



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

Virtual Meeting: Citizens Clean Elections Commission

Zoom Meeting: <https://us02web.zoom.us/j/82667067904>

Meeting ID: 826 6706 7904

One tap mobile: +1-346-248-7799,,82667067904# US

Commission Address: 1110 W. Washington, Suite 250, Phoenix,
Arizona 85007

Date: Tuesday, October 6, 2026

Time: 2:30 p. 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 October 6, 2026. **This meeting will be held at 2:30 p. m. This meeting will be held virtually. The Zoom meeting room will be open by 2:15 p. 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@azcleelections.gov.

The meeting may be available for live streaming online at <https://www.youtube.com/c/AZCCEC>. You can also visit <https://www.azcleelections.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

<https://us02web.zoom.us/j/82667067904>

Meeting ID: 826 6706 7904

One tap mobile

[+1-346-248-7799](tel:+13462487799),,82667067904# US

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. Review, Consideration, Discussion, Analysis and Possible Action on Requests to Quash Subpoena Duces Tucem, by Risa Lombardo, participating candidate for Governor and Duwayne Collier, participating candidate for Secretary of State, including a potential invitation to hear arguments related to the Requests, and Executive Director's request for Extension of Investigation.

The Commission may vote to go into Executive Session, which will not be open to the public for legal advice or discussion or consultation with its attorneys in order to consider its position and instruct its attorney regarding its position in pending or contemplated litigation. A.R.S. § 38-431.03(A)(3), (4).

- III. Review, Consideration, Discussion, Analysis and Possible Action, on litigation involving Risa Lombardo and Duwayne Collier, which now includes lawsuits at both Maricopa County Superior Court, No. CV2026-037740, and Arizona Court of Appeals Division One, No. 1 CA-SA 26-0368.

The Commission may vote to go into Executive Session, which will not be open to the public for legal advice or discussion or consultation with its attorneys in order to consider its position and instruct its attorneys regarding its position in pending or contemplated litigation. A.R.S. § 38-431.03(A)(3), (4).

IV. 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.

V. 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 5th day of October, 2026
Citizens Clean Elections Commission
Thomas M. Collins, Executive Director



State of Arizona
Citizens Clean Elections Commission
1110 W. Washington - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602)
364-3487 - www.azcleelections.gov

Via E-Mail

September 30, 2026

Clean Elections Commissioners
C/O William Richards & Samantha Fox
Richards and Moskowitz
1850 N. Central Ave., Suite 2010
Phoenix, AZ 85004

Re: Objections to Subpoena Duce Tecum from Lombardo and Collier

Dear Commissioners, Mr. Richards and Ms. Fox:

Last week we received a timely objection to a subpoena for documents that I issued and served upon candidates Lombardo and Collier. Exhibit 1. I request that the Commission meet as soon as possible to hear Mr. La Sota's objections. For the reasons stated below, I do not believe that the objections are valid and recommend that the Commission reject them.

1. Background

Subpoenas were served on Lombardo and Collier on September 16. Exhibit 1. The subpoenas sought records related to their campaigns, including information on vendors and subvendors the campaigns used, the campaigns' handling of qualifying contributions and related documentations, and similar documents. Commission rule provides that a participating candidate agrees that the candidate:

Has the burden of proving that expenditures made by or on behalf of the candidate are for direct campaign purposes;

Will keep and furnish to the Commission all documentation relating to expenditures, receipts, funding, books, records (including bank records for all accounts), and supporting documentation and other information that the Commission may request;

Will permit an audit or examination by the Commission of all receipts and expenditures including those made by the candidate. The candidate shall also provide any material required in connection with an audit, investigation, or examination conducted by the Commission. The candidate shall facilitate the audit by making available in one central location, such as the Commission's office space, records and such personnel as are necessary to conduct the audit or examination, and shall pay any amounts required to be repaid[.]

A.A.C. R2-20-104(C)(5)-(7).

To that end:

All participating candidates shall retain records with respect to each expenditure and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years, and shall present these records to the Commission on request.

A.A.C. R2-20-703(A)(2).

2. The Objection

On September 24, we received a letter from Mr. La Sota timely objecting to the subpoenas. The upshot of the objection is:

The subpoena should be quashed altogether because its breadth and short timeframe for compliance demonstrates obvious retaliation against my clients for criticizing the Commission and its Executive Director and seeking a redress of grievances in Court through the Special Action.

Exhibit 2 at 1. He also suggested that the subpoena wait until the then pending special action in superior court was resolved. *Id.*

Mr. La Sota and my counsel engaged in substantial discussion about the scope of the objection. Exhibit 3. Mr. La Sota also asserted that Collier had not been served, but subsequently we were able to resolve that issue. *Id.*

Mr. La Sota finally indicated in an email September 29 that his clients would be amending their campaign finance reports and that “[t]hat should supply what I feel is an appropriate response to the subpoena.” Exhibit 4.

3. Staff Response

The objection is wholly inadequate. First, its general claim of overbreadth is unsustainable in view of Collier and Lombardo’s sworn voluntary agreement to comply with program requirements, including the provision of financial records of their campaigns.

Mr. La Sota indicated he was considering identifying some “specific areas” of overbreadth in a September 25, but he never provided such specificity. Exhibit 5.

Additionally, Mr. La Sota’s claims of retaliation are nonsense. First, he asserts his clients’ have “criticiz[ed] the Commission and its Executive Director.” Exhibit 2 at 1. I am not aware of any such criticism by the candidates. I suppose Mr. La Sota means to say his conspiratorial prattling should be A) taken seriously and B) ascribed to his clients. Neither position serves his clients, but even then, there is no evidence linking his behavior to the subpoena.

Mr. La Sota similarly suggests that the subpoena is retaliation for filing the special action. *Id.* Again, there is no evidence to support this claim.

The subpoena is tailored directly to the issues I have already noticed to Mr. La Sota’s clients and is grounded in the express terms to which they agreed.

Furthermore, Mr. La Sota’s assertion that he will amend campaign finance reports in response to the subpoena is not nearly adequate. His clients have also refused to provide subvendor information to the Commission’s auditors, leaving their accountant apparently without access to information requested under the audit. Exhibit 5.

4. Request for extension due to Mr. La Sota’s tactics

At this point, it is quite clear that Mr. La Sota is committed to a bilious and dilatory course of conduct on behalf of his clients. He then seeks to leverage his conduct in his representations to judicial officers. Exhibit 6 at 8-9.

The objection here is without merit and would be subject to a motion to strike if it were a pleading in Superior Court. *See* Ariz. R. Civ. P. 12(f) (“The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”).

Consequently, I am requesting the Commission expand the time for me to return to the Commission through the end of the calendar year.

5. Conclusion

For the reasons stated above, Mr. La Sota’s objections should be rejected.

Sincerely

Thomas M. Collins
Executive Director

cc: Tim La Sota
Counsel for Risa Lombardo and Duwayne Collier
2198 E. Camelback Road, Suite 305
Phoenix, AZ 85016

Paula Thomas
Executive Office
Arizona Citizens Clean Elections Commission
Mail and Deliver Address
1802 W. Jackson St. #129
Phoenix, AZ 85007

Exhibit 1

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**THE STATE OF ARIZONA
ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION**

In the Matter of:

Risa Lombardo
Duwayne Collier
Scott Neely

SUBPOENA DUCES TECUM

TO:

Risa Lombardo


YOU ARE HEREBY REQUIRED, pursuant to A.R.S. § 16-956(B) and R2-20-211(A), to produce and permit inspection and copying of, all Documents in your possession, custody, or control as requested herein to the Arizona Citizens Clean Elections Commission. *See* A.R.S. § 16-956(B); A.A.C. R2-20-211. As a participating candidate, You are also required to retain records with respect to each campaign expenditure and receipt for three years and to present those records to the Commission on request. *See* A.A.C. R2-20-703(A)(2). This information is requested in connection with an inquiry authorized pursuant to A.R.S. § 16-956(A)(7) and A.A.C. R2-20-704.

TIME AND DATE OF PRODUCTION: On or before 5 p.m., September 25, 2026

PLACE OF PRODUCTION: Clean Elections Commission Main Office
1110 W. Washington, Ste. 250
Phoenix, Arizona 85007

1 This Subpoena Duces Tecum requires that you produce the following materials:

2 **General Definitions**

3 1. The words “and” and “or” and any other conjunctions or disjunctions
4 shall be read both conjunctively and disjunctively, so as to require the enumeration of
5 all information responsive to all or any part of each request in which any conjunction
6 or disjunction appears.

7 2. The words “any,” “each,” and “all” shall be read to be all-inclusive and
8 to require the enumeration of each and every item of information responsive to all or
9 any part of each request in which such term appears.

10 3. The term “Bootstrap Campaigns” means Bootstrap Campaigns, Inc.,
11 and any past and/or present affiliates, subsidiaries, agents, employees, attorneys,
12 and/or all other persons acting on behalf of one or more of them, including Chris Silva,
13 David Wilson and Bryan McPartlan, and should be construed as broadly as possible to
14 allow as complete and thorough a response to this Subpoena as possible.

15 4. The term “Bruce Gorshe” means Bruce Gorshe and any past and/or
16 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
17 acting on behalf of one or more of them, and should be construed as broadly as
18 possible to allow as complete and thorough a response to this Subpoena as possible.

19 5. The term “Communications” means the act or fact of communicating,
20 whether by electronic, oral, typed, or handwritten correspondence, by telephone, by
21 meeting, by recorded meeting or interaction, or during any other occasion of joint or
22 mutual presence, as well as the transfer of any Document from one to another.

23 6. The terms “Document” and “Documents” mean and includes (a) all
24 Communications, and (b) all hard copies or media on which information is recorded
25 or stored, including all writing, printed matter, or electronically stored information of
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1 any kind, including the originals and all non-identical copies and drafts, whether
2 different from the originals by reason of any notation made on such copies or
3 otherwise, including, any e-mails, text messages, letters, correspondence, telegrams,
4 cables, telex messages, facsimiles, tweets, internet sites, social media activity (including,
5 without limitation, on sites such as Facebook, LinkedIn, Twitter, YouTube, and
6 Instagram), blogs, ListServes, substacks, message boards, or other electronic messages,
7 memoranda, records, minutes, contracts, recordings or memoranda of telephone or
8 personal conversations or conferences, interoffice messages, photographs, microfilm,
9 microfiche, tape recordings, bulletins, studies, summaries, analyses, notices, computer
10 runs and any codes necessary to comprehend such runs, books, pamphlets, brochures,
11 periodicals, charts, graphs, indexes, blueprints, diagrams, drawings, drone or similar
12 data collection, and any other written, printed, typed, recorded, or graphic matters of
13 any nature whether produced or reproduced.
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15 7. The term “Duwayne Collier” means Duwayne Collier, Collier for
16 Arizona, his candidate committee, and any past and/or present affiliates, subsidiaries,
17 agents, employees, attorneys, and/or all other persons acting on behalf of one or more
18 of them, and should be construed as broadly as possible to allow as complete and
19 thorough a response to this Subpoena as possible.

20 8. The term “Gigs AZ, LLC,” means Gigs AZ, LLC and any past and/or
21 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
22 acting on behalf of one or more of them, and should be construed as broadly as
23 possible to allow as complete and thorough a response to this Subpoena as possible.

24 9. The term “O’Neil” means O’Neil Printing, Inc. and any past and/or
25 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
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1 acting on behalf of one or more of them, and should be construed as broadly as
2 possible to allow as complete and thorough a response to this Subpoena as possible.

3 10. The term “OVI” means OVI 99.1 FM LLC and any past and/or present
4 affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on
5 behalf of one or more of them, and should be construed as broadly as possible to allow
6 as complete and thorough a response to this Subpoena as possible.

7 11. The term “Risa Lombardo” means Risa Lombardo, Lombardo for AZ,
8 Lombardo for Arizona, her candidate committee, and any past and/or present
9 affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on
10 behalf of one or more of them, and should be construed as broadly as possible to allow
11 as complete and thorough a response to this Subpoena as possible.

12 12. The term “Scott Neely” means Scott Neely, Neely for Arizona
13 Governor, Neely for Arizona, his candidate committee, and any past and/or present
14 affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on
15 behalf of one or more of them, and should be construed as broadly as possible to allow
16 as complete and thorough a response to this Subpoena as possible.

17 13. The term “Tai Wu” means Tai Wu and any past and/or present affiliates,
18 subsidiaries, agents, employees, attorneys, and/or all other persons acting on behalf of
19 one or more of them, and should be construed as broadly as possible to allow as
20 complete and thorough a response to this Subpoena as possible.

21 14. The term “Uncle Sam” means Uncle Sam Petitions, LLC and any past
22 and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other
23 persons acting on behalf of one or more of them, and should be construed as broadly
24 as possible to allow as complete and thorough a response to this Subpoena as possible.
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1 15. The term “Christopher Silva” means Christopher Silva and any past
2 and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other
3 persons acting on behalf of one or more of them, and should be construed as broadly
4 as possible to allow as complete and thorough a response to this Subpoena as possible.
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6 16. The term “Jose Acuna” means Jose Acuna and any past and/or present
7 affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on
8 behalf of one or more of them, and should be construed as broadly as possible to allow
9 as complete and thorough a response to this Subpoena as possible.

10 17. The term “Bryan McPartlan” means Bryan McPartlan and any past
11 and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other
12 persons acting on behalf of one or more of them, and should be construed as broadly
13 as possible to allow as complete and thorough a response to this Subpoena as possible.

14 18. The term “David Wilson” means David Wilson and any past and/or
15 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
16 acting on behalf of one or more of them, and should be construed as broadly as
17 possible to allow as complete and thorough a response to this Subpoena as possible.

18 19. The terms “You” and “Your” mean Risa Lombardo, as defined above,
19 and should be construed as broadly as possible to allow as complete and thorough a
20 response to this Subpoena as possible.

21 20. All pronouns shall mean the masculine, feminine, or non-gender and
22 singular or plural as in each case may be appropriate.

23 21. Any word used in this Subpoena not otherwise defined should be given
24 the definition given that word in a standard English language dictionary.
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2 **Instructions**

3 1. The time period for all Documents requested is November 6, 2024
4 through the present. You need only search your records through this time period.

5 2. You must divulge all information in the recipient's possession, custody
6 or control regardless of the source.

7 3. You must furnish all information available to the recipient, including
8 hearsay, and not merely information based upon personal knowledge.

9 4. If You withhold any Document based on a claim that the Document
10 sought by this request is privileged or protected from discovery, then please comply
11 with Arizona Rule of Civil Procedure 45(c)(5).

12 5. If You , at any time, had possession, custody or control of a Document
13 requested, and it has been lost, destroyed, purged, or is not presently in Your
14 possession, custody or control, then, for each such Document, please: (1) describe the
15 Document; (2) state the date of its loss, destruction, purge or separation; and (3) state
16 the circumstances surrounding its loss, destruction, purge or separation.

17 6. Any Document that exists in electronic format such as, without
18 limitation, Excel, Word, WordPerfect, PDF, and/or e-mail, should be produced in its
19 native format with all meta-data left intact and unmodified.

20 **Documents to be Produced**

21 1. **Bootstrap Campaigns.** Please produce all Documents relating to any
22 business relationship, transaction, agreement, or services between You or Your
23 campaign and Bootstrap Campaigns, including all contracts, agreements, proposals,
24 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
25 payment records, cancelled checks, bank records, accounting records, correspondence,
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1 Communications, work product, and other Documents reflecting or relating to services
2 performed, goods provided, amounts charged or paid, or obligations incurred by or on
3 behalf of Your campaign.
4

5 2. **Hunt On Consulting.** Please produce all Documents relating to any
6 business relationship, transaction, agreement, or services between You or Your
7 campaign and Hunt On Consulting, including all contracts, agreements, proposals,
8 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
9 payment records, cancelled checks, bank records, accounting records, correspondence,
10 Communications, work product, and other Documents reflecting or relating to services
11 performed, goods provided, amounts charged or paid, or obligations incurred by or on
12 behalf of Your campaign.

13 3. **Gigs AZ, LLC.** Please produce all Documents relating to any business
14 relationship, transaction, agreement, or services between You or Your campaign and
15 Gigs AZ, LLC, including all contracts, agreements, proposals, statements of work,
16 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
17 checks, bank records, accounting records, correspondence, Communications, work
18 product, and other Documents reflecting or relating to services performed, goods
19 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
20 campaign.

21 4. **O'Neil.** Please produce all Documents relating to any business
22 relationship, transaction, agreement, or services between You or Your campaign and
23 O'Neil, including all contracts, agreements, proposals, statements of work, invoices,
24 bills and accounts, vouchers, worksheets, receipts, payment records, cancelled checks,
25 bank records, accounting records, correspondence, Communications, work product,
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1 and other Documents reflecting or relating to services performed, goods provided,
2 amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

3 5. **Uncle Sam.** Please produce all Documents relating to any business
4 relationship, transaction, agreement, or services between You or Your campaign and
5 Uncle Sam, including all contracts, agreements, proposals, statements of work,
6 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
7 checks, bank records, accounting records, correspondence, Communications, work
8 product, and other Documents reflecting or relating to services performed, goods
9 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
10 campaign.

11 6. **Bruce Gorshe.** Please produce all Documents relating to any business
12 relationship, transaction, agreement, or services between You or Your campaign and
13 Bruce Gorshe, including all contracts, agreements, proposals, statements of work,
14 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
15 checks, bank records, accounting records, correspondence, Communications, work
16 product, and other Documents reflecting or relating to services performed, goods
17 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
18 campaign.

19 7. **Tai Wu.** Please produce all Documents relating to any business
20 relationship, transaction, agreement, or services between You or Your campaign and
21 Tai Wu, including all contracts, agreements, proposals, statements of work, invoices,
22 bills and accounts, vouchers, worksheets, receipts, payment records, cancelled checks,
23 bank records, accounting records, correspondence, Communications, work product,
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1 and other Documents reflecting or relating to services performed, goods provided,
2 amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

3 8. **OVI.** Please produce all Documents relating to any business
4 relationship, transaction, agreement, or services between You or Your campaign and
5 OVI, including all contracts, agreements, proposals, statements of work, invoices, bills
6 and accounts, vouchers, worksheets, receipts, payment records, cancelled checks, bank
7 records, accounting records, correspondence, Communications, work product, and
8 other Documents reflecting or relating to services performed, goods provided,
9 amounts charged or paid, or obligations incurred by or on behalf of Your campaign.
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11 9. **Christopher Silva.** Please produce all Documents relating to any
12 business relationship, transaction, agreement, or services between You or Your
13 campaign and Christopher Silva, including all contracts, agreements, proposals,
14 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
15 payment records, cancelled checks, bank records, accounting records, correspondence,
16 Communications, work product, and other Documents reflecting or relating to services
17 performed, goods provided, amounts charged or paid, or obligations incurred by or on
18 behalf of Your campaign.

19 10. **David Wilson.** Please produce all Documents relating to any business
20 relationship, transaction, agreement, or services between You or Your campaign and
21 David Wilson, including all contracts, agreements, proposals, statements of work,
22 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
23 checks, bank records, accounting records, correspondence, Communications, work
24 product, and other Documents reflecting or relating to services performed, goods
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1 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
2 campaign.

3 11. **Bryan McPartlan.** Please produce all Documents relating to any
4 business relationship, transaction, agreement, or services between You or Your
5 campaign and Bryan McPartlan, including all contracts, agreements, proposals,
6 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
7 payment records, cancelled checks, bank records, accounting records, correspondence,
8 Communications, work product, and other Documents reflecting or relating to services
9 performed, goods provided, amounts charged or paid, or obligations incurred by or on
10 behalf of Your campaign.
11

12 12. **Jose Acuna.** Please produce all Documents relating to any business
13 relationship, transaction, agreement, or services between You or Your campaign and
14 Jose Acuna, including all contracts, agreements, proposals, statements of work,
15 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
16 checks, bank records, accounting records, correspondence, Communications, work
17 product, and other Documents reflecting or relating to services performed, goods
18 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
19 campaign.

20 13. **Duwayne Collier.** Please produce all Documents relating to any
21 business relationship, transaction, agreement, or services between You or Your
22 campaign and Duwayne Collier, including all contracts, agreements, proposals,
23 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
24 payment records, cancelled checks, bank records, accounting records, correspondence,
25 Communications, work product, and other Documents reflecting or relating to services
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1 performed, goods provided, amounts charged or paid, or obligations incurred by or on
2 behalf of Your campaign.

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4 14. **14. Scott Neely.** Please produce all Documents relating to any business
5 relationship, transaction, agreement, or services between You or Your campaign and
6 Scott Neely, including all contracts, agreements, proposals, statements of work,
7 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
8 checks, bank records, accounting records, correspondence, Communications, work
9 product, and other Documents reflecting or relating to services performed, goods
10 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
11 campaign.

12 15. Please produce all Documents provided to You by, or which You
13 prepared for or provided to (a) O'Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu,
14 (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David
15 Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Duwayne Collier, (m) Scott
16 Neely.

17 16. Please produce all Documents related to any business relationship or
18 dealings, or potential business relationship or dealings, between You and (a) O'Neil,
19 (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu, (e) OVI, or (f) Bootstrap Campaigns,
20 Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David Wilson, (j) Bryan McPartlan, (k)
21 Christopher Silva, (l) Duwayne Collier, (m) Scott Neely. .

22 17. Please produce all bank records, statements, cancelled checks, account
23 statements, receipts, invoices, or other Documents related to or reflecting (a) O'Neil,
24 (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu, (e) OVI, or (f) Bootstrap Campaigns,
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1 Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David Wilson, (j) Bryan McPartlan, (k)
2 Christopher Silva, (l) Duwayne Collier, (m) Scott Neely.

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4 18. Please produce all video, audio, or other electronic recordings depicting
5 any interactions between You and (a) O'Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai
6 Wu, (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i)
7 David Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Duwayne Collier, (m)
8 Scott Neely.

9 19. Please produce all documents reflecting Your expenses, spending,
10 fundraising, or acquisition of support in connection with your 2026 campaign for
11 Arizona Governor.

12 20. Please produce copies of all candidate committee reporting slips that
13 candidate campaign committees are required to keep pursuant to A.R.S. § 16-946(C)
14 that are within Your possession, custody, or control. *See* A.R.S. § 16-946(C) ("A copy
15 of the reporting slip shall be given as a receipt to the contributor, and another copy
16 shall be retained by the candidate's campaign committee.").

17 21. Please produce all Documents evidencing or related to any relationship
18 You have or have had with (a) O'Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu,
19 (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David
20 Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Duwayne Collier, (m) Scott
21 Neely.

22 22. Please produce all Documents evidencing Communications from You,
23 or to You, and concerning (a) Your qualification for clean elections funding, (b) Your
24 use of disposition of clean elections funding, (c) Your collections of five dollar
25 contributions or signatures in order to qualify for clean elections funding, and (d) your
26

1 collecting and storage of all candidate committee reporting slips that candidate
2 campaign committees are required to keep pursuant to A.R.S. § 16-946(C).

3 23. Please produce all worksheets, receipts, bills and accounts, journals,
4 ledgers, fundraising solicitation material, accounting systems documentation and
5 related Documents concerning the solicitation, collection, handling, maintenance, or
6 deposit of \$5 qualifying contributions, including Documents concerning (a) the
7 solicitation of qualifying contributions; (b) any person who solicited or collected
8 qualifying contributions or qualifying contribution reporting slips; (c) the receipt,
9 possession, handling, maintenance, storage, or transfer of qualifying contributions or
10 qualifying contribution reporting slips; and (d) the deposit of qualifying contributions
11 into Your campaign account.
12

13 24. Please produce all Documents evidencing or related to any relationship
14 You have or have had with any campaign or political advisor or consultant in
15 connection with the 2026 election cycle.
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1 **Note**

2 You have been subpoenaed by the Citizens Clean Elections Commission's
3 Executive Director, whose attorney's name, address and telephone number is:

4 Craig A. Morgan
5 Taft Stettinius & Hollister LLP
6 2555 East Camelback Road
7 Suite 1050
8 Phoenix, Arizona 85016
[REDACTED]

8 **Your Duties In Responding to This Subpoena**

9
10 You have a duty to produce the documents requested as they are kept by you
11 in the usual course of business, or you may organize the documents and label them
12 with the categories set forth in this subpoena.

13 If a claim of privilege is asserted with respect to any Document or you refuse
14 to disclose any Document requested herein on any other ground, state separately for
15 each Document withheld the basis for your claim that such Document need not be
16 disclosed with such specificity as will permit the Commission or a Court of Law to
17 determine the legal sufficiency of your objection or position.

18 If this subpoena asks you to produce or permit inspection of designated books,
19 papers, documents, tangible things, or the inspection of premises, you need not appear
20 to produce the items unless the subpoena states you must appear. If relevant records
21 are not in your possession, please provide an index identifying the records and who is
22 in possession of such records.

23 **Your Right to Object**

24 You may object if you feel that you should not be required to respond to the
25 request made. Under A.A.C. R2-20-213, you have a right, prior to the time specified
26 herein for compliance, but in no event more than five days after the receipt of this
27 subpoena, to apply to the Citizens Clean Elections Commission to quash or modify it.
Such application must include the reasons therefore. The Commission may deny the
application, quash the subpoena, or modify the subpoena.

**Failure to comply with this subpoena may subject you to proceedings in
Superior Court to enforce its requirements.**

ADA Notification

**REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES MUST BE MADE TO THE COMMISSION AT
LEAST THREE DAYS IN ADVANCE OF A SCHEDULED PROCEEDING.**

SIGNED AND SEALED this 15th day of September, 2026.

By: _____

Thomas M. Collins
Executive Director
Citizens Clean Elections
Commission

THE STATE OF ARIZONA
ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

In the Matter of:

Risa Lombardo
Duwayne Collier
Scott Neely

SUBPOENA DUCES TECUM

TO:

Duwayne Collier

YOU ARE HEREBY REQUIRED, pursuant to A.R.S. § 16-956(B) and R2-20-211(A), to produce and permit inspection and copying of, all Documents in your possession, custody, or control as requested herein to the Arizona Citizens Clean Elections Commission. *See* A.R.S. § 16-956(B); A.A.C. R2-20-211. As a participating candidate, You are also required to retain records with respect to each campaign expenditure and receipt for three years and to present those records to the Commission on request. *See* A.A.C. R2-20-703(A)(2). This information is requested in connection with an inquiry authorized pursuant to A.R.S. § 16-956(A)(7) and A.A.C. R2-20-209(A).

TIME AND DATE OF PRODUCTION: On or before 5 p.m., September 25, 2026

PLACE OF PRODUCTION: Clean Elections Commission Main Office
1110 W. Washington, Ste. 250
Phoenix, Arizona 85007

1
2 This Subpoena Duces Tecum requires that you produce the following materials:

3 **General Definitions**

4 1. The words “and” and “or” and any other conjunctions or disjunctions
5 shall be read both conjunctively and disjunctively, so as to require the enumeration of
6 all information responsive to all or any part of each request in which any conjunction
7 or disjunction appears.

8 2. The words “any,” “each,” and “all” shall be read to be all-inclusive and
9 to require the enumeration of each and every item of information responsive to all or
10 any part of each request in which such term appears.

11 3. The term “Bootstrap Campaigns” means Bootstrap Campaigns, Inc.,
12 and any past and/or present affiliates, subsidiaries, agents, employees, attorneys,
13 and/or all other persons acting on behalf of one or more of them, including Chris Silva,
14 David Wilson and Bryan McPartlan, and should be construed as broadly as possible to
15 allow as complete and thorough a response to this Subpoena as possible.

16 4. The term “Bruce Gorshe” means Bruce Gorshe and any past and/or
17 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
18 acting on behalf of one or more of them, and should be construed as broadly as
19 possible to allow as complete and thorough a response to this Subpoena as possible.

20 5. The term “Communications” means the act or fact of communicating,
21 whether by electronic, oral, typed, or handwritten correspondence, by telephone, by
22 meeting, by recorded meeting or interaction, or during any other occasion of joint or
23 mutual presence, as well as the transfer of any Document from one to another.

24 6. The terms “Document” and “Documents” mean and includes (a) all
25 Communications, and (b) all hard copies or media on which information is recorded
26

1 or stored, including all writing, printed matter, or electronically stored information of
2 any kind, including the originals and all non-identical copies and drafts, whether
3 different from the originals by reason of any notation made on such copies or
4 otherwise, including, any e-mails, text messages, letters, correspondence, telegrams,
5 cables, telex messages, facsimiles, tweets, internet sites, social media activity (including,
6 without limitation, on sites such as Facebook, LinkedIn, Twitter, YouTube, and
7 Instagram), blogs, ListServes, substacks, message boards, or other electronic messages,
8 memoranda, records, minutes, contracts, recordings or memoranda of telephone or
9 personal conversations or conferences, interoffice messages, photographs, microfilm,
10 microfiche, tape recordings, bulletins, studies, summaries, analyses, notices, computer
11 runs and any codes necessary to comprehend such runs, books, pamphlets, brochures,
12 periodicals, charts, graphs, indexes, blueprints, diagrams, drawings, drone or similar
13 data collection, and any other written, printed, typed, recorded, or graphic matters of
14 any nature whether produced or reproduced.
15

16 7. The term “Duwayne Collier” means Duwayne Collier, Collier for
17 Arizona, his candidate committee, and any past and/or present affiliates, subsidiaries,
18 agents, employees, attorneys, and/or all other persons acting on behalf of one or more
19 of them, and should be construed as broadly as possible to allow as complete and
20 thorough a response to this Subpoena as possible.

21 8. The term “O’Neil” means O’Neil Printing, Inc. and any past and/or
22 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
23 acting on behalf of one or more of them, and should be construed as broadly as
24 possible to allow as complete and thorough a response to this Subpoena as possible.
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27

9. The term “OVI” means OVI 99.1 FM LLC and any past and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on behalf of one or more of them, and should be construed as broadly as possible to allow as complete and thorough a response to this Subpoena as possible.

10. The term “Risa Lombardo” means Risa Lombardo, Lombardo for AZ, Lombardo for Arizona, her candidate committee, and any past and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on behalf of one or more of them, and should be construed as broadly as possible to allow as complete and thorough a response to this Subpoena as possible.

11. The term “Scott Neely” means Scott Neely, Neely for Arizona Governor, Neely for Arizona, his candidate committee, and any past and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on behalf of one or more of them, and should be construed as broadly as possible to allow as complete and thorough a response to this Subpoena as possible.

12. The term “Tai Wu” means Tai Wu and any past and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on behalf of one or more of them, and should be construed as broadly as possible to allow as complete and thorough a response to this Subpoena as possible.

13. The term “Uncle Sam” means Uncle Sam Petitions, LLC and any past and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on behalf of one or more of them, and should be construed as broadly as possible to allow as complete and thorough a response to this Subpoena as possible.

14. The term “Veronica Sandoval” means Veronica Sandoval and any past and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other

1 persons acting on behalf of one or more of them, and should be construed as broadly
2 as possible to allow as complete and thorough a response to this Subpoena as possible.

3 15. The term “Gigs AZ, LLC,” means Gigs AZ, LLC and any past and/or
4 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
5 acting on behalf of one or more of them, and should be construed as broadly as
6 possible to allow as complete and thorough a response to this Subpoena as possible.

7 16. The term “Christopher Silva” means Christopher Silva and any past
8 and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other
9 persons acting on behalf of one or more of them, and should be construed as broadly
10 as possible to allow as complete and thorough a response to this Subpoena as possible.

11 17. The term “Jose Acuna” means Jose Acuna and any past and/or present
12 affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons acting on
13 behalf of one or more of them, and should be construed as broadly as possible to allow
14 as complete and thorough a response to this Subpoena as possible.

15 18. The term “Bryan McPartlan” means Bryan McPartlan and any past
16 and/or present affiliates, subsidiaries, agents, employees, attorneys, and/or all other
17 persons acting on behalf of one or more of them, and should be construed as broadly
18 as possible to allow as complete and thorough a response to this Subpoena as possible.

19 19. The term “David Wilson” means David Wilson and any past and/or
20 present affiliates, subsidiaries, agents, employees, attorneys, and/or all other persons
21 acting on behalf of one or more of them, and should be construed as broadly as
22 possible to allow as complete and thorough a response to this Subpoena as possible.

20. The terms “You” and “Your” mean Duwayne Collier, as defined above, and should be construed as broadly as possible to allow as complete and thorough a response to this Subpoena as possible.

21. All pronouns shall mean the masculine, feminine, or non-gender and singular or plural as in each case may be appropriate.

22. Any word used in this Subpoena not otherwise defined should be given the definition given that word in a standard English language dictionary.

Instructions

1. The time period for all Documents requested is November 6, 2024 through the present. You need only search your records through this time period.

2. You must divulge all information in the recipient's possession, custody or control regardless of the source.

3. You must furnish all information available to the recipient, including hearsay, and not merely information based upon personal knowledge.

4. If You withhold any Document based on a claim that the Document sought by this request is privileged or protected from discovery, then please comply with Arizona Rule of Civil Procedure 45(c)(5).

5. If You, at any time, had possession, custody or control of a Document requested, and it has been lost, destroyed, purged, or is not presently in Your possession, custody or control, then, for each such Document, please: (1) describe the Document; (2) state the date of its loss, destruction, purge or separation; and (3) state the circumstances surrounding its loss, destruction, purge or separation.

6. Any Document that exists in electronic format such as, without limitation, Excel, Word, WordPerfect, PDF, and/or e-mail, should be produced in its native format with all meta-data left intact and unmodified.

Documents to be Produced

1. **Bootstrap Campaigns.** Please produce all Documents relating to any business relationship, transaction, agreement, or services between You or Your campaign and Bootstrap Campaigns, including all contracts, agreements, proposals, statements of work, invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled checks, bank records, accounting records, correspondence, Communications, work product, and other Documents reflecting or relating to services performed, goods provided, amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

2. **Hunt On Consulting.** Please produce all Documents relating to any business relationship, transaction, agreement, or services between You or Your campaign and Hunt On Consulting, including all contracts, agreements, proposals, statements of work, invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled checks, bank records, accounting records, correspondence, Communications, work product, and other Documents reflecting or relating to services performed, goods provided, amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

3. **Gigs AZ, LLC.** Please produce all Documents relating to any business relationship, transaction, agreement, or services between You or Your campaign and Gigs AZ, LLC, including all contracts, agreements, proposals, statements of work, invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled

1 checks, bank records, accounting records, correspondence, Communications, work
2 product, and other Documents reflecting or relating to services performed, goods
3 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
4 campaign.

5
6 4. **O'Neil.** Please produce all Documents relating to any business
7 relationship, transaction, agreement, or services between You or Your campaign and
8 O'Neil, including all contracts, agreements, proposals, statements of work, invoices,
9 bills and accounts, vouchers, worksheets, receipts, payment records, cancelled checks,
10 bank records, accounting records, correspondence, Communications, work product,
11 and other Documents reflecting or relating to services performed, goods provided,
12 amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

13 5. **Uncle Sam.** Please produce all Documents relating to any business
14 relationship, transaction, agreement, or services between You or Your campaign and
15 Uncle Sam, including all contracts, agreements, proposals, statements of work,
16 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
17 checks, bank records, accounting records, correspondence, Communications, work
18 product, and other Documents reflecting or relating to services performed, goods
19 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
20 campaign.

21 6. **Bruce Gorshe.** Please produce all Documents relating to any business
22 relationship, transaction, agreement, or services between You or Your campaign and
23 Bruce Gorshe, including all contracts, agreements, proposals, statements of work,
24 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
25 checks, bank records, accounting records, correspondence, Communications, work
26

1 product, and other Documents reflecting or relating to services performed, goods
2 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
3 campaign.
4

5 7. **Tai Wu.** Please produce all Documents relating to any business
6 relationship, transaction, agreement, or services between You or Your campaign and
7 Tai Wu, including all contracts, agreements, proposals, statements of work, invoices,
8 bills and accounts, vouchers, worksheets, receipts, payment records, cancelled checks,
9 bank records, accounting records, correspondence, Communications, work product,
10 and other Documents reflecting or relating to services performed, goods provided,
11 amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

12 8. **OVI.** Please produce all Documents relating to any business
13 relationship, transaction, agreement, or services between You or Your campaign and
14 OVI, including all contracts, agreements, proposals, statements of work, invoices, bills
15 and accounts, vouchers, worksheets, receipts, payment records, cancelled checks, bank
16 records, accounting records, correspondence, Communications, work product, and
17 other Documents reflecting or relating to services performed, goods provided,
18 amounts charged or paid, or obligations incurred by or on behalf of Your campaign.

19 9. **Christopher Silva.** Please produce all Documents relating to any
20 business relationship, transaction, agreement, or services between You or Your
21 campaign and Christopher Silva, including all contracts, agreements, proposals,
22 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
23 payment records, cancelled checks, bank records, accounting records, correspondence,
24 Communications, work product, and other Documents reflecting or relating to services
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1 performed, goods provided, amounts charged or paid, or obligations incurred by or on
2 behalf of Your campaign.

3
4 10. **David Wilson.** Please produce all Documents relating to any business
5 relationship, transaction, agreement, or services between You or Your campaign and
6 David Wilson, including all contracts, agreements, proposals, statements of work,
7 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
8 checks, bank records, accounting records, correspondence, Communications, work
9 product, and other Documents reflecting or relating to services performed, goods
10 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
11 campaign.

12 11. **Bryan McPartlan.** Please produce all Documents relating to any
13 business relationship, transaction, agreement, or services between You or Your
14 campaign and Bryan McPartlan, including all contracts, agreements, proposals,
15 statements of work, invoices, bills and accounts, vouchers, worksheets, receipts,
16 payment records, cancelled checks, bank records, accounting records, correspondence,
17 Communications, work product, and other Documents reflecting or relating to services
18 performed, goods provided, amounts charged or paid, or obligations incurred by or on
19 behalf of Your campaign.

20 12. **Jose Acuna.** Please produce all Documents relating to any business
21 relationship, transaction, agreement, or services between You or Your campaign and
22 Jose Acuna, including all contracts, agreements, proposals, statements of work,
23 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
24 checks, bank records, accounting records, correspondence, Communications, work
25 product, and other Documents reflecting or relating to services performed, goods
26

1 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
2 campaign.

3 13. **Risa Lombardo.** Please produce all Documents relating to any business
4 relationship, transaction, agreement, or services between You or Your campaign and
5 Duwayne Collier, including all contracts, agreements, proposals, statements of work,
6 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
7 checks, bank records, accounting records, correspondence, Communications, work
8 product, and other Documents reflecting or relating to services performed, goods
9 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
10 campaign.

11 14. **Scott Neely.** Please produce all Documents relating to any business
12 relationship, transaction, agreement, or services between You or Your campaign and
13 Scott Neely, including all contracts, agreements, proposals, statements of work,
14 invoices, bills and accounts, vouchers, worksheets, receipts, payment records, cancelled
15 checks, bank records, accounting records, correspondence, Communications, work
16 product, and other Documents reflecting or relating to services performed, goods
17 provided, amounts charged or paid, or obligations incurred by or on behalf of Your
18 campaign.

19 15. Please produce all Documents provided to You by, or which You
20 created for or provided to, (a) O'Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu,
21 (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David
22 Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Risa Lombardo, (m) Scott Neely,
23 and (m) Veronica Sandoval.
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16. Please produce all Documents related to any business relationship or dealings, or potential business relationship or dealings, between You and (a) O'Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu, (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Risa Lombardo, (m) Scott Neely, and (n) Veronica Sandoval.

17. Please produce all bank records, statements, cancelled checks, account statements, receipts, invoices, or other Documents related to or reflecting (a) O'Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu, (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Risa Lombardo, (m) Scott Neely, and (m) Veronica Sandoval.

18. Please produce all video, audio, or other electronic recordings depicting any interactions between You and (a) O’Neil, (b) Uncle Sam, (c) Bruce Gorshe, (d) Tai Wu, (e) OVI, or (f) Bootstrap Campaigns, Inc., (g) Gigs AZ, LLC, (h) Jose Acuna, (i) David Wilson, (j) Bryan McPartlan, (k) Christopher Silva, (l) Risa Lombardo, (m) Scott Neely, and (m) Veronica Sandoval.

19. Please produce all documents reflecting Your expenses, spending, fundraising, or acquisition of support in connection with your 2026 campaign for Secretary of State .

20. Please produce copies of all candidate committee reporting slips that candidate campaign committees are required to keep pursuant to A.R.S. § 16-946(C) that are within Your possession, custody, or control. *See* A.R.S. § 16-946(C) (“A copy of the reporting slip shall be given as a receipt to the contributor, and another copy shall be retained by the candidate's campaign committee.”).

1 21. Please produce all worksheets, receipts, bills and accounts, journals,
2 ledgers, fundraising solicitation material, accounting systems documentation, and
3 related Documents concerning the solicitation, collection, handling,
4 maintenance, or deposit of \$5 qualifying contributions, including
5 Documents concerning (a) the solicitation of qualifying contributions; (b) any
6 person who solicited or collected qualifying contributions or qualifying
7 contribution reporting slips; (c) the receipt, possession, handling,
8 maintenance, storage, or transfer of qualifying contributions or qualifying contribution
9 reporting slips; and (d) the deposit of qualifying contributions into Your campaign
10 account.
11

12 22. Please produce all Documents evidencing or related to any relationship
13 You have or have had with Uncle Sam or O'Neil.

14 23. Please produce all Documents evidencing Communications from You,
15 or to You, and concerning (a) Your qualification for clean elections funding, (b) Your
16 use of disposition of clean elections funding, (c) Your collections of five dollar
17 contributions or signatures in order to qualify for clean elections funding, and (d) your
18 collecting and storage of all candidate committee reporting slips that candidate
19 campaign committees are required to keep pursuant to A.R.S. § 16-946(C).

20 24. Please produce all Documents evidencing or related to any relationship
21 You have or have had with any campaign or political advisor or consultant in
22 connection with the 2026 election cycle.
23
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1 **Note**

2 You have been subpoenaed by the Citizens Clean Elections Commission's
3 Executive Director, whose attorney's name, address and telephone number is:

4 Craig A. Morgan
5 Taft Stettinius & Hollister LLP
6 2555 East Camelback Road
7 Suite 1050
8 Phoenix, Arizona 85016
[REDACTED]

8 **Your Duties In Responding to This Subpoena**

9
10 You have a duty to produce the documents requested as they are kept by you
11 in the usual course of business, or you may organize the documents and label them
12 with the categories set forth in this subpoena.

13 If a claim of privilege is asserted with respect to any Document or you refuse
14 to disclose any Document requested herein on any other ground, state separately for
15 each Document withheld the basis for your claim that such Document need not be
16 disclosed with such specificity as will permit the Commission or a Court of Law to
17 determine the legal sufficiency of your objection or position.

18 If this subpoena asks you to produce or permit inspection of designated books,
19 papers, documents, tangible things, or the inspection of premises, you need not appear
20 to produce the items unless the subpoena states you must appear. If relevant records
21 are not in your possession, please provide an index identifying the records and who is
22 in possession of such records.

23 **Your Right to Object**

24 You may object if you feel that you should not be required to respond to the
25 request made. Under A.A.C. R2-20-213, you have a right, prior to the time specified
26 herein for compliance, but in no event more than five days after the receipt of this
27 subpoena, to apply to the Citizens Clean Elections Commission to quash or modify it.
Such application must include the reasons therefore. The Commission may deny the
application, quash the subpoena, or modify the subpoena.

**Failure to comply with this subpoena may subject you to proceedings in
Superior Court to enforce its requirements.**

ADA Notification

**REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES MUST BE MADE TO THE COMMISSION AT
LEAST THREE DAYS IN ADVANCE OF A SCHEDULED PROCEEDING.**

SIGNED AND SEALED this _15th___ day of September, 2026.

By: 

Thomas M. Collins
Executive Director
Citizens Clean Elections
Commission

Exhibit 2

Timothy A. La Sota, PLLC

2198 E. Camelback Rd., Suite 305

Phoenix, Arizona 85016

P 602-515-2649
[REDACTED]

September 24, 2026

Via hand delivery to:

Craig A. Morgan

Taft Stettinius & Hollister LLP

2555 East Camelback Road, Suite 1050

Phoenix, Arizona 85016

602.240.3062
[REDACTED]

Re: *Motion to Quash subpoena duces tecum of Duwayne Collier and Risa Lombardo*

Dear Mr. Morgan:

Pursuant to Arizona Administrative Code R2-20-213, my clients Duwayne Collier and Risa Lombardo move to quash the subpoena duces tecum dated September 15, 2026, or in the alternative, to modify it.

The subpoena should be quashed altogether because its breadth and short timeframe for compliance demonstrates obvious retaliation against my clients for criticizing the Commission and its Executive Director and seeking a redress of grievances in Court through the Special Action.

Mr. Collier still has not received the subpoena but he will not object to the lack of service.

Mr. Morgan
September 24, 2026
Page -2-

Alternatively, compliance should not be required until after the conclusion of the Special Action, and the breadth should be modified drastically. The subpoena duces tecum is overly burdensome and harassing, and intended to further harm the candidacies of Lombardo and Collier, who the Commission's Executive Director opposes politically and has suggested are "sham" candidates.

Very truly yours,

TIMOTHY A. LA SOTA, PLC

/s/ Timothy A. La Sota

Timothy A. La Sota

I agree to representation in front of the Commission by above named legal counsel.

/s/ Risa Lombardo
Risa Lombardo

/s/ Duwayne Collier
Duwayne Collier

From: tim [REDACTED]
Sent: Tuesday, September 29, 2026 3:25 PM
To: Morgan, Craig [REDACTED]
Subject: Re: In re Lombardo, Neely, Collier

Craig, I did review the subpoenas again, and without admitting any legal requirement that they actually do so, my clients are in the process of amending their reports to supply additional detail. I just spoke to Tim Sifert, and he is working on that on behalf of the campaigns.

That should supply what I feel is an appropriate response to the subpoena. I know the subpoena would require more, but I am adhering to my objections to those additional parts, which is everything but the additional detail that will be supplied.

Thanks,

Timothy La Sota

Principal



This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

Exhibit 3

Subject: RE: Objection to subpoena duces tecum of Collier and Lombardo



Morgan, Craig <[REDACTED]>
to tim [REDACTED]

Mr. LaSota,

I disagree with the overbreadth issue. Your clients' objection was the opportunity to explain the "why" and propose "how" we remedy any exactly the issues are here and then advise my client of how to proceed. If you'll provide delineated specifics, I'll gladly pass them along

From: tim [REDACTED]
Sent: Friday, September 25, 2026 3:28 PM
To: Morgan, Craig [REDACTED]
Subject: Re: Objection to subpoena duces tecum of Collier and Lombardo

You are correct that Collier was served. I was mistaken about that.

As to your assertions that we do not intend to cooperate, that is not true. We just are not going to be subject to an overly broad subpoen

Timothy La Sota

Principal

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmissi

From: Morgan, Craig <[REDACTED]>
Sent: Friday, September 25, 2026 4:19 PM
To: tim [REDACTED]
Subject: RE: Objection to subpoena duces tecum of Collier and Lombardo

Mr. LaSota,

I write in response to your September 24 letter.

First, your clients have been properly served. You are their counsel, and you were provided a copy. This is sufficient service. They were

From: Morgan, Craig <[REDACTED]>
Sent: Friday, September 25, 2026 4:19 PM
To: tim [REDACTED]
Subject: RE: Objection to subpoena duces tecum of Collier and Lombardo

Mr. LaSota,

I write in response to your September 24 letter.

First, your clients have been properly served. You are their counsel, and you were provided a copy. This is sufficient service. They were

877321627610	✓ Delivered	Craig Morgan	Taft Stettinius & Hollister, 9/17/26
877321771300	✓ Delivered	Craig Morgan	Taft Stettinius & Hollister, 9/17/26
877321989400	✓ Delivered	Craig Morgan	Taft Stettinius & Hollister, 9/17/26
877322364027	✓ Delivered	Craig Morgan	Taft Stettinius & Hollister, 9/17/26

This is also sufficient service.

Second, your letter fails to articulate an actual, specific reason why either Subpoena is overly burdensome or harassing. Neither are not meant to harm your clients or their candidacies. But your lamentation is wrong, and just because you repeat these fallacies does not trar Your clients are required to participate. You repeated multiple times in Superior Court yesterday that this investigation should continue at

Your clients need to produce the information requested. Regardless, the Executive Director will take your clients' objection not the Comn compliance. As always, the Executive Director would much prefer we work cooperatively to obtain the information requested without the correspondence makes no effort to suggest alternatives other than a complete stay while unrelated civil proceedings are adjudicated. Th your clients to reconsider their position. As always, we remain ready and willing to have a substantive, civil discussion about securing co

Be well,

-Craig

Taft/ **Craig Morgan**
Phoenix Partner-In-Charge
He/Him/His
[REDACTED]
[REDACTED]
[REDACTED]
2555 East Camelback Road, Suite 1050
Phoenix, AZ 85016

*Admitted in Arizona and New Mexico

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This message may contain information that is attorney-client privileged, attorney work product or otherwise confidential. If you are not sender by reply e-mail and delete the message and any attachments.

From: tim [REDACTED]

From: tim [REDACTED]
Sent: Thursday, September 24, 2026 5:44 PM
To: Morgan, Craig <[REDACTED]>
Subject: Re: Objection to subpoena duces tecum of Collier and Lombardo

Please acknowledge receipt.

Timothy La Sota

Principal



This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmissi

From: tim [REDACTED]
Sent: Thursday, September 24, 2026 6:42 PM
To: Morgan, Craig [REDACTED]
Subject: Objection to subpoena duces tecum of Collier and Lombardo

See attached.

Timothy La Sota

Principal



Exhibit 4

Subject: Re: Objection to subpoena duces tecum of Collier and Lombardo



tim [REDACTED]
to Morgan, Craig

Sep 25, 2026, 3:38 PM (5 days)

That is a fair point. I will take a look at identifying specific areas of overbreadth.

Timothy La Sota

Principal

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately

From: Morgan, Craig [REDACTED]
Sent: Friday, September 25, 2026 4:32 PM
To: tim [REDACTED]
Subject: RE: Objection to subpoena duces tecum of Collier and Lombardo

Mr. LaSota,

I disagree with the overbreadth issue. Your clients' objection was the opportunity to explain the "why" and propose "how" we remedy any identified overbreadth. My clairvoyant abilities never really developed, so I am afraid it would be a waste of my time to try and guess what exactly the issues are here and then advise my client of how to proceed. Once you'll provide delineated specifics, I'll gladly pass them along. But until then, we must press ahead.

From: tim [REDACTED]
Sent: Friday, September 25, 2026 3:28 PM
To: Morgan, Craig [REDACTED]
Subject: Re: Objection to subpoena duces tecum of Collier and Lombardo

You are correct that Collier was served. I was mistaken about that.

Exhibit 5

Subject: Fwd: Collier for AZSOS primary audit items



Mike Becker [REDACTED]

to Thomas Collins

Wed, Sep 16, 1:01 PM

This is regarding the request for subvendors for the Collier campaign.

----- Forwarded message -----

From: **tim sifert** [REDACTED]

Date: Wed, Sep 16, 2026 at 1:46 PM

Subject: Re: Collier for AZSOS primary audit items

To: Chris Vitella [REDACTED]

Cc: Mike Becker <[REDACTED]>

Hi Chris, I reached out to Bootstrap and have not heard back. I don't have any subvendor info, other than some of USPS receipts from the mailers that I sent Tom Collins about a month ago.

Sorry I can't be of more help.

Tim Sifert

President

American Campaign Finance Foundation

[REDACTED]

[REDACTED]

On Sep 9, 2026, at 11:23 AM, Chris Vitella [REDACTED] wrote:

Tim,

Mike with Clean Elections would like some additional information about Duwayne's expenses. Would you be able to reach out to Bootstrap Campaigns and ask about subvendors? On Duwayne's Qualifying Period Recap Report, he listed Bootstrap Campaigns receiving \$187,400 and in the memo line it stated they did the following: Campaign management, data purchase, sign printing and installation, canvassing, website build, text blast. If they used subvendors, they should have the information on the companies that did the work. If they didn't use subvendor, then they will be able to explain that Bootstrap is a one-stop shop and have the documents to prove it.

Does this make sense?

Thanks,

Chris

Exhibit 6

ARIZONA COURT OF APPEALS DIVISION ONE

RISA LOMBARDO, an individual, and DUWAYNE
COLLIER, an individual,

Petitioners,

v.

ARIZONA CITIZENS CLEAN ELECTIONS
COMMISSION, a public entity; THE STATE OF
ARIZONA, a public entity, and THOMAS COLLINS, in his
official capacity,

Respondents.

Court of Appeals
No. _____

Maricopa County
Superior Court No.
CV2026-037740

PETITION FOR SPECIAL ACTION

Timothy A. La Sota (020539)

tim@timlasota.com

TIMOTHY A. LA SOTA, PLC

2198 East Camelback Road, #305

Phoenix, Arizona 85016

Attorney for Petitioners

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I. STATEMENT OF THE ISSUE

Did the trial court err in declining to address the merits of this cause of action, to wit, Petitioners' contention that the Defendants were acting or threatening to act in excess of their lawful jurisdiction by attempting to negate the Secretary of State's certification of the Candidates as qualifying candidates under the Clean Elections Act?

II. STATEMENT OF MATERIAL FACTS

The parties appear to be in agreement that this cause of action involves purely questions of law, which is why the trial court scheduled this for oral argument instead of an evidentiary hearing, with the parties all agreeing to that¹.

Both Risa Lombardo, candidate for Governor, and Duwayne Collier, candidate for Secretary of State, elected, earlier in this election cycle, to participate in the Arizona Citizens Clean Elections program ("Clean Elections"). Candidates who elect to participate in Clean Elections are called "participating candidates" under the Clean Elections Act. (Complaint, Appendix 2, ¶ 9, APP014).

A participating candidate may not raise money from private sources unless and until he or she withdraws from Clean Elections under Arizona Administrative

¹ The trial court noted the parties agreement to hold oral argument in its September 21, 2026 minute entry.

Code Rule R2-20-108(a)(“The candidate shall not accept any private monies until the withdrawal is approved by the Commission.”) (*Id.*, ¶ 11, APP015).

Under Clean Elections, participating candidates must secure a legally prescribed number of \$5 contributions along with a form filled out by the elector (“\$5 Qualifying Forms”), from qualified electors of the relevant jurisdiction, in this instance, the entire state, and turn both the money and the forms into the Secretary of State under A.R.S. § 16-950(B):

To receive any clean elections funding, the candidate must present to the secretary of state no later than one week after the end of the qualifying period a list of names of persons who have made qualifying contributions pursuant to section 16-946 on behalf of the candidate. The list shall be divided by county. At the same time, the candidate must tender to the secretary of state the original reporting slips identified in section 16-946, subsection C for persons on the list and an amount equal to the sum of the qualifying contributions collected.

(*Id.*, ¶ 13).

The Secretary of State coordinates the process for verifying that a sufficient number of valid \$5 Qualifying Forms” have been submitted. He does this by sending the forms to the respective County Recorders for verification. A.R.S. § 16-950(C). In turn, “[w]ithin ten days, the county recorders shall provide a report to the secretary of state identifying as disqualified any slips that are unsigned or undated or that the recorder is unable to verify as matching a person who is registered to vote in the electoral district of the office the candidate is seeking on the date specified on the slip.” (*Id.*)

Both Lombardo and Collier turned in their \$5 Qualifying Forms and contributions to the Secretary of State, in accordance with the Act's requirements. (Complaint, Appendix 2, APP015, ¶ 15).

On May 19, 2026, the Arizona Secretary of State, after following the process required by A.R.S. § 16-950 and sending all 4,300 \$5 contribution forms submitted by Lombardo to the respective County Recorders for verification, received word back from the Recorders on their verification and indicated to Lombardo that she had submitted sufficient \$5 contributions and forms to qualify for funding. (*Id.*, ¶ 17; Ex. B).

A short time after, the Commission provided the funds that Lombardo was legally entitled to. (*Id.*, ¶ 18, APP017).

On June 8, 2026, the Secretary of State, after following the process required by A.R.S. § 16-950, sent Collier an email indicating that he had submitted sufficient \$5 contributions and forms to qualify for funding. (*Id.*, ¶ 19; Ex. C). About that same time, Collier signed and had notarized the same form, and submitted this to the Commission. (*Id.*) The Commission proceeded to release Collier the funds that his campaign was entitled to by law. (*Id.*, ¶ 20).

On August 25, 2026, over three months after certification of Lombardo, and nearly three months after certification of Collier, Collins sent a lengthy letter to each of the Plaintiffs. (*Id.*, ¶ 21, Exs. D and E respectively).

The letters relied heavily on a newspaper article citing six individuals who claimed to not have made contributions to Lombardo or Collier even though the signatures on those forms matched theirs. The letter to Lombardo stated:

Once my investigation is complete, I anticipate asking the Commission to issue a repayment order and require you to either (1) repay \$2,853,320 based on the incorrect certification of your qualification for clean elections funding and what appear to be unlawfully acquired qualifying contributions, or (2) repay \$1,017,889.27 and any additional funds paid to a third-party consultant because of your failed reporting obligations....Please be advised: “Repayments may be made only from the following sources: personal funds of the candidate, funds in the candidate’s current election campaign account, and any additional funds raised subject to the limitations and prohibitions of the Act.” AAC R2-20-704(A)(4). **I strongly encourage you to seek legal counsel for this matter immediately and cease spending money from the Clean Elections Fund.**

(*Id.*, ¶ 22. Exhibit D)(emphasis added).

The letter further stated that Collins would recommend that the Commission issue a repayment order “[b]ecause the evidence suggests you did not receive sufficient Qualifying Contributions...” (*Id.*, ¶ 23, APP018; Ex. D).

The letter to Collier stated:

Once my investigation is complete, I anticipate asking the Commission to issue a repayment order and require you to repay \$739,358...Please be advised: “Repayments may be made only from the following sources: personal funds of the candidate, funds in the candidate’s current election campaign account, and any additional funds raised subject to the limitations and prohibitions of the Act.”

(*Id.*, ¶ 24; Ex. E).

The letters to both Lombardo and Collier indicated Collins' disapproval of the candidacies of both, stating in both letters that "The Green Party ... leadership expressly opposed your nomination" and referenced a statement calling the Plaintiffs both "sham candidates." (*Id.*, ¶ 25).

On August 27, 2026, the Commission held a meeting. Collins had stated in both candidates letters that "I intend to ask the Commission to initiate proceedings to impose a repayment order upon you. This will be on the agenda for the Commission's virtual meeting on Thursday, August 27, 2026, at 10 a.m." (*Id.*, ¶ 26, Exs. D and E).

At the August 27, 2026, the Commission acceded to Collins' wishes, beginning the process and asking Collins to conduct an investigation of Lombardo and Collier, and to report back by no later than the Commission's October meeting. (*Id.*, ¶ 27, APP019). The October meeting was at the time over two months away, and a mere five days before the General Election, on October 29, 2026. (*Id.*)

At the trial level, the Commission told the trial court that "the Commission vote asked for the [investigation] recommendation to be made by its next scheduled public meeting, September 24, 2026, or at least by the following scheduled public meeting, October 29, 2026." (Commission's Response, Appendix 5, APP085, lines 11-13).

Petitioners ask this Court to take judicial notice that the Commission did not even discuss this matter at its September 24, 2026 meeting².

III. ARGUMENT

A. Petitioners are right on the merits

Plaintiff Risa Lombardo is running for Governor and Plaintiff Duwayne Collier is running for Secretary of State³. The candidates submitted the requisite number of signatures to qualify for Clean Elections funding. This was verified by the Arizona Secretary of State, who, in concert with the County Recorders, is tasked by law with ensuring that a Clean Elections candidate has sufficient signatures to qualify for funding. The County Recorders check to ensure that each \$5 Qualifying Form is signed by a registered voter and that the voter's signature matches that on file with the County Recorder. A.R.S. § 16-950(C); A.A.C. Rule R2-20-105(E).

This verification occurred May 19, 2026 for Lombardo and June 8, 2026 for Collier.

Most importantly, the certification process is the exclusive domain of the

² The agenda is available here.

<https://storage.googleapis.com/usgovcloudapi.net/public/docs/1526-Meeting-Packet-Updated-9-24-26.pdf> The Lombardo/Collier investigation was not an agenda item and not discussed.

³ The Argument section is supported by the Statement of Material Facts section, but additions are made as noted to parts of the record not cited in the Statement of Material Facts.

Secretary of State and the County Recorders:

A.R.S. §16-950(C) expressly provides that the Secretary of State shall deny or approve funding applications based on whether the candidate submitted a sufficient number of valid contribution slips. Therefore, the Secretary of State approves or denies funding based on whether the candidate submitted sufficient valid contribution slips, and the Commission approves or denies funding based on whether the candidate meets the other requirements of the Act.

See 2001 AZ Atty. Gen. Op. No. I01-005.

The Commission simply plays no role in determining if a participating candidate has enough \$5 Qualifying Forms to be legally entitled to Clean Elections funding. *Id.* Despite this, the Defendants, months and months after the certification and in the thick of the campaign, are attempting to, or threatening to, invalidate the certification performed by the Arizona Secretary of State and the County Recorders. Despite the fact that the Defendants have no such power, they have threatened the candidates with dire consequences if the candidates do not effectively end their campaigns.

The explicit threats made to both candidates are outlined above. Collins told both the Candidates to cease and desist from further campaign activity, at least any effective campaign activity, which requires resources. The “or else” in the threat letters is that if the Candidates do not do as Collins says, Lombardo will have to repay \$2,853,320, the amount she received when she qualified, out of personal

funds. And Collier will have to pay \$739,358, the amount he received after qualifying, out of personal funds. (Complaint, Appendix 2, Exs. D and E). And of course, the more money the Candidates spend on their campaigns, the less there would be available in their campaign accounts to pay Clean Elections back, and the more personal funds they would have to supply to repay the Commission. The message is unmistakable—you are better off simply ending your candidacies now.

The Commission is going right along with its Executive Director. It is insisting on its power to determine, months after certification by a different office, that it can undo that certification and demand the Candidates repay all funds that were lawfully paid them as a result of qualifying for Clean Elections funding. To wit, the Commission claims, even after certification and millions of dollars are spent, that it can negate the certification in the interest of “ensur[ing] that the Plaintiffs were eligible to receive the Clean Elections Fund public funding...” in the first instance. (Commission’s Response, Appendix 5, APP085, lines 16-17).

The threats have had an effect on the Candidates. Facing a possible illegal “repayment order”, the Candidates have suspended their campaigns. (Minute entry ruling, Appendix 1, APP006). As of right now, there are mere days between now and Election Day, November 3, 2026, and mail in ballots are sent to voters on October 7, 2026.

Without relief now, the Candidates will be threatened into silence and submission—relief later is useless because there is no way to give these Candidates back the chance to run the campaign they wanted to run with the funds that they are lawfully entitled to. Already, a month has been lost thanks to the Defendants’ heavy handed, illegal threats.

And what about the thousands and thousands of voters who gave the Candidates \$5 Qualifying Forms in the hopes the Candidates would qualify for funding so they could run a real campaign? The Defendants have no legal power to intervene in the long completed certification process. Campaigns are decided on Election Day, it is impossible to create extra time between now and Election Day, and that means that campaigns cannot wait for “investigations” and lengthy administrative appeal processes. That is why Arizona law provides for rigorous certification of the \$5 Qualifying Forms before a candidate receives funding, a process that all parties admit was carried out by the Secretary of State and County Records here. (*Id.*, APP005).

There is no room in an election setting for one agency to come in months later and effectively attempt to countermand a certification issued by another agency. Elections demand finality, and they demand that there be one decision maker, not multiple agencies making potentially conflicting determinations and leaving

candidates in limbo. The statute has vested the relevant power here with the Secretary of State and County Recorders, not the Commission. A.R.S. § 16-950.

B. There is no viable administrative “remedy”

The Candidates pointed out below that there is no viable administrative remedy available because “there is no such thing as a ‘favorable’ conclusion after a full [administrative] hearing which at best is months away and will not occur before the election” because “[t]he Candidates will have still lost their ability to run an actual campaign with the money they are legally entitled to, something they will never get back and can never be compensated for.” (Reply to Commission, Appendix 7, APP156, lines 9-14).

The trial court rejected that, finding:

The Act and Commission rules provide an administrative process for any adverse enforcement action, including an administrative hearing and judicial review of a final administrative decision. As explained below, that process is mandatory and has not been completed. Plaintiffs’ challenge to the speed of the administrative process is addressed by the exhaustion exceptions and the expedited procedures available when enforcement occurs close to an election....“When enforcement occurs within six months of a primary or general election, the Commission “will request an expedited review of the matter.” Arizona law separately permits an expedited administrative hearing upon “extraordinary circumstances or the possibility of irreparable harm.”

(Minute entry ruling, Appendix 1, APP007, 009)(internal citations omitted).

As of now, as the trial court notes, there is no administrative appeal available.

And the Commission itself admits, at best Collins will make a *recommendation* to the Commission on October 29, 2026⁴, so any administrative relief will clearly not come before the election, which is why the Candidates seek relief from the Court. *Moulton v. Napolitano*, 205 Ariz. 506, 513 (App. 2003)(“a litigant should not be required to exhaust administrative remedies when such an effort would be futile.”) “Relief” after the election is completely useless to the Candidates in terms of allowing them to run a campaign. The Candidates need to know now whether they can spend the money they legally qualified for and received upon the certification of the Arizona Secretary of State without illegal interference by the Commission in the Secretary of State/County Recorder’s certification process.

Obviously, after Election Day, there is no more opportunity to sway voters with the campaign resources qualifying participating candidates, such as Lombrado and Collier, are supposed to have their disposal. And all the unspent monies go back to the Commission anyway. *See* A.R.S. § 16-953(B)(“At the end of the general election period, a participating candidate shall return to the fund all monies in the candidate’s campaign account above an amount sufficient to pay any unpaid bills for expenditures made before the general election and for goods or services directed to the general election.)”

⁴ Commission’s Response, Appendix 5, APP085, lines 11-13.

After the election, the Commission could drop this matter completely and it would not do the Candidates a bit of good as to the monies that remain to be spent, which is what this cause of action is all about, because the Commission gets those anyway, and there would no point to the Candidates spending money after people have voted in the first instance. Certainly an administrative process that might lead to that same unavailing result is equally useless.

C. This cause of action is ripe

As stated above, the Candidates need to know now whether they can resume their campaigns with the money they are lawfully entitled to without interference by the Commission. There is a case or controversy now, and that is whether the Commission has the power to decertify.

The Rules of Procedure for Special Actions make clear that the Candidates need not wait. Under Rule 4, Ariz. Spec. Act. R. P., “A special action may be brought only if a lower court or a body, officer, or person...(b) proceeded, or **threatened** to proceed, without, or in excess of, jurisdiction or legal authority...” (Emphasis added).

Clearly, the Defendants are threatening to try to decertify the Candidates, a power that they simply do not possess. Lastly, as the trial court noted, “where public officers are acting illegally or in excess of their powers [they] may they be enjoined.”

Berger v. Myers, 108 Ariz. 248, 250 (1972). Precisely the case here. The Defendants are attempting to usurp powers that are the exclusive province of the Secretary of State, so the anti-injunctions statute does not shield them.

IV. JURISDICTIONAL STATEMENT⁵

This Petition is warranted because they have no “remedy by appeal [that] is equally plain, speedy and adequate” *See* Rule 12(a), Ariz. Spec. Act. R. P.

Many election related statutory schemes provide for expedited appeals, but the Clean Elections Act, A.R.S. § 16-940 *et seq.*, does not. In similar cases involving election implications without an automatically expedited appeal, this Court has granted special action jurisdiction because time is of the essence. For example, in *Quality Educ. & Jobs Supporting I-16-2012 v. Bennett*, the Court stated:

The Committee filed this matter as an “expedited election appeal,” contending that it could be filed directly in this Court pursuant to Rule 8.1(h) of the Arizona Rules of Civil Appellate Procedure. That rule, however, “applies only to election-related cases designated by statute for expedited consideration on appeal.” ARCAP 8.1 cmt. 1. This case does not fall within that category...Accordingly, we treat the matter as a special action and accept jurisdiction because the purely legal issue raised is of statewide importance, and there is no “equally plain, speedy, and adequate remedy by appeal.”

⁵ Petitioners put this at the end because it makes more sense after reading the Argument section.

231 Ariz. 206, 206–07 (2013); *Huggins v. Superior Court In and For Cnty. of Navajo*, 163 Ariz. 348, 349 (1990)(granting special action review of challenge involving the primary election for partisan nomination to office of county attorney).

This case is also appropriate for review because this petition presents purely questions of law—the application and interpretation of the Clean Elections Act. *See, e.g., Nordstrom v. Cruikshank*, 213 Ariz. 434, 438 (App. 2006)(holding that the interpretation and application of statute raises questions of law, well-suited for special-action review).

Rule 12(b), Ariz. Spec. Act. R. P., lists other factors to consider that favor this Court accepting this Petition for Special Action:

- Subsection (3), the matter is “of first impression.”

At the trial level, Petitioners noted that “It is also apparently the first time the Commission has attempted to negate the certification by the Secretary of State and County Recorders.” (Reply to Collins, Appendix 6, APP134, lines 3-4). The Defendants have not denied this, so it may only be assumed that this is unprecedented by the Commission, so it has to be a matter of first impression for the Court.

- Subsection (4), the matter is “of statewide importance.”

This case involves statewide candidates, for Governor and the Secretary of State, and the Clean Elections Act is an Act enshrined in state law by the voters.

- Subsection (5) the matter is “tending to evade review, including questions that may become moot before an appeal.”

This is a textbook example of such a case. Once the election is over, this matter is largely moot, as all the money goes back to the Commission anyway under A.R.S. § 16-953(B). But at the same time, this case presents an important question. Candidates in the future should not be victimized by the way the Candidates here have been. If the Commission’s attempted power grab goes unchecked we can expect more attempts to interfere by the Commission.

V. CONCLUSION

Petitioners respectfully request that this Court grant special action review and the relief requested, an order enjoining the Defendants from attempting to decertify the Candidates.

V. REQUEST FOR ATTORNEY’S FEES

Petitioners request attorneys fees if successful in this cause of action pursuant to A.R.S. § 12-348(A)(4) and (7).

RESPECTFULLY SUBMITTED this 29th day of September, 2024.

TIMOTHY A. LA SOTA, PLC

/s/ Timothy A. La Sota

Timothy A. La Sota

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P 602-515-2649

tim@timlasota.com

September 24, 2026

Via hand delivery to:

Craig A. Morgan

Taft Stettinius & Hollister LLP

2555 East Camelback Road, Suite 1050

Phoenix, Arizona 85016

602.240.3062

cmorgan@taftlaw.com

Re: Motion to Quash subpoena duces tecum of Duwayne Collier and Risa Lombardo

Dear Mr. Morgan:

Pursuant to Arizona Administrative Code R2-20-213, my clients Duwayne Collier and Risa Lombardo move to quash the subpoena duces tecum dated September 15, 2026, or in the alternative, to modify it.

The subpoena should be quashed altogether because its breadth and short timeframe for compliance demonstrates obvious retaliation against my clients for criticizing the Commission and its Executive Director and seeking a redress of grievances in Court through the Special Action.

Mr. Collier still has not received the subpoena but he will not object to the lack of service.

ITEM II - Collier and Lombardo Request

Mr. Morgan
September 24, 2026
Page -2-

Alternatively, compliance should not be required until after the conclusion of the Special Action, and the breadth should be modified drastically. The subpoena duces tecum is overly burdensome and harassing, and intended to further harm the candidacies of Lombardo and Collier, who the Commission's Executive Director opposes politically and has suggested are "sham" candidates.

Very truly yours,

TIMOTHY A. LA SOTA, PLC

/s/ Timothy A. La Sota

Timothy A. La Sota

I agree to representation in front of the Commission by above named legal counsel.

/s/ Risa Lombardo
Risa Lombardo

/s/ Duwayne Collier
Duwayne Collier

**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**

RISA LOMBARDO, an individual;
DUWAYNE COLLIER, an individual,

Petitioners,

v.

ARIZONA CITIZENS CLEAN
ELECTIONS COMMISSION, a public
entity, THE STATE OF ARIZONA, a
public entity, and THOMAS COLLINS,
in his official capacity,

Respondents.

Court of Appeals
Division One
No. 1 CA-SA 26-0368

Maricopa County
Superior Court
No. CV2026-037740

RESPONSE TO PETITION FOR SPECIAL ACTION

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Attorneys for Respondent Arizona Citizens Clean Elections Commission

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INTRODUCTION

Through this Expedited Petition for Special Action, Petitioners Risa Lombardo and Duwayne Collier (“Petitioners”) ask the Court to preempt the fulfillment by the Arizona Citizens Clean Elections Commission (“Commission”) of its statutory duties to enforce all components of the Arizona Citizens Clean Elections Act, A.R.S. § 16-940, *et seq.* The Petitioners ask the Court to end an ongoing administrative investigation ordered by the Commission based on allegations that the Petitioners, or their campaigns, engaged in fraudulent activity while seeking qualification for Clean Elections funding, and that they have misspent and/or misreported their expenditures of that funding. As held by the Superior Court, this investigation is well within the Commission’s statutory mandate to enforce all provisions of the Clean Elections Act. [See Appx. 1 at 4-5] The Court has no jurisdiction to intervene in this statutorily delegated investigation process and prevent the Commission and its staff from fulfilling its statutorily authorized investigation and enforcement duties.

The Petition also rests on non-ripe allegations that assume a false purpose for the investigation and further presume outcomes that have yet to occur, and may never occur. For instance, Petitioners request an “order enjoining the Defendants from attempting to decertify the Candidates.” [Petition at 18] But the Commission has made no such attempt. Instead, as made clear by the Petitioner’s arguments, the

Commission has only directed its Executive Director to investigate the serious allegations of fraud and misuse of public funds. [Petition at 10, 14-15] What the investigation findings will be, and what recommendations for action, if any, may result therefrom, and what orders, if any, the Commission may consider or issue are unpredictable future matters. There is no ripe controversy on the investigation outcomes to be decided.

Given the foregoing, appellate special action jurisdiction is not appropriate under the factors set out by Rule 12 of the Arizona Rules of Procedure for Special Actions. Ariz. R.P. Spec. Act. 12(a), (b). This Petition does not present a legitimate question of first impression for the Court to decide, nor does it present a matter of true statewide importance, or a question tending to evade review. Instead, the speculative and premature nature of the Petitioner's claims invoke the ripeness doctrine, the jurisdictional requirement to exhaust administrative remedies, and the long-established rights of administrative bodies to conduct investigations necessary to fulfilling their expressly delegated statutory enforcement authorities. These are each matters resolved by settled law, and are equally appropriate to address by a regular appeal. *See* Ariz. R.P. Spec. Act. 12(c)(3), (4). This Court should therefore decline to accept appellate special action jurisdiction.

Even if the Court were to accept special action jurisdiction, Petitioners improperly ask the Court to suspend and forbid completion of an investigation the

Commission is statutorily mandated to perform into whether the Petitioners' receipt and expenditures of, and reporting about, public Clean Elections funding provided to their campaigns has complied with the law whose enforcement is statutorily delegated to the Commission. The record make clear that: (1) the Commission's investigation is a proper exercise of its legislatively mandated functions; (2) the Petition seeks to upset, not preserve, the *status quo*; (3) this controversy is not ripe as there has been no completion of the investigation or final determination by the Commission; and, (4) even if there had been a final determination against any of the Petitioners, the Petitioners would have failed to exhaust their administrative remedies so this matter would still not properly be before this Court. The Court should deny the Petition for Special Action as it is unripe, seeks relief outside the Court's authority, and is otherwise legally improper and improvident.¹

ARGUMENT

I. THIS COURT SHOULD DECLINE SPECIAL ACTION JURISDICTION BECAUSE THE REMEDY BY APPEAL IS EQUALLY PLAIN, SPEEDY, AND ADEQUATE.

Petitioners have not established that relevant factors justify undertaking special action review, and they do not lack an adequate remedy by appeal. So, there

¹ The Petition included a request by Petitioners for an award of attorney's fees under A.R.S. § 12-348(A)(4) and (7). [Petition at 18] Because the Petition lacks valid grounds for invoking this Court's jurisdiction, the request for a fees award is equally unjustified.

is no basis for the Court accept appellate special action jurisdiction.

“In accepting or declining jurisdiction, the court is determining whether remedy by appeal is equally plain, speedy, and adequate.” Ariz. R.P. Spec. Act. 12(a). Here, Petitioners have an adequate remedy to appeal the Superior Court’s order, and this matter is therefore not appropriate for review by appellate special action. *Cf. Sec. Alarm Fin. Enters., L.P. v. Fuller*, 242 Ariz. 512, 515, ¶ 7 (App. 2017) (appellate special action jurisdiction appropriate where order denying motion to compel arbitration left no adequate remedy by appeal); *Yarbrough v. Montoya–Paez*, 214 Ariz. 1, 2, ¶ 1 (App. 2006) (“Because an appeal cannot adequately cure an erroneous venue ruling, such orders ‘are appropriately reviewable by special action.’” (quoting *Floyd v. Superior Court*, 125 Ariz. 445, (App.1980))).

Accepting appellate special action jurisdiction is discretionary. Ariz. R.P. Spec. Act. 12(a). The Arizona Supreme Court’s recent revisions to the special action rules created a “robust set of criteria [courts] are to follow in exercising [special action] discretion.” *See Nunez v. Valente*, 591 P.3d 896, 900–01 (Ariz. Ct. App. 2026) (citing Ariz. R.P. Spec. Act. 12(b), (c)). Specifically, these rules include a list of factors for courts to consider when deciding whether to exercise or not exercise special action jurisdiction. *Id.* Petitioners cite three of these factors they claim support accepting special action jurisdiction—resolving (1) a question of first impression, (2) a question of statewide importance, and a question “tending to evade

review, including questions that may become moot before an appeal.” [Petition at 16-18 (citing Ariz. R.P. Spec. Act. 12(b)(3)-(5))] However, none of these factors reasonably apply here. Instead, the petition characteristics set out by the special action rules as supporting a declination of jurisdiction are more directly on point, including the assertion of questions that are “clearly resolved by settled law” and the reliance on issues that are “equally appropriate to address by appeal.” *See* Ariz. R.P. Spec. Act. 12(c)(3)-(5).

First, whether a governmental body has been delegated authority to investigate regulated parties is not a question of first impression. *See* Ariz. R.P. Spec. Act. 12(b)(3). Petitioners try to broadly expand this jurisdictional category to include granular disputes over potential, specific certification language that may or may not be in a future administrative enforcement decision following that investigation. [Petition at 17] But the Court is being asked to enjoin an investigation, not to evaluate an existing administrative decision. The only matter before the Court is whether the Commission can exercise its authority to investigate the Petitioners’ under its authority to enforce all provisions of the Clean Elections Act; no penalty or other enforcement decisions have been made and can be evaluated. Indeed, there is an entire administrative investigation, recommendation, and findings process to be followed before any such final decisions or orders could exist. *See, e.g.*, A.R.S. §§ 16-956(A)(7), -957(A); A.A.C. § R2-20-209. And there is an abundance of case

law on an agency's authority to investigate activities which fall under its express statutory duties. *See, e.g., Carrington v. Arizona Corp. Com'n*, 199 Ariz. 303, 305, ¶ 8 (App. 2020) ("In other words, "[t]he Commission must be free without undue interference or delay to conduct an investigation which will adequately develop a factual basis for a determination as to whether particular activities come within the Commission's regulatory authority.") (quoting *SEC v. Brigadoon Scotch Distrib. Co.*, 480 F.2d 1047, 1052-53 (2nd Cir.1973)); *Polaris Int'l Metals Corp. v. Arizona Corp. Comm'n*, 133 Ariz. 500, 506 (1982) ("An appropriately empowered agency 'can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not.'") (quoting *United States v. Morton Salt Co.*, 338 U.S. 632, 642-43 (1950)). There is simply no question of first impression currently before the Court.

Second, the simple fact that the two candidates being investigated are running for statewide office does not make this a matter of statewide importance. *See Ariz. R.P. Spec. Act. 12(b)(4)*. Instead, matters of statewide importance are considered those which have broad impact on issues and individuals throughout the state, rather than involving the unique conduct and investigation of two individuals. *See, e.g., State ex rel. Montgomery v. Whitten*, 228 Ariz. 17, 19, ¶¶ 6-7 (App. 2011) (question of statewide importance where it has "apparently arisen in a number of criminal cases"); *Moss v. Superior Ct. In & For Cnty. of La Paz*, 175 Ariz. 348, 350 (App.

1993) (“The issue of the constitutionality of newly enacted [statutes] is one of statewide importance affecting numerous cases.”) (citing *State v. Velasco*, 165 Ariz. 480, 482 (1990)). Cf. *Glenn H. v. Hoskins*, 244 Ariz. 404, 407, ¶ 9 (App. 2018) (authorization of medical treatment to patients throughout Arizona via emergency hotline presents matter of statewide importance); *Nunez*, 591 P.3d at 900-01 (application of core discovery rules impacts substantial civil litigation throughout the state thereby presenting legal issue of statewide importance).

Third, Petitioners’ make an unsupportable argument that this is a “textbook example” of a case which is “tending to evade review, including questions that may become moot before an appeal.” [Petition at 18 (quoting Ariz. R.P. Spec. Act. 12(b)(5))] Petitioners’ claim that “[o]nce the election is over, this matter is largely moot, as all the money goes back to the Commission anyway under A.R.S. § 16-953(B).” [*Id.*] But this assertion first falsely assumes that the sole purpose of the investigation is to recover all Clean Elections funding received by the Petitioners. The outcome of the investigation is unknown and unclear at this time. Moreover, the allegations being investigated do not automatically translate into a single option for post-investigation findings or enforcement decisions. Those outcomes range from a recommendation to take no action whatsoever to a spectrum of enforcement orders that could include, among other things, partial repayment or full repayment

of Clean Elections funding. The idea that the investigation is exclusively focused on “decertifying” the Petitioners is just factually incorrect.

Furthermore, the Petitioners’ assertion that somehow “all the [Clean Elections] money goes back to the Commission anyway” once the election is over is legally and factually untrue. The Petitioners cite A.R.S. § 16-953(B), but that statute provides a mechanism only for the return of Clean Elections monies remaining *unspent* in a candidate’s account. It says nothing about automatically reimbursing the Clean Elections Fund any and all Clean Elections monies spent by candidates during the campaign. The election would not moot the Commission’s investigation into whether the Petitioners’ fraudulently qualified for Clean Elections funding, or their separate inquiry into whether each of the Petitioners complied with their expenditure and reporting requirements under the Clean Elections Act. Nor have the Petitioners supplied any legal authority that would cause the completion of the election to moot any potential future enforcement action taken against the Petitioners following the investigation. There is no basis for concluding that the need for the investigation, let alone the authority to complete and act on it, would somehow become moot after the November general election.

Petitioners also have an adequate remedy by a non-special action appeal of the Superior Court’s rulings. Given the directive of the Rules of Procedure for Special Action on how the Court should treat questions like those raised here that

are “clearly resolved by settled law” and “equally appropriate to address by appeal,” the Court should decline to accept appellate special action jurisdiction. *See* Ariz. R.P. Spec. Act. 12(c)(3)-(4).

II. EVEN IF THE COURT ACCEPTS APPELLATE SPECIAL ACTION JURISDICTION, PETITIONERS ARE NOT ENTITLED TO THE REQUESTED RELIEF.

Even if the Court accepted special action jurisdiction, it would have to rule against the Petitioners. The Superior Court was correct in denying their request for a preliminary injunction permanently suspending the investigation of Petitioners’ actions. The Petitioners failed to show the prerequisites to such relief under Rule 65, Ariz. R. Civ. P.

A. Petitioners failed to prove a strong likelihood of prevailing on the merits under Rule 65.

When seeking a preliminary injunction, movants must prove: (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury or harm not remediable by damages, (3) a balance of hardships favoring that party, and (4) public policy favoring the injunction. *Shoen v. Shoen*, 167 Ariz. 58, 63 (App. 1990). Alternatively, movants may use a “sliding scale” to prove entitlement to injunctive relief that applies one of two conjunctive pairings: (1) a showing of probable success on the merits and the possibility of irreparable harm, or (2) a showing of the presence of serious questions and that the balance of hardships tips sharply in the movants’ favor. *Smith v. Ariz. Citizens Clean Elections Comm’n*, 212 Ariz. 407, 410, ¶ 10

(2006); *Fann v. State*, 251 Ariz. 425, 432, ¶ 16 (2021). Under either standard, the movants’ inability to demonstrate a legally or factually viable claim undermines their entitlement to the requested preliminary injunctive relief. The requirement for a strong likelihood of success on the merits under the *Shoen* four-part test and the first of the two alternative, sliding scale tests are tightly related to the required showing of “the presence of serious questions” under the second of the sliding scale tests. The Arizona precedent explains that “whether there are ‘serious questions’ depends more on the strength of the legal claim than on the gravity of the issue.” *Arizona Association of Providers for Persons with Disabilities v. State*, 223 Ariz. 6, 12, ¶ 13 (App. 2009) (citing *Sports Form, Inc. v. United Press Int’l, Inc.*, 686 F.2d 750, 754 (9th Cir. 1982); *Justice v. Nat’l Collegiate Athletic Ass’n*, 577 F.Supp. 356, 384 (D. Ariz. 1983)). Thus, where the party seeking a preliminary injunction has no chance of succeeding on the merits it is deemed to have failed to raise “serious questions.” *Justice*, 577 F.Supp. at 384.

As explained below, there are several bars to the Petitioners’ prevailing on their claim for a permanent injunction in this matter. The Court would need to find that the Petitioners can establish no likelihood of prevailing in this matter, and that they have not met the standard for entitlement to preliminary injunctive relief.

B. The Commission is expressly authorized, and mandated, to enforce all provisions of the CCEA.

The Commission's authority to investigate violations under the CCEA is established by statute. This authority includes investigations into whether publicly-funded Clean Elections candidates violated, or are continuing to violate, applicable campaign finance laws governing funds distributed pursuant to the CCEA. The CCEA's purpose is to restore citizen confidence and increase participation in our political system, improve Arizona State government integrity, and promote freedom of speech under the U.S. and Arizona Constitutions. A.R.S. § 16-940. The CCEA imbues the Commission and its staff with key, unique powers and responsibilities within Arizona state government, including establishing a system for voter education, managing a system of clean elections funding for candidate campaigns, and enforcement of candidate eligibility for such funding, as well as campaign finance and account standards and rules governing maintenance of, use of, and reporting for such funding. *See* A.R.S. §§ 16-948, -949, -950, -951, -953, -954, -956, -957, -958, -959.

The Commission utilizes an annual budget derived from the sources of revenue authorized by statute for inclusion in the Citizens Clean Elections Fund (the "Fund") to fulfill the objectives of the CCEA. A.R.S. § 16-949. Those sources include a 10% surcharge on civil penalties and criminal fines, civil penalties collected pursuant to the CCEA, and qualifying contributions on behalf of candidates

who seek public campaign financing through the Clean Elections Fund. The Fund is used to fund the administrative and enforcement costs of the Commission, to provide campaign funding for candidates who qualify for Clean Elections public campaign funding under A.R.S. § 16-950, and to fund the costs of voter education programs provided by the Commission to fulfill its statutory mission. A.R.S. § 16-949.

Candidates who wish to obtain campaign financing through the Commission's Clean Elections Fund must meet certain requirements, including filing a timely Application for Certification with the Arizona Secretary of State, collecting and submitting funds and properly completed qualifying contribution forms for the number of \$5 Qualifying Contributions specified for the office they are seeking, and agreeing not to accept contributions from political action committees ("PACs") and corporations. *See* A.R.S. §§ 16-946, -947. Upon satisfaction of all prerequisites and certification as a "participating candidate," candidates can receive distribution of Clean Elections Fund funding for use by their campaign committee. However, the Commission's enabling statutes restrict a participating candidate to conducting all financial activity through a single campaign account of their campaign committee, and impose other limitations on use of the participating candidates' campaign account funds. A.R.S. § 16-948(C). For example, the restrictions include the requirement to "pay monies from a participating candidate's campaign account directly to the person providing goods or services to the campaign" and to "identify,

on a report . . . , the full name and street address of the person and the nature of the goods and services and compensation for which payment has been made.” A.R.S. § 16-948(C).

The statutes further identify specific “unlawful contributions,” such as payments “made to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to participate in activities to influence the outcome of a candidate election” or payments made to a political party. A.R.S. § 16-948(C)(1),(2). The statutes also prohibit other uses of participating candidate campaign account funds, such as for payment of fines or civil penalties, for defense of any enforcement action under the CCEA, or for “any goods or services that bear a distinctive trade name, trademark or trade dress item . . . that is owned by a business or other entity that is owned by that participating candidate or in which [the candidate] has a controlling interest,” *id.* at § 16-948(E),(F).

The Commission’s campaign finance enforcement program allows for the enforcement of the CCEA, including the public financing program, and authorizes the Commission to make initial findings concerning whether “there is reason to believe that a person has violated any provision of [the CCEA statutes at Arizona Revised Statutes, Title 16, Chapter 6, Article 2],” followed by findings 14 days after service of an order requiring compliance “that the alleged violator remains out of compliance,” and subsequent “public findings” confirming the violator remains out

of compliance with the CCEA and “orders” assessing a civil penalty in accordance with § 16-942. A.R.S. § 16-957. The CCEA statutes authorize the Commission to assess civil penalties on both participating and non-participating candidates and entities that make expenditures on candidate elections. *See* A.R.S. §§ 16-942, -947. The Commission also has enforcement responsibilities under Arizona Revised Statutes, Title 16, Chapter 6.1 related to the Voter’s Right to Know Act. A.R.S. § 16-974.

The CCEA expressly authorizes and requires the Commission to “[e]nforce [the CCEA], ensure that money from the fund is placed in candidate campaign accounts or otherwise spent as specified in this article and not otherwise, monitor reports filed pursuant to this chapter and financial records of candidates as needed and ensure that money required by this article to be paid to the fund is deposited in the fund.” A.R.S. § 16-956(A)(7). In performing the investigative and enforcement elements of such enforcement, the Commission is statutorily authorized to “subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the commission's duties or the exercise of its powers.” A.R.S. § 16-956(B). Thus, the CCEA statutes mandate that the Commission enforce the CCEA terms, and expressly authorize the Commission to make investigations for such enforcement activity through

subpoenaed testimony and records, along with a series of findings and orders whereby the Commission finds initial or ongoing violations of the CCEA requirements occurring, and assesses penalties for the same.

Here, the Petitioners applied for and were certified as participating Clean Elections funding candidates, and received nearly \$3.6 million in public money from the Fund. As demonstrated by letters sent recently by Commission Executive Director Tom Collins to the Petitioners, the Commission has become aware of allegations that indicate the Petitioners may have received Clean Elections funds they were not entitled to, and that they may have spent and documented those funds in violation of the CCEA restrictions and requirements. [See Appx. 5, Exhs. A and B] The letters to Petitioners outlined concerns that there appears to be a suspicious pattern related to Petitioners' collection of qualifying contributions and to their expenditures of Clean Elections funding. [*Id.*]

First, a substantial number of the \$5 qualifying contributions reported by these candidates were the first and only donations of the people who provided them, and they were provided by the same people. [Appx. 5, Exh. A at 2; Appx. 5, Exh. B at 2] Second, Petitioners had no campaign expenses prior to receiving Clean Elections funding, despite having obtained qualifying contributions during this time. [See *id.*] Third, the individual \$5 qualifying contributions purportedly collected over a period of months were all deposited in one lump sum in cash right before applying for Clean

Elections funding. [Appx. 5, Exh. A at 4; Appx. 5, Exh. B at 2] Fourth, local news recently reported that a number of the voters who were listed as making these contributions indicated they did not do so. [Appx. 5, Exh. A at 4; Appx. 5, Exh. B at 6]

Finally, Petitioners appear to have failed to pay monies directly to, and properly identify, sub-vendors for direct campaign purposes as required by the CCEA. [Appx. 5, Exh. A at 4-7; Appx. 5, Exh. B at 6-9] For example, Petitioners attributed campaign expenses to the same newly formed, out-of-state company which were actually performed by a local company. [Appx. 5, Exh. A at 6; Appx. 5, Exh. B at 7-8] Petitioners appear to have made lump sum payments to that newly formed, out-of-state company without reporting the sub-vendors who actually performed services or accounting for the actual value and cost associated with those services as required by the CCEA. [Appx. 5, Exh. A at 4-7; Appx. 5, Exh. B at 6-9] Based on a conclusion that Mr. Collins' letters to the Petitioners provided good cause for conducting and completing a full investigation into whether the Petitioners are in violation of any provisions of the CCEA, the Commission voted in open meeting on August 27, 2026, authorizing and directing Tom Collins, as Executive Director, to investigate the potential violations of the CCEA requirements by the Petitioners and a third candidate, and delegated to Executive Director Collins the Commission's investigative authority under the CCEA, including its subpoena powers. [See Appx.

5, Exh. C (Meeting Minutes) at 60:1-66:1] Recognizing the seriousness of the allegations against the Petitioners, and the substantial amount of public funds at issue, the Commission asked for Mr. Collins to complete his investigation and make a recommendation to the Commission as soon as possible. Specifically, the Commission vote asked for the recommendation to be made by its next scheduled public meeting, September 24, 2026, or at least by the following scheduled public meeting, October 29, 2026. [*Id.*]²

The Commission's vote authorizing and delegating investigation powers and duties concerning the Petitioners' actions to Mr. Collins invoked the Commission's express statutory authority and CCEA enforcement mandate, launching an active investigation to ensure that the Petitioners were eligible to receive the Clean Elections Fund public funding, and that they complied with the terms of the CCEA for expenditures and reporting or documentation. It is not optional for the Commission and its representatives to enforce the provisions of the CCEA at issue

² Petitioners ask the Court to take judicial notice of the agenda for the Commission's September 24, 2026 meeting and claim that the investigation matter was not on the agenda. Petitioners' representation is provably false, as reflected on page 2 of the cited document which includes the relevant agenda item. The Commission even emailed a copy of the agenda directly to Petitioners' counsel so Petitioners were aware the matter would be part of the meeting. And the minutes from that meeting, which are publicly available at <https://www.azcleaselections.gov/commission-meetings>, show that the Commissioners entered an executive session during the meeting to receive legal advice on the investigation matter.

here. *See* A.R.S. § 16-956(A)(7) (“The commission shall . . . [e]nforce this article, ensure that money from the fund is placed in candidate campaign accounts or otherwise spent as specified in this article and not otherwise, monitor reports filed pursuant to this chapter and financial records of candidates as needed and ensure that money required by this article to be paid to the fund is deposited in the fund.”) (emphasis added). The investigation is also specifically authorized under the Commission’s rules at Ariz. Admin. Code § R2-20-209. That section provides: “The Executive Director or any other person designated by the Executive Director shall conduct an investigation in any case in which the Commission finds reason to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred or is about to occur.” It further provides that “[t]he investigation may include, but is not limited to, field investigations, audits, and other methods of information gathering.” A.A.C. § R2-20-209(B). In addition, the Commission rules allow other forms of testimony or records gathering, including by submission of written questions and subpoenas, and provide a process for preparation of an Executive Director’s position and recommendation regarding whether the Commission should adopt a finding of probable cause to believe a violation occurred, and for enforcement proceedings and further administrative review and appeals. *See* A.A.C. § R2-20-210 – R2-20-228.

1. The Court has no authority to interfere with a statutorily mandated investigation.

The Arizona legislature's mandate that the Commission and its representatives enforce the CCEA makes it fundamental that the Commission investigate the Petitioners' receipt and uses of, and reporting concerning, the Clean Elections funds. Under Arizona law, the courts have no jurisdiction or authority to interfere with any governmental body's execution of such statutorily mandated responsibilities so long as its actions and enabling statutes are not unconstitutional and the agency is exercising its authorities for the benefit of the public, or in a lawful manner. *See* A.R.S. § 12-1802(4),(6); *Francis v. Allen*, 54 Ariz. 377, 387 (1939) (where a statute "is constitutional in all respects," plaintiffs are not entitled to an injunction preventing its enforcement by officials of the state.") This is the command of the Arizona anti-injunction act at § 12-1802(4),(6), which provides:

An injunction shall not be granted:

* * *

4. To prevent enforcement of a public statute by officers of the law for the public benefit.

* * *

6. To prevent the exercise of a public or private office in a lawful manner by the person in possession.

Here, there are no allegations by Petitioners that the statutory CCEA enforcement commands and related Commission investigatory processes are unconstitutional in any way. Rather, the constitutional challenge raised here claims that the act of investigating the Petitioners somehow violates their constitutional free speech rights to engage in campaign/election-related speech. The fallacy of that argument is that nothing has been done to affirmatively stop the spending; the Commission has authorized an investigation and it is ongoing. With the present lack of enforcement action against the spending, any constitutional issue remains unmaturing. The Petitioners' challenge is merely a premature attempt to interfere with authority that has been delegated appropriately by statute, through rule, and through a vote of the Commission. And that delegated investigation authority is part of the Legislature's mandate that the Commission make findings regarding violations of the CCEA and enforce its provisions, including through final findings where the investigation uncovers continuing non-compliance and appropriate penalty orders. A.R.S. §§ 16-942, -957.

The Court thus has no jurisdiction or authority to interfere with the Commission's execution of this statutory mandate, which is being undertaken in compliance with the law. *See, e.g.,* A.R.S. § 12-1802(4),(6); *State ex rel. Berger v. Myers*, 108 Ariz. 248, 250 (1972) ("The superior courts of this state may not restrain a public official such as the county attorney or a public body such as the grand jury

from discharging the duties imposed upon them by law.”); *Hilkert v. Canning*, 58 Ariz. 290, 296 (1941) (holding it “improvident” to enjoin investigatory process and determination by board of accountancy about whether certificate holder had engaged in conduct subjecting certificate to revocation). Moreover, this jurisdictional deficiency plagues the entire request for relief by the Petitioners. Just as the Superior Court could not issue a preliminary injunction interfering with the statutorily authorized investigation, it could not issue a permanent injunction forever forbidding completion of that same investigation. That issue required rejection of the preliminary injunction request, and dismissal with prejudice of the action. The Superior Court acted properly in doing both.

2. The injunction request sought to upset the *status quo*.

As a general matter, Arizona courts refrain from issuing preliminary injunctive orders that upset the *status quo* between the parties. *See, e.g., Cracchiolo v. State*, 135 Ariz. 243, 247 (App. 1983) (rejecting injunction that “does not preserve the status quo”). Here, the status quo is the in-process investigation. [See Appx. 5, Exhs. A-C] The Petitioners’ request for preliminary injunctive relief sought to upset that ongoing process and revert the Commission to an inactive status, wasting the resources already committed to the investigation and signaling the Petitioners that any unlawful campaign finance activities that might be happening could continue without oversight. That would directly conflict with the policy of the Arizona courts

for invoking their preliminary injunction powers, meaning the Superior Court was correct to deny such relief.

C. Participation as a publicly funded candidate is voluntary, and petitioners agreed to the qualification, spending, and reporting requirements of the Clean Elections Act.

It is not appropriate for a court to invoke its Rule 65 preliminary or permanent injunction powers to allow parties to subvert agreements they made as the *quid pro quo* for obtaining public monies. Here, the Petitioners had to submit a formal application for certification as a participating Clean Elections candidate, and were on notice by the CCEA statutes of the various restrictions on distribution, expenditure and reporting that would apply to all Clean Elections funds. By accepting the certification as a participating candidate, and especially by accepting the public Clean Elections funds accompanying that certification, the Petitioners accepted the obligation to abide by all the CCEA terms, prerequisites, and campaign finance controls and restrictions, including the existing and transparent Commission investigation and enforcement procedures. The Petitioners made no objections to such terms until just recently when they became the subject of an investigation.

The Petitioners' prior acquiescence in the Commission rules and processes demonstrated not only the lack of serious questions here, but the lack of hardships favoring the Petitioners. Quite the contrary, it would impose enormous hardship on the public fisc, the objectives of the CCEA, and fulfillment of the statutory

responsibilities of the Commission to allow candidates to feign intent to cooperate with the Commission's investigatory and enforcement process, obtain and spend the public Clean Elections Fund monies, and then flaunt the established investigatory processes once they become the targets of an investigation. This threat to the CCEA and the Commission's important public functions also supported the Superior Court's decision to deny the injunction request.

D. There is no ripe dispute, as the Commission has made no repayment determination.

The doctrine of ripeness has long been recognized by Arizona courts, and they will not exercise jurisdiction to interfere in a dispute that has not yet ripened. *Hilkert*, 58 Ariz. at 296 confirms the inappropriateness of issuing a preliminary injunction before an agency charged with investigating and sanctioning statutory violations has completed its assessment and rendered its decision. There, the Arizona Supreme Court considered the authority of the trial court to issue an injunction stopping the state board of accountancy from completing a hearing analyzing whether an accountant was "guilty of any act or default discreditable to the profession," and should therefore have his accountant certificate revoked. The Court concluded: "We think the injunction was improvidently issued for another reason. The board of accountancy had not heard the evidence and had not revoked or undertaken to revoke the appellee's certificate. The injunction anticipates an adverse decision by the

board, which we think it may not do. Upon a full hearing, the decision of the board may have been favorable to him.” *Id.*

Here there is similarly no ripe dispute because the commission charged with determining if CCEA violations have occurred, and if the Petitioners should be penalized or issued repayment orders, has not even completed its investigation, let alone rendered any decision or imposed any adverse consequence. Just as in *Hilkert*, the outcome of the Commission-authorized investigation could be favorable to the Petitioners, and no adverse decision, let alone a particular form of adverse orders, can be presumed by the Court. Thus, just as the *Hilkert* court found, issuing a preliminary injunction to stop the Commission’s enforcement investigation and decision-making would be “improvident.” This issue alone was enough to require that the Superior Court deny the preliminary injunction request as a matter of law, and dismiss the underlying lawsuit as failing to state a viable claim for relief.

E. Petitioners are required to first exhaust their administrative remedies before seeking judicial review of a future determination by the Commission.

As noted above, the Commission’s rules provide a detailed process by which the investigation at issue here must be completed, converted into a position brief and recommendation by the Executive Director, evaluated and acted on by the Commission through either a decision to take no action or a decision that probable cause exists to believe a statutory violation has occurred accompanied by authorized

enforcement actions. *See, e.g.*, A.A.C. §§ R2-20-214 – R2-20-217, and §§ R2-20-220 – R2-20-228. If the Commission had made any sort of adverse probable cause finding of a violation against the Petitioners, or invoked the Commission’s established enforcement procedure via penalties or repayment orders, the Petitioners would be obligated to follow the administrative appeal, administrative hearing, and judicial appeal of administrative decision processes outlined in these rules and the accompanying statutes at A.R.S. §§ 41-1092.03 – 41-1092.08, and A.R.S. § 12-901, *et seq.* This request for preliminary and permanent injunction would be barred by failure to exhaust those administrative remedies. *See, e.g., Moulton v. Napolitano*, 205 Ariz. 506, 511 (App. 2003) (“[I]f parties have statutory recourse to an administrative agency that has authority to grant appropriate remedies, they must scrupulously follow the statutory procedures. If they fail to utilize all their administrative remedies, the superior court lacks jurisdiction to consider their claim.”). Until the investigation is completed, the final decisions are made involving Petitioners’ compliance with the CCEA, and these administrative appeal and review processes are fully complied with, the relief requested here is premature and unavailable. *See id.*

CONCLUSION

For the foregoing reasons, the Court should decline jurisdiction of the Special Action. Petitioners have an adequate remedy to appeal the Superior Court’s order

dismissing its Complaint for Special Action. And there is no reasonable basis under the criteria set out in the Arizona Rules of Procedure for Special Actions for the Court to exercise its discretion to accept jurisdiction of this Petition.

Furthermore, the Superior Court correctly determined that the Petitioners could not establish a basis for preliminary injunction relief, and the Court had no authority to issue either preliminary or permanent injunctive relief. Moreover, the claims here remain premature, and would also be barred for failure to exhaust administrative remedies that will be available once the Commission staff finishes the investigation and the Commission acts on any recommendation. Therefore, even if the Court accepts special action jurisdiction, the Court should deny the request to enjoin the Commission's investigation.

RESPECTFULLY SUBMITTED this 2nd day of October, 2026.

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**ARIZONA COURT OF APPEALS
DIVISION ONE**

RISA LOMBARDO, an individual;
DUWAYNE COLLIER, an individual,

Petitioners,

v.

ARIZONA CITIZENS CLEAN
ELECTIONS COMMISSION, a public
entity, THE STATE OF ARIZONA, a
public entity, and THOMAS COLLINS,
in his official capacity,

Respondents.

Court of Appeals
Division One
No. 1 CA-SA 26-0368

Maricopa County
Superior Court
No. CV2026-037740

**CERTIFICATE OF
COMPLIANCE**

Pursuant to Rule 14(h) of the Arizona Rules of Procedure for Special Action, I certify that the *Arizona Citizens Clean Elections Commission's Response to Petition for Special Action* is produced using a proportionately spaced typeface, Times New Roman, 14 point, and contains 5,989 words. The document to which this Certificate is attached does not exceed the word limit that is set by Rule 14(g)(1) of the Arizona Rules of Procedure for Special Action.

/s/ Kate Hofland