 deserves conservative leadership! Cory McGarr, Rachel Jones, and Justine Wadsack are the freedom-loving champions we need. On July 30th, vote for the conservative trio!



SCHOOL CHOICE

MEDICAL FREEDOM



ELECTION INTEGRITY

ON JULY 30TH, VOTE FOR THE CONSERVATIVE TRIO!

Paid for by Make Liberty Win Arizona with 100% from out-of-state contributors. Not authorized by any candidate or candidate's committee.
Major contributor: Make Liberty Win (federal PAC)



JOHN FILLMORE



For House Representative | 7th District

JOHN FILLMORE

House Representative for the 7th District of Arizona

★ KEEP TAXES LOW ★

★ DEFEND SECOND AMENDMENT ★

★ PROMOTE SCHOOL CHOICE ★

Paid for by Make Liberty Win Arizona with 100% from out-of-state contributors. Not authorized by any candidate or candidate's committee. Major contributor: Make Liberty Win (federal PAC)



RACHEL JONES



For House Representative | 17th District

RACHEL JONES

House Representative for 17th District of Arizona

★ KEEP TAXES LOW ★

★ DEFEND SECOND AMENDMENT ★

★ PROMOTE SCHOOL CHOICE ★

Paid for by Make Liberty Win Arizona with 100% from out-of-state contributors. Not authorized by any candidate or candidate's committee. Major contributor: Make Liberty Win (federal PAC)



WENDY ROGERS



For State Senator | 7th District

WENDY ROGERS

State Senator for the 7th District of Arizona

★ KEEP TAXES LOW ★

★ DEFEND SECOND AMENDMENT ★

★ PROMOTE SCHOOL CHOICE ★

Paid for by Make Liberty Win Arizona with 100% from out-of-state contributors. Not authorized by any candidate or candidate's committee. Major contributor: Make Liberty Win (federal PAC)



JUSTINE WADSACK



For State Senator | 17th District

JUSTINE WADSACK

State Senator for the 17th District of Arizona

★ KEEP TAXES LOW ★

★ DEFEND SECOND AMENDMENT ★

★ PROMOTE SCHOOL CHOICE ★

Paid for by Make Liberty Win Arizona with 100% from out-of-state contributors. Not authorized by any candidate or candidate's committee. Major contributor: Make Liberty Win (federal PAC)

Exhibit B



Voter's Right to Know Act (VRKA): Guide to Arizona's New Campaign Finance Disclosure Law

Overview

Arizona's Voter's Right to Know Act represents a significant change in the state's campaign finance landscape. The law aims to enhance transparency in political spending by mandating disclosure of substantial media expenditures in both statewide and other political campaigns. The key provisions and necessary filing requirements are as follows:

Key Provisions

1. Disclosure Thresholds:

- Statewide Campaigns: Any individual or entity spending \$50,000 or more on campaign media spending in support of or opposition to a candidate, a recall election, or ballot measure must disclose their spending, the source of the funding, and any intermediaries or entities or decide how the funds are spent.
- Other Campaigns: For campaigns not at the statewide level, the disclosure threshold is set at \$25,000 on campaign media spending for the same reasons described for statewide campaigns.

2. Campaign Media Spending Definition:

- Means spending monies for a public communication that promotes or opposes any election candidate, any public communication that supports or opposed any recall, initiative or referendum, or any other partisan campaign activity.
- Media spending includes expenditures for advertising on television, radio, print media, digital platforms, and other similar channels.

3. Disclosure Requirements:

- An Initial Report shall be filed within five (5) days after first spending monies or accepting in-kind contributions totaling \$50,000 or more for a statewide campaign or \$25,000 or more for any other type of campaign
- A Supplemental Report shall be filed within three (3) days after the covered person spends monies or accepts in-kind contributions for campaign media spending totaling an additional \$25,000 or more in statewide campaigns or an additional \$15,000 or more on during an election cycle in any other type of campaigns
- An Amended Report shall be filed within (20) twenty days when any of the information required to be disclosed in the Initial or Supplemental Disclosure Report has changed.

This rapid reporting is designed to ensure that the public is informed about significant campaign media spending and the identity of the donors, entities, campaign finance managers, and media responsible for the campaign media spending.

4. Content of Disclosure Report:

- The identity of the person who owns or controls the money being contributed.
- The identity of any entity established, financed, maintained or controlled by the person who owns or controls the money being contributed and that maintains its own transfer records.
- The name, address and position of the person who is the custodian of the transfer records.
- The name, address and position of the person who controls how the money is spent.
- The total amount of money donated or promised to be donated to the covered person for use or transfer for campaign media spending on the date the covered person makes the report.
- The identity of each donor of original monies who contributed, directly or indirectly, more than \$5,000 of money or in-kind contributions for campaign media spending during the election cycle to the covered person, and the date and amount of each donor's contribution.

4. Filing Report and Public Access:

- Disclosures should be filed with the Arizona Secretary of State's office by emailing a .pdf copy to campaignfinance@azsos.gov.
- The VRKA filing will be posted on the See the Money/Spotlight.

6. Enforcement and Penalties:

- The Citizens Clean Elections Commission is the primary agency to implement and enforce this law. The Commission is authorized to adopt and enforce rules, issue civil subpoenas, initiate enforcement actions, conduct fact-finding hearings and investigations, impose civil penalties for noncompliance and seek legal and equitable relief in court.
- The Citizens Clean Elections Commission may impose civil penalties to be at least as much as the amount of the improper contribution but not more than three times that amount and requires penalties to be deposited in the Clean Elections Fund to pay for implementing and enforcing campaign finance laws or for other Commission-approved purposes.

Conclusion

The Voter's Right to Know Act establishes that the People of Arizona have the right to know the original source of all major contributions used to pay, in whole or part, for campaign media spending. This right requires the prompt, accessible, comprehensible and public disclosure of the identity of all donors who give more than \$5,000 to fund campaign media spending in an election cycle and the source of those monies, regardless of whether the monies passed through one or more intermediaries. By mandating the disclosure of significant media expenditures, the law aims to provide voters with critical information about the financial influences shaping their elections.

Thomas M. Collins
Executive Director



**State of Arizona
Citizens Clean Elections Commission**

1110 W. Washington St. - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

**Via Email
MUR 24-06**

January 27, 2024

Andy Gaona
Coppersmith Brockelman PLC
2800 N. Central Ave.
Ste. 1900
Phoenix, Arizona 85004

Dear Mr. Gaona:

I am writing to notify you that I have dismissed this Complaint and provide the report required by Ariz. Admin. Code R2-20-811(F).

The Complaint

The Complaint is a claim that that Stand for Children Arizona IEC, an Arizona political committee, did not disclose the original sources of monies used for campaign media spending. *Id.* The Complaint argued that the because the source of funds disclosed is a 501(c)(4) organization, Stand for Children, Inc., and as such an organization that “almost always” acts as an “intermediary,” that is to say, not the original source of funds. *Id.* Therefore, the Complaint asserts that dollars that should have been disclosed are included on the committee’s campaign finance reports. Stand for Children Arizona IEC, Amended Post Primary Campaign Finance Report 2024), Arizona Secretary of State, Schedule C4b, *available at* <https://seethemoney.az.gov/PublicReports/2024/1F36C0A8-7A7A-4B43-B76C-8977F7145DE7.pdf>.

The Response

The Committee's response is two-fold.

- 1) The Response argues that the Complaint is insufficient to warrant any action at all. Response at 1. The Complaint does not lay out a prima facie case of a violation or allege that the Complainant has knowledge of the facts of the Complaint, according to the response. *Id.*
- 2) The Response next explains that there was no original source to disclose as the 501(c)(4) Stand for Children, Inc., provided the money from a "separate" investment account created in 2018 and the corporation could not determine a source beyond that and asked that the corporation be identified as the source. *Id.* at 2. Consequently, the Response concludes, the Committee did everything it could do to determine the original source of funds in reliance on the statements included in the response. *Id.*

Analysis

The allegations of the Complaint are not substantiated under this set of circumstances.

Stand for Children Arizona IEC is an Arizona political committee. It is closely associated with Stand for a Children, Inc., a Portland, Oregon based nonprofit corporation. The nonprofit Stand for Children, Inc. reported \$7,585,258 in gross receipts on its 2022 Form 990 filed with the I.R.S. in early 2024, including \$7,053,667 in revenue from contributions, gifts, grants and similar donations. *See* Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2022), available at https://apps.irs.gov/pub/epostcard/cor/522146673_202308_990O_2024041022353817.pdf. The nonprofit claimed \$30,595,634 in gross receipts on its 2021 Form 990 and identified revenue of \$30,188,301 in contributions, gifts, and grants and other similar donations. Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2021), available at https://apps.irs.gov/pub/epostcard/cor/522146673_202208_990O_2023052421302217.pdf.

Stand for Children, Inc. identifies an Arizona affiliate. <https://stand.org/people> (last checked January 27, 2025). The Vice President of State Operations identified on the website is the chair of the Committee. Stand for Children, Inc., has consistently donated to the Committee. For example, Stand for Children, Inc.'s 990s report contributions to "Stand for Children AZ IEC" to the IRS, in addition to the 2024 contribution at issue here. Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2022), available at

https://apps.irs.gov/pub/epostcard/cor/522146673_202308_9900_2024041022353817.pdf; Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2021), *available at* https://apps.irs.gov/pub/epostcard/cor/522146673_202208_9900_2023052421302217.pdf; *see, e.g.*, Stand for Children Arizona IEC, Post Primary Campaign Finance Report 2022, Arizona Secretary of State, Schedule C4b, <https://seethemoney.az.gov/PublicReports/2022/2F2E94FB-2AB1-403A-BC54-EEB0F7A4BFCA.pdf> (reporting \$671,250 from Stand for Children, Inc. in Q3 and \$921,383.70 for the cycle to date).

The nonprofit also reported general contributions to other organizations that purport to be political action committees or independent expenditure committees. Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2022), *available at* https://apps.irs.gov/pub/epostcard/cor/522146673_202308_9900_2024041022353817.pdf; Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2021), *available at* https://apps.irs.gov/pub/epostcard/cor/522146673_202208_9900_2023052421302217.pdf.

The “Stand for Children AZ IEC” identified on the nonprofit’s Form 990 shares an address with Stand for Children, Inc. *See, e.g.*, Stand for Children, Inc. Internal Revenue Service, Form 990, Return of Organization Exempt from Income Tax (2023), *available at* https://apps.irs.gov/pub/epostcard/cor/522146673_202308_9900_2024041022353817.

Here, the Complaint asserts that Stand for Children, Inc. receives substantial donations that, the Complaint claims, are presumably included in the donation Stand for Children Arizona IEC received during the election cycle. Complaint at 1. The Response, however, explains the Arizona IEC was told that the nonprofit could not determine the original sources of the money that was in a segregated election fund that was set up in 2018.

The Voter’s Right to Know Act provides that business income is an original source of an organization. A.R.S. § 16-971(12). Business income includes “[m]onies received by a person in commercial transactions in the ordinary course of . . . the person's regular investments.” A.R.S. § 16-971(1)(a). Here the establishment of an investment fund several years ago supports the inference that the nonprofit engages in commercial investments transaction in the ordinary course of its operations and that money is business income of the nonprofit. Different issues may arise where a

corporation set up a fund with donor monies after Prop. 211's enactment or commingled funds to avoid a required disclosure, or other factors.

Given the staff emphasis this cycle on compliance rather than penalizing good faith efforts to comply with the Act, the relatively limited facts provided in the Complaint, and the apparent attempt to comply with the Act's terms, dismissal of the Complaint is warranted.

Conclusion

For the reasons identified above, the Complaint is dismissed.

Thank you for your response in this matter. This letter, along with the Complaint and Response will be made available to the Commission as part of the Executive Director's Report at the next regular Commission meeting.

Sincerely,

S/ Thomas M. Collins

cc: Ryan O'Daniel

October 24, 2024

Clean Elections Commission
C/O Tom Collins
1110 W Washington St
Phoenix, AZ 85007

To Whom It May Concern,

On behalf of multiple Arizona candidates, I am filing a formal complaint against "Stand For Children Arizona IEC", [ref] Committee #201200658 ("Committee"), for the following:

1. Failure to provide the original source of campaign funding, and;
2. Failure to make required reports, both initial and supplemental, with the Arizona Secretary of State under the Arizona Voter's Right to Know Act.

As indicated in the campaign filings with the Secretary of State's office ([available Oct 23, 2024](https://seethemoney.az.gov/PublicReports/2024/8E25247F-A90F-46AB-B98E-4CC6D527828E.pdf) or <https://seethemoney.az.gov/PublicReports/2024/8E25247F-A90F-46AB-B98E-4CC6D527828E.pdf>), the organization has accepted contributions exceeding \$1,500,000 and expended Independent Expenditures to benefit and oppose candidates in various districts that exceed the required monetary threshold. However, the 'Committee' only lists one donor in their disclaimer, and Independent Expenditure filings with the Secretary of State: "Stand for Children, Inc.". The Committee is clearly attempting to circumvent existing law that requires disclosure of donations directly from individuals or businesses, as a 501c4 almost always acts as an "intermediary."

The Commission should consider the presumed intentional failure to abide by existing statute, not only in the initial filing required by law, but for each additional supplemental filing that the 'Committee' failed to report. Given the overwhelming monetary amount of contributions and expenditures by the committee, length of existence/operation in Arizona, and sophistication of the 'Committee', the Commission cannot accept ignorance as an excuse to file the statutorily required reports.

Please take appropriate action against the 'Committee' immediately. It is critical that dark money, and out-of-state special interests, reveal the original source of their funding under the Arizona Voter's Right to Know Act *and* make timely reports to the Secretary of State so the public can be made aware of the campaign activities by mega-donors impacting candidates for local office.

Thank you for your prompt attention to this matter.

Sincerely,

Ryan O'Daniel
(602) 332-2039
RyanO@Intrepidaz.com

VERIFICATION

State of Arizona)
) ss.
County of Maricopa)

I, Ryan O'Daniel, state that I have read the foregoing complaint and know the contents thereof by personal knowledge. I know the allegations of the complaint to be true, except any matters therein on information and belief, which I believe to be true.

Signed under penalty of perjury this 24th day of October, 2024.

Ryan O'Daniel
[Name]

[Signature]
[Signature]

Subscribed and sworn to before me this 24th day of October, 2024.

Veda M. Guillory
Notary Public Name

[Signature]
[Signature]

My Commission Expires: 18/28/2025



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BROCKELMAN
LAWYERS

DEC 7 11:54 AM CCEC

D. Andrew Gaona
agaona@cblawyers.com

PH. (602) 381-5486
FAX (602) 224-6020

2800 N. Central Avenue, Suite 1900
Phoenix, AZ 85004
CBLAWYERS.COM

December 6, 2024

Via Email and Hand Delivery

Thomas Collins
Executive Director
Citizens Clean Elections Commission
1110 West Washington Street, Suite 250
Phoenix, Arizona 85007
thomas.collins@azcleaselections.gov
ccec@azcleaselections.gov

**Re: MUR 24-06
Response of Stand for Children Arizona IEC**

Dear Tom:

We represent Stand for Children Arizona IEC (“Committee”) and write today in response to the baseless campaign finance complaint filed against it by Ryan O’Day (“Complaint”). As discussed below, the Citizens Clean Elections Commission (“Commission”) should dismiss the Complaint outright for failure to comply with Commission rules, or at the very least, find no reason to believe that a violation of law occurred and quickly close this matter.

The Complaint alleges that the Committee failed to disclose the “original source” of its contributions because the Committee’s disclaimer and campaign finance reports “list[] only one donor[:] Stand for Children, Inc.” From these unremarkable facts, the Complaint then proclaims that the Committee “is clearly attempting to circumvent existing law that requires disclosure of donations directly from individuals or businesses, as a 501(c)(4) almost always acts as an ‘intermediary.’” The Complaint cites no facts in support of this legal conclusion.

First, the Complaint doesn’t “recite[s] the facts that describe a violation of A.R.S. Title 1, Chapter 6.1 or these rules,” contain any relevant “supporting documentation,” or allege that Mr. O’Day has any knowledge (personal or otherwise) that the Committee violated the law. The Complaint is thus insufficient under A.A.C. R2-20-809(C), and further fails to even allege a *prima facie* violation of any relevant statute or rule. The Commission shouldn’t allow a complainant like Mr. O’Day to

Thomas Collins
December 6, 2024
Page 2

saddle the Committee with the burden of responding to mere “because I said so” allegations like those in the Complaint. Yet that’s all the Complaint contains. This is reason enough to dismiss the Complaint without any further action.

Second, should the Commission consider the Complaint’s substance, the Committee complied with the Voters Right to Know Act (“Act”) and its implementing rules. Here are the facts: on or about August 30, 2024, and September 24, 2024, Stand for Children, Inc. (“Contributor”) contributed \$750,000 to the Committee. On both occasions, the Contributor sent the Committee a letter authoring the Committee to use its contributions for “campaign media spending,” and further explained as follows:

The original source of these funds should be noted as Stand for Children, Inc. because they are from a segregated investment account set up in 2018. We are therefore unable to determine any other original source.

The donor of these funds should be noted as Stand for Children, Inc. on any public reporting or political disclaimers.

True and correct copies of these letters to the Committee are attached to this Response as **Exhibits 1 and 2**. Based on this information, the Committee filed all campaign finance reports required by law and included an appropriate disclaimer on all public communications it paid for.

On these facts, the Committee did everything the law requires of it by (1) obtaining written authorization to use the contributions for “campaign media spending,” (2) requesting and obtaining information about the “original source” of the contributed funds, and (3) then reasonably relying on that information when filing its campaign finance reports and crafting its disclaimer.

For all these reasons, the Commission should either dismiss the Complaint or close it after concluding there’s no reason to believe that the Committee violated any provision of the Act or its implementing rules. Please let us know if there’s any other information we can provide to bring a swift end to this matter.

Sincerely,



D. Andrew Gaona

VERIFICATION

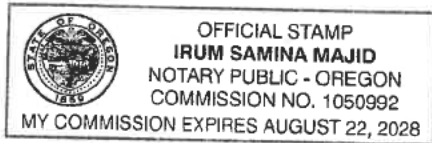
I, Kara Dahl, state that I have read the foregoing Response of Stand for Children IEC, MUR 24-06 (the "Response"). To the best of my knowledge, information and belief, the statements made in the Response are true and correct.

Kara Dahl

Kara Dahl

STATE OF OREGON)
)ss
County of Washington)

Subscribed and sworn before me this 4th day of December, 2024, by Kara Dahl.



Irum Majid

Notary Public

My commission expires: August 22, 2028

EXHIBIT 1



August 30th, 2024

Kara Dahl
Stand for Children Arizona IEC

RE: Contribution

Dear Kara,

Stand for Children, Inc. is contributing \$750,000 to the Stand for Children Arizona IEC. This contribution may be used for campaign media spending as defined by the Voters' Right to Know Act.

The original source of these funds should be noted as Stand for Children, Inc. because they are from a segregated investment account set up in 2018. We are therefore unable to determine any other original source.

The donor of these funds should be noted as Stand for Children, Inc. on any public reporting or political disclaimers.

[REDACTED]
Thresa Giles
Chief Financial Officer

EXHIBIT 2



September 24th, 2024

Kara Dahl
Stand for Children Arizona IEC

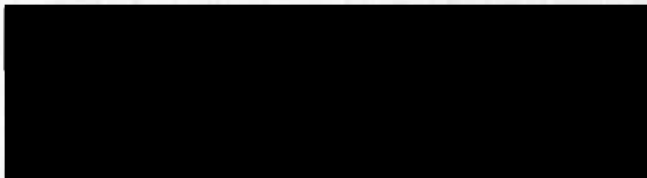
RE: Contribution

Dear Kara,

Stand for Children, Inc. is contributing an additional \$750,000 to the Stand for Children Arizona IEC. This contribution may be used for campaign media spending as defined by the Voters' Right to Know Act.

The original source of these funds should be noted as Stand for Children, Inc. because they are from a segregated investment account set up in 2018. We are therefore unable to determine any other original source.

The donor of these funds should be noted as Stand for Children, Inc. on any public reporting or political disclaimers.



Thresa Giles
Chief Financial Officer