



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

Location: Citizens Clean Elections Commission

1616 West Adams, Suite 110

Phoenix, Arizona 85007

Date: Thursday, September 27, 2018

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on September 27, 2018. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at www.livestream.com/cleanelections. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

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. **All matters on the agenda may be discussed, considered and are subject to action by the Commission.**

Possible action on any Matter Under Review (MUR) identified in this agenda may include authorizing or entering into a conciliation agreement with subject of the MUR, in addition to any other actions, such as finding reason to believe a violation has occurred, finding probable cause to believe a violation has occurred, applying penalties, ordering the repayment of monies to the Clean Elections Fund, or terminating a proceeding.

The agenda for the meeting is as follows:

- I. Call to Order
- II. Discussion and Possible Action on Commission Minutes for July 19, 2018 meeting.
- III. Discussion and Possible Action on Executive Director's Report
- IV. Discussion and Possible Action on Clean Elections' Voter Education.
- V. Discussion and Possible Action on MUR 18-12, American Strong PAC.
- VI. Discussion and Possible Action on MUR 18-07, One Arizona dba Sunlight Arizona.

VII. 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

VIII. 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, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 25th day of September, 2018.

Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

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.

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THE STATE OF ARIZONA

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CITIZENS CLEAN ELECTIONS COMMISSION

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REPORTER'S TRANSCRIPT OF PUBLIC MEETING

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Phoenix, Arizona

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July 19, 2018

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9:31 a.m.

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ITEM II

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COASH & COASH, INC.

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Court Reporting, Video & Videoconferencing
1802 North 7th Street, Phoenix, AZ 85006
602-258-1440 staff@coashandcoash.com

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Prepared by:

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LILIA MONARREZ, CSR, RPR
Certificate No. 50699

<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on July 19, 3 2018, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members: 6 Mr. Damien R. Meyer, Chairperson 7 Mr. Mark S. Kimble 8 Ms. Amy B. Chan 9 Mr. Galen D. Paton 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director 13 Paula Thomas, Executive Officer 14 Gina Roberts, Voter Education Director 15 Mike Becker, Policy Director 16 Alec Shaffer, Web Content Manager 17 Stephanie Cooper, Executive Support Specialist 18 Mary O'Grady, Osborn Maledon 19 Kara Karlson, Assistant Attorney General 20 Rivko Knox, AZ League of Women Voters 21 Morgan Dick, AZAN 22 Talei Hornback, RIESTER 23 Tricia Kashima, RIESTER 24 Christina Borrego, RIESTER 25 Ryan Wheelock, RIESTER JP Twist, Ducey for Governor Sara Mueller, Ducey for Governor Zack Dean, Senate Jeffrey Ong, Senate</p>	<p style="text-align: right;">Page 4</p> <p>09:31:52-09:32:56</p> <p>1 And I'm assuming we don't have Commissioner 2 Titla on the phone. No one is on the phone. 3 Correct, Tom? 4 MS. THOMAS: That is -- no. We're good. 5 CHAIRMAN MEYER: Thank you. 6 Next item, Item III on the agenda: 7 Discussion and possible action on the executive 8 director's report. 9 Tom? 10 MR. COLLINS: Yes. Chairman, 11 Commissioners, I'll try to make this as quick as 12 possible. 13 I want to -- first, you know, you see all 14 the activity going on in voter education. So I want to 15 give a big shot out to Gina and Alec and Stephanie for 16 their work. 17 Next week we've got the pilot program that 18 initiated from Commissioner -- Commissioner Paton. 19 We'll be having forums or debates at Sahuarita, Sahuaro 20 and Empire High Schools in Tucson. We're excited about 21 that. We think that's a good opportunity to connect 22 with the community and connect with -- with folks. 23 You'll see that Gina presented at the 24 American Indian Right to Vote Conference last week, and 25 Alec will be out at the Municipal Clerks Association</p>
<p>09:31:02-09:31:52</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN MEYER: All right. Good morning. 4 We're going to call to order the meeting of the 5 Citizens Clean Elections Commission noticed for July 19 6 at 9:30 a.m. 7 The next -- the first item on the agenda is 8 discussion and possible action on Commission minutes 9 for the June 28th, 2018 meeting. 10 Any comments on the minutes or motions? 11 COMMISSIONER KIMBLE: Mr. Chairman? 12 CHAIRMAN MEYER: Commissioner Kimble. 13 COMMISSIONER KIMBLE: I move we approve the 14 minutes of the June 28th, 2018 meeting. 15 CHAIRMAN MEYER: Is there a second? 16 COMMISSIONER CHAN: I second that motion. 17 CHAIRMAN MEYER: We have a motion to 18 approve the minutes for the June 28th meeting. It has 19 been first and seconded. 20 All if favor say aye. 21 (Chorus of ayes.) 22 CHAIRMAN MEYER: Any opposition? 23 (No response.) 24 CHAIRMAN MEYER: The motion carries 25 unanimously.</p>	<p>09:32:59-09:34:05</p> <p style="text-align: right;">Page 5</p> <p>1 meeting. 2 We've also, this year -- for many years 3 we've been asked to sponsor the Meet the Candidates 4 event that the "Arizona Capitol Times" puts on, and 5 we've -- we have previously declined because the event 6 was -- required people to pay. We were able to 7 negotiate with them to become the biggest sponsor and, 8 in return, there's no charge. So the public can 9 actually come and meet the candidates. 10 So that's, again, a bit of a pilot program. 11 We'll see how it works. I know some -- I know it does 12 get attended by folks. The reason we've always 13 objected to sponsoring with the charge is because it's 14 really not -- it doesn't make it a good voter event -- 15 voter education event if, you know, folks have to pay 16 to get in, but we -- we're trying that this year. So 17 we're excited about that. 18 COMMISSIONER PATON: I have a question. 19 MR. COLLINS: Yeah. Yes. 20 COMMISSIONER PATON: So are those statewide 21 candidates? Are there -- 22 MR. COLLINS: All candidates are invited 23 from all over the state, and my understanding is they 24 get fairly good attendance of candidates. What our 25 hope is is if this is something that works, it's</p>

09:34:08-09:35:32	Page 6	09:36:55-09:38:03	Page 8
<p>1 something we could do to supplement our debates. If we</p> <p>2 could do something like this in Phoenix and something</p> <p>3 like this in Tucson and something like this, you know,</p> <p>4 in Prescott or Flag, you know, even in Yuma, we might</p> <p>5 be able to, you know, really supplement the debates by</p> <p>6 allowing informal opportunities for folks to meet with</p> <p>7 candidates rather than just the debate context.</p> <p>8 So that's the theory behind this. If it</p> <p>9 works, it works. If it doesn't work, then we'll, you</p> <p>10 know, think about not doing it again, but that's our</p> <p>11 hope for that.</p> <p>12 I want to real briefly mention the proposed</p> <p>13 consent decree between -- negotiated between LULAC,</p> <p>14 Secretary Reagan and Recorder Fontes has now been</p> <p>15 signed by the judge, and an additional copy of that is</p> <p>16 there.</p> <p>17 Kara will correct me if I'm wrong, but</p> <p>18 essentially, what the guts of the consent decree are,</p> <p>19 anyone who submits any kind of form, whether a state or</p> <p>20 federal form, but without proof of citizenship, will --</p> <p>21 but has been signed will automatically be a federal</p> <p>22 voter for sure. And then the -- whereas, the prior</p> <p>23 policy was that county recorders were to -- were not to</p> <p>24 accept but reject forms that didn't have proof of</p> <p>25 citizenship.</p>		<p>1 may affect voters that was filed by Rivko Knox, who is</p> <p>2 here and is always here. Rivko Knox v. Brnovich in</p> <p>3 that case is a challenge to the State's ballot</p> <p>4 collection law, as is -- and questions whether it's</p> <p>5 preempted, essentially, by a federal postal law. And</p> <p>6 we've given you a copy of the complaint and the</p> <p>7 preliminary injunction motion there.</p> <p>8 My understanding is that they have moved to</p> <p>9 consolidate on the merits, and I think they're also</p> <p>10 working on an expedited basis.</p> <p>11 Is that correct?</p> <p>12 MS. KARLSON: Yes. The lawsuit is</p> <p>13 expedited. So the hearing will be on August 10th.</p> <p>14 MR. COLLINS: Okay. So the important thing</p> <p>15 for voters to know there would be that the issue is</p> <p>16 whether or not the State's current ballot collection</p> <p>17 law which says that unless you fit into a certain</p> <p>18 category, you can't collect another person's voted or</p> <p>19 unvoted ballot. If this were to be preempted, then, I</p> <p>20 guess, the result would be that you could collect</p> <p>21 ballots of other people.</p> <p>22 MS. KARLSON: Correct. The plaintiffs are</p> <p>23 seeking an injunction against the ballot collection</p> <p>24 restrictions for unauthorized proxies.</p> <p>25 MR. COLLINS: So there's a lot of action,</p>	
09:35:33-09:36:52	Page 7	09:38:05-09:39:01	Page 9
<p>1 That now is -- that language has been</p> <p>2 reconsidered and interpreted to allow county recorders</p> <p>3 to, essentially, bounce the information that they have</p> <p>4 on the form off the systems that they have for -- for</p> <p>5 confirming voter I.D. to get at least a soft match. I</p> <p>6 don't know if it needs to be a hard match.</p> <p>7 MS. KARLSON: Tom, that's a very good</p> <p>8 description of, like, the behind the scenes elections</p> <p>9 officials --</p> <p>10 MR. COLLINS: Yeah.</p> <p>11 MS. KARLSON: -- what they do. I think</p> <p>12 that, perhaps, for the public it's better just to</p> <p>13 understand that Arizona had previously treated people</p> <p>14 who used the state form one way and people who used the</p> <p>15 federal form a different way pursuant to a Supreme</p> <p>16 Court decision. And the LULAC consent decree just says</p> <p>17 it shouldn't matter what piece of paper you fill out.</p> <p>18 You get treated the same way as a voter, all consistent</p> <p>19 with state and federal laws.</p> <p>20 MR. COLLINS: That is a much better</p> <p>21 description. In full disclosure, I worked on that</p> <p>22 Supreme Court case. So my brain is still locked into</p> <p>23 that way of looking at the world.</p> <p>24 And then the last thing I wanted to let you</p> <p>25 know is there is another case now in federal court that</p>		<p>1 my point is, in terms of -- in terms of voters and what</p> <p>2 the rules are still for this election cycle, and we're</p> <p>3 trying to make -- do our best to keep you informed.</p> <p>4 And then -- and then we'll be -- that will be</p> <p>5 reflected, obviously, in what we put out on our website</p> <p>6 and those kinds of things.</p> <p>7 So thank you, Kara, for filling in the</p> <p>8 gaps. I appreciate that.</p> <p>9 That's the end of my report.</p> <p>10 CHAIRMAN MEYER: Is that hearing on the</p> <p>11 10th -- is that just legal argument?</p> <p>12 MS. KARLSON: It's actually -- so the trial</p> <p>13 judge has consolidated the preliminary injunction</p> <p>14 motion with the trial on the merits. So it will be,</p> <p>15 you know, a final decision insofar as the district</p> <p>16 court goes.</p> <p>17 CHAIRMAN MEYER: Is there any evidence to</p> <p>18 be presented in those, or is it just going to be --</p> <p>19 MS. KARLSON: It's a legal argument.</p> <p>20 CHAIRMAN MEYER: Okay. Interesting.</p> <p>21 Okay. Do any Commissioners have any</p> <p>22 questions on the executive director's report?</p> <p>23 (No response.)</p> <p>24 CHAIRMAN MEYER: Okay. We'll move on to</p> <p>25 Item Number IV on the agenda, which is discussion and</p>	

09:39:06-09:40:46	Page 10	09:42:20-09:43:35	Page 12
<p>1 possible action on the Clean Elections Voter Education</p> <p>2 and matters relating to informing public of debates.</p> <p>3 Tom?</p> <p>4 MR. COLLINS: Yeah. Mr. Chairman, so we</p> <p>5 wrote this agenda item a little bit broadly to make</p> <p>6 sure that we could capture as much of discussion as you</p> <p>7 and others wanted to have about this, but first of all,</p> <p>8 the genesis of this is a Google AdWords ad that said to</p> <p>9 the effect of watch Governor Ducey defend his record.</p> <p>10 And after Governor Ducey had, first of all, declined to</p> <p>11 participate in the debate, it ran after that. And,</p> <p>12 second of all, it had some language that that language</p> <p>13 was -- you know, had an antagonistic quality and,</p> <p>14 indeed, the ad had the wrong primary date.</p> <p>15 So I want to, first off, just on behalf of</p> <p>16 the Commission staff and myself, really, actually,</p> <p>17 personally, you know, apologize for the ad content into</p> <p>18 the -- Governor Ducey's campaign. We did not intend</p> <p>19 for and try very hard, in fact, not to have our Voter</p> <p>20 Education Program cross over into actual candidate, you</p> <p>21 know, issues. So I apologize for that. That's my</p> <p>22 responsibility, and that really -- that buck on the</p> <p>23 Voter Education Program stops with me.</p> <p>24 What we have asked our ad company, or the</p> <p>25 company that has our voter education purchase order,</p>		<p>1 importantly, I think that we'll be talking about, you</p> <p>2 know, making sure that we have -- we have all the</p> <p>3 checks and balances in place that we need to make sure</p> <p>4 that our stated objectives are met. And that's</p> <p>5 something, I think, RIESTER agrees with.</p> <p>6 RIESTER has several representatives here.</p> <p>7 I think Christina Borrego is going to speak -- was</p> <p>8 going to give a brief presentation on RIESTER and take</p> <p>9 her questions. And then -- and, Mr. Chairman, if I</p> <p>10 may, after Christina completes her statement, I thought</p> <p>11 it might be a good time for the commissioners to ask</p> <p>12 questions.</p> <p>13 And then I also want to note that after</p> <p>14 that, the Governor's campaign has been generous enough</p> <p>15 to take time out of the campaign to have the Campaign</p> <p>16 Manager JP Twist and Deputy Campaign Manger Sara</p> <p>17 Mueller here, and I think one or both of them were</p> <p>18 going to -- are going to speak.</p> <p>19 So I thought we'd go Christina, questions,</p> <p>20 and then to the Governor's -- Governor's campaign</p> <p>21 manager, if that works for you, Mr. Chairman.</p> <p>22 CHAIRMAN MEYER: It works for me.</p> <p>23 Ms. Borrego.</p> <p>24 MS. BORREGO: Yes. Thank you, Chairman.</p> <p>25 Thank you, Commissioners. I do have a copy of the</p>	
09:40:49-09:42:17	Page 11	09:43:38-09:44:39	Page 13
<p>1 RIESTER, to do is pull together as much information as</p> <p>2 we could. We have a timeline I was unable to get a</p> <p>3 chance to print that shows you the time of how this</p> <p>4 worked, but I can go over it very -- I just want to go</p> <p>5 over that really quickly before -- oh, you have it?</p> <p>6 You have copies?</p> <p>7 Okay. Can you -- well, you can bring --</p> <p>8 MS. BORREGO: Finish up.</p> <p>9 MR. COLLINS: Okay. Basically, we were</p> <p>10 contacted by the governor's campaign general counsel</p> <p>11 on, I think, a Thursday night. I contacted Gina that</p> <p>12 night. Gina contacted RIESTER that night. By the next</p> <p>13 morning, we had -- we had a preliminary answer by</p> <p>14 midnight. We had some more specific and a little bit</p> <p>15 more detailed answers by 8:00 o'clock. That morning we</p> <p>16 got a stop on the ad as soon as possible. I think that</p> <p>17 very night, it stopped. RIESTER, working with Google,</p> <p>18 to get it stopped.</p> <p>19 We worked -- we asked some additional</p> <p>20 questions of RIESTER, which are in the formal memo that</p> <p>21 is in your packet, and we have provided all that</p> <p>22 information in real time to both you as commissioners</p> <p>23 and to Governor Ducey's campaign, pursuant to their</p> <p>24 request. And so we have -- we think we've -- we think</p> <p>25 we've caught up with things, and I think -- more</p>		<p>1 timeline.</p> <p>2 Would you like me to hand that to you to</p> <p>3 hand out?</p> <p>4 MR. COLLINS: That will be perfect.</p> <p>5 MS. BORREGO: So as that's being passed</p> <p>6 out, first of all, RIESTER is not accustomed to this</p> <p>7 type of attention. We are a very standup shop and work</p> <p>8 very hard on behalf of many clients in the state and</p> <p>9 regionally.</p> <p>10 So on behalf of RIESTER, I would like to</p> <p>11 officially apologize. We have tremendous respect for</p> <p>12 the Citizens Corporation Commission -- Citizens --</p> <p>13 excuse me -- Citizens Clean Election Commission --</p> <p>14 wrong campaign -- its leaders and its important role in</p> <p>15 our community. We are deeply sorry about our</p> <p>16 employee's mistake that caused this incident.</p> <p>17 Upon being made aware of this incorrect ad,</p> <p>18 our firm acted immediately and swiftly. In fact, our</p> <p>19 actions are testament to how seriously we took this</p> <p>20 situation.</p> <p>21 By now you've had the opportunity to read</p> <p>22 the memorandum in your -- in your meeting packets that</p> <p>23 provides answers to questions posed about this matter.</p> <p>24 I will provide a succinct verbal summary of what</p> <p>25 occurred. And in front of you, you have the timeline</p>	

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<p>1 that will help reinforce the series of events that</p> <p>2 transpired, and my hope is that this paints a very</p> <p>3 clear picture of what occurred because information and</p> <p>4 transparency is very important. And I think that will</p> <p>5 help you understand.</p> <p>6 So there may be some questions related to</p> <p>7 technicalities of the technology employed for use of</p> <p>8 this type of ad and the process that the department</p> <p>9 responsible for search engine marketing employs. I'll</p> <p>10 do my best to clarify those questions in my summary,</p> <p>11 but my -- may rely on my colleague Tricia Kashima, who</p> <p>12 is here -- she's our media director -- to help me</p> <p>13 answer any of your follow-up questions in regards to</p> <p>14 technicalities and process.</p> <p>15 So you have the timeline. I'm going to</p> <p>16 refer to it, and I'm going to start at the top where at</p> <p>17 9:53 p.m. on Thursday evening -- a week ago -- we were</p> <p>18 made aware of this -- of this and sent a screenshot of</p> <p>19 this problem ad. We -- the ones who saw it, we</p> <p>20 immediately recognized two things: one, the</p> <p>21 information was absolutely incorrect and, two, the word</p> <p>22 choice was incorrect.</p> <p>23 Between 9:53 p.m. and 10:25 p.m., the</p> <p>24 executive leadership that oversees search engine</p> <p>25 marketing was immediately tracked down. Within about</p>	<p>1 search software on the employee's desktop; however,</p> <p>2 instead of the sample ad remaining in draft mode, it</p> <p>3 was mistakenly set to live mode.</p> <p>4 Subsequently, the written recommendation</p> <p>5 with this new approach was never formally presented to</p> <p>6 the Clean Elections staff. As a result, the word</p> <p>7 choice and the information in this ad had not been</p> <p>8 authorized by Clean Elections staff nor the designated</p> <p>9 RIESTER account manager.</p> <p>10 Once this ad was in the software and had</p> <p>11 been set to live mode, it went undetected because it</p> <p>12 blended into other search ads that were running for</p> <p>13 Clean Elections. In the employee's mind, this</p> <p>14 particular ad was not yet in live mode because they had</p> <p>15 not yet realized their mistake.</p> <p>16 As a result of this incident, the firm will</p> <p>17 be changing processes as follows: When the media team</p> <p>18 has an idea on improving the performance of an ad, a</p> <p>19 search engine marketing optimization recommendation,</p> <p>20 including sample ads, will be presented to Clean</p> <p>21 Elections staff for review in a formal written</p> <p>22 recommendation and for discussion but will now have a</p> <p>23 signature line for Clean Elections to sign providing</p> <p>24 their authorization.</p> <p>25 If the recommendation is approved, the</p>		
09:45:57-09:47:19	Page 15	09:48:41-09:49:51	Page 17
<p>1 45 minutes of the first communication from Clean</p> <p>2 Elections, the firm had identified this unauthorized ad</p> <p>3 in the firm's Google search software platform and</p> <p>4 halted it. By 10:27 p.m., when this specific ad was</p> <p>5 halted, it had received 2,557 views and 169 clicks.</p> <p>6 The next morning at 7:00 a.m., the staff in</p> <p>7 charge of search engine marketing and firm executives</p> <p>8 gathered on a call to ascertain how this incorrect ad</p> <p>9 made it into the software. The managers were</p> <p>10 instructed to interview the employee tasked with this</p> <p>11 work that morning. Through the interview with this</p> <p>12 employee, it was determined that the ad going live was</p> <p>13 an absolute mistake. At that moment, this employee was</p> <p>14 immediately taken off all projects for Clean Elections.</p> <p>15 Through conversations with this employee,</p> <p>16 it was uncovered that they had conducted an assessment</p> <p>17 of search terms for Clean Elections. These assessments</p> <p>18 are common because it's their job to continuously</p> <p>19 improve exposure awareness on behalf of our client</p> <p>20 campaigns.</p> <p>21 Through this assessment, they concluded</p> <p>22 that using the names of specific candidates and the</p> <p>23 term "defend" would generate more views and clicks for</p> <p>24 the topic of debates. The recommendation founded in</p> <p>25 this thinking was simultaneously created in the Google</p>	<p>1 document will be signed by Clean Elections staff. If</p> <p>2 the recommendation is not approved, it will not be</p> <p>3 signed. RIESTER's account manager will then determine</p> <p>4 the need and the timeline for a new recommendation for</p> <p>5 formal review. Only when Clean Elections signs a new</p> <p>6 recommendation will these ads be added to the search</p> <p>7 software by media team for activation.</p> <p>8 In addition, RIESTER will provide a weekly</p> <p>9 report of the ad performance of every search term to</p> <p>10 Clean Elections staff. The firm will also provide</p> <p>11 Clean Elections staff log-in access to the search</p> <p>12 engine software so that, at any time, they can log in</p> <p>13 and see the search engine marketing -- marketing terms.</p> <p>14 Again, we want to apologize and stress how</p> <p>15 rare this situation is. RIESTER has been providing</p> <p>16 Google search advertising since it has been available,</p> <p>17 and this is the first mistake like this that we have</p> <p>18 ever encountered. We appreciate the collaboration with</p> <p>19 you, with Tom, with Gina and the whole staff to</p> <p>20 formulate stronger processes and to assure this never</p> <p>21 happens again.</p> <p>22 And that concludes my -- my formal remarks.</p> <p>23 I'd defer to Tom on how you'd like to handle</p> <p>24 follow-ups.</p> <p>25 MR. COLLINS: Well, I think -- I think that</p>		

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<p>1 the first thing, you know, I want to say is I do</p> <p>2 appreciate the fact that the RIESTER senior staff got</p> <p>3 on top of this as soon as Gina notified them. I think</p> <p>4 that was -- I think that was helpful to halting the ad,</p> <p>5 first of all, and then -- and then -- and then being</p> <p>6 able to get to at least a place where we know what</p> <p>7 happened with the ad and then -- and then -- and then</p> <p>8 be able to talk, at least, in general terms about a</p> <p>9 process going forward by, you know, within a week. And</p> <p>10 so I appreciate that.</p> <p>11 I also believe that the company and its</p> <p>12 members are sincerely concerned and apologetic about</p> <p>13 this. I think that when the Commission -- when the</p> <p>14 voter education staff vets State-approved vendors for</p> <p>15 voter education-type activities, you know, we look for</p> <p>16 certain things, including, you know, track record</p> <p>17 working with the State and reliability and the approach</p> <p>18 to trying to get the message out to voters about how</p> <p>19 they can participate. And that was -- part of that was</p> <p>20 the main -- that was really the driving reason for us</p> <p>21 working with RIESTER for the last two years.</p> <p>22 And so I would only say that, I mean, if</p> <p>23 there are questions that are unanswered in terms of --</p> <p>24 in terms of the Commission or if you would like to hear</p> <p>25 more about specific actions that will be -- that we're</p>		<p>1 really address the mistake that happened with regard</p> <p>2 to -- because the employee, apparently, didn't do it on</p> <p>3 purpose, so to speak, like, they knew there was a</p> <p>4 process for somebody above them to review and then</p> <p>5 approve before it went live, but they mistakenly let it</p> <p>6 go live? Is that what happened?</p> <p>7 So how does the new process address that,</p> <p>8 or is it going to be -- is that able to be addressed, I</p> <p>9 guess? I mean, how do you prevent a mistake like that</p> <p>10 from happening if an employee has the authority to make</p> <p>11 it go live on their own?</p> <p>12 MS. BORREGO: I think what will happen is</p> <p>13 that that -- the employee will not have that -- that</p> <p>14 authority. It would be --</p> <p>15 COMMISSIONER CHAN: Okay. So that's</p> <p>16 possible, to take that authority away from a user?</p> <p>17 MS. BORREGO: Right. Right. And the</p> <p>18 copy -- the information, the words that are selected</p> <p>19 need to be run and collaborated -- our account manager</p> <p>20 would be responsible for assuring that the word choice</p> <p>21 is correct.</p> <p>22 COMMISSIONER CHAN: Okay. And then, you</p> <p>23 know, from what I heard as far as our voter education</p> <p>24 folks, then, also having access to what is live, I</p> <p>25 guess.</p>	
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<p>1 going to be undertaking going forward, you know, now is</p> <p>2 your time to do that. And I don't have anything more</p> <p>3 to add than what -- than that.</p> <p>4 COMMISSIONER CHAN: I have a question,</p> <p>5 Mr. Chairman.</p> <p>6 CHAIRMAN MEYER: Go ahead, Commissioner</p> <p>7 Chan.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman,</p> <p>9 Christina, thank you so much for being here, and I</p> <p>10 appreciate the tone because I -- when Tom notified us</p> <p>11 of what had had happened, I was -- I was not happy that</p> <p>12 it had occurred. And I know mistakes happen, but of</p> <p>13 course, campaigns -- and I know the campaign is here</p> <p>14 today to speak about this. I've never been involved,</p> <p>15 really, with a campaign, but having been in elections,</p> <p>16 I know how seriously these things affect candidates.</p> <p>17 And so I was very concerned.</p> <p>18 And I also appreciate -- you know, I want</p> <p>19 to echo what Tom said that, especially seeing the</p> <p>20 timeline, that everybody was available, working on it</p> <p>21 late at night, working on it early in the morning to</p> <p>22 try to fix it and then address the problem that allowed</p> <p>23 it to happen.</p> <p>24 My question is -- because I don't know how</p> <p>25 this all works technically, but if the -- how does this</p>		<p>1 MS. BORREGO: Yes.</p> <p>2 COMMISSIONER CHAN: That will be helpful as</p> <p>3 well because they'll be able to be even more in the</p> <p>4 loop as far as what's out there on the -- on the web.</p> <p>5 MS. BORREGO: Yes. I think it's an</p> <p>6 additional layer of quality control and just</p> <p>7 transparency.</p> <p>8 COMMISSIONER CHAN: Okay.</p> <p>9 MS. BORREGO: So we're very comfortable</p> <p>10 with providing that access.</p> <p>11 COMMISSIONER CHAN: Thank you.</p> <p>12 MR. COLLINS: And if I could just add on to</p> <p>13 Christina's answer, Mr. Chairman, Commissioner Chan,</p> <p>14 we're -- you know, Gina has been working with the</p> <p>15 RIESTER staff to look at ads that are out there and</p> <p>16 identify any other ads that, while not controversial or</p> <p>17 not within the -- you know, not within this</p> <p>18 particularly acute problem that might not have gone</p> <p>19 through the process, to just make sure we've got that</p> <p>20 all under control.</p> <p>21 So -- and we appreciate, you know, RIESTER</p> <p>22 getting us that data so we can -- so we can go over it</p> <p>23 ourselves, and that's something that Gina has been</p> <p>24 doing over the course of the last week. So that's</p> <p>25 been, I think, very helpful in starting the process of</p>	

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<p>1 exactly what Christina is talking about.</p> <p>2 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>3 CHAIRMAN MEYER: Commissioner Kimble, go</p> <p>4 ahead.</p> <p>5 COMMISSIONER KIMBLE: Ms. Borrego, I think</p> <p>6 this kind of follows up on Commissioner Chan's</p> <p>7 question, but just reading through the reports you</p> <p>8 provide, I guess I was -- I was pretty surprised that</p> <p>9 an employee who you've had for five months and,</p> <p>10 according to the report, did not grasp the true role</p> <p>11 and responsibility of Clean Elections had the technical</p> <p>12 ability to post something on his or her own without</p> <p>13 anyone knowing.</p> <p>14 That -- that seems to me at the crux of the</p> <p>15 problem, and I just want to make sure that there's some</p> <p>16 kind of a measures to prevent that technically from</p> <p>17 happening, that someone who doesn't grasp the role and</p> <p>18 responsibility of Clean Elections is not going to be</p> <p>19 just on their own posting something.</p> <p>20 MS. BORREGO: Right. So within the agency,</p> <p>21 the account manager is the person that is the</p> <p>22 gatekeeper for all work. And so his misunderstanding</p> <p>23 of the brand -- what we would call your brand, your --</p> <p>24 you as an organization, was evident after this was</p> <p>25 written. So the -- his understanding -- his lack of</p>	<p>1 I'm with RIESTER. I'm the media director.</p> <p>2 So what will -- usually when we have this</p> <p>3 software, the draft edit -- it's like a drafting</p> <p>4 software that's allowed on your desktop, we will</p> <p>5 disallow the linking to the actual software live. So</p> <p>6 that way when they do a draft, there's no way for them</p> <p>7 to actually link it to the account. So it's just --</p> <p>8 it's just a program on the computer that's not</p> <p>9 connected to the internet. It's just connected to the</p> <p>10 computer. There's no access to upload it to the Google</p> <p>11 AdWords campaign.</p> <p>12 CHAIRMAN MEYER: But here there was</p> <p>13 somehow, right?</p> <p>14 MS. KASHIMA: Typically --</p> <p>15 CHAIRMAN MEYER: I think that's the</p> <p>16 question is how -- how did that happen? Was that</p> <p>17 access supposed to be there? And how do we know,</p> <p>18 moving forward, how that issue is being addressed? Is</p> <p>19 that --</p> <p>20 MS. KASHIMA: So, technically, people with</p> <p>21 this job title and his amount of experience are allowed</p> <p>22 access. That's their job to go into the -- into</p> <p>23 AdWords, into the platform and look at it, how the</p> <p>24 information or how the campaign is pacing, basically.</p> <p>25 So that is a technical part of their job, but because</p>		
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<p>1 understanding was -- was missed, I guess, but the --</p> <p>2 within the organization, there will be checks and</p> <p>3 balances as far as information going live.</p> <p>4 COMMISSIONER KIMBLE: Okay.</p> <p>5 COMMISSIONER PATON: I have --</p> <p>6 CHAIRMAN MEYER: Just -- go ahead,</p> <p>7 Commissioner Paton.</p> <p>8 COMMISSIONER PATON: So is there a way</p> <p>9 physically that somebody can't punch that button, I</p> <p>10 guess? Is that basically what you're saying?</p> <p>11 MS. BORREGO: Right. I think -- I don't</p> <p>12 know, Tricia, if you want to come up here and sort of</p> <p>13 explain how the software -- it's really a matter of</p> <p>14 toggling over a button and not, like, hovering --</p> <p>15 hovering over a button.</p> <p>16 COMMISSIONER PATON: I mean, we're not</p> <p>17 technical people as far as --</p> <p>18 MS. BORREGO: Yes.</p> <p>19 MS. KASHIMA: So, Chairman, members of the</p> <p>20 commission, yes.</p> <p>21 MS. THOMAS: Please give your name --</p> <p>22 MS. KASHIMA: There's a way --</p> <p>23 MS. THOMAS: Excuse me. Please give your</p> <p>24 name for the court reporter.</p> <p>25 MS. KASHIMA: My name is Tricia Kashima.</p>	<p>1 of the sensitivity of the nature of what we're</p> <p>2 conducting here, we -- for anybody working on this</p> <p>3 account, we could disallow access, in general.</p> <p>4 MS. BORREGO: We will --</p> <p>5 MS. KASHIMA: We will. Yes.</p> <p>6 MS. BORREGO: -- disallow acces.</p> <p>7 COMMISSIONER PATON: And for me --</p> <p>8 CHAIRMAN MEYER: Go ahead.</p> <p>9 COMMISSIONER PATON: I mean, that's --</p> <p>10 because anybody could do a mistake like that. I mean,</p> <p>11 we all have posted stuff when we didn't really mean to,</p> <p>12 but -- so physically, if they can't do it and it's only</p> <p>13 the account manager or whatever, then, I mean, that</p> <p>14 makes me feel a lot better.</p> <p>15 MS. KASHIMA: Yes. This is --</p> <p>16 unfortunately, the nature of our business is, you know,</p> <p>17 timeliness and how fast can we react. So -- but we can</p> <p>18 definitely restrict the access.</p> <p>19 COMMISSIONER PATON: Thank you.</p> <p>20 CHAIRMAN MEYER: I had a question on the --</p> <p>21 I guess, the detection issue, the -- I guess, after the</p> <p>22 mistake was made, it took a few weeks for this to come</p> <p>23 to anyone's attention when we were put on notice by the</p> <p>24 Ducey campaign. So I know this is addressed in your</p> <p>25 memo, and I was just kind of confused. There's talk</p>		

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<p>1 about a bundling and they are viewed individually, I</p> <p>2 guess, but could you explain, like, moving forward, how</p> <p>3 does something like this get detected sooner.</p> <p>4 MS. BORREGO: Right.</p> <p>5 CHAIRMAN MEYER: Taken down sooner.</p> <p>6 MS. BORREGO: Yes. So, Chairman, what's</p> <p>7 explained in the memo is that because there were active</p> <p>8 campaigns already in the system, that this ad sort of</p> <p>9 was blended into that -- that work, but as Tricia just</p> <p>10 explained, moving forward on this particular -- on this</p> <p>11 work, on this account, that will be disabled. So -- so</p> <p>12 this should not happen again. So any campaigns that</p> <p>13 are -- that are -- there will be an additional layer of</p> <p>14 what campaigns are actually live.</p> <p>15 I think you started by asking how did it --</p> <p>16 how did it go undetected, and the answer is that it</p> <p>17 blended into the other efforts that were already in the</p> <p>18 system and it was flagged as -- just by the name of the</p> <p>19 account, which is Clean Elections. So -- and, in his</p> <p>20 mind, because it wasn't intended to go live, it didn't</p> <p>21 exist. It wasn't -- it wasn't in the system, from his</p> <p>22 perspective.</p> <p>23 MR. COLLINS: Mr. Chairman, if I might, can</p> <p>24 I ask -- may I ask a clarifying question on that point?</p> <p>25 It sounds, like, I think -- is it an accurate analogy</p>	<p>1 us the most and I think will be remedied is that -- you</p> <p>2 know, and the memo speaks to this -- is that, you know,</p> <p>3 we were -- we did have a discussion with RIESTER about</p> <p>4 candidate names specifically because we understand that</p> <p>5 those are potentially good drivers of traffic to the</p> <p>6 debate site, but we -- and RIESTER acknowledges this</p> <p>7 that we specifically rejected that recommendation</p> <p>8 because we believe -- Gina and I believe firmly that --</p> <p>9 for the reasons that Commissioner Chan has already</p> <p>10 cited, that when we get in the business of mentioning</p> <p>11 candidate names, we get outside of what our -- what our</p> <p>12 chief goal is, which is to inform voters about how to</p> <p>13 participate, not to inform voters about, you know --</p> <p>14 you know, what candidate is doing what.</p> <p>15 So I think that the -- I think that that --</p> <p>16 you know, that didn't communicate to this particular</p> <p>17 staff member, but that is -- I think there's no</p> <p>18 misunderstanding between us and the account -- the</p> <p>19 account manager and the other members of the team that</p> <p>20 we work with that has been unequivocally our position</p> <p>21 on that issue.</p> <p>22 CHAIRMAN MEYER: So, Tom, has the staff --</p> <p>23 Clean Elections staff approved every proposed search or</p> <p>24 ad from RIESTER before it goes live? Is that the</p> <p>25 process, or do they go ahead and post things just based</p>		
10:00:40-10:01:52	Page 27	10:03:24-10:04:30	Page 29
<p>1 to say that when you are buying SEM or Google AdWords</p> <p>2 type of things for the purpose of, you know, informing</p> <p>3 folks about debates and informing folks about whatever,</p> <p>4 you're buying it sort of in a bulk group? You are</p> <p>5 putting out a bunch of words in a bulk. And so if this</p> <p>6 is one line -- one -- you know, in one section of that</p> <p>7 bulk thing, it would go undetected until somebody saw</p> <p>8 that specific ad, potentially.</p> <p>9 Is that a correct analogy?</p> <p>10 MS. BORREGO: Certainly. I think so.</p> <p>11 Would you -- I think you would --</p> <p>12 MS. KASHIMA: So it's -- basically, when</p> <p>13 we -- the campaigns are set up under a one-umbrella</p> <p>14 campaign. So when he accidentally uploaded it, it just</p> <p>15 became an extension of the debates campaign which has</p> <p>16 thousands of words in there. And when we do -- when it</p> <p>17 would be detected is when we pull a key word report,</p> <p>18 which is not typically of the cadence of when we do</p> <p>19 monitoring because it pulls tens of thousands of words,</p> <p>20 but for this we can export it weekly and look at --</p> <p>21 basically, flag and do a search on an Excel sheet on</p> <p>22 how -- which words could be erroneous or flagged.</p> <p>23 MR. COLLINS: And I think, Mr. Chairman,</p> <p>24 Commissioners, one of the points -- I think -- I think</p> <p>25 the thing -- the disconnect that, of course, concerns</p>	<p>1 upon, sort of, the guidelines that you've given them?</p> <p>2 MR. COLLINS: I'd have to defer to Gina on</p> <p>3 the specifics of that, Mr. Chairman.</p> <p>4 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>5 anything -- before anything goes live, Clean Elections</p> <p>6 staff does have to approve it, whether it's search,</p> <p>7 whether it's a print ad. And usually, depending on the</p> <p>8 type of media we're talking about, we get verification</p> <p>9 of what was ran. So, for example, if we run a print</p> <p>10 ad, we get a tear sheet for that. So that's actually a</p> <p>11 tear -- our hard copy proof saying this has created the</p> <p>12 message that you approved and this is the proof that it</p> <p>13 ran.</p> <p>14 For example, on social media, so if we have</p> <p>15 an ad that we run on Facebook, we will get a</p> <p>16 notification that your Facebook ad was approved. We</p> <p>17 can see what was submitted and then, also, we have</p> <p>18 access to the platform that RIESTER utilizes to input</p> <p>19 that. So they utilize a platform called Hootsuite. We</p> <p>20 have our own user name and log-in. So we can</p> <p>21 periodically go in there and spot-check to make sure,</p> <p>22 okay, this is what we agreed the final copy would be.</p> <p>23 So my understanding is with AdWords now we</p> <p>24 will also be given a user name and log-in so we can,</p> <p>25 again, periodically go in there and review and</p>		

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<p>1 approve -- or excuse me. It should already be approved</p> <p>2 if it's in there, but review just to make sure</p> <p>3 everything is what we agreed upon. So we do --</p> <p>4 anything that comes to us, it must be approved before</p> <p>5 it is live, and usually we have a mechanism in there to</p> <p>6 go in and verify that that's the case.</p> <p>7 With search, we would usually get a</p> <p>8 spreadsheet of some sort to identify the key words that</p> <p>9 would work well, you know, what our -- what our voter</p> <p>10 is looking for when they go to Google, what do they</p> <p>11 type in, that type of thing. And then, yes, we either</p> <p>12 make edits or we approve it and then that is what is</p> <p>13 made live. So, absolutely, anything that is going to</p> <p>14 be out there to the public and marketed, we have to</p> <p>15 give formal approval on that.</p> <p>16 MR. COLLINS: Mr. Chairman, may I ask one</p> <p>17 question to Gina just to make clear for the -- for the</p> <p>18 record?</p> <p>19 In this particular case, this particular</p> <p>20 item did not go through the Clean Elections staff for</p> <p>21 approval.</p> <p>22 Correct?</p> <p>23 MS. ROBERTS: That is correct. We</p> <p>24 absolutely did not see any type of this language. When</p> <p>25 I was first notified about this, I completely thought</p>	<p>1 for lack of a better word, where someone can click a</p> <p>2 button and that post is now live, where what I'm</p> <p>3 hearing from staff is before anything can go live, it</p> <p>4 needs to be approved by us.</p> <p>5 So my question is, why are we putting these</p> <p>6 draft posts and these live posts in the same bin? We</p> <p>7 should be running them through a filter so there's no</p> <p>8 way anything over here on the draft side -- there's no</p> <p>9 way anyone can hit a button that would make that live</p> <p>10 until it goes through the filter of Clean Elections and</p> <p>11 now it's out on the other side. Then we hit it live.</p> <p>12 So that's why I asked the question, and that's kind of</p> <p>13 the process.</p> <p>14 Maybe that's too simplistic. I don't know,</p> <p>15 but does that make sense? And I don't understand</p> <p>16 why -- why these live and drafts are in the same bin.</p> <p>17 COMMISSIONER PATTON: Ball game.</p> <p>18 MS. ROBERTS: Mr. Chairman, I'll defer to</p> <p>19 Tricia to talk a little bit more on that process. And</p> <p>20 if I could add to that, too, if we could verify, I seem</p> <p>21 to recall in the response from RIESTER somewhere that</p> <p>22 they would no longer keep pending or draft key words in</p> <p>23 the system. I think I recall reading that as well.</p> <p>24 So, you know, removing that -- or ensuring that nothing</p> <p>25 will be entered unless it's actually live, I think</p>		
10:05:35-10:06:37	Page 31	10:07:54-10:09:00	Page 33
<p>1 it was fake; it had the wrong date, the wrong tone. We</p> <p>2 would never use a candidate name. So it was -- it was</p> <p>3 a surprise.</p> <p>4 And I -- when I received the detailed</p> <p>5 instructions from -- or the detailed explanation from</p> <p>6 RIESTER about how this happened, it made it very clear</p> <p>7 to me, okay, this employee was new. He was five months</p> <p>8 in, because my thought was I could not imagine that</p> <p>9 RIESTER would even supply us with this type of</p> <p>10 recommendation knowing our brand, knowing the rules</p> <p>11 that we have in place, that we don't ever utilize a</p> <p>12 candidate name and how we work very hard to being</p> <p>13 non-partisan. So --</p> <p>14 CHAIRMAN MEYER: And just -- I didn't ask</p> <p>15 that question about assigning blame. I'm just asking a</p> <p>16 process question.</p> <p>17 MR. COLLINS: No. I understand.</p> <p>18 CHAIRMAN MEYER: I don't think -- listen,</p> <p>19 this is a mistake. Everybody makes a mistake. I make</p> <p>20 mistakes every day. I guess my process question is it</p> <p>21 seems like the processes may be two ships passing in</p> <p>22 the night here because I hear from the RIESTER folks</p> <p>23 how we have -- we have these draft ads and some of them</p> <p>24 are draft and then some of them are live and they're</p> <p>25 kind of all in this same -- I don't know -- database,</p>	<p>1 would be part of the verification.</p> <p>2 And then, if I could also ask, too,</p> <p>3 Mr. Chairman, as they consider that response, I do know</p> <p>4 that they have to see what key words would work --</p> <p>5 would work the best for the client, too. So maybe if</p> <p>6 we could get a response that how do we ensure that we</p> <p>7 do not have anything that is not live in the system</p> <p>8 ever so we don't have that mistake of triggering it but</p> <p>9 also ensuring that the client will still receive the</p> <p>10 best recommendation that works within our normal -- our</p> <p>11 normal process, our normal rules.</p> <p>12 MS. KASHIMA: So I think working in the</p> <p>13 editor form and not letting that program have access to</p> <p>14 the internet at all will be the best way to do it,</p> <p>15 because we use the editor feature in that platform</p> <p>16 because Google has a set amount of standards of how</p> <p>17 many text words you can have, how it's supposed -- how</p> <p>18 it's supposed to lay out. So when we -- when we want</p> <p>19 to show your draft, we want to show you what it</p> <p>20 actually looks like with the words and the URL.</p> <p>21 And it actually helps us cost out the ad,</p> <p>22 as well, to see, based on what we're inputting into the</p> <p>23 ad, how many impressions we'll get, how much it will</p> <p>24 actually cost because we want to make sure we're not</p> <p>25 overspending or drastically underspending, that our ad</p>		

10:09:04-10:10:07	Page 34	10:11:46-10:12:50	Page 36
<p>1 expenses are correct.</p> <p>2 So that's how we use that draft editor --</p> <p>3 AdWords editor for, but not letting it have access to</p> <p>4 the actual account, the live account is the best way to</p> <p>5 do it because we still need to utilize it for -- making</p> <p>6 sure that we are in Google standards for the ad, that</p> <p>7 they'll actually -- when we say it's ready to run, it</p> <p>8 will actually get run and not get rejected by Google.</p> <p>9 CHAIRMAN MEYER: Gina, does that -- did</p> <p>10 they answer --</p> <p>11 MS. ROBERTS: Yes.</p> <p>12 CHAIRMAN MEYER: Okay.</p> <p>13 Any other commissioners have any questions</p> <p>14 or comments -- thank you very much for being here to</p> <p>15 answer those questions.</p> <p>16 COMMISSIONER CHAN: Well, Mr. Chairman,</p> <p>17 just one brief one of Tom.</p> <p>18 So are you -- you and Gina satisfied with</p> <p>19 whatever changes are being made this will not happen</p> <p>20 again?</p> <p>21 MR. COLLINS: Well, like I said, the</p> <p>22 buck -- the buck ultimately -- the buck ultimately</p> <p>23 stops here with me. And so if this happens again, you</p> <p>24 know, you're in a position to be very critical of me.</p> <p>25 I have a great deal of confidence that</p>		<p>1 So I think we're in the best place we can</p> <p>2 be given the circumstances, and so I do recommend we</p> <p>3 continue to move forward along the lines of the plan</p> <p>4 that RIESTER has outlined. And -- and that's my view.</p> <p>5 MS. BORREGO: If I can just add,</p> <p>6 Mr. Chairman, you have our utmost commitment that this</p> <p>7 will never happen again as well. Me and my colleagues,</p> <p>8 we have been very distressed. This is a very</p> <p>9 important -- very important work for us personally. We</p> <p>10 believe so much in the mission of the Commission. So</p> <p>11 you have our commitment that this -- this will never</p> <p>12 happen again as well.</p> <p>13 CHAIRMAN MEYER: Thank you very much, and</p> <p>14 thank you for coming here and answering questions. We</p> <p>15 very much appreciate it -- both of you.</p> <p>16 Tom, I believe you had mentioned some of</p> <p>17 the Ducey campaign members are here.</p> <p>18 MR. COLLINS: Yes. This is JP Twist, who</p> <p>19 is the campaign manager for the Ducey campaign. I</p> <p>20 think he has some comments, and maybe -- and I'm not</p> <p>21 sure. I don't know that we have questions for him, but</p> <p>22 I think he had some -- at least had some statements to</p> <p>23 make.</p> <p>24 And so I would just allow him to -- if he</p> <p>25 could -- JP, if you could introduce yourself for the</p>	
10:10:14-10:11:46	Page 35	10:12:53-10:13:45	Page 37
<p>1 based on both our past experience working with RIESTER</p> <p>2 and the -- and the kind of approach that they take to</p> <p>3 ensuring that our voter education materials stay within</p> <p>4 the boundaries that we want and achieve the goals we</p> <p>5 want of reaching voters and with the steps that have</p> <p>6 been outlined, that, yes, we should be able to avoid</p> <p>7 this.</p> <p>8 I'm confident that if it -- if it happens</p> <p>9 again, if something like this happens again, we won't</p> <p>10 be here just with RIESTER being in a position to, you</p> <p>11 know, just describe it. We'll be here in a position</p> <p>12 with me, essentially, saying that, you know, like I</p> <p>13 said, this is -- that would be -- at that point, that</p> <p>14 would be my responsibility that that happened.</p> <p>15 And so -- so with that having been said, I</p> <p>16 think we are in as good a position as we can be, given</p> <p>17 all of the technical aspects of this. And I know that</p> <p>18 Gina and I are committed to ensuring that everything</p> <p>19 that we put out is at the level of quality that you</p> <p>20 know that we have tried to put into our Voter Education</p> <p>21 Program, which we think is our -- the crown jewel of</p> <p>22 what the Commission does, really, and we want to secure</p> <p>23 that and keep that and make sure that that continues to</p> <p>24 be an impartial and reliable source of information for</p> <p>25 candidates.</p>		<p>1 record and for the court reporter so we get it all --</p> <p>2 MR. TWIST: Sure.</p> <p>3 MR. COLLINS: -- down.</p> <p>4 MR. TWIST: Sure.</p> <p>5 Thank you, Mr. Chairman. For the record,</p> <p>6 my name is JP Twist. I'm here with my colleague Sara</p> <p>7 Mueller. Sara and I together, over the last four</p> <p>8 years, are in charge of running the Governor's</p> <p>9 political operation here in Arizona. We are here today</p> <p>10 on our official capacity. I'm the campaign manager for</p> <p>11 the Governor's reelection campaign.</p> <p>12 I don't think I need to say anything about</p> <p>13 what's been said here. Obviously, we object to the</p> <p>14 tone and how the ads were run. The reason why I wanted</p> <p>15 to come here today on behalf of our campaign is just to</p> <p>16 thank the Commission, particularly your staff, for the</p> <p>17 quickness that you guys moved to make sure that these</p> <p>18 ads were removed and the professionalism that -- that</p> <p>19 they shared with our campaign over communicating,</p> <p>20 working late at night to get this resolved and</p> <p>21 following through with us every step of the way to let</p> <p>22 us know exactly what happened.</p> <p>23 That means a lot to us, and I think in this</p> <p>24 day and age it's not something that we typically come</p> <p>25 to expect. So it was important for us to come just to</p>	

10:13:47-10:14:46	Page 38	10:16:12-10:17:47	Page 40
<p>1 say it meant a lot to us that your staff showed the</p> <p>2 professionalism that they did. And that's it. That's</p> <p>3 all I wanted to share, that we very much appreciate</p> <p>4 taking swift action, and we look forward to continuing</p> <p>5 to work with you guys -- not in this circumstance, but</p> <p>6 again, the professionalism was just quite remarkable.</p> <p>7 And I felt compelled to come and say that.</p> <p>8 So thank you. And I'm happy to answer your</p> <p>9 questions, but I just wanted to say that.</p> <p>10 CHAIRMAN MEYER: Thank you very much.</p> <p>11 MR. TWIST: Thank you.</p> <p>12 CHAIRMAN MEYER: Thank you.</p> <p>13 And, Tom and Gina, thank you.</p> <p>14 Any further comments on that?</p> <p>15 MR. COLLINS: I don't -- I don't believe --</p> <p>16 Ryan, you don't have -- you're not -- you're good?</p> <p>17 Everybody? And -- everybody good? Gina, good?</p> <p>18 Does anybody else want to comment on this</p> <p>19 item? No? I think that closes out this item,</p> <p>20 Mr. Chairman.</p> <p>21 CHAIRMAN MEYER: Okay. All right. On to</p> <p>22 Agenda Item Number V, which is discussion and possible</p> <p>23 action on legal matters involving the Clean Elections</p> <p>24 Act and/or the Clean Elections Commission. We have</p> <p>25 three matters here stated. I guess we'll just take</p>	<p>1 reasons: One, AZAN objects to our rule that allows</p> <p>2 clean -- you know, because of the contribution</p> <p>3 definition change expressly allows candidates who are</p> <p>4 running clean to work with political parties if their</p> <p>5 nominee is just like any other candidate. And then, on</p> <p>6 the other hand -- on the other side, they are</p> <p>7 supportive of our rule on political campaign --</p> <p>8 political committees and a rule we have in place that</p> <p>9 deals with what amount to de facto political committees</p> <p>10 and whether or not they owe a filing enforceable by</p> <p>11 penalty under Article 2 of the Clean Elections Act.</p> <p>12 That -- those are really the -- that's</p> <p>13 really the thrust of their -- of their complaint is the</p> <p>14 Voter Protection Act and then Article 7 of the Arizona</p> <p>15 Constitution which provides specifically that</p> <p>16 information that is related to campaigns shall be --</p> <p>17 well, the legislature shall pass laws that require the</p> <p>18 disclosure of contributors, the disclosure of</p> <p>19 expenditure and the publicity of those.</p> <p>20 And our position is that 1516 did not do</p> <p>21 that and our rule, therefore, is a -- is a correct</p> <p>22 interpretation of the constitution. So we are sort of</p> <p>23 straddling the two sides of the argument that AZAN is</p> <p>24 bringing while, the Secretary of State and GRRC are</p> <p>25 sort of -- they are really focused on the -- our</p>		
10:14:51-10:16:07	Page 39	10:17:51-10:19:23	Page 41
<p>1 them in order.</p> <p>2 MR. COLLINS: Yeah. So --</p> <p>3 CHAIRMAN MEYER: I know Item Number A is</p> <p>4 Arizona Advocacy, et al., versus Reagan.</p> <p>5 MR. COLLINS: Yeah. So what -- there's</p> <p>6 really -- there's sort of more than three items because</p> <p>7 the one is all litigation related to HCR 2007, which</p> <p>8 involves two -- there's at least two matters involved</p> <p>9 there.</p> <p>10 With respect to the -- with respect to</p> <p>11 the -- well, Mary is here to answer any specific legal</p> <p>12 questions and, obviously, you have the option to go</p> <p>13 into executive session, if you so desire.</p> <p>14 The Arizona Advocacy case is now -- I think</p> <p>15 the briefing on summary judgment is now closed. I</p> <p>16 think we got you the last brief that was filed by the</p> <p>17 State and GRRC. Both filed -- both the Secretary of</p> <p>18 State and GRRC filed briefs. You have those for your</p> <p>19 perusal. I think we have -- and I don't have an oral</p> <p>20 argument, though, however, for a little while, but</p> <p>21 that's -- so that's there.</p> <p>22 That case, just for everybody's</p> <p>23 understanding, involves Voter Protection Act and</p> <p>24 Arizona -- and other Arizona constitutional law</p> <p>25 challenges to SB 1516. We were in the case for two</p>	<p>1 definition of de facto political committee, and -- and</p> <p>2 that's sort of where things are, to summarize.</p> <p>3 I'd like to try to move as quickly as I can</p> <p>4 through the public portion of this. HCR 2007, there</p> <p>5 are two lawsuits. One, we filed, and we just filed --</p> <p>6 you have a copy of the -- we have a very expedited</p> <p>7 summary judgment calendar on that. We filed our motion</p> <p>8 for summary judgment yesterday, which you have a copy</p> <p>9 of. We -- legislative council will file their</p> <p>10 response -- their cross motion on Monday and then -- I</p> <p>11 think, and then we'll have responses. And I'm not --</p> <p>12 and, again, I have forgotten what the hearing dates are</p> <p>13 on these things, but we'll get you those as quickly as</p> <p>14 possible.</p> <p>15 That, again, you know, it reflects -- you</p> <p>16 know, we sent a letter -- I sent a letter to "leg"</p> <p>17 council outlining many of these flaws that are in the</p> <p>18 complaint. So the complaint should look familiar in</p> <p>19 the sense that we have put the legislative council on</p> <p>20 notice that these were going to be legal deficiencies</p> <p>21 and they did not solve that problem. So we are -- we</p> <p>22 are -- feel like this -- you know, we've already made</p> <p>23 the decision to file a suit, but we are working to</p> <p>24 expedite the resolution of it through the expedited</p> <p>25 briefing as much as we can.</p>		

10:19:24-10:20:55	Page 42	10:22:33-10:23:45	Page 44
<p>1 The second HCR 2007 suit which was brought</p> <p>2 by former Commissioner Hoffman and Commissioner Chan in</p> <p>3 her personal capacity -- so can I call you Amy Chan? --</p> <p>4 Lewis Hoffman and Amy Chan, as opposed to Commissioner</p> <p>5 Chan -- and they're represented by the Center for Law</p> <p>6 in the Public Interest. The judge in that case -- it's</p> <p>7 a single subject case. Basically, the constitution, at</p> <p>8 least as I had understood it, requires legislative</p> <p>9 bills to contain but one subject.</p> <p>10 And we believe -- we lobbied during the</p> <p>11 session that this combination of doing stuff to</p> <p>12 participating candidates and combining it with the</p> <p>13 Governor's Regulatory Review Council was a single</p> <p>14 subject violation.</p> <p>15 The judge in this case -- the Superior</p> <p>16 Court judge in this case, of all the ways that she</p> <p>17 could have ruled, she ruled that legislative</p> <p>18 referendums which are passed by the legislature</p> <p>19 pursuant to Article 4, they are enactments of the</p> <p>20 legislature pursuant to the -- Article 4 of the Arizona</p> <p>21 Constitution are somehow completely exempt from the</p> <p>22 single subject requirement, despite the fact that the</p> <p>23 legislature has to vote for them like any other bill</p> <p>24 and despite the fact that the constitution specifically</p> <p>25 says that such bills are not subject to gubernatorial</p>		<p>1 dismiss there.</p> <p>2 We sued to enforce our order and demand</p> <p>3 both payment and the filing of reports that still</p> <p>4 haven't been filed. They countersued to say somehow</p> <p>5 they have the right to relitigate the issues they</p> <p>6 already have foregone the opportunity to litigate and</p> <p>7 had the Supreme Court tell them they've foregone the</p> <p>8 opportunity to litigate, but nevertheless, they are</p> <p>9 litigating.</p> <p>10 So that case is, frankly, frustrating and</p> <p>11 border -- it's unbelievable to me, just in my -- just,</p> <p>12 if I might, but it is what it is.</p> <p>13 So those are the cases. I don't believe</p> <p>14 that any of them, other than the HCR 2007, would be --</p> <p>15 would be -- necessarily require an executive session.</p> <p>16 And that's only if you have questions on anything that</p> <p>17 I've talked about.</p> <p>18 Mary is here in the event that that -- that</p> <p>19 you -- that anyone wants to go into executive session,</p> <p>20 but again, I don't think it's a priority.</p> <p>21 CHAIRMAN MEYER: So the HCR 2007 cases,</p> <p>22 there's two of them.</p> <p>23 MR. COLLINS: Yeah.</p> <p>24 CHAIRMAN MEYER: The one we filed, we have</p> <p>25 just filed the motion for summary judgment.</p>	
10:21:00-10:22:28	Page 43	10:23:47-10:24:34	Page 45
<p>1 veto.</p> <p>2 Nevertheless, the judge determined that</p> <p>3 this was -- this was a -- that it simply doesn't apply</p> <p>4 at all. So you can have a bill -- apparently, you can</p> <p>5 have a referendum that, you know, can merge, you know,</p> <p>6 standards for cattle ranching with standards for school</p> <p>7 buses and that's perfectly fine. And I -- so, you</p> <p>8 know, notwithstanding the fact that's not our case, I</p> <p>9 think that the decision -- personally I think the</p> <p>10 decision was -- is incorrect.</p> <p>11 The Center for Law has indicated that they</p> <p>12 are filing an appeal and -- well, I don't know. I</p> <p>13 don't know. I mean, I don't think -- and -- and we'll</p> <p>14 see what happens after that.</p> <p>15 If you have questions specifically on</p> <p>16 anything the Commission might or might not want to do</p> <p>17 on that, that, if any of these, would be the one thing</p> <p>18 I would think you -- I'm not recommending an executive</p> <p>19 session, but that may be one thing you might want to</p> <p>20 have of all these.</p> <p>21 And then, finally, we get to our LFAF</p> <p>22 friends, the Legacy Foundation Action Fund from Iowa.</p> <p>23 I don't know why, Mr. Chairman, you haven't been able</p> <p>24 to pull some of the -- your strings in Iowa to resolve</p> <p>25 this, but in any event, we have cross motions to</p>		<p>1 MR. COLLINS: Yeah.</p> <p>2 CHAIRMAN MEYER: Have we gotten an answer</p> <p>3 on that yet?</p> <p>4 MS. O'GRADY: You want me to give the</p> <p>5 deadlines?</p> <p>6 MR. COLLINS: Yeah. That would be good.</p> <p>7 MS. O'GRADY: The State's --</p> <p>8 MR. COLLINS: Thank you, Mary.</p> <p>9 MS. O'GRADY: The "leg" council's response</p> <p>10 is due Monday. Our reply is due Wednesday, and oral</p> <p>11 argument is next Friday at 1:30. So it's expedited</p> <p>12 because the printing deadline is in August. So we</p> <p>13 wanted to leave time both for expedited Supreme Court</p> <p>14 review, if necessary, and for legislative council to</p> <p>15 remedy the problems if we prevail.</p> <p>16 CHAIRMAN MEYER: Did they file an answer?</p> <p>17 MS. O'GRADY: They didn't file an answer.</p> <p>18 We are getting right to summary judgment motions.</p> <p>19 CHAIRMAN MEYER: I'm just curious have we</p> <p>20 gleaned any defenses from the answer, but it doesn't</p> <p>21 sound like that.</p> <p>22 And then the second case is Amy Chan's</p> <p>23 case.</p> <p>24 Is that -- that decision has been made and</p> <p>25 now you are deciding whether or not to appeal?</p>	

10:24:36-10:25:27	Page 46	10:26:41-10:27:51	Page 48
<p>1 MS. O'GRADY: I can update that if -- there</p> <p>2 has been an -- they did appeal.</p> <p>3 CHAIRMAN MEYER: Okay.</p> <p>4 MS. O'GRADY: And there's a briefing</p> <p>5 schedule set.</p> <p>6 CHAIRMAN MEYER: Okay.</p> <p>7 MS. O'GRADY: And that, too, is on an</p> <p>8 expedited basis at the Supreme Court, and that will be</p> <p>9 conferenced and decided late August.</p> <p>10 CHAIRMAN MEYER: Okay.</p> <p>11 Commissioner Kimble?</p> <p>12 COMMISSIONER KIMBLE: Mr. Chairman, I have</p> <p>13 one question, Mary.</p> <p>14 The first case, the one we filed -- and I</p> <p>15 don't think this has to be in executive session, but</p> <p>16 should we prevail, do we have some proposed wording to</p> <p>17 submit to the judge that we would like, or how is this</p> <p>18 going to proceed?</p> <p>19 MS. O'GRADY: We've identified the</p> <p>20 particular problems.</p> <p>21 COMMISSIONER KIMBLE: Right.</p> <p>22 MS. O'GRADY: And so our hope is that the</p> <p>23 Court agrees with us that those are, indeed, problems.</p> <p>24 And so some of them, the language fix is evident from</p> <p>25 the description of the problem, but we didn't say make</p>		<p>1 more comfortable in executive session in terms of, you</p> <p>2 know, our legal strategies of what we might do in the</p> <p>3 future in court.</p> <p>4 COMMISSIONER KIMBLE: Okay. Well, I don't</p> <p>5 know that it's -- that it's worth that but --</p> <p>6 CHAIRMAN MEYER: So, just from a timing</p> <p>7 perspective, this is the last chance we have to discuss</p> <p>8 that before we get a ruling, most likely.</p> <p>9 Correct?</p> <p>10 MR. COLLINS: That is correct. It's also,</p> <p>11 just on the HCR 2007 -- and I don't know how -- what we</p> <p>12 would do with Commissioner Chan's role there, but it's</p> <p>13 also the last opportunity we'll have to discuss if --</p> <p>14 and this is a big if -- the Commission sees the need to</p> <p>15 file an amicus on any issues related to the description</p> <p>16 of Clean Elections or other -- other kinds of -- I</p> <p>17 don't want to get more detailed than that, but other</p> <p>18 kinds of things that the Commission itself needs to</p> <p>19 speak to, if any. This is our -- this is our last</p> <p>20 opportunity to do that, too.</p> <p>21 CHAIRMAN MEYER: All right. Well, I think</p> <p>22 we should go into executive session.</p> <p>23 Anyone -- I'll make that motion.</p> <p>24 Any comments from --</p> <p>25 COMMISSIONER CHAN: I'll second the motion.</p>	
10:25:31-10:26:38	Page 47	10:27:52-10:45:56	Page 49
<p>1 legislative council say this. We said make them --</p> <p>2 it's wrong because they omitted this information or --</p> <p>3 so it sort of -- it's evident by the nature of the</p> <p>4 problem what the solution is, for the most part.</p> <p>5 COMMISSIONER KIMBLE: Okay. Because I know</p> <p>6 previously it was --</p> <p>7 CHAIRMAN MEYER: Careful we don't discuss</p> <p>8 anything that we discussed in executive session.</p> <p>9 COMMISSIONER KIMBLE: No, I don't think</p> <p>10 this was.</p> <p>11 It -- other -- other ballot descriptions</p> <p>12 are substantially lengthier than this one. I mean,</p> <p>13 it's not like there's a hard word limit that this one</p> <p>14 is up against as written by the legislative council.</p> <p>15 MS. O'GRADY: That's right. There were two</p> <p>16 others approved that they, and this is --</p> <p>17 COMMISSIONER KIMBLE: Okay.</p> <p>18 MS. O'GRADY: -- the shortest of the three.</p> <p>19 COMMISSIONER KIMBLE: So would it be</p> <p>20 advantageous to have something ready to -- and tell me</p> <p>21 if you think this needs to be discussed in executive</p> <p>22 session, but to have something ready to say this is --</p> <p>23 to the judge -- this is what we think it should read?</p> <p>24 MS. O'GRADY: Well, I think if we're going</p> <p>25 to get beyond what's in public record already, I'd feel</p>		<p>1 CHAIRMAN MEYER: Okay. I move we go into</p> <p>2 executive session. Commissioner Chan has seconded that</p> <p>3 motion.</p> <p>4 All in favor of going into executive</p> <p>5 session say aye.</p> <p>6 (Chorus of ayes.)</p> <p>7 CHAIRMAN MEYER: Any opposed?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN MEYER: Okay. Motion carries 4-0.</p> <p>10 We are in executive session, and I'd ask the attendees</p> <p>11 to please step out.</p> <p>12 Thank you.</p> <p>13 (The following section of the meeting is in</p> <p>14 executive session and bound under separate cover.)</p> <p>15 * * * * *</p> <p>16 (End of executive session. Public meeting</p> <p>17 resumes at 10:45 a.m.)</p> <p>18 ACTING CHAIRMAN KIMBLE: Commissioner Meyer</p> <p>19 had to leave because of a scheduling conflict. We're</p> <p>20 out of executive session, and the public portion of the</p> <p>21 July 19th meeting of the Citizens Clean Elections</p> <p>22 Commission is resuming with Item VI: Discussion and</p> <p>23 possible action on recap of Arizona voter crisis report</p> <p>24 and related issues.</p> <p>25 Tom?</p>	

10:45:57-10:47:17	Page 50	10:52:35-10:53:46	Page 52
<p>1 MR. COLLINS: Yes. Commissioners, this</p> <p>2 is -- this is a -- the good news -- good news/bad news.</p> <p>3 The bad news is not enough people are voting, and in</p> <p>4 the future it looks like there may be fewer people</p> <p>5 voting. The good news is that this particular project,</p> <p>6 in working with the Morrison Institute and, actually,</p> <p>7 working with RIESTER, because RIESTER really did help</p> <p>8 us pull this together, and then -- and then, obviously,</p> <p>9 Gina and her staff helped us make this into an event</p> <p>10 that I really think was one of the best events that</p> <p>11 we've hosted.</p> <p>12 We had 70 people there live. I have some</p> <p>13 metrics on the media coverage. We got coverage on</p> <p>14 television stations from Phoenix to Tucson, Channel 15</p> <p>15 here, channel -- a number of -- a number of Tucson</p> <p>16 channels. I don't know. I don't know if we have any</p> <p>17 metrics on the social engagement. We did see a lot of</p> <p>18 social engagement.</p> <p>19 Ryan, I'm looking at you. I don't know if</p> <p>20 we --</p> <p>21 MR. WHELOCK: We do have some metrics.</p> <p>22 MR. COLLINS: Okay. Okay. That will be --</p> <p>23 that might -- that will be great to add here, but while</p> <p>24 Ryan is looking for that, what I'd like to do is</p> <p>25 play -- we put together -- RIESTER -- working with</p>	<p>1 specific work on Millennials that we've worked on for</p> <p>2 the last several years. So I think that the report</p> <p>3 also validates, from a research perspective, the work</p> <p>4 that the Commission has been doing.</p> <p>5 I also wanted to kind of describe the scene</p> <p>6 at the -- that we had. And if you-all want me to --</p> <p>7 you know, if you get tired of listening to me, let</p> <p>8 me -- let me know, but we're very -- I'm thrilled about</p> <p>9 this even. And I have a lot to say about it but, you</p> <p>10 know, the event itself, once the research was done --</p> <p>11 and Commissioner Chan and I were on the panel. We</p> <p>12 assured that there was ideological diversity on the</p> <p>13 panel.</p> <p>14 We had Paul Avelar, who is the managing</p> <p>15 partner of the Institute for Justice's chapter here in</p> <p>16 Arizona was on the panel with us. And he has different</p> <p>17 views about -- about these results, the results of the</p> <p>18 research for sure, but I thought he brought a very good</p> <p>19 perspective because it's important, when we do research</p> <p>20 like this, that we be -- they'd be able to withstand</p> <p>21 and take criticism directly. And so we brought that</p> <p>22 into the process, and I think that was important.</p> <p>23 I also -- I also think that -- you know, we</p> <p>24 talk a lot about civility in politics right now, and I</p> <p>25 thought that the panel was an example of -- you can</p>		
10:47:20-10:52:32	Page 51	10:53:49-10:55:22	Page 53
<p>1 RIESTER we put together an intro video for the -- for</p> <p>2 the live event that's now on our website. And Alec has</p> <p>3 done a great job of featuring all of these items on our</p> <p>4 website. It really looks sharp. And we're really</p> <p>5 proud of it, but we'd like to -- without further ado.</p> <p>6 MS. ROBERTS: And, Commissioners,</p> <p>7 unfortunately, due to the power outage we had last</p> <p>8 week, this is the only TV that we have that is</p> <p>9 operating right now. So my apologies. You'll have to</p> <p>10 turn.</p> <p>11 (Video playing.)</p> <p>12 MR. COLLINS: So that video aired before</p> <p>13 the Morrison Institute presented their findings, and I</p> <p>14 think it helped set the tone for what we're -- what</p> <p>15 we're looking at, which is, you know, what are -- what</p> <p>16 is the status now and what we're looking at in the</p> <p>17 future. And that's within the legal framework that we</p> <p>18 have -- that we have to work with. I mean, in other</p> <p>19 words, some people want different laws changed, but</p> <p>20 that wasn't the purpose of this report.</p> <p>21 The purpose of this report was to look at</p> <p>22 where we are now, and the other purpose of this report,</p> <p>23 from a voter education perspective, is we have</p> <p>24 specifically looked at -- and Gina has briefed you on</p> <p>25 about our specific work on independent voters, our</p>	<p>1 talk a lot about civility, but the panel was an example</p> <p>2 of people who have wildly different ideological views</p> <p>3 who had a very healthy and -- and meaningful, I</p> <p>4 thought, discussion and actually came to agree on</p> <p>5 certain issues around the problems with respect to</p> <p>6 people turning out to vote. And I really -- I'm really</p> <p>7 proud of the fact that that's the kind of discussion</p> <p>8 that we had at the event.</p> <p>9 We will be doing two more of these reports</p> <p>10 and events. The next one is on independents in August,</p> <p>11 and that will be an event up in Flagstaff. And then</p> <p>12 we'll be in Tucson in the general election, providing</p> <p>13 information on resources for voters.</p> <p>14 Also -- I also -- just a couple of quick</p> <p>15 other mentions. One of Morrison researchers and I were</p> <p>16 on Arizona Horizon, which is the local PBS equivalent</p> <p>17 to Arizona Illustrated -- if Arizona Illustrated exists</p> <p>18 anymore -- on the night of the event. And, actually,</p> <p>19 while this meeting is going on, David Daugherty, who is</p> <p>20 the -- is also the -- is one of the authors of this</p> <p>21 report, and I pre-taped an interview with KJZZ, which</p> <p>22 is -- which aired literally while we were meeting</p> <p>23 today, again, talking about the report and the</p> <p>24 findings.</p> <p>25 And I think that -- you know, I think that</p>		

10:55:24-10:56:47	Page 54	10:58:11-10:59:13	Page 56
<p>1 there's some really important messages here and some</p> <p>2 really important points that I think that we are</p> <p>3 really -- with the work that Gina and both her team --</p> <p>4 internal team and external team are addressing.</p> <p>5 You know, Millennials, for example -- I</p> <p>6 keep going back to this example -- for the most part</p> <p>7 grew up in the Great Recession, right? They grew up</p> <p>8 with different economic opportunities than Baby Boomers</p> <p>9 grew up with or that even Gen X'ers grew up with. And</p> <p>10 so, you know, the disconnect -- we have 45 percent of</p> <p>11 them aren't even registered to vote, but part of the</p> <p>12 disconnect is they have different issues.</p> <p>13 They face higher -- higher education costs</p> <p>14 which changed, you know, the decision factors. They</p> <p>15 are putting off buying homes longer than -- than prior</p> <p>16 generations because of that financial thing. I know</p> <p>17 that's something you've probably seen, Commissioner</p> <p>18 Paton -- putting off having families, all of that</p> <p>19 stuff. They have just a whole different group of</p> <p>20 issues and, as we all know, they have an entirely</p> <p>21 different media landscape that they interact with.</p> <p>22 So with our 18 in 2018 campaign, for</p> <p>23 example, and the way we interact with Snapchat and</p> <p>24 Shazam, the way we, through the voter dashboard, have</p> <p>25 individualized and revolutionized, I believe, the</p>		<p>1 on the spot, I know.</p> <p>2 MS. ROBERTS: Sure.</p> <p>3 MR. COLLINS: If you -- you're welcome to.</p> <p>4 MS. ROBERTS: I think you have covered them</p> <p>5 a lot of it -- most of the important pieces.</p> <p>6 MR. COLLINS: Okay.</p> <p>7 And, Ryan, did you have some -- some social</p> <p>8 data?</p> <p>9 MR. WHEELOCK: Yeah, we have the -- do you</p> <p>10 want me to just go ahead and come up?</p> <p>11 MR. COLLINS: Yeah, if you can.</p> <p>12 MR. WHEELOCK: Yeah.</p> <p>13 MR. COLLINS: You have to introduce</p> <p>14 yourself for the record whether you like it or not.</p> <p>15 MR. WHEELOCK: My name is Ryan Wheelock.</p> <p>16 Commissioners, thank you.</p> <p>17 The event earned about 506,000 online</p> <p>18 impressions. We pulled this report yesterday. It had</p> <p>19 six TV mentions equalling about 104,000 impressions for</p> <p>20 the TV mentions, and it got picked up in Prescott and</p> <p>21 Tucson. For social media, the live tweeting garnered</p> <p>22 700 -- or 7,343 impressions on the day of the event.</p> <p>23 The day after the event, there was an additional 5,711</p> <p>24 impressions. There were 329 engagements on Twitter, 22</p> <p>25 new followers on Twitter and 12 mentions, and the</p>	
10:56:51-10:58:07	Page 55	10:59:17-11:00:40	Page 57
<p>1 ability to get all the information that you need in</p> <p>2 order to vote and know who is -- who you are voting</p> <p>3 for, I think those kinds of steps that are bringing</p> <p>4 individualized information to voters really works for</p> <p>5 the Millennial voter who sees themselves as an</p> <p>6 individual and may see themselves as not having</p> <p>7 their -- their issues met.</p> <p>8 So we're doing the work to reach those</p> <p>9 voters. At the same time, with the candidate statement</p> <p>10 pamphlet, we are continuing to reach out to those</p> <p>11 voters who either are not computer savvy or live in</p> <p>12 areas of the state, particularly the rural areas and</p> <p>13 many of the -- many reservation areas where there's</p> <p>14 simply not the connectivity.</p> <p>15 And so that the candidate statement</p> <p>16 pamphlet, which, you know, we have changed and made</p> <p>17 more effective by -- by not including 300 pages of</p> <p>18 people you aren't going to be able to vote for, but</p> <p>19 we've made that more effective. And we continue to be</p> <p>20 the only state agency that provides that kind of</p> <p>21 information in both English and Spanish to try to -- to</p> <p>22 try to make sure that we maintain that integrity and</p> <p>23 compliance with the Voting Rights Act.</p> <p>24 So those are some of my takeaways. I don't</p> <p>25 know if -- Gina, if there's others that you would add</p>		<p>1 Facebook event reached 2.5000 people and garnered 65</p> <p>2 responses. It was a great event.</p> <p>3 ACTING CHAIRMAN KIMBLE: Thank you.</p> <p>4 Anything else, Tom?</p> <p>5 MR. COLLINS: No, no. I think -- I think</p> <p>6 that -- I think that that about captures it. We're</p> <p>7 looking forward to the additional parts of this</p> <p>8 process, and we think that -- you know, we had a rich a</p> <p>9 discussion when we decided to go ahead with this</p> <p>10 project, and I think that this first go around, I will</p> <p>11 say, from my perspective, the whole package, it</p> <p>12 exceeded my expectations both in terms of reach -- oh,</p> <p>13 do you want to -- oh, okay -- both in terms of reach</p> <p>14 and in terms of attendance and in terms of value to our</p> <p>15 underlying Voter Education Program in terms of showing</p> <p>16 the connection between what we're doing and what the</p> <p>17 numbers show.</p> <p>18 So I'm really proud of this, the work that</p> <p>19 everybody involved in this did, and I just want to</p> <p>20 thank -- you know, thank Gina and Christina and Ryan</p> <p>21 for their help and, of course, the Morrison Institute</p> <p>22 for drafting the report. And it's just something we're</p> <p>23 just -- we're just super proud of. That's all I have</p> <p>24 to say.</p> <p>25 ACTING CHAIRMAN KIMBLE: It's a very</p>	

11:00:40-11:02:02	Page 58	11:03:18-11:04:35	Page 60
<p>1 impressive report. And I can't claim to be a</p> <p>2 Millennial, but I am a political independent. And I'm</p> <p>3 disturbed by looking here that of the 1.2 million</p> <p>4 independents, 458,000 vote -- did not vote at all in</p> <p>5 2016, and that's very discouraging.</p> <p>6 MR. COLLINS: You know, and to that point,</p> <p>7 Commissioner Kimble, we talked about that and that</p> <p>8 has -- there's about three different -- three different</p> <p>9 takeaways I have from that. First, the Commission has</p> <p>10 in the past focused on independent voters and as part</p> <p>11 of our campaigns, our efforts to get people to be aware</p> <p>12 of their voting rights. I'm not sure what we have</p> <p>13 planned -- if we have that planned for this year.</p> <p>14 MS. ROBERTS: We're planning it now.</p> <p>15 MR. COLLINS: We are doing that now. And</p> <p>16 what we found in Maricopa County the first time we did</p> <p>17 this was there was -- even the number of -- the</p> <p>18 absolute number of independent voters remained quite</p> <p>19 low. The increase -- percentage increase was</p> <p>20 significant. So there is some hope there.</p> <p>21 The real issue -- the other -- on the other</p> <p>22 hand, the issue with independents is partially driven</p> <p>23 by the fact obviously many independents don't want to</p> <p>24 be part of a party, but the parties are key to driving</p> <p>25 turnout. And what the parties have done, I think, over</p>	<p>1 initiatives. And folks -- the very folks who claim</p> <p>2 they don't want people to vote also don't want</p> <p>3 governments by the ballot box, but that's the result of</p> <p>4 the fact that we're not getting the best cross section</p> <p>5 of voters.</p> <p>6 So there's a real catch-22 there for folks</p> <p>7 who say, oh, this isn't really a crisis because if you</p> <p>8 don't think it's a crisis now, it might get worse, but</p> <p>9 it also is going to lead to, I think, predictably more</p> <p>10 initiatives and referendums because folks who feel</p> <p>11 marginalized are going to take those issues up because</p> <p>12 of their frustration.</p> <p>13 So I think those are the reasons why</p> <p>14 independents ought to be engaged because, otherwise,</p> <p>15 they're foregoing their opportunity to have a -- have</p> <p>16 to -- you know, when you vote for a legislator, you're</p> <p>17 delegating that person the authority to make decisions</p> <p>18 on your behalf. And I think communicating to them</p> <p>19 that -- I said this yesterday in the interview with</p> <p>20 KJZZ. An independent who doesn't vote isn't just not</p> <p>21 voting. They're actually doubling the weight of the</p> <p>22 person who votes. So you're not just staying out of</p> <p>23 it. You are actually multiplying the power of the vote</p> <p>24 that you didn't -- you know, you didn't cast.</p> <p>25 And I don't think that that kind of -- I</p>		
11:02:04-11:03:15	Page 59	11:04:38-11:05:30	Page 61
<p>1 time is decided who their voters are and focused on</p> <p>2 those folks. So they're not necessarily going to focus</p> <p>3 on an independent unless they see some record of that</p> <p>4 independent voting in a particular primary or whatever.</p> <p>5 And I think that is -- that may work for</p> <p>6 them strategically, but it ultimately has potential</p> <p>7 problems for the overall public good in the context of</p> <p>8 a democratic republic. So, you know, communicating to</p> <p>9 voters that they -- independent voters they have the</p> <p>10 opportunity to vote in the primaries is a very -- is a</p> <p>11 very important part of that.</p> <p>12 The other irony is, you know, and one of</p> <p>13 the -- one of the things that was brought out was, you</p> <p>14 know, some criticism for whether or not -- you know,</p> <p>15 45 -- 45 percent of people who are either eligible to</p> <p>16 vote but didn't register or didn't -- or chose not to</p> <p>17 vote at all in the 2016 election, maybe that's just not</p> <p>18 such a big deal.</p> <p>19 People don't want to vote, but there's a</p> <p>20 catch-22 there because if you believe that it's okay</p> <p>21 that people aren't going to vote and then you end up</p> <p>22 with city councils and board of supervisors and other</p> <p>23 entities that might not be representative, you end up</p> <p>24 with more legislation at the ballot box because people</p> <p>25 get frustrated with the legislature and they take out</p>	<p>1 don't think -- I don't think a lot of independents</p> <p>2 understand how much power they are giving to the folks</p> <p>3 who do vote when they choose not to vote because</p> <p>4 every -- for every vote that isn't there, the vote that</p> <p>5 replaces it is double weighted, basically.</p> <p>6 So those are some of my takeaways from the</p> <p>7 independents.</p> <p>8 COMMISSIONER PATON: Can I say something</p> <p>9 briefly?</p> <p>10 MR. COLLINS: Sure.</p> <p>11 ACTING CHAIRMAN MEYER: Commissioner Paton.</p> <p>12 COMMISSIONER PATON: As far as the</p> <p>13 independents, there seems to be a lot of confusion</p> <p>14 about them voting in primaries.</p> <p>15 MR. COLLINS: Yeah.</p> <p>16 COMMISSIONER PATON: And I know my own wife</p> <p>17 is an independent and she's always, like, can I vote on</p> <p>18 the primary? Can I not? So -- so, I mean, she's an</p> <p>19 educated woman with a master's degree.</p> <p>20 MR. COLLINS: Sure.</p> <p>21 COMMISSIONER PATON: And she's confused.</p> <p>22 So one thing I think we need to, as far as our</p> <p>23 education program goes -- and I know that Gina has done</p> <p>24 stuff about that, but we really need to educate the</p> <p>25 independents of when they can vote and so on because</p>		

11:05:34-11:06:53	Page 62	11:08:12-11:08:47	Page 64
<p>1 they are confused. And then, secondly, the -- in my</p> <p>2 view, both major parties are to both wings and aren't</p> <p>3 talking to people in the middle and as to their -- both</p> <p>4 of the parties' detriments, I think.</p> <p>5 MR. COLLINS: Mr. Chairman, if I could,</p> <p>6 Commissioner Paton, I think you make some absolutely</p> <p>7 valid points. I mean, the biggest single issue with</p> <p>8 confusion about independents -- well, I should say</p> <p>9 there's two issues, but the biggest single issue is the</p> <p>10 fact that our presidential preference election does not</p> <p>11 allow independents to vote and our open primary for</p> <p>12 the -- for the state offices does. And that is</p> <p>13 something that is a cycle that repeats itself every two</p> <p>14 years.</p> <p>15 And we still, as a -- as an election</p> <p>16 community, including the county election directors and</p> <p>17 the recorders and the Secretary of State, all of us are</p> <p>18 aware of this problem. All of us have worked on it and</p> <p>19 continue to work on it, but it is the single biggest</p> <p>20 driver of confusion.</p> <p>21 The second -- I think that the second</p> <p>22 biggest driver of confusion is if you are on the PVL,</p> <p>23 the primary voting list, you have to tell your county</p> <p>24 recorder what ballot you want or they won't send you</p> <p>25 one. That's another area of confusion.</p>	<p>1 primary to put a big headline independents can vote on</p> <p>2 this primary, you know, and just put that to all the</p> <p>3 Arizona newspapers like the day before.</p> <p>4 MR. COLLINS: Well, we -- that's the kind</p> <p>5 of thing we can certainly look at. Gina and I can look</p> <p>6 at that with our team.</p> <p>7 COMMISSIONER CHAN: Mr. Chairman --</p> <p>8 COMMISSIONER PATON: I mean, who could be</p> <p>9 against that if you're a newspaper?</p> <p>10 COMMISSIONER CHAN: Or Mr. Chairman --</p> <p>11 MR. COLLINS: I don't know who reads the</p> <p>12 newspaper.</p> <p>13 COMMISSIONER CHAN: -- to that point, maybe</p> <p>14 we have it put on the ADOT signs because maybe even</p> <p>15 more people read those these days than the newspapers,</p> <p>16 unfortunately.</p> <p>17 COMMISSIONER PATON: And we spoke about</p> <p>18 that before.</p> <p>19 MR. COLLINS: Yeah.</p> <p>20 COMMISSIONER PATON: They won't let us put</p> <p>21 stuff on it.</p> <p>22 COMMISSIONER CHAN: Oh, what?</p> <p>23 COMMISSIONER PATON: That would be great,</p> <p>24 actually.</p> <p>25 MR. COLLINS: Yeah, I know.</p>		
11:06:56-11:08:07	Page 63	11:08:48-11:09:46	Page 65
<p>1 And then the third area of confusion is</p> <p>2 that it's not an open primary in the sense of the sort</p> <p>3 of top 2 type of stuff you have in California. You</p> <p>4 have to pick a ballot of a party and you are not in a</p> <p>5 position to pick and choose among -- among them.</p> <p>6 So those -- those three things are, I</p> <p>7 think, the top areas of confusion. I think that the</p> <p>8 consensus among election administrators is that those</p> <p>9 are the things we need to address. And we have been,</p> <p>10 but it takes -- I mean, the Commission started -- the</p> <p>11 first time we did -- we did address the specific</p> <p>12 independent voters was, I want to say, 2014. And we've</p> <p>13 persisted in doing that since then.</p> <p>14 And I think that it takes -- one of the</p> <p>15 nice things about the Commission itself is because</p> <p>16 there's such -- there's stability in the membership;</p> <p>17 it's not -- and because you're appointed in a way that</p> <p>18 makes you non-partisan and independent and all the</p> <p>19 things that we think are important, but the ability to</p> <p>20 sustain an effort over time is key to what -- to</p> <p>21 addressing those issues.</p> <p>22 Commissioner Paton?</p> <p>23 COMMISSIONER PATON: Yeah. I've got --</p> <p>24 maybe it's a suggestion that would be appropriate, but</p> <p>25 maybe we can convince the newspapers the day before the</p>	<p>1 COMMISSIONER CHAN: That was --</p> <p>2 COMMISSIONER PATON: Instead of their</p> <p>3 little phrases that they use.</p> <p>4 ACTING CHAIRMAN KIMBLE: Gina?</p> <p>5 MS. ROBERTS: Commissioners, if I could,</p> <p>6 that's a sore subject for me. We have tried very, very</p> <p>7 hard for several years to get ADOT to post signs on</p> <p>8 there and even so more recently since they seem to be a</p> <p>9 little bit more relaxed on the type of message they are</p> <p>10 putting out there. I sent an email, you know, maybe a</p> <p>11 month ago to try to touch base again, and so we are</p> <p>12 working on that effort for sure. We definitely want to</p> <p>13 see if we can utilize that tactic.</p> <p>14 And then, as far as the newspaper coverage</p> <p>15 goes, we were fortunate where in 2016, a lot of the</p> <p>16 materials that we created to educate independent voters</p> <p>17 and -- about the primary election, in general, AZ</p> <p>18 Central and the "Republic," they did pick those up.</p> <p>19 They did utilize our infographics, and this was, I</p> <p>20 think, on the bottom fold of the front page. So we are</p> <p>21 making headway there to work with our partners in the</p> <p>22 media to make sure that we can get that message out</p> <p>23 there.</p> <p>24 As Tom mentioned, the biggest issues that</p> <p>25 we run across with independents are, one, just the</p>		

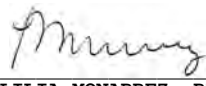
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<p>1 education point of it and understanding that you can</p> <p>2 participate, navigating through the different rule</p> <p>3 changes across each election.</p> <p>4 So, for example, as Tom mentioned, the</p> <p>5 presidential preference election, but then with our</p> <p>6 open primary, you have an open primary, yet the</p> <p>7 libertarian party has a closed primary. So you can</p> <p>8 only choose -- you can't choose from every party, and</p> <p>9 that changes from year to year. So sometimes they do</p> <p>10 have an open primary.</p> <p>11 And then, also, once we get past that</p> <p>12 education standpoint, we are seeing a lot of the</p> <p>13 commentary that comes on the information that we put</p> <p>14 out there is then they don't like having to choose the</p> <p>15 ballot, and then they say they don't want to</p> <p>16 participate because they don't like that system. So we</p> <p>17 have a lot that we have to work through to encourage</p> <p>18 and promote that participation to get -- you know, see</p> <p>19 those numbers raise.</p> <p>20 And as Tom mentioned, in 2014, when we saw</p> <p>21 this, we were looking at a 7 percent turnout rate. And</p> <p>22 after our efforts, we saw independent turnout rate</p> <p>23 increase to, I believe, in the primary election, 14</p> <p>24 percent. So while the numbers themselves aren't great,</p> <p>25 we're going in the right direction. And so we do have</p>	<p>1 partisan elections.</p> <p>2 And I know that's a very politically loaded</p> <p>3 statement, probably, but it just -- just thinking about</p> <p>4 the system, it just -- I continue to -- I've started</p> <p>5 wondering and continue to have the question of where</p> <p>6 did that come from and why do we continue to do it? So</p> <p>7 I know there was an initiative. I didn't remember if</p> <p>8 we voted on it, but to have a top 2, you know, primary.</p> <p>9 But I just -- I continue to believe with</p> <p>10 everything that I see from people I know and in the</p> <p>11 media and on social media -- and, again, that's</p> <p>12 probably my microcosm. So it may be very like-minded</p> <p>13 people, but that many tend to believe that our partisan</p> <p>14 system does tend to have some extreme viewpoints in it.</p> <p>15 And having the primaries be -- even though they're</p> <p>16 open, having more party members participate than, you</p> <p>17 know, the independents can lead to some polarization</p> <p>18 that I believe might not be there if we had more people</p> <p>19 participate at the very beginning than just at the</p> <p>20 general election.</p> <p>21 MR. COLLINS: Mr. Chairman, can I just make</p> <p>22 two quick points?</p> <p>23 ACTING CHAIRMAN KIMBLE: Tom.</p> <p>24 MR. COLLINS: And I'm sure you're probably</p> <p>25 ready to head back down to south of the Gila, but to</p>		
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<p>1 education efforts out right now aimed at independents,</p> <p>2 and we're going to continue that.</p> <p>3 COMMISSIONER PATON: Mr. Kimble, was a</p> <p>4 former newspaper man, as well as Tom. Maybe they have</p> <p>5 ideas about, like, the week before, the day before</p> <p>6 primaries, how the newspapers can promote the fact that</p> <p>7 independents could vote in primaries.</p> <p>8 ACTING CHAIRMAN KIMBLE: Yeah, I don't -- I</p> <p>9 think that's pretty widely promoted in the newspapers.</p> <p>10 You know, it's not a big surprise that newspaper</p> <p>11 readership has fallen off the cliff. So I'm not sure</p> <p>12 that that's the best solution. That's certainly one of</p> <p>13 them, though.</p> <p>14 COMMISSIONER CHAN: Mr. Chairman.</p> <p>15 ACTING CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>16 COMMISSIONER CHAN: If I could just make a</p> <p>17 comment. You know, one thing that just continually</p> <p>18 comes to my mind when we talk about voter participation</p> <p>19 and taking into account the increase in the folks who</p> <p>20 are not registered with recognized parties and who, you</p> <p>21 know, for a variety of reasons, but including the</p> <p>22 confusion we're talking about with participating, and</p> <p>23 then just the -- not real barriers but barriers in the</p> <p>24 sense of, oh, now I can vote, but I have to choose a</p> <p>25 ballot, it just makes me wonder why we continue to have</p>	<p>1 Commissioner Chan's point, you know, we have an open</p> <p>2 door to, you know, specifically the county</p> <p>3 administrators but, really, anybody who wants to</p> <p>4 propose a policy for Mike and I to review as we put</p> <p>5 together our legislative agenda as to whether or not we</p> <p>6 would lend support or not. We have always been open to</p> <p>7 that. Folks haven't taken us up on that, but we</p> <p>8 have -- we do have that open.</p> <p>9 Now, whether or not we would agree or</p> <p>10 recommend, that's a whole other vetting process we'd</p> <p>11 have to go through, but that is something we are open</p> <p>12 to.</p> <p>13 And, also, I just wanted to say it should</p> <p>14 be noted that the decree that Kara negotiated on behalf</p> <p>15 of Secretary Reagan itself may bring in more voters</p> <p>16 because it is, by its terms, as she noted earlier,</p> <p>17 designed to eliminate some of the confusion on the --</p> <p>18 on the registration, and it's for folks who aren't</p> <p>19 using Service Arizona but are using paper forms.</p> <p>20 So we do have a positive step there in</p> <p>21 terms of voter registration, you know, notwithstanding</p> <p>22 my antiquated views about -- about the case I worked</p> <p>23 on, but -- no, but in all seriousness, that's -- as</p> <p>24 Kara said, that's the -- that's the end goal is that</p> <p>25 there's no wrong door now for folks who file by paper</p>		

11:14:41-11:15:19

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1 to register to vote. And these are -- these are
2 good -- these are all going in the same direction, and
3 that's something that I think -- I just wanted to give
4 Kara credit for her work on resolving that case and
5 that -- and that -- and expanding those opportunities.
6 ACTING CHAIRMAN KIMBLE: Okay. Thank you.
7 Item VII, public comment.
8 Is there anyone who wants to comment?
9 (No response.)
10 ACTING CHAIRMAN KIMBLE: Item VIII,
11 adjournment.
12 MR. COLLINS: Do we have a motion? We need
13 a motion.
14 COMMISSIONER CHAN: I vote that we adjourn
15 the meeting.
16 ACTING CHAIRMAN KIMBLE: Is there a second?
17 COMMISSIONER PATON: Second.
18 ACTING CHAIRMAN KIMBLE: All those in favor
19 of adjourning say aye.
20 (Chorus of ayes.)
21 ACTING CHAIRMAN KIMBLE: We are adjourned.
22 (Whereupon, the proceedings concluded at
23 11:15 a.m.)
24
25

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 20th day of
17 July, 2018.
18 
19 _____
20 LILIA MONARREZ, RPR, CR #50699
21
22
23
24
25

<p>A</p> <p>ability (3) 22:12;55:1; 63:19</p> <p>able (10) 5:6;6:5;18:6, 8;20:8;21:3;35:6; 43:23;52:20;55:18</p> <p>above (1) 20:4</p> <p>absolute (2) 15:13; 58:18</p> <p>absolutely (4) 14:21; 30:13,24;62:6</p> <p>accept (1) 6:24</p> <p>access (1) 25:6</p> <p>access (11) 17:11; 20:24;21:10;24:10,17, 22;25:3,18;29:18; 33:13;34:3</p> <p>accidentally (1) 27:14</p> <p>according (1) 22:10</p> <p>account (14) 16:9;17:3; 20:19;22:21;24:7;25:3, 13;26:11,19;28:18,19; 34:4,4;67:19</p> <p>accurate (1) 26:25</p> <p>accustomed (1) 13:6</p> <p>achieve (1) 35:4</p> <p>acknowledges (1) 28:6</p> <p>across (2) 65:25;66:3</p> <p>Act (5) 38:24;39:23; 40:11,14;55:23</p> <p>acted (1) 13:18</p> <p>ACTING (13) 49:18; 57:3,25;61:11;65:4; 67:8,15;68:23;70:6,10, 16,18,21</p> <p>action (8) 3:8;4:7;8:25; 10:1;38:4,23;43:22; 49:23</p> <p>actions (2) 13:19;18:25</p> <p>activation (1) 17:7</p> <p>active (1) 26:7</p> <p>activities (1) 18:15</p> <p>activity (1) 4:14</p> <p>actual (3) 10:20;24:5; 34:4</p> <p>actually (18) 5:9;9:12; 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<p>valid (1) 62:7</p> <p>validates (1) 52:3</p> <p>value (1) 57:14</p> <p>variety (1) 67:21</p> <p>vendors (1) 18:14</p> <p>verbal (1) 13:24</p> <p>verification (2) 29:8;33:1</p> <p>verify (2) 30:6;32:20</p> <p>versus (1) 39:4</p> <p>veto (1) 43:1</p> <p>vets (1) 18:14</p> <p>vetting (1) 69:10</p> <p>VI (1) 49:22</p> <p>video (3) 51:1,11,12</p> <p>view (2) 36:4;62:2</p> <p>viewed (1) 26:1</p> <p>viewpoints (1) 68:14</p> <p>views (5) 15:5,23;52:17;53:2;69:22</p> <p>VII (1) 70:7</p> <p>VIII (1) 70:10</p> <p>violation (1) 42:14</p> <p>Vote (29) 4:24;42:23;53:6;54:11;55:2,18;58:4,4;59:10,16,17,19,21;60:2,16,20,23;61:3,3,4,4,17,25;62:11;64:1;67:7,24;70:1,14</p> <p>voted (2) 8:18;68:8</p> <p>voter (25) 4:14;5:14,15;6:22;7:5,18;10:1,19,23,</p>				
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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
September 27, 2018**

Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.
- Stephanie has accepted a position with the Pinal County Elections Department, and her last day with the Commission will be October 5th. Stephanie will continue to serve voters in her new role as Elections Supervisor. She will work directly with the Elections Director, Michele Forney, and oversee critical functions in the administration of elections. This includes ballot creation and tabulation, managing the department's staff in facilitating the election, and ensuring compliance with election laws and procedures.

Voter Education:

- Voter Education Guides will arrive in homes, beginning October 4th. The digital version is available on the CCEC website.
- Debates are still underway, and videos are available for viewing on demand on the website.
- The Gubernatorial Debate was held on Monday, September 24, 2018.
- Staff participated in National Voter Registration Day on September 25, 2018, hosting a registration and education booth at ASU's main campus.
- Gina and Alec hosted a voter education workshop on September 20th at Glendale Community College, as a part of their celebration of Constitution Week.
- A wheat pasting of the CCEC Take Flight mural was installed at Scottsdale Community College and Mesa Community College, as a means of encouraging youth to register to vote. SCC and MCC reached out directly to the Commission to request the installations, as a part of their commitment to promoting civic involvement.

2018 Candidate Information:

- Participating Legislative Candidates: **44**; Received General Funding: **44**
- Participating Statewide Candidates: **5**; Received General Funding: **5**

Enforcement – 2018:

- MUR 18-04: Kathy Hoffman – Closed pursuant to R2-20-206(A)(3).
- MUR 18-05 Wendy Garcia – Closed pursuant to R2-20-206(A)(3).
- MUR 18-07- One Arizona- this agenda.
- MUR 18-09 Daria Lohman – Closed pursuant to R2-20-206(A)(3).
- MUR 18-10 Eric Kurland – Closed pursuant to R2-20-206(A)(3).
- MUR 18-11 Bill Pierce– Closed pursuant to R2-20-206(A)(3).
- MUR 18-12 American Strong PAC – this agenda.
- MUR 18-13- Kiana Sears – Pending
- MUR 18-14 US Term Limits – Pending

NOTE: Two complaints were filed against Ken Bennett. However, because he failed to qualify and is no longer a participating candidate, we do not anticipate further Commission action on those complaints.

Miscellaneous

- **Legacy Foundation Action Fund**
 - As you know, the Superior Court in Maricopa County granted our motion to dismiss LFAF's effort to block our collection suit and denied LFAF's motion to dismiss. LFAF wants to expedite Superior Court resolution for appeal and we are working on that.
- **AZAN v. Reagan et. al.**
 - Oral Argument on motions for summary judgment were postponed after a Superior Court judge disqualified herself. A new judge has been assigned and oral argument is now set for October 3 at 9:30 AM. Let me know if you would like more details.

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Damien R. Meyer
Chair

Steve M. Titla
Mark S. Kimble
Galen D. Paton
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcanelections.gov

MEMORANDUM

To: Commissioners

From: Mike Becker, Policy Director

Date: September 24, 2018

Subject: 2018 Calendar Year Budget Update

Fund Balance

The 2018 beginning fund balance was \$28,674,338. As of September 1, 2018, the fund balance was \$27,257,065. The fund decreased in the first eight months of 2018 by \$1,417,273.

Revenues

The Commission received \$5,280,106 in total revenues in the first eight months of 2018 - an average of \$660,013 in revenues per month. The Commission projected 2018 monthly revenues in the amount of \$603,125. The average monthly revenues are slightly above the Commission's 2018 average monthly projection.

Expenditure Cap on Total Expenses

The Commission's approved expenditure cap in 2018 is \$20,668,270.¹ The Commission has not exceeded the expenditure cap in first eight months of 2018.

Specific Categories of Expenses

The Commission categorizes operating expenses using four categories under the expenditure cap²:

Administrative & Enforcement

The Commission's approved administrative and enforcement expenditure cap in 2018 is \$2,066,827.³ The Commission's approved administrative and enforcement budget is \$1,928,800.

The Commission's actual expenditures in the first eight months of 2018 were \$453,772.

¹ The Commission projects an expenditure cap for each calendar year for all expenses under the Act, including candidate funding. A.R.S. § 16-949.

² Overhead costs are apportioned by a 50/50 split between Administration/Enforcement and Voter Education. Personal Services and Employee Related Expenses are apportioned by allocated staff-time between administration/enforcement and voter education responsibilities.

³ The Commission may spend up to 10 percent of the calendar year expenditure cap for administrative and enforcement costs. A.R.S. §16-949 (B).

Public Education

The Commission's approved public education expenditure cap and approved budget amount in 2018 is \$2,066,827.⁴

The Commission's actual expenditures in the first eight months of 2018 were \$294,069.

Voter Education and Implementation of the Act

The Commission's approved budget for 2018 voter education and implementation expenditures is \$4,589,100.⁵

The Commission's actual voter education and implementation expenditures in the first eight months of 2018 were \$1,084,029.

Candidate Funding

As of September 1st, total Candidate funding is \$3,675,761.

⁴ The Commission may apply up to ten percent of the yearly expenditure cap for reasonable and necessary expense associated with public education, including participation and the purposes of the Act. A.R.S. §16-949 (C).

⁵ The Commission may make reasonable and necessary expenditures to implement the Act, including expenditures for voter education pursuant to A.R.S. 16-956(A). A.R.S. § 16-949(D). Reasonable and necessary expenditures are not subject to any cap. *Id.*

STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION
MUR 18-12
American Strong PAC
STATEMENT OF REASONS OF THE EXECUTIVE DIRECTOR

On behalf of the Citizens Clean Elections Commission (“Commission”), the Executive Director hereby provides the following Statement of Reasons why there is reason to believe that a violation of the Citizens Clean Elections Act and Commission rules (collectively, the “Act”) may have occurred.

I. Background

On August 24, 2018, I filed a Complaint against American Strong PAC (Respondent) alleging that Respondent had failed to file Clean Elections Independent Expenditure Reports related to expenditures in opposition to Representative Michelle Ugenti-Rita as nominee for the State Senate in District 23. Exhibit 1. Respondent filed a timely response candidly admitting it had mistakenly filled out certain campaign finance reports and failed to file Clean Elections Reports. Exhibit 2. On August 27, Respondent filed a Clean Election Report via the Commission’s own online form. Exhibit 3. Because there is no dispute that the filing was late, I recommend the Commission find a reason to believe that a violation may have occurred.

Recommendation

After the Commission finds reason to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred, the Commission

shall conduct an investigation. Ariz. Admin. Code R2-20-209(A). The Commission may authorize the Executive Director to subpoena all of the Respondent's records documenting disbursements, debts, or obligations to the present, and may authorize an audit.

Upon expiration of the fourteen (14) days, if the Commission finds that the alleged violator remains out of compliance, the Commission shall make a public finding to that effect and issue an order assessing a civil penalty in accordance with A.R.S. § 16-942, unless the Commission publishes findings of fact and conclusions of law expressing good cause for reducing or excusing the penalty. A.R.S. § 16-957(B).

After fourteen (14) days and upon completion of the investigation, the Executive Director will recommend whether the Commission should find probable cause to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred. Ariz. Admin. Code R2-20-214(A). Upon a finding of probable cause that the alleged violator remains out of compliance, by an affirmative vote of at least three (3) of its members, the Commission may issue of an order and assess civil penalties pursuant to A.R.S. § 16-957(B). Ariz. Admin. Code R2-20-217.

Dated this 10th day of September, 2018.

By: S/Thomas M. Collins

Thomas M. Collins, Executive Director

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Damien R. Meyer
Chair

Steve M. Titla
Mark S. Kimble
Galen D. Paton
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcanelections.gov

NOTICE OF COMPLAINT AND OPPORTUNITY TO RESPOND
Via Federal Express and E-mail

August 24, 2018

Brad Lyon
Chairman
American Strong PAC
4605 Lankershim Blvd Ste 320
North Hollywood CA 91602
Phone: (480) 428-6036
americanstrongpac@gmail.com

RE: CCEC MUR #18-12

Dear Mr. Lyon:

This letter serves as an internal complaint against American Strong PAC by the Executive Director of the Arizona Citizens Clean Elections Commission.

Complaint

On August 21, the Arizona Capitol Reports' publication *Yellow Sheet Report* reported that American Strong PAC had not filed Clean Elections Independent Expenditure reports regarding mailers and a website urging a no vote against Representative Michelle Ugenti-Rita, a Republican Candidate for the nomination to State Senate in District 23. Exhibit 1. My review of the Campaign Finance Reports available via the Arizona Secretary of State's Office, as well as the Commission's files, comports with this news report. Exhibit 2. Other periodic reports filed with the Secretary, likewise make no apparent mention of the expenditures:

- <https://apps.azsos.gov/apps/election/cfs/search/PublicReports/2018/0B2DBB11-71A8-4B2A-848B-C365B294B2C3.pdf>
- <https://apps.azsos.gov/apps/election/cfs/search/PublicReports/2018/6A78B2B4-73CC-4248-B7B0-EB449105551C.pdf>
- <https://apps.azsos.gov/apps/election/cfs/search/PublicReports/2018/5881FD28-6805-4AA9-8BC7-792CBEA7BA85.pdf>
- <https://apps.azsos.gov/apps/election/cfs/search/PublicReports/2018/1DFC359A-3845-4790-8563-7E805271ABB9.pdf>

On August 1, I sent American Strong PAC, among other entities, an email discussing the obligations of independent spenders to file Clean Elections Independent Expenditure Reports. The Citizens Clean Elections Act (Act) and related rules provide for reports of independent expenditures. See A.R.S. §§ 16-941(D), -942(B), -956(A)(7); -958; Ariz. Admin. Code R2-20-109; see also *Clean Elections Institute v. Brewer*, 209 Ariz. 241, 245 ¶ 13, 99 P.3d 570, 574 (2004).

Any person making independent expenditures cumulatively exceeding \$740 during the 2018 election cycle is required to file reports under the Act and rules. *See* Arizona Secretary of State, Clean Elections Act 2017-2019 Biennial Adjustments, available at <https://storageccec.blob.core.usgovcloudapi.net/public/docs/292-20172018-Clean-Elections-Act-Biennial-Adjustments.pdf>. If American Strong PAC made independent expenditures and failed to file Clean Elections Reports, it is in violation of A.R.S. §§ 16-941(D), -942(B), -956(A)(7); -958; and Ariz. Admin. Code R2-20-109.

Opportunity for Response

Commission rules require notification to be given to the Respondent of a Complaint. Ariz. Admin. Code R2-20-204(A). Additionally, the rules provide that you be advised of compliance procedures. Those procedures are set forth in Article 2 of the Commission's Rules (Arizona Administrative Code Sections R2-20-201 to R2-20-228) as well as the Clean Elections Act (specifically Arizona Revised Statutes §§ 16-940 to 16-961), which are available on the Commission website at www.azcanelections.gov.

The Commission's rules provide that a Respondent "be afforded an opportunity to demonstrate that no action should be taken on the basis of a complaint by submitting, *within five days from receipt of a written copy of the complaint*, a letter or memorandum setting forth reasons why the Commission should take no action." Ariz. Admin. Code R2-20-205(A). Your response must be notarized, or the Commission will not consider it. Ariz. Admin. Code R2-20-205(C). Generally, a failure to respond to a complaint within five days may be viewed as an admission to the allegations. *Id.*

The purpose of requesting a response is to determine whether American Strong PAC has violated provisions of the Citizens Clean Elections Act or rules and are subject to penalties under the Act or rules, including A.R.S. §§ 16-941(D), -942(B), -958, and the rules implementing these statutes. Your response is due August 31, 2018.

Commission rules require that you be given this notice and Complaint. The issuance of this notice and Complaint do not constitute a finding related to the Complaint. A finding, if any, may be made only after the Commission has reviewed the matter. Please contact us if you have any questions at (602) 364-3477 or by e-mail at mike.becker@azcanelections.gov.

Sincerely,



Thomas M. Collins
Executive Director
Arizona Citizens Clean Elections Commission

Exhibit 1

since the end of the second quarter, which includes money he brought in since the end of the reporting period. Although Farley raised less than Garcia during the pre-primary reporting period, which ran from July 1 to August 11, Farley spokeswoman Kelsi Browning told our reporter that his total jumped to nearly \$229,000 if money raised since the end of the reporting period is counted.

EVEN THOUGH HE ROOTS FOR THE CARDS, NOT THE BRONCOS...

Among the contributions from lobbyists, lawyers, business people and others, Ducey's campaign, via the Ducey Victory Fund, received a \$2,500 contribution from NFL Hall of Famer John Elway. The acclaimed retired quarterback now serves as the general manager and executive vice president of football operations for the Denver Broncos. Ducey raked in \$520,000 in individual contributions and \$32,000 from PACs during the last reporting period.

GROUP DIDN'T REPORT SPENDING AGAINST UGENTI-RITA

The pro-Tim Jeffries American Strong PAC didn't report its independent expenditures against Ugenti-Rita in filings with the secretary of state's office. Mailers sent in July, as well as a website launched by American Strong, sought to discredit Ugenti-Rita and her allegations of sexual harassment at the Capitol by calling attention to her comments and personal relationships. But the latest campaign finance report filed by American Strong PAC lists no independent expenditures during the primary election. And the secretary of state's See the Money website, which lists the independent expenditure reports that are required by Clean Elections rules, does not show any such disclosures by American Strong. In fact, the only operating expenses to date that the PAC has reported was about \$7,480 to Elovon, Inc., a general consulting business in Scottsdale, according to records filed with Corp Comm. Services rendered by Elovon are listed simply as "miscellaneous" on American Strong's campaign finance reports. A call to a number listed on those reports for American Strong officials was not returned. American Strong is funded by out of state individuals with ties to Jeffries (YS, 7/31).

HE'S GOT MORE FRIENDS WILLING TO SPEND A FEW BUCKS

American Strong PAC's funding continues to come from individuals with ties to Jeffries. In its pre-primary report, the PAC reported receiving \$7,050 from Alicia Utley, an accountant from Boulder, Colorado, as well as a \$2,950 contribution from Infinite Tax Solutions, a Boulder, Colo.-based firm owned by Utley. Utley appears to have actively campaigned for Jeffries – on August 5, she posted an Instagram picture of herself with Jeffries in studio at Independent Talk 1100 KFNX, a local talk radio station licensed out of Cave Creek ([LINK](#)).






AND HE'S WILLING TO SPEND A FEW MORE OF HIS OWN


Jeffries chipped in another \$50,000 of his own money to his LD23 Senate campaign in early August, bringing his total personal contributions to the campaign up to \$103,000 and his total fundraising up to nearly \$179,000. He also raised over \$4,000 in individual contributions, and received a \$5,000 in kind contribution for "goods/services" from brothers Joshua and Nathan Tijerina, the owners of the Halycon Movement, a faith-based organization. As of August 11, Jeffries had spent about \$109,000, nearly double the expenditures of his competitors, Ugenti-Rita and Kristina Kelly. Ugenti-Rita raised \$20,500 since July 1 and spent more than double that amount. After more than \$43,000 spent in the last month and a half, Ugenti-Rita reported having about \$30,000 in the bank heading into next week's primary election. She has raised a total of about \$70,000. Kelly brought in more than \$21,000 since July 1, bringing her total up to about \$67,000. Like Jeffries, a significant portion of Kelly's contributions came from personal and family contributions, to the tune of \$9,200. Kelly has less than \$15,000 cash on hand heading into the primary.

Exhibit 2

Filer Name: American Strong		Status: Active	
Filer ID: 201800382	Filer Type: Political Action Committee	Registration Date: 12/12/2017	Last Amended Date: 7/19/2018
Mailing Address: 4605 Lankershim Blvd Ste 320 North Hollywood CA 91602 Phone: (480) 428-6036 Email: americanstrongpac@gmail.com		Filer Address: 4605 Lankershim Blvd Suite 320 North Hollywood CA 91602	
Chairman: Lyon, Brad		Treasurer: Samantha, Myhrvold	

Reports Previously Filed

Report Due Date	Date Filed	Report Name	Status
 08/20/2018	08/20/2018	<u>2018 - 8th Report (Pre-Primary)</u>	 On Time
 07/16/2018	07/02/2018	<u>2018 - 7th Report (2nd Quarter)</u>	On Time
 04/16/2018	04/05/2018	<u>2018 - 6th Report (1st Quarter)</u>	On Time
 01/15/2018	01/09/2018	<u>2018 - 5th Report (4th Quarter)</u>	On Time

 Denotes this report has previous versions. Click the icon to display previous versions.



Tuesday, August 28, 2018

Thomas Collins
Arizona Citizens Clean Elections Commissions
1616 W Adams Street
110
Phoenix, AZ 85007

Dear Thomas,

Thank you for your letter dated August 24, 2018 and bringing the information to our attention.

Based on the information you provided, we notice that we've made two errors:

1) In our Pre-Primary report, filed with the Secretary of State on August 20, 2018, we inadvertently listed the \$7,480 Independent expenditure expense as an "Operating Expense" instead of as an "Independent Expenditure."

This was a mistake on our part, as all of our advertising has used the proper disclaimers, per ARS 16-925. We filed an amended report with the Secretary of Sates office on Friday, August 24, 2018.

2) We failed to report with Clean Elections. This was an oversight and a mistake, and it will not be made again. We emailed you a backup report on Monday, August 27, 2018.

Thank you for your time and we apologize for any extra work this has caused you.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Lyon", is written over a horizontal line.

Brad Lyon, Chairman
American Strong Pac
Americanstrongpac@gmail.com

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of LOS ANGELES }

On August 28, 2018 before me, Samantha M. Myhrvold
(Here insert name and title of the officer)

personally appeared Brad Lyon,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Letter to AZ Clean

(Title or description of attached document)

Elections Commissions

(Title or description of attached document continued)

Number of Pages 1 Document Date 8/28/18

CAPACITY CLAIMED BY THE SIGNER

☐ Individual (s)

☒ Corporate Officer

Chairman

(Title)

☐ Partner(s)

☐ Attorney-in-Fact

☐ Trustee(s)

☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

EXHIBIT 3



CITIZENS CLEAN ELECTIONS COMMISSION Independent Expenditure Report

Pursuant to A.R.S. §§ 16-941(D), -956, -958, and A.A.C. R2-20-109(F)

OFFICIAL USE ONLY

☐ Received _____

Name:			
Address:		City	State
		Zip	
Telephone Number:		Fax Number:	
Name of Authorized Agent:		Telephone Number:	E-mail Address:
Authorized Agent Address (if different from above):		City	State
		Zip	
Date of Expenditure (i.e. 5/30/2018)	Amount of Expenditure (i.e. \$5,000.00)	Candidate Supported / Opposed	

All persons, including corporations, limited liability companies, and labor organizations, are required to file independent expenditure reports under A.R.S. §§ 16-941(D); -958 & Ariz. Admin. Code R2-20-109(F). Please fill out, scan and return to the Arizona Citizens Clean Elections Commission, ccec@azcleanelections.gov.

Forms received within 24 hours of the due date will be considered timely.

Failure to file the form and submit the information required subjects an entity that makes independent expenditures to penalties under the Clean Elections Act unless the entity receives an exemption from the Commission. Exemption forms are available at www.azcleanelections.gov.

Please contact ccec@azcleanelections.gov or 602-364-3477 with questions.

I, the undersigned, certify that the above statements are true and accurate to the best of my knowledge and belief:

Brad Lyon

Signature of Authorized Agent

STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

In the Matter of:

American Strong PAC, Respondent

MUR No. 18-12

[Proposed] CONCILIATION AGREEMENT

Pursuant to ARS § 16-957(A), the Citizens Clean Elections Commission (the "Commission"), House Victory PAC (Respondent) enter this Conciliation Agreement (the "Conciliation Agreement") in the manner described below:

- A. American PAC did not timely file certain reports required by the Commission related to spending on behalf certain candidates. The Commission finds that these failures demonstrate there is reason to believe Respondent may have committed a violation of the Citizens Clean Elections Act and Commission rules (collectively, the "Act").
- B. A.R.S. § 16-941(D) states that "any person who makes independent expenditures related to a particular office" in excess of certain amounts must report such expenditures to the Secretary of State. A.R.S. § 16-956(A)(7) provides that the Commission has authority to enforce the Act and Rules, to include the assessment of penalties that apply for failure to file reports.
- C. The Executive Director filed Complaint August 27, 2018. Respondent was cooperative. It responded within 23 minutes of the initial email noticing, explaining that we will "look at our records and respond as soon as possible." Less than four hours later, it submitted a formal response admitting our error and changed our filing with the SOS's

1 office. At 4:39 that day it received the Clean Elections Form, which was submitted to
2 you on Monday, and the notarized copy was provided to the following Tuesday.

- 3 D. This Conciliation Agreement concludes the Commission's enforcement proceeding
4 respecting the Complaint and additional reports that Respondent should have timely
5 filed.

6 WHEREFORE, the Commission enters the following orders in lieu of any other action regarding this
7 matter:

- 8 1. The Commission has jurisdiction over persons subject to ARS 16-941(D) and 16-958,
9 including political committees. Respondent disputes this jurisdiction, but avows that the
10 Campaign Finance Reporting System did not prompt it to make any reports as called
11 for in those statutes, and it had no knowledge of the Commission's efforts to provide
12 alternative electronic means of filing.
- 13 2. Pursuant to A.R.S. §§ 16-941(D) and -958 any person who makes an independent
14 expenditure above a threshold set forth in the Clean Elections Act must file reports
15 required by the person and that under A.R.S. § 16-942(B) the statutory penalty for any
16 reporting violation on behalf of a candidate is up to \$880 per day up to twice the value
17 of the unreported amount. Respondent disputes that its expenditures were subject to
18 the reporting requirements set forth in A.R.S. §§ 16-941(D) and -958 and disputes the
19 Commission's authority under A.R.S. § 16-942(B) to assess any statutory penalty in
20 connection with such expenditures.
- 21 3. Respondent agrees to settle this matter for \$500, in addition to the other provisions
22 herein. This amount represents a reimbursement of costs associated with the
23 Complaing.
- 24 4. Respondent shall pay to the Clean Elections Fund \$500 by October 1, 2018 and before
25 terminating the Committee.
26

- 1 5. All payments shall be made by check or money order payable to the Citizens Clean
2 Elections Fund and delivered to the Citizens Clean Elections Commission, 1616 West
3 Adams, Suite 110, Phoenix, Arizona, 85007.
- 4 6. The Commission shall not commence any legal action against Respondent to collect
5 fines under the Complaint so long as Respondent is not in default.
- 6 7. Respondent shall be in default of this Agreement upon the occurrence of any of the
7 following:
- 8 a. Respondent fails to make any payment required hereunder within five (5) working
9 days following the date due;
- 10 b. Respondent files a petition under the bankruptcy laws or any creditor of the
11 Respondent files any petition under said laws against the Respondent;
- 12 c. Any creditor of Respondent commences a foreclosure action to foreclose (by suit
13 or trustee sale) on real property of the Respondent or commences garnishment,
14 attachment, levy or execution against the Respondent's property; or;
- 15 d. Respondent provides false information to the Commission.
- 16 e. Respondent fails to abide by any provision of this agreement.
- 17 f. Respondent fails to file any campaign finance report or notice required by Chapter
18 6 of Title 16, Arizona Revised Statutes.
- 19 8. In the event of default hereunder, at the option of the Commission, all amounts
20 available under the Complaint immediately due and payable and the Commission may.
21 In addition, interest shall accrue on the unpaid balance from the date that the payments
22 become due and payable. Interest shall accrue at the statutory rate of ten percent
23 (10%) pursuant to A.R.S. § 44-1201(A).
- 24 9. Nothing contained in this Agreement shall be construed to prevent any state agency
25 which issues licenses for any profession from requiring that the debt in issue be paid in
26 full before said agency will issue Respondent a new license.

- 1 10. The Commission may waive any condition of default without waiving any other
2 condition of default and without waiving its rights to full, timely future performance of
3 the conditions waived.
- 4 11. In the event legal action is necessary to enforce collection hereunder, Respondent shall
5 additionally pay all costs and expenses of collection, including without limitation,
6 reasonable attorneys' fees in an amount equal to thirty-five percent (35%) of monies
7 recovered.
- 8 12. Respondent acknowledges that all obligations payable pursuant to this Agreement
9 constitute a fine, penalty, or forfeiture payable to and for the benefit of a governmental
10 unit, and not compensation for actual pecuniary loss; and that pursuant to 11 USC §
11 523 such obligations are not subject to discharge in bankruptcy.
- 12 13. This Agreement shall be construed under the laws of the State of Arizona.
- 13 14. In the event that any paragraph or provision hereof shall be ruled unenforceable, all
14 other provisions hereof shall be unaffected thereby.
- 15 15. This Agreement shall constitute the entire agreement between the parties regarding the
16 subject matter. This Agreement shall not be modified or amended except in a writing
17 signed by all parties hereto.
- 18 16. This Agreement shall not be subject to assignment.
- 19 17. No delay, omission or failure by the Commission to exercise any right or power
20 hereunder shall be construed to be a waiver or consent of any breach of any of the
21 terms of this Agreement by the Respondent.
- 22 18. By entering into this Agreement, the Respondent does not waive any rights, claims,
23 defenses or arguments in any subsequent proceeding before the Commission or any
24 agency, court or other tribunal.
- 25 19. Respondent has obtained independent legal advice in connection with the execution of
26 this Agreement or have freely chosen not to do so. Any rule construing this Agreement
 against the drafter is inapplicable and is waived.

20. This Agreement shall be void unless executed by the Respondent and delivered to the Commission not later than January 23, 2017.

21. All proceedings commenced by the Commission in this matter will be terminated and the matter closed upon receipt of the final payment of the civil penalty and compliance with the other terms set forth in this Agreement.

Dated this ____ day ____, 2018.

By: _____
Thomas M. Collins, Executive Director
Citizens Clean Elections Commission

By: _____
, Respondent

**STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION**

MUR 18-07

One Arizona dba Sunlight Arizona

STATEMENT OF REASONS OF THE EXECUTIVE DIRECTOR

On behalf of the Citizens Clean Elections Commission (“Commission”), the Executive Director hereby provides the following Statement of Reasons why there is reason to believe that a violation of the Citizens Clean Elections Act and Commission rules (collectively, the “Act”) may have occurred.

I. Procedural Background

On July 27, 2018, Brett Moll and Michael Francis (“Complainants”) filed a complaint (“Complaint”) against One Arizona, doing business as Sunlight Arizona (“Respondent”) alleging the Respondent violated the Clean Elections Act, namely A.R.S. §§ 16-941(D) and 16-958. The Complaint alleges that Sunlight Arizona is expressly advocating against the election or reelection of four Republican candidates for the Arizona State Senate, Sylvia Tenney Allen, Frank Pratt, J.D. Mesnard, and Kate Brophy-McGee and therefore should register as a political committee and file campaign finance reports as prescribed by law. On August 17, 2018, through its attorney James E. Barton II, Respondent submitted a response to the Complaint.

II. Alleged Violations

A. The Complaint alleges that the Respondent expressly advocated for the defeat of the above-mentioned state Senate candidates via direct mail pieces as

well as through social media, specifically Facebook, without filing as a political committee and without filing campaign finance reports. The social media posts and direct mail pieces were disbursed in June of 2018 and focus on three distinct issues; education, energy, and predatory lending. The pieces in question ask the recipients of the pieces to contact the state legislators identified on the piece and urge them to “help Arizona’s students,” “stop putting Arizona families’ financial future at risk,” and “protect Arizona’s future and hold irresponsible corporations accountable.”

III. Analysis

A. Relevant Evidentiary Standard

At this preliminary stage in Commission proceedings, the Commission need only find that there may be reason to believe that the Respondent has committed a violation of the Act or Rules. Ariz. Admin. Code R2-20-208(A).

B. Relevant Legal Standard

The Clean Elections Act defines expressly advocates, in relevant part as an advertisement

[1.] Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer

[2.] referring to one or more clearly identified candidates and

[3.] targeted to the electorate of that candidate(s)

[4.] that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents. A.R.S. § 16-901.01(A)(2).

However, such a communication “shall not be considered as one that expressly advocates merely because it presents information about the voting record or position on a campaign issue of three or more candidates, so long as it is not made in coordination with a candidate, political party, agent of the candidate or party or a person who is coordinating with a candidate or candidate's agent.” *Id.* § 16-901.01(B).

The controlling case for reporting under this standard is *Committee for Justice in Fairness v. Arizona Secretary of State's Office (CJF)*, 235 Ariz. 347 (App. 2014). There, the Court held that an advertisement, targeted at the general electorate of a candidate who, while not identified as a candidate for the office sought, was nevertheless unambiguously a candidate for the office sought, run immediately before the election, but criticizing prior actions, did expressly advocate defeat. *Id.* at 354-55 (citing A.R.S. § 16-901(9)).

The U.S. Supreme Court case *Federal Election Commission v. Wisconsin Right to Life (WRTL)*, 551 U.S. 449 (2007) is persuasive authority here. That case dealt with when an absolute ban on express advocacy could be imposed, in the

context of the greater scrutiny that absolute bans require. *Id.* at 464-65. That case held that, in order to impose a ban on express advocacy under the then-existing federal standard, the advertisement in question must, objectively be the functional equivalent of express advocacy “only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.” *Id.* at 470.

Respondents make no effort to distinguish the variety of advertisements in the complaint. Rather, they make the blanket assertion that under the Act (A.R.S. § 16-901.01), *CJF*, and *WRTL*, each advertisement is “issue advocacy” for which no reporting is required. Respondent’s arguments, however, ignore key differences in both *CJF* and *WRTL*.

First, Respondents assert that “[t]he mailers do not identify any of the elected officials as candidates.” Response at 2. However, *CJF* makes clear that under Arizona law, a candidate is clearly identified not based on a reference to their status as candidates but whether when the advertisement was run the candidate(s) “had been clearly identified to the general populace” as candidates for the State Senate. 235 Ariz. at 354. Indeed, Representative Mesnard was the unopposed candidate for the LD17 State Senate seat GOP nomination. The same is true for Senator Pratt in Legislative District 8. Senator Brophy McGee was a candidate for the LD28 State Senate seat GOP nomination. Senator Sylvia Allen at one point faced potential opposition for the GOP nomination, but that did not

materialize. All would face Democratic opponents in the general election. All had filed the paperwork necessary to be candidates for state Senate in their respective districts. In other words, each elected official had been identified to their districts as candidates. *See CJF*, 235 Ariz. at 354.

Respondents also attempt to distinguish *CJF* on the basis that the advertisement there was “aired days before the identified individual was to leave the office allegedly the target of the ad.” Response at 3. However, the former Superintendent targeted by the *CJF* ads would serve in office for two months after the November election. Thus, this distinction is not consistent with the context of *CJF*. This argument also does not distinguish the mailers, which according to Complainants were sent after the 2018 legislative session adjourned. After the legislative session adjourns in an election year, unless the Governor calls the Legislature back into special session to address specific topics, legislators will not propose or vote on any further legislation unless they are re-elected to serve another term. Thus, Respondents attempt to distinguish the mailers from *CJF* based on the timing fails.

Respondents argue that their purpose was exactly like the Appellants in *WRTL*—“to educate constituents.” Response at 3. They focus on language in *WRTL* spelling out “content . . . consistent with that of a genuine issue ad.” Response at 3 (quoting *WRTL*). However, unlike the ads in *WRTL*, the mailers do “take a position on a candidate’s character, qualifications, or fitness for office.”

For example, the mailers regarding Senator Brophy McGee place text immediately adjacent to her picture stating:



This language, taken in context, appears to express a view on the “candidate’s character, qualifications, or fitness of office.” The same language and juxtaposition appears in the mailers regarding Representative Mesnard, for instance.

Accordingly, Respondents have provided insufficient distinctions, at this stage of Commission proceedings, for the Commission to conclude that the mailers and internet ads in question are issue advocacy rather than express advocacy. Rather, the timing, context and content of the advertisements appear to fall within the scope of A.R.S. § 16-901.01 and *CJF*.

Other material within the context of the pieces confirms this analysis. The mail piece that was directed at State Senator Brophy McGee clearly states “State Senator Brophy McGee voted for a budget that failed to cap class sizes,” and then asks the recipient of the mail piece to “Vote to reduce class sizes in 2019!” a specific call to action that *occurs after the election*. Additionally, as noted above, the mail pieces and the social media posts were delivered and posted in June, a month after the State Legislature had adjourned sine die leaving no way for State representatives or State Senators to draft bills or vote on bills as requested by the

mail piece and social media post. Additionally, the pieces in question present the stated elected official in an unfavorable light as the recipient of the piece is told that the elected official “voted FOR HB 2434, which DEREGULATES ‘innovative financial products,’ weakens consumer protections, and opens the door to more predatory lending.”

Based on the definition of express advocacy and the facts stated above, I recommend the Commission find a reason to believe that a violation occurred.

Recommendation

If the Commission finds reason to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred, the Commission shall then conduct an investigation. Ariz. Admin. Code R2-20-209(A). The Commission may authorize the Executive Director to subpoena all of the Respondent’s records documenting disbursements, debts, or obligations to the present, and may authorize an audit.

Upon expiration of the fourteen (14) days, if the Commission finds that the alleged violator remains out of compliance, the Commission shall make a public finding to that effect and issue an order assessing a civil penalty in accordance with A.R.S. § 16-942, unless the Commission publishes findings of fact and conclusions of law expressing good cause for reducing or excusing the penalty. A.R.S. § 16-957(B).

After fourteen (14) days and upon completion of the investigation, the Executive Director will recommend whether the Commission should find probable cause to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred. Ariz. Admin. Code R2-20-214(A). Upon a finding of probable cause that the alleged violator remains out of compliance, by an affirmative vote of at least three (3) of its members, the Commission may issue an order and assess civil penalties pursuant to A.R.S. § 16-957(B). Ariz. Admin. Code R2-20-217.

Dated this ____th day of September, 2018.

By: _____
Thomas M. Collins, Executive Director

July 26, 2018

Thomas Collins, Executive Director
Clean Elections Commission
1616 West Adams Street, Suite 110
Phoenix, Arizona 85007

Re: Campaign Finance Violations by One Arizona

Dear Mr. Collins:

We are writing to report flagrant campaign finance violations by One Arizona, doing business as Sunlight Arizona ("Sunlight Arizona"), a corporation claiming to be a Section 501(c)(3) charity.

Sunlight Arizona is expressly advocating against the reelection of several Republican candidates for the Arizona State Senate:

- Senator Sylvia Tenney Allen, District 6
- Senator Frank Pratt, District 8
- Speaker of the House J.D. Mesnard, District 17
- Senator Kate Brophy-McGee, District 28 (collectively, the "Candidates")

Sunlight Arizona is engaged in a multi-phase direct mail and electronic advertising campaign to likely general election voters in each district that discuss the Candidates' voting records as incumbent legislators in a derogatory light. The mailers and online Facebook advertisements have no reasonable meaning other than to advocate for the defeat of each Candidate in this election cycle.

While the mailers and Facebook advertisements purport to address legislative matters, the topics presented are front-and-center in this year's election cycle. Moreover, the subjects of some of the mailers—energy and education—are campaign centerpieces for Democrat candidate campaigns and are the subjects of two ballot initiatives.

In addition, the physical mail and electronic advertisements are precisely timed to the election cycle. The materials were distributed in June of this year. It defies reason to argue that they relate to any legislation. The 2019 legislative session does not convene for six months (January 14, 2019) and the 2018 legislative session adjourned three months ago (May 4, 2018). All referenced material was distributed by Sunlight Arizona after the 2018 legislative session adjourned. There is no opportunity whatsoever for any of these Candidates, let alone any legislator, to vote on any issue raised in the mailers unless they are elected to serve in the 2019 session.

Substantial evidence supports the conclusion that Sunlight Arizona exists primarily to expressly advocate against the election of the Candidates while posing as a non-profit. Sunlight Arizona must register as a political action committee ("PAC") under Arizona law. I respectfully

18 JUL 27 PM 4:27 CC CC

request that the Citizens Clean Elections Commission initiate an investigation pursuant to A.R.S. §§ 16-941(D) and 16-957.

I. FACTUAL BACKGROUND

a) District 28 Election

Senator Brophy-McGee represents District 28. In 2016, she won a closely contested election by just over 2,000 votes, receiving 51% of the vote. *See Exhibit 1*, a copy of Ballotpedia 2016 Arizona election results. District 28 is expected to again be a competitive legislative district in the 2018 general election and may impact which party controls the State Senate for the 2019-2020 term. *See, e.g., Exhibit 2*, a copy of an AZ Central Article discussing competitive districts in 2018.

The 2018 legislative session adjourned on or about May 4, 2018, so there has not been any active legislation and Senator Brophy-McGee has not cast a vote since that date. She cannot cast additional votes on the issues raised in the mailers unless reelected in District 28 for the 2019-2020 term.

In the primary election, which occurs on August 28, 2018, Senator Brophy-McGee is running against Kenneth Bowers. If she wins the primary, the general election will occur on November 6, 2018, and Senator Brophy-McGee will run against democrat Christine Marsh. Thus, all mailers and online content distributed to District 28 voters about Senator Brophy-McGee's voting record (which were all sent after *the 2018 legislative session adjourned*) serve no purpose other than to advocate against the reelection of Senator Brophy-McGee. *See Exhibit 3, Exhibit 4, and Exhibit 5*, which are the mailers sent to District 28 voters; *see also Exhibit 6*, a copy of the Facebook page that includes the various advertisements distributed by Sunlight Arizona.

b) District 17 Election

Speaker Mesnard represented District 17 in the 2017-2018 legislative term. He does not have a primary opponent and will be running against democrat Steve Weichert in the general election on November 6, 2018. The mailers and Facebook advertisements distributed by Spotlight Arizona to voters in District 17 are nearly identical to the mailers and advertisements sent to voters in District 28. *See Exhibit 7, Exhibit 8, and Exhibit 9*, which are the mailers being sent to District 17 voters; *see also Exhibit 6*. Because the materials were sent after the 2018 legislative session adjourned, they serve no purpose other than to advocate against his reelection.

c) District 8 Election

Senator Pratt represented District 8 in the 2017-2018 legislative term. In 2016, he won a closely contested election by just under 4,000 votes. *See Exhibit 1*. As of March 2018, District 8 has approximately the same number of registered democrats and republicans. *See Exhibit 10*, a copy of the State of Arizona March, 2018 voter registration. It is expected to be a competitive legislative district in the 2018 general election.

He does not have a primary challenger and will run in the general election against the winner of democratic primary between Natali Fierros Bock and Sharon Girard. It is unclear if mailers were sent to voters in District 8, but identical Facebook advertisements were distributed to voters in that district. *See Exhibit 6.* The Facebook advertisements were distributed after the 2018 legislative session adjourned, so they could serve no purpose other than to advocate against his reelection.

d) District 6 Elections

Senator Allen represented District 6 in the 2017-2018 legislative term. In 2016, she won a closely contested general election by approximately 1,750 votes, at just under 51% of the vote. *See Exhibit 1.* District 6 is expected to again be a competitive legislative district in the 2018 general election and may impact which party controls the State Senate for the 2019-2020 term. *See, e.g., Exhibit 2.*

She does not have a primary challenger and will run in the general election against democrat Wade Carlisle. It is unclear if mailers were sent to voters in District 6, but identical Facebook advertisements were distributed there. *See Exhibit 6.* The advertisements were also distributed after the 2018 legislative session adjourned, so they serve no purpose other than to advocate against her reelection.

e) Sunlight Arizona

Sunlight Arizona is a domestic nonprofit corporation registered with the Arizona Corporation Commission. *See* a copy of Sunlight Arizona's registration with the Arizona Corporation Commission, attached hereto as **Exhibit 11**. Its articles of incorporation and numerous Facebook advertisements claim that it is registered as a 501(c)(3) with the Internal Revenue Service. **Exhibit 12; Exhibit 6.**

Sunlight Arizona is not registered as a PAC or otherwise with the Secretary of State. It has not submitted any campaign finance disclosure forms to the Secretary of State, nor has it submitted independent expenditure notifications as required by A.R.S. § 16-941(D).

The officers and directors of Sunlight Arizona are Ian Danley, Tomas Robles, Alejandro Gomez, Eduardo Sainz, and Brendon Walsh. On information and belief, these are well connected political operatives in the State who often act to influence elections. They either are or have been affiliated with various organizations including the Democratic National Committee, Mi Familia Vota, and La Lucha. Further, Ian Danley is David Garcia's campaign manager—a democratic candidate for governor. *See Exhibit 13* at p. 4, a copy of a Politico article on Arizona politics. There can be no doubt that Sunlight Arizona is a political organization whose primary purpose is to influence electoral outcomes.

f) Mailers and Electronic Material Distributed by Sunlight Arizona

On information and belief, from approximately June 2nd through 14th 2018, Sunlight Arizona sent the various mailers referenced above as **Exhibits 3-5** through **Exhibit 7-9** to

registered voters who are likely to vote in the general election. These mailers were sent to registered voters only in District 28 and 17. Moreover, nearly identical advertisements were distributed on Facebook to voters in Districts, 28, 17, 8, and 6 from June 23 through June 29. *See Exhibit 6*. Each district will host a closely watched and contested election this fall. The materials were distributed approximately one to two months after the 2018 legislative session adjourned.

One advertisement distributed to voters in each district states that the Candidate voted for a budget that failed to cap class sizes or even study the effect of class size, then asks potential voters to “Vote to reduce class sizes in 2019!” *See Exhibits 3, 6 and 7*. The second advertisement states that each Candidate voted for a bill that weakens consumer protections and asks voters to tell the Candidate “to stop putting Arizona families’ financial future at risk.” *See Exhibits 4, 6, and 8*. The third advertisement states that the Candidates voted for a bill which imposes only small fines on billion-dollar utility companies for violations and to the Candidates “to protect Arizona’s future and hold irresponsible corporations accountable.” *See Exhibits 5, 6, and 9*.

Each voter that we are aware received the mailers frequently votes. *Exhibit 14*, a document outlining voting history of individuals who received the mailers. Also, by clicking on “See Ad Performance” on the Sunlight Arizona Facebook advertisement page, it is clear that the advertisements were distributed largely to females and younger voters—demographics targeted by democrats. *See the electronic version of Exhibit 6*, available at [https://www.facebook.com/politicalcontentads/?active_status=all&ad_type=ads-with-political-content&page_ids\[0\]=815811961946664&q=sunlight%20arizona](https://www.facebook.com/politicalcontentads/?active_status=all&ad_type=ads-with-political-content&page_ids[0]=815811961946664&q=sunlight%20arizona) (only accessible with Facebook credentials).

The various issues raised in the materials are front-and-center in this year’s election cycle. Moreover, the subjects of some of the mailers, energy and education, are campaign centerpieces for Democrat candidate campaigns. For example, democratic candidate Christine Marsh in District 28 is running almost predominantly on an education and energy platform. *See Exhibit 15*, a copy of portions of Christin Marsh’s campaign website. Also, democratic candidate Wade Carlisle in District 6 is running on a similar platform. *See Exhibit 16*, a copy of portions of Wade Carlisle’s campaign website.

II. LEGAL AUTHORITY

A corporation may make (i) unlimited, uncoordinated expenditures supporting or opposing candidates and (ii) unlimited, uncoordinated contributions to entities other than candidate committees that support or oppose candidates. A.R.S. 16-916(A)-(B). The law identifies these as “independent expenditures” and defines them as any expenditure by an entity, other than a candidate committee, that (1) “[e]xpressly advocates the election or defeat of a clearly identified candidate” and (2) “[i]s not made in cooperation or consultation with or at the request or suggestion of the candidate or the candidate’s agent.”¹ A.R.S. § 16-901(31). “‘Clearly identified candidate’ means that the name or a description, image, photograph or drawing of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference.” A.R.S. §16-901(9).

¹ If evidence of coordination between Sunlight Arizona and any political campaign comes to light, the mailers and advertisements would be deemed campaign contributions in violation of numerous other statutory provisions.

Under Arizona law, there are two forms of “express advocacy.” First, a communication containing express campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates. A.R.S. § 16-901.01(A)(1). Second, and directly related to this complaint, express advocacy includes the following elements:

- [1] Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer
- [2] referring to one or more clearly identified candidates and
- [3] targeted to the electorate of that candidate(s)
- [4] that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents.

A.R.S. § 16-901.01(A)(2) (emphasis added).

This definition comports with federal case law about what constitutes express advocacy and therefore can be regulated under the First Amendment. *See, e.g., Fed. Election Comm’n v. Furgatch*, 807 F.2d 857, 865 (9th Cir. 1987) (holding that an advertisement stating, “don’t let him do it,” in reference to Jimmy Carter during a presidential election was express advocacy that could be regulated).

The Citizens Clean Elections Act requires that a corporation making independent expenditures relating to an office that cumulatively exceeds \$500 in an election cycle must file reports with the Secretary of State in accordance with A.R.S. § 16-958. A.R.S. § 16-941(D). A supplemental report is required each time a previously unreported independent expenditure exceeds \$1,000. A.R.S. § 16-958(A).

III. LEGAL VIOLATIONS

Sunlight Arizona is spectacularly ignoring Arizona legal requirements for registration and reporting as a political committee. Its various mailers and advertisements constitute express advocacy, as that concept is defined under Arizona law. First, under A.R.S. § 16-901.01(A)(1), the advertisements pertaining to class size contain express words that in context can have no reasonable meaning other than to advocate the defeat of the Candidates. A.R.S. § 16-901.01(A)(1). They state that each Candidate voted against lowering class sizes, then asks the electorate to “[v]ote to reduce class sizes in 2019!” This is an express instruction to voters to not support the Candidates this election cycle.

Second, under A.R.S. § 16-901.01(A)(2), each of the mailers and advertisements are clearly “general public communication, such as . . . [a] direct mailer” that are referring to specific Candidates. A.R.S. § 16-901.01(A)(2). They are also specifically targeting likely voters in each Candidate’s electoral district. *Id.*

Thus, the only remaining question as to whether the materials constitute express advocacy under A.R.S. § 16-901.01(A)(2) is whether the materials have no reasonable meaning other than to advocate for the defeat of the Candidates in this election cycle. The factors that should be considered include “presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents.” Based on the following, there is no doubt the mailers and advertisements are express advocacy:

1. The timing of the materials being distributed to voters demonstrates that the only reason they were sent was to advocate against the Candidates in this election cycle. The materials were sent in June, at least a month after the 2018 legislative session adjourned, meaning they are not rationally related to how the Candidates would vote on the issues raised. All of these communications are being made in the middle of the Candidates’ campaigning for their respective district’s primary and/or general election. If the intention of the mailers and ads was to advocate on specific issues, they would have been sent during the 2018 legislative session. Or, alternatively, the mailers would be sent after the general election, when a candidate has been elected to office and can vote on these issues. There is no reason to distribute these materials other than to influence the election.
2. The legislative districts targeted by Sunlight Arizona are competitive districts. In 2016, each of the above referenced districts were stringently contested and decided by narrow margins. The voter registration in these districts also indicate the vote in each will be close. There are any number of other members of the legislature that Sunlight Arizona could have targeted with these mailers—so why these Candidates? There is only one answer: because the Candidates are running in tightly contested districts and the mailers are intended to influence the general election.
3. The content of the mailers and ads, including issues like education and energy, are hot button issues for democrats this election cycle. They are also the subject of several proposed initiatives and referenda. The subject matter of the mailers indicates Sunlight Arizona is targeting voters.
4. On information and belief, the mailers and ads naming each Candidate were distributed primarily to persons in the Candidates’ districts. If Sunlight Arizona was really trying to advocate for these issues, why not distribute similar mailers widely across Arizona? The placement of the mailers indicates Sunlight Arizona is expressly advocating against each Candidate this election cycle.
5. Each pamphlet paints in an unfavorable light the Candidate discussed because of his or her voting record on each discrete issue. Based on the text in each pamphlet, it is clear that the issues being discussed are not the primarily message being conveyed to voters; rather, the intended message to the electorate is that the

Candidate's actions during the 2017-2018 term must be rejected by the people in the 2018 election cycle.

6. On information and belief, the mailers and ads are targeted towards likely voters in the 2018 general election in each district. For example, in District 28, several of the mailers were sent to voters who have voted in many recent elections and are likely to do so again this election cycle. **Exhibit 14.** Also, the Facebook ads target demographics who are likely to vote this election.

These violations are more flagrant than those identified by the Commission in Legacy Action Foundation Fund, Case Number 14-007, in front of the Citizens Clean Election Commission in 2014. *See Exhibit 17*, Order of the Commission. In that case, the Commission considered television advertisements funded by a 501(c)(4) organization. The advertisements only stated that Scott Smith should run the U.S. Conference of Mayors more like Mesa, of which he was the mayor. However, because these advertisements were running in the last two weeks of his term as mayor of Mesa, and while he was campaigning for governor, the Commission determined that the context clearly demonstrated these ads were express advocacy asking the electorate to vote against Smith for governor. The Commission went on to fine the organization for failure to file various campaign finance disclosure forms.

The violations identified here are on par with the violations identified by the court in *Committee for Justice & Fairness v. Arizona Secretary of State's Office*. In the case, the Court considered a television advertisement regarding Tom Horne, who was a candidate for attorney general at the time. 235 Ariz. at 349, 332 P.3d at 96. Horne was still the Superintendent for Public Instruction at the time, and the advertisement stated that Horne had in the past voted against tougher penalties on statutory rape and allowed a teacher back in the classroom who had been looking at pornography in the classroom. *Id.* The advertisement urged viewers to tell Horne "to protect children, not people who harm them." *Id.* The Court easily concluded that this was express advocacy based on the following:

The advertisement referred by name to Tom Horne, who was by that time clearly identified as the Republican candidate for Attorney General. It was aired on Channel 12, which broadcasts in the greater Phoenix metropolitan area and beyond, and thus may be presumed to have targeted the electorate for such a statewide office. Although the advertisement only referred to Tom Horne in his then[-] position of Superintendent of Public Instruction and called upon viewers to contact him at his office in the Department of Education, the only reasonable purpose for running an advertisement, during an election campaign, which cost approximately \$1.5 million to produce and broadcast, to critique Tom Horne's past actions as a former member of the legislature and as an occupant of a post he would soon vacate, was to advocate his defeat as candidate for Attorney General.

Id. at 354, 332 P.3d at 101.

Here, because the mailers and ads are express advocacy, the money spent on them are independent expenditures under Arizona statute (or they could otherwise be deemed campaign contributions if evidence of coordination comes to light). See A.R.S. § 16-901(31). Further, the Citizens Clean Election Act requires that Sunlight Arizona file campaign finance reports with the Secretary of State, because the mailers and advertisements relate to certain public offices, and they cost more than \$500 to produce and distribute. A.R.S. § 16-941(D). This includes initial statements and supplement statements under A.R.S. § 16-958. Sunlight Arizona has filed no reports under either A.R.S. § 16-958 and has therefore violated the Citizens Clean Election Act.

IV. CONCLUSION

Based on the forgoing, we respectfully request that a full investigation be launched into the operation of Sunlight Arizona, and, at a minimum, it be forced to comply with Arizona law regarding registration and the disclosure of money spent to influence elections.

Sincerely,



Bert Moll
1502 W. Wagner Dr.
Gilbert, AZ 85233



Michael Francis
35 W. Kaler
Phoenix, AZ 85021

State of Arizona)
County of Maricopa)

SUBSCRIBED AND SWORN to before me by **Bert Moll** this 27th day of July, 2018.

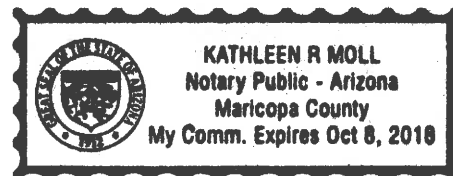


Notary Public

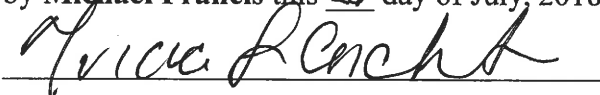
My commission expires:

October 8, 2018

State of Arizona)
County of Maricopa)



SUBSCRIBED AND SWORN to before me by **Michael Francis** this 26th day of July, 2018.



Notary Public

My commission expires:

December 27, 2021

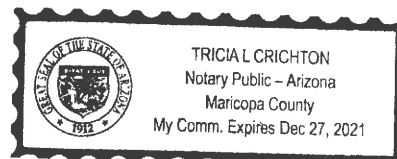


EXHIBIT 1

Arizona State Senate elections, 2016

Arizona 2016 elections



Presidential • U.S. Senate • U.S. House • State executive offices • State Senate • State House • State judges • Local judges • State ballot measures • School boards • Municipal • Recalls • Candidate ballot access



All **30 seats** in the Arizona State Senate were up for election in 2016. Democrats gained one seat in the November 2016 general election.

HIGHLIGHTS

- Democrats fielded unopposed candidates in seven districts, while Republicans had six unchallenged candidates.
- In the eight districts with open seats, two districts had general election competition. Six seats were held by Republicans and the other two were held by Democrats.
- If Democrats were to make any gains, it would have been in the 17 districts that had general election competition between two major party candidates; only five seats were competitive or mildly competitive in 2014.^[1]
- Republicans held a state government trifecta heading into the election.

2016 Arizona Senate Elections



Primary August 30, 2016
General November 8, 2016

2016 Election Results

2014 • 2012 •
2010 • 2008
2006 • 2004 •
2002 • 2000

Introduction

Elections for the office of Arizona State Senate took place in 2016. The primary election took place on August 30, 2016, and the general election was held on November 8, 2016. The candidate filing deadline was June 1, 2016.

2016 Elections

Choose a chamber
below:

Select an election

▼

Majority control









See also: Partisan composition of state senates

Heading into the election, the Republican Party held the majority in the Arizona State Senate:

Arizona State Senate		
Party	As of November 7, 2016	After November 8, 2016
Democratic Party	12	13
Republican Party	18	17
Total	30	30

Retired incumbents

Eight incumbent senators did not run for re-election in 2016. Those incumbents were:

Name	Party	Current Office
Steve Pierce	 Republican	Senate District 1
Lynne Pancrazi	 Democratic	Senate District 4
Susan Donahue	 Republican	Senate District 5
Carlyle Begay	 Republican	Senate District 7
Andy Biggs	 Republican	Senate District 12
Don Shooter	 Republican	Senate District 13
Andrew Sherwood	 Democratic	Senate District 26
Adam Driggs	 Republican	Senate District 28

2016 election competitiveness

Arizona saw a drop in electoral competitiveness.

Ballotpedia conducts a yearly study of electoral competitiveness in state legislative elections. Details on how well Arizona performed in the study are provided in the image below. **[Click here for the full 2016 Competitiveness Analysis »](#)**

	Races with Incumbents <small>Shows % of races with incumbents running for re-election</small>	Incumbents without Primary Challengers <small>Shows % of incumbents running unopposed in their party's primary</small>	Unopposed R/D Races <small>Shows % of general election races where one major party fields no candidates</small>
AZ in 2016	71.1% ▲	70.3% ▲	53.3% ▲
AZ Average (2010-2014)	67.1%	55.4%	34.4%
AZ in 2014	70.0%	61.9%	40.0%
AZ in 2012	75.6%	54.2%	38.9%
AZ in 2010	55.6%	50.0%	24.4%
U.S. Average (2010-2014)	81.1%	77.5%	38.0%
<small>Published on November 1, 2016</small>	<small>Higher than average figures mean races are less competitive.</small>	<small>Lower than average figures mean races are more competitive.</small>	DATA & ANALYSIS BY BALLOTPEDIA

- In the Arizona State Senate, there were 12 Democratic incumbents and 18 Republican incumbents. Two incumbents faced primary opposition in the Democratic Party. There was just one primary challenge in the Republican primary.
- In the House, there were 24 Democratic incumbents and 36 Republican incumbents. Nine state representative faced primary opposition in the Democratic Party. There were seven primary challenges in the Republican primary.
- Overall, 18.6 percent of Democratic incumbents and 21.4 percent of GOP incumbents faced primary opposition in all of the state legislatures with elections in 2016.
- The cumulative figure for how many state legislative candidates faced no major party opposition in November in these states was 41.8 percent. This compares to 32.7 percent in 2010, 38.3 percent in 2012, and 43.0 percent in 2014.
- More details on electoral competitiveness in Arizona can be found below.

Races we watched

Ballotpedia identified three notable Arizona state legislative races in 2016, all three of which were state Senate contests. Two of these were primary elections and can be seen by clicking the "Primary election" tab under "List of candidates."

Click here to read more about Ballotpedia's coverage of notable Arizona races »

General election contest

State Senate District 28

A Democratic candidate and a Republican candidate competed for the open seat in a swing district.

☒ Kate Brophy McGee (R) ☐ Eric Meyer (D)

List of candidates

General election

2016 Arizona Senate general election candidates

District	Democrat	Republican	Other
1	<i>No candidate</i>	Karen Fann: 87,011 ▼	
2	Andrea Dalessandro: 39,693 (I) ▼	Shelley Kais: 27,066	
3	Olivia Cajero Bedford: 48,887 (I) ▼	<i>No candidate</i>	
4	Lisa Otondo: 37,668 ▼	<i>No candidate</i>	
5	<i>No candidate</i>	Sonny Borrelli: 62,615 ▼	
6	Nikki Bagley: 47,557	Sylvia Allen: 49,318 (I) ▼	
7	Jamescita Peshlakai: 54,421 ▼	<i>No candidate</i>	
8	Barbara McGuire: 28,585 (I)	Frank Pratt: 32,366 ▼	
9	Steve Farley: 68,109 (I) ▼	<i>No candidate</i>	
10	David Bradley: 50,850 (I) ▼	Randall Phelps: 43,526	
11	Ralph Atchue: 40,390	Steve Smith: 59,475 (I) ▼	
12	Elizabeth Brown: 37,178	Warren Petersen: 69,356 ▼	
13	<i>No candidate</i>	Steve Montenegro: 62,124 ▼	
14	Jaime Alvarez: 32,229	Gail Griffin: 54,084 (I) ▼	
15	Tonya MacBeth: 36,414	Nancy Barto: 62,691 (I) ▼	
16	Scott Prior: 30,180	David Farnsworth: 56,096 (I) ▼	
17	Steven Weichert: 41,676	Steven B. Yarbrough: 54,454 (I) ▼	

18	Sean Bowie: 53,962 ▼	Frank Schmuck: 50,935	
19	Lupe Contreras: 38,817 (I) ▼	No candidate	
20	Larry Herrera: 28,987	Kimberly Yee: 40,122 (I) ▼	Doug Quelland: 10,928 (Ind.)
21	No candidate	Debbie Lesko: 64,404 (I) ▼	
22	Michael Muscato: 38,620	Judy Burges: 71,863 (I) ▼	
23	No candidate	John Kavanagh: 88,099 (I) ▼	
24	Katie Hobbs: 54,351 (I) ▼	No candidate	
25	No candidate	Bob Worsley: 69,914 (I) ▼	
26	Juan Jose Mendez: 40,995 ▼	No candidate	
27	Catherine Miranda: 40,085 (I) ▼	No candidate	Angel Torres: 9,381 (G)
28	Eric Meyer: 48,124	Kate McGee: 50,436 ▼	
29	Martin Quezada: 29,638 (I) ▼	Crystal Nuttle: 13,615	
30	Robert Meza: 27,941 (I) ▼	John Lyon: 14,152	

Notes:

- An (I) denotes an incumbent.
- Candidate lists can change frequently throughout an election season. Ballotpedia staff update this list monthly. To suggest changes, click here to email our State Legislature Project.

Primary election

Primary contests

State Senate District 18 (R)

A Republican candidate challenged the vulnerable Republican incumbent.

☐ Jeff Dial (Inc.) ☒ Frank Schmuck

State Senate District 29 (D)

A Democratic candidate challenged the Democratic incumbent to a rematch.

☒ Martin Quezada (Inc.) ☐ Lydia Hernandez

2016 Arizona Senate primary candidates

District ☒ Democrat ☐ Republican Other

1	<i>No candidate</i>	Karen Fann ▼	
2	Andrea Dalessandro (I) ▼	Shelley Kais ▼	
3	Olivia Cajero Bedford (I) ▼	<i>No candidate</i>	
4	Lisa Otondo ▼	<i>No candidate</i>	
5	<i>No candidate</i>	Sonny Borrelli: 13,911 ▼ Ron Gould: 12,503	
6	Nikki Bagley ▼	Sylvia Allen (I) ▼	
7	Jamescita Peshlakai: 11,774 ▼ Steven Begay: 10,198	<i>No candidate</i>	
8	Barbara McGuire (I) ▼	Frank Pratt ▼	
9	Steve Farley (I) ▼	<i>No candidate</i>	
10	David Bradley (I) ▼	Randall Phelps ▼	
11	Ralph Atchue ▼	Steve Smith (I) ▼	
12	Elizabeth Brown ▼	Warren Petersen: 14,334 ▼ Jimmy Lindblom: 11,544	
13	<i>No candidate</i>	Steve Montenegro: 12,943 ▼ Diane Landis: 8,486	
14	Jaime Alvarez ▼	Gail Griffin (I) ▼	
15	Tonya MacBeth ▼	Nancy Barto (I) ▼	
16	Scott Prior ▼	David Farnsworth (I) ▼	
17	Steven Weichert ▼	Steven B. Yarbrough (I) ▼	
18	Sean Bowie ▼	Jeff Dial: 10,008 (I) Frank Schmuck: 11,483 ▼	
19	Lupe Contreras (I) ▼	<i>No candidate</i>	
20	Larry Herrera ▼	Kimberly Yee (I) ▼	Doug Quelland (Ind.) ▼
21	<i>No candidate</i>	Debbie Lesko (I)	
22	Michael Muscato ▼	Judy Burges (I) ▼	
23	<i>No candidate</i>	John Kavanagh (I) ▼	
24	Katie Hobbs (I) ▼	<i>No candidate</i>	
25	<i>No candidate</i>	Bob Worsley (I) ▼	
26	Juan Jose Mendez: 6,488 ▼ David Lucier: 2,178	<i>No candidate</i>	Chris Will (L) ▼
27	Maritza Saenz: 4,746 Catherine Miranda: 6,049 (I) ▼	<i>No candidate</i>	
28	Eric Meyer ▼	Kate McGee ▼	
29	Martin Quezada: 4,661 (I) ▼ Lydia Hernandez: 2,383	Crystal Nuttle ▼	

30

Robert Meza (I) ▼

John Lyon ▼

Notes:

- *An (I) denotes an incumbent.*
- *Candidate lists can change frequently throughout an election season. Ballotpedia staff update this list monthly. To suggest changes, click here to email our State Legislature Project.*

Important dates and deadlines

See also: Arizona elections, 2016

The calendar below lists important dates for political candidates in Arizona in 2016.

Dates and requirements for candidates in 2016

Deadline	Event type	Event description
September 24, 2015	Ballot access	First day to file new party petitions for the presidential preference primary
October 24, 2015	Ballot access	Last day to file new party petitions for the presidential preference primary
November 13, 2015	Ballot access	First day to file as a candidate for the presidential preference primary
December 14, 2015	Ballot access	Last day to file as a candidate for the presidential preference primary
January 1 to February 1, 2016	Campaign finance	January 31 report due (covering November 25, 2014, to December 31, 2015)
March 3, 2016	Ballot access	Deadline for filing new party petitions for the general election
March 22, 2016	Election date	Presidential preference primary
May 2, 2016	Ballot access	First day for filing candidate nomination petitions
June 1, 2016	Ballot access	Last day for filing candidate nomination petitions
June 1 to June 30, 2016	Campaign finance	June 30 report due (covering January 1 to May 31, 2016)
July 21, 2016	Ballot access	Deadline for filing as a write-in candidate for the primary election
August 19 to August 26, 2016	Campaign finance	Pre-primary report due (covering June 1 to August 18, 2016)
August 30, 2016	Election date	Primary election

September 29, 2016	Ballot access	Deadline for filing as a write-in candidate for the general election
September 20 to September 29, 2016	Campaign finance	Post-primary report due (covering August 19 to September 19, 2016)
October 28 to November 4, 2016	Campaign finance	Pre-general report due (covering September 20 to October 27, 2016)
November 8, 2016	Election date	General election
November 29 to December 8, 2016	Campaign finance	Post-general report due (covering October 28 to November 28, 2016)

Source: *Arizona Secretary of State*, "Elections Calendar & Upcoming Events," accessed June 5, 2015

Competitiveness

Candidates unopposed by a major party

In 14 of the 30 districts up for election in 2016, there was only one major party candidate running for election. A total of eight Democrats and six Republicans were guaranteed election barring unforeseen circumstances.

Two major party candidates faced off in the general election in 16 of the 30 districts up for election.

Primary challenges

Four incumbents faced primary competition on August 30. Eight incumbents did not seek re-election and another 18 incumbents advanced past the primary without opposition.

Retired incumbents

Eight incumbent senators did not run for re-election, while 22 ran for re-election. A list of those incumbents, six Republicans and two Democrats, can be found above.

Impact of term limits

See also: State legislatures with term limits

All of Arizona's 30 state senate seats were up for election on November 8, 2016. Arizona senators serve two-year terms with a four-term/eight-year limit that was imposed by Proposition 107 in 1992. Arizona's term limits apply to parts of terms and not just full terms.

In the 2016 elections, one Arizona state senator, Steve Pierce (R), was affected by term limits.

Results from 2014

See also: 2014 state legislative elections analyzed using a Competitiveness Index

There were 6,057 seats in 87 chambers with elections in 2014. All three aspects of Ballotpedia's Competitiveness Index—the number of open seats, incumbents facing primary opposition, and general elections between partisan candidates—showed poor results compared to the prior election cycle. States with elections in 2014 held fewer general elections between partisan candidates. Additionally, fewer incumbents faced primary opposition and more incumbents ran for re-election than in recent years.

Since 2010, when the Competitiveness Index was established, there had not been an even-year election cycle to do statistically worse in any of the three categories. See the following chart for a breakdown of those scores between each year.

Overall Competitiveness

	2010	2012	2014
Competitiveness Index	36.2	35.8	31.4
% Open Seats	18.6%	21.2%	17.0%
% Incumbent with primary challenge	22.7%	24.6%	20.1%
% Candidates with major party opposition	67.3%	61.7%	57.0%

The following table details Arizona's rates for open seats, incumbents that faced primary challenges and major party competition in the 2014 general election.

Arizona Legislature 2014 Competitiveness

% Open Seats	% Incumbent with primary challenge	% Candidates with major party opposition	Competitiveness Index	Overall rank
30.0%	38.1%	60.0%	42.7	8

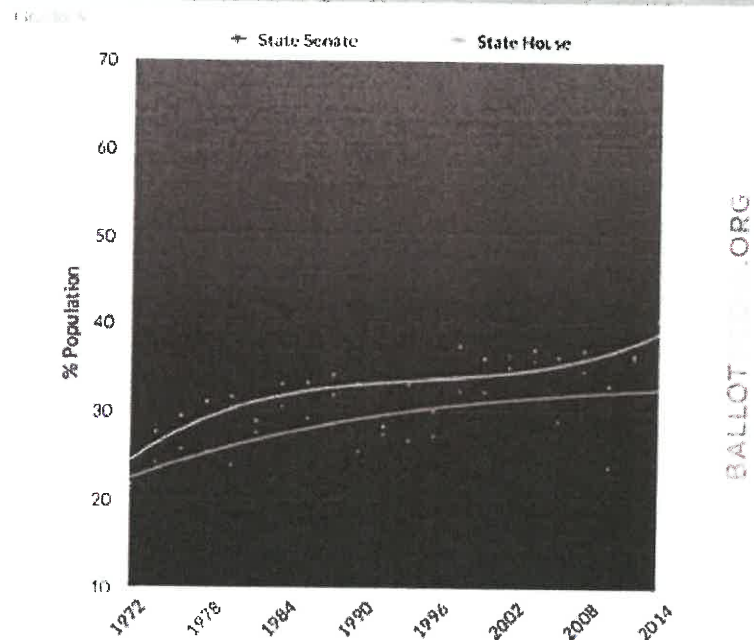
Historical context

See also: Competitiveness in State Legislative Elections: 1972-2014

Uncontested elections: Uncontested elections have become a staple of state legislative elections. In 2014, 32.8 percent of Americans lived in states with an uncontested state senate election. Similarly, 40.4 percent of Americans lived in states with uncontested house elections. Primary elections were uncontested even more frequently, with 61 percent of people living in states with no contested primaries. Traditionally, Southern states have experienced more uncontested elections than the rest of the country, though this has begun to change in more recent elections. Uncontested elections often occur in locations that are so politically one-sided that the result of an election would be a foregone conclusion regardless of whether it was contested or not.

Open seats: In most cases, an incumbent will run for re-election, which decreases the number of open seats available. In 2014, 83 percent of the 6,057 seats up for election saw the incumbent running for re-election. The states that impose term limits on their legislatures typically see a higher percentage of open seats in a given year because a portion of incumbents in each election are forced to leave office. Overall, the number of open seats decreased from 2012 to 2014, dropping from 21.2 percent in 2012 to 17.0 percent in 2014.

Percent of population in uncontested state legislative races



Incumbent win rates:

Ballotpedia's competitiveness analysis documented the high propensity for incumbents to win re-election in state legislative elections. In fact, since 1972, the win rate for incumbents has not dropped below 90 percent—with the exception of 1974, when 88 percent of incumbents were re-elected to their seats. The 1974 election, however, is unique in that it followed the Watergate scandal and gave Democrats the opportunity to sweep seats across the nation. Perhaps most importantly, the win rate for incumbents has generally increased over time. In 2014, 96.5 percent of incumbents were able to retain their seats. Common convention holds that incumbents are able to leverage their office to maintain their seat. However, the high incumbent win rate may actually be a result of incumbents being more likely to hold seats in districts that are considered safe for their party.

Marginal primaries: Often, competitiveness is measured by examining the rate of elections that have been won by amounts that are considered marginal (5 percent or less). During the 2014 election, 90.1 percent of primary and general election races were won by margins higher than 5 percent. Interestingly, it is usually the case that only one of the two races—primary or general—will be competitive at a time. This means that if a district's general election is competitive, typically one or more of the district's primaries were won by more than 5 percent. The reverse is also true: If a district sees a competitive primary, it is unlikely that the general election for that district will be won by less than 5 percent. Primaries often see very low voter turnout in comparison to general elections. In 2014, there were only 27 million voters for state legislative primaries, but approximately 107 million voters for the state legislative general elections.

Campaign contributions

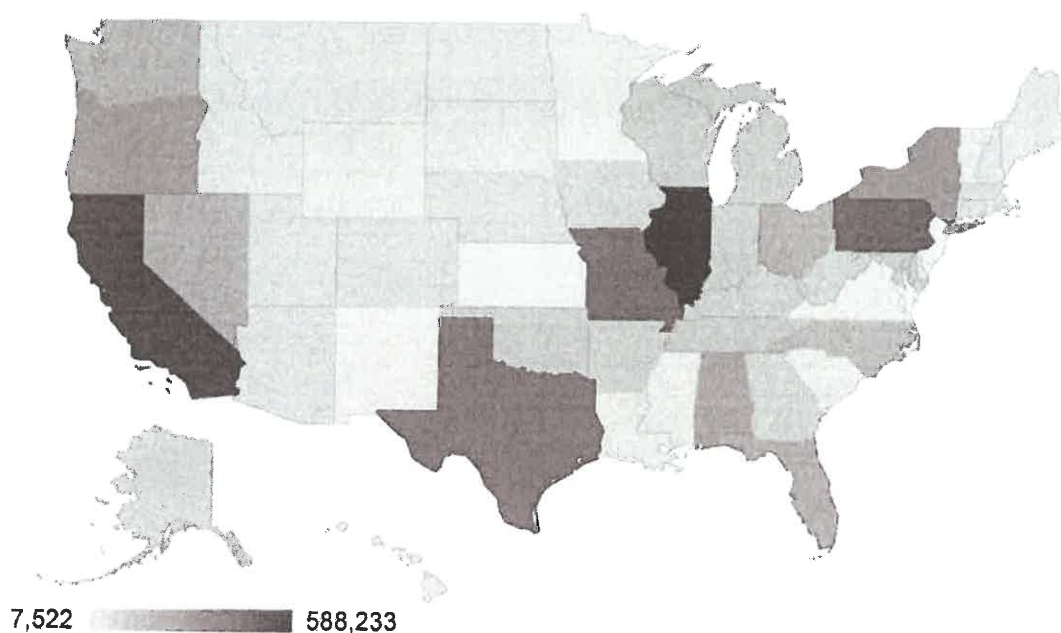
The following chart shows how many candidates ran for State Senate in Arizona in past years and the cumulative amount of campaign contributions in State Senate races, including contributions in both primary and general election contests.^[2]

<i>Arizona State Senate Donations</i> [hide]		
Year	Candidates	Amount
2014	74	\$4,237,376
2012	63	\$3,133,356
2010	84	\$2,913,309
2008	60	\$3,094,965
2006	65	\$2,566,448

State comparison

The map below shows the average contributions to 2014 candidates for state senates. The average contributions raised by state senate candidates in 2014 was \$148,144. Arizona, at \$57,262 per candidate, is ranked 31 of 42 for state senate chambers with the highest

average contributions. Hover your mouse over a state to see the average campaign contributions for that state's senate candidates in 2014.^{[2][3]}



Qualifications

Article 4, Part 2, Section 2 of the Arizona Constitution states: "No person shall be a member of the Legislature unless he shall be a citizen of the United States at the time of his election, nor unless he shall be at least twenty-five years of age, and shall have been a resident of Arizona at least three years and of the county from which he is elected at least one year before his election."

See also

- Arizona State Senate
- Arizona State Legislature
- State legislative elections, 2016

BP

Suggest a link

Footnotes

1. Under Ballotpedia's competitiveness criteria, districts that have a margin of victory of less than 5 percent are considered highly competitive. Districts that have a margin of victory from 5 to 10 percent are considered mildly competitive.
2. *followthemoney.org*, "Contributions to candidates and committees in elections in Arizona," accessed July 28, 2015
3. This map relies on data collected in July 2015.

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EXHIBIT 2

Arizona Legislature: 4 sizzling races that could decide the balance of power

Dustin Gardiner, The Republic | azcentral.com Published 6:00 a.m. MT June 5, 2018 | Updated 5:54 p.m. MT June 5, 2018

This year's races for state Legislature are shaping up to some of the most contentious in a decade, with the balance of power at the Arizona Capitol on the line.

Republicans have held solid majorities in the Legislature for about a decade. But their grasp on power was rattled this year as the #RedForEd movement shook up the agenda.

Democrats hope to seize on that enthusiasm in the November election. They hope to claim the majority in the state Senate and pick up several seats in the House of Representatives. Republicans currently have a 17-13 majority in the Senate and a 35-25 majority in the House.

Here are four races to watch this summer that could lead to intra-party slugfests or affect which political party holds power at the Capitol.

The Aug. 28 primary decides the matchups in the November election.

LOCAL ELECTIONS: Here's who wants to run your Valley city

District 28: Intraparty civil war

When it comes to partisan family fights, the feud between Republicans in District 28 (north-central Phoenix, Arcadia, Paradise Valley), reigns supreme.

The bad blood between Rep. Maria Syme and the district's two other GOP contenders, House candidate Kathy Petsas and incumbent state Sen. Kate Brophy McGee, has been the talk of political circles for weeks.

To be clear, the three aren't competing for the party's nomination since there are three seats in the district.

But the behind-the-scenes feud exploded when Petsas, a GOP activist, entered the primary. Syme would have benefited from being the only Republican on the ballot for the House.

In Arizona, each district elects one senator and two House members. Having one candidate in the House race could improve that candidate's odds of getting a seat — especially in a district with a large number of independents.

Syms has cast herself as a strong conservative. Petsas is more moderate and could effectively oust Syms in moderate-leaning District 28.

She was apparently so upset by Petsas entering the race that her husband, Mark Syms decided to run as an independent against Brophy McGee in the Senate (Brophy McGee and Petsas are political allies).

Neither Maria nor Mark Syms responded to a request for comment.

Brophy McGee declined to speak at length about the feud, saying, "The ball is in their court in terms of the whats and whys." She added that independent candidates "may be viewed as spoilers as opposed to serious candidates."

WANT MORE POLITICS? Listen to our Arizona politics podcast, *The Gaggle*, on [Apple Podcasts](#), [SoundCloud](#), [Stitcher](#) or [Google Play](#).

The kerfuffle has GOP political operatives reeling because Mark Syms, a doctor, is a conservative and his candidacy could pull votes from moderate Brophy McGee. That could help deliver the Senate seat to Democrats.

District 28 is perhaps the state's most competitive, and Democrats view it as key in their quest to turn the chamber blue.

Christine Marsh, a teacher and the state's 2016 "Teacher of the Year," is running for the Senate seat and emphasizing #RedForEd's push for more school funding.

Meanwhile, Brophy McGee is also emphasizing education, including her role in persuading lawmakers to pass a 20-year extension of Prop. 301, the sales tax that helps fund schools.

Two Democrats are running for the district's House seats: incumbent Rep. Kelli Butler and Aaron Lieberman, a partner in a non-profit fund that works with early childhood education.

District 6: GOP battle in the White Mountains

Another contentious intraparty Republican primary battle that could affect which party holds power in the Senate has emerged in District 6 (Flagstaff, Payson, Snowflake, Sedona and Camp Verde).

Incumbent state Sen. Sylvia Allen faces a primary challenge from Rep. Brenda Barton. Both Allen and Barton hail from the GOP's conservative ranks.

Allen is known for controversial comments. In 2015, she said it would be a good idea to make church attendance mandatory.

Republican State Sen. Sylvia Allen is known for controversial comments. In 2015, she said it would be a good idea to make church attendance mandatory. (Photo: Rob Schumacher/The Republic)

Some Republican activists in the district have accused Allen of backing out of a pact to switch seats with Barton, who cannot run again in the House due to term limits.

"I confronted her and said, 'I never said that,'" Allen said. "Her response was that it was the expectation."

Barton did not respond to a request for comment.

Allen said she doesn't believe in switching seats to avoid term limits. She said she also wants to finish her work on issues like the state's school letter grades; Allen leads the Education Committee.

"I still have some work I want to do there," she said. "I explained that to (Barton) and she was upset and said I was ruining her political career."

The district is among the state's more competitive, with a mix of Republican strongholds, like the White Mountains, and liberal-leaning cities like Sedona and Flagstaff.

Allen faced a tight re-election fight in 2016, and she said she worries a primary fight could boost Democrats' chances. Whoever wins the GOP nod will face Democrat Wade Carlisle, the vice mayor of Holbrook.

District 13: Don Shooter returns

Don Shooter — the former Arizona lawmaker expelled from office for sexually harassing women — is running for the Republican Senate nomination in District 13 (Yuma, Buckeye, Goodyear and Glendale).

Although the district is conservative, Shooter's candidacy could add unpredictability and bolster Democrats' chances.

Shooter faces three Republicans in the primary to represent the sprawling rural and urban district: incumbent Sen. Sine Kerr; Brent Backus, a management consultant; and Royce Jenkins, a grants manager at the Phoenix Area Indian Health Service Office.

Don Shooter — the former Arizona lawmaker expelled from office for sexually harassing women — is running for the Republican Senate nomination in District 13 (Photo: Cheryl Evans/The Republic, Cheryl Evans/The Republic)

Shooter was expelled from the House in February after investigators determined he had harassed at least seven women. He's filed a claim against the state, alleging his ouster was rigged.

The former lawmaker said he decided to run again after a group of his supporters approached him and agreed to collect his petition signatures.

"I've learned some lessons and I'm ready to serve," Shooter said last week after filing his nominating petitions. "Simple as that."

Michelle Harris, a Democrat and Air Force veteran running for the seat, has blasted Shooter's reemergence. Democrats hope his candidacy could make the district winnable and hamper Republicans' message statewide.

"My district deserves serious representation from an ethical, trustworthy person," Harris tweeted after Shooter announced his campaign. "That is why I'm running for office."

District 23: Fired DES director vs. Ugenti-Rita

Another primary that's raised eyebrows is the District 23 (Scottsdale, Fountain Hills) contest between Tim Jeffries, who was fired as director of the state Department of Economic Security, and Rep. Michelle Ugenti-Rita.

Rep. Michelle Ugenti-Rita is switching from the House to run for Senate. (Photo: Sean Logan/The Republic)

Ugenti-Rita, who's switching from the House to run for Senate, is a longtime lawmaker best known for accusing Shooter of sexual harassment last year.

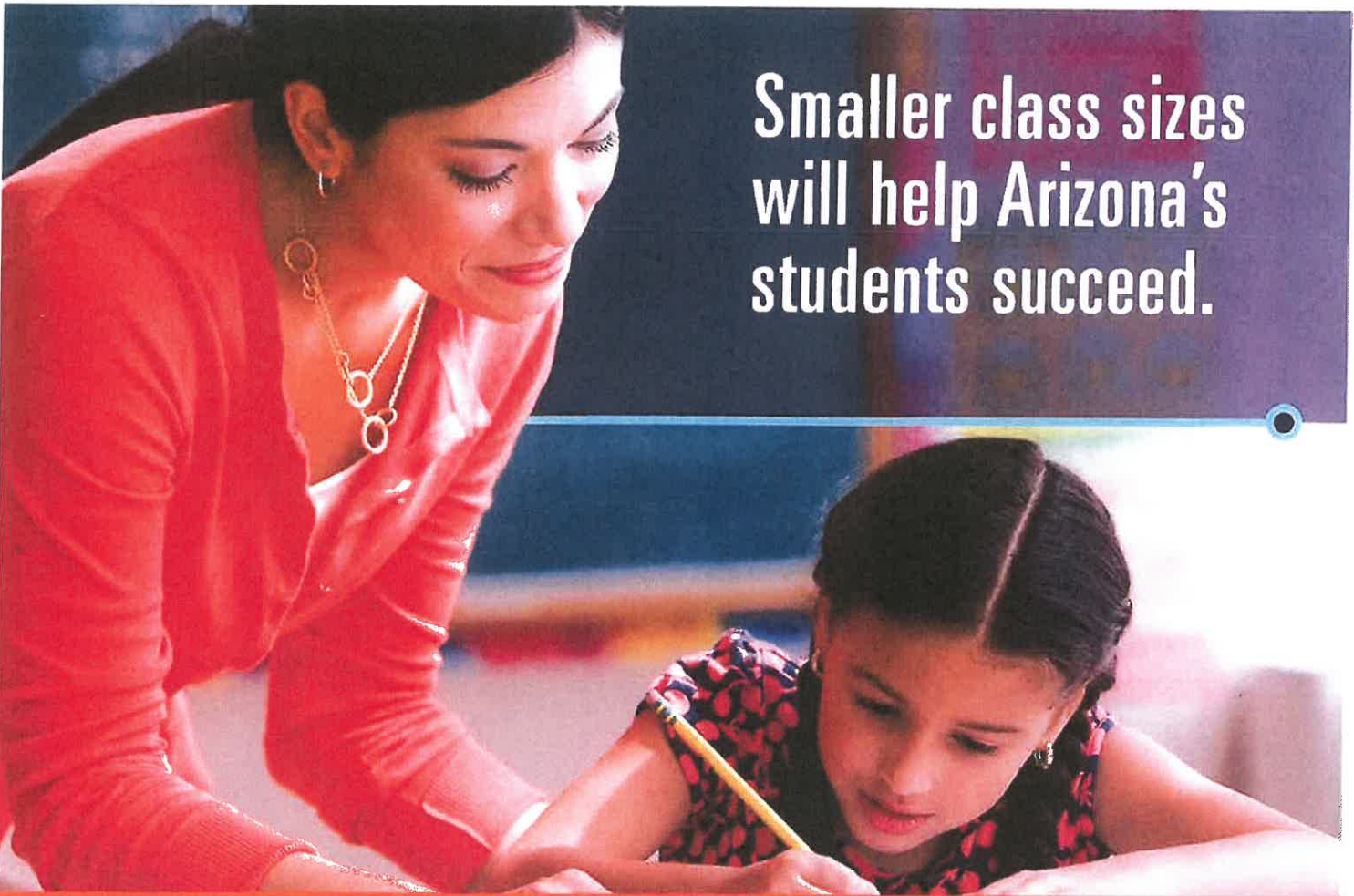
Gov. Doug Ducey fired Jeffries in 2016, after news reports about questionable mass firings at the social welfare agency and a DES party at a Nogales restaurant at which Jeffries bought alcohol for employees.

Ugenti-Rita has been a close ally of the Ducey administration, so any barbs in the race will be closely watched.

Two other Republicans are also running in the primary: Kristina Kelly, a second-grade teacher who said she has been "nicknamed the noncontroversial candidate"; and Gavan Searles, a former police officer.

The Republican nominee will face Democrat Daria Lohman, a retired software engineer. District 23 leans heavily Republican.

EXHIBIT 3



Smaller class sizes
will help Arizona's
students succeed.

Did your legislator vote to reduce
class sizes in Arizona's schools?

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The answer is clear: Smaller class sizes = better education

Arizona's legislators have failed our students, cutting education funding year after year. While some money was directed to address teacher pay and the education crisis in Arizona this year, **legislators rejected a teacher request to reduce class sizes.**

The funding shortfall means Arizona has some of the largest class sizes in the nation, making it harder for students to get the attention they need.

State Senator Kate Brophy McGee voted for a budget that failed to cap class sizes.*



CALL Kate Brophy McGee at 602-926-4486
and tell her to help Arizona's students.
Vote to reduce class sizes in 2019!



State Lawmakers Should Represent Our Interests

State lawmakers make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans, not just the powerful few.

Sunlight Arizona is a non-profit, non-partisan project with the mission of educating Arizona's families and working people about important economic policy issues. Our goal is to ensure that our state government is working for everyone. To learn more visit: SunlightArizona.org

*HB 2663, 5/3/18

EXHIBIT 4



Predatory lenders
can be hard to recognize, but they
put all families **AT RISK.**



Did your legislator vote
to protect Arizona's families
against predatory lenders?

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Arizona's lawmakers should protect us from **predatory lenders.**

The Arizona legislature recently passed a law that allows mortgage companies and consumer lenders to sell new, untested financial products to as many as 10,000 customers before they need real licensing.¹

State Senator **KATE BROPHY MCGEE** voted FOR HB 2434,² which DEREGULATES "innovative financial products," weakens consumer protections, and opens the door to more predatory lending.



CALL

**Kate Brophy McGee at 602-926-4486
and tell her to stop putting Arizona
families' financial future at risk.**

1 Forbes.com, 3/23/18, 2 HB 2434, 3/21/18

State Lawmakers Should Represent Our Interests

State lawmakers make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans, not just the powerful few.

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EXHIBIT 5

We must protect our children and future.



Reckless corporations endanger our environment by putting profits ahead of health and safety. What has your legislator done to stop this and hold them accountable?

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To protect Arizona's future, we need state lawmakers to **stand up for us.**

Our state is the proud home of many companies that invest in clean and renewable energy. But, when irresponsible corporations break the law and threaten our families' health and safety, we need Arizona's lawmakers to hold them accountable.

State Senator **Kate Brophy McGee** voted for HB 2005, which only fines multi-billion-dollar utility companies \$5,000¹ when they break the law.



CALL Kate Brophy McGee at 602-926-4486 and tell her to protect Arizona's future and hold irresponsible corporations accountable.

¹ HB 2005, 3/21/2016

State Lawmakers Should Represent Our Interests

State lawmakers make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans, not just the powerful few.

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EXHIBIT 6

sunlight arizona

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Type of Ad

- Ads With Political Content
- Promoted News

Ad Status

- All
- Active Ads
- Inactive Ads

Pages

- All
- Sunlight Arizona
- Choose a Page

32 results

Search results include ads with text that matched our search terms, as well as ads from Facebook's interest-based targeting and remarketing. We began archiving ads with political content on May 7, 2018. Learn more.

Ads launched in June 2018

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The answer is clear. Smaller class sizes = better education. But State Senator Sylvia Allen voted against even studying whether to lower class sizes.



Smaller Class Sizes

ECLES Better Education

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Your legislator voted to deregulate certain financial products, weaken consumer protections, and open the door to predatory lending.



Protect AZ Families

The Answer is Clear

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Corporations deserve big penalties when breaking laws that threaten clean energy. Did your legislator vote with your health in mind?



How Your Legislator Voted

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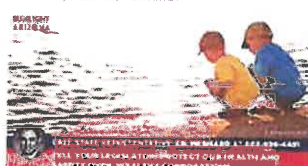
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EXHIBIT 7

**SUNLIGHT
ARIZONA**

The answer is clear: Smaller class sizes = better education

Arizona's legislators have failed our students, cut off education funding and ignored the needs of our children. They have failed to pass legislation that would reduce class sizes, which is the most effective way to improve student achievement.

State Representative J.D. Mesnard voted against smaller class sizes.



Call J.D. Mesnard at 602-926-4481 and tell him to help Arizona's students. Vote to reduce class sizes in 2019!

State Legislators Should Represent Our Interests

State legislators make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans.

Sunlight Arizona is a non-partisan, non-profit project with the mission of educating Arizona's families and working people about important economic policy issues. Our goal is to ensure that our state government is working for everyone. To learn more visit SunlightArizona.org.

NR 1003 5/2018



EXHIBIT 8



One Arizona
530 E McDowell Road
Suite 107-448
Phoenix, AZ 85004



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US POSTAGE
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0042

Or Current Resident

Chandler, AZ 85225



Arizona legislators should protect us from predatory lenders.

Under a new Arizona law, mortgage companies and consumer lenders will be able to sell new, untested financial products to as many as 10,000 customers before they need real licensing.¹

State Representative **J. D. MESNARD** voted FOR HB 2434,² which DEREGULATES "innovative financial products," weakens consumer protections, and opens the door to more predatory lending.



CALL J. D. Mesnard at 602-926-4481 and tell him to stop putting Arizona families' financial future at risk.

¹ Forbes.com, 3/23/18. ² HB 2434, 2/22/18

State Lawmakers Should Represent Our Interests

State lawmakers make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans, not just the powerful few.

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EXHIBIT 9



One Arizona
530 E. McDowell Road
Suite 107-428
Phoenix, AZ 85004

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Or Current Resident

Unsubscribes AZ 85225



Our leaders should protect Arizona families first.

Arizona is the proud home of many companies that invest in clean and renewable energy. But, when wealthy corporations break the law and threaten our families' health and safety, we need Arizona's lawmakers to hold them accountable.

State Representative **J.D. Mesnard** voted for HB 2005, which only fines multi-billion-dollar utility companies \$5,000' when they break the law. They need more than a slap on the wrist to stop them from breaking the rules for profit.



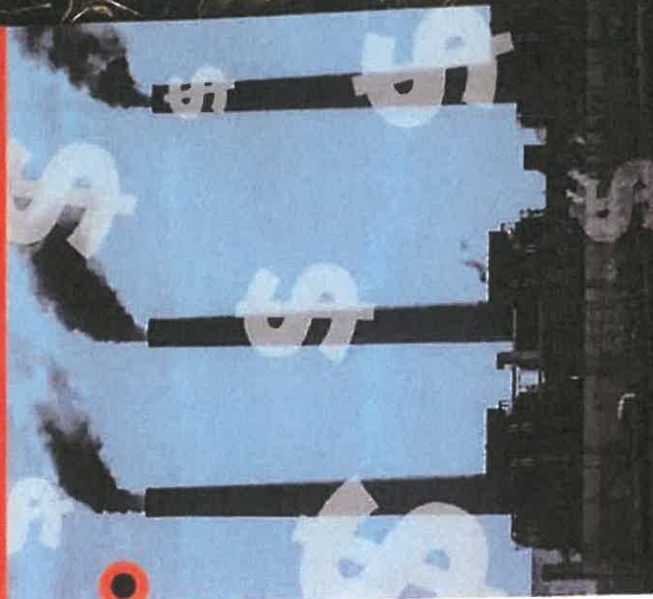
CALL



**J.D. Mesnard at 602-926-4481 and
tell him to stop putting wealthy
corporations before Arizona families.**

1 HB 2005 3/29/2018

NOT wealthy corporations that
put profit over our health and safety.



State Lawmakers Should Represent Our Interests

State lawmakers make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans, not just the powerful few.

Sunlight Arizona is a non-profit, non-partisan project with the mission of educating Arizona's families and working people about important economic policy issues. Our goal is to ensure that our state government is working for everyone.
To learn more visit: SunlightArizona.org

EXHIBIT 10

STATE OF ARIZONA REGISTRATION REPORT

2018 March Voter Registration - March 01, 2018

Compiled and Issued by the Arizona Secretary of State

Active

County	Precincts	Date/Period	Democratic	Green	Libertarian	Republican	Other	Total
Apache	45	OCT 2017	28,787	55	152	8,803	12,673	50,470
	44	JAN 2018	28,783	55	151	8,796	12,725	50,510
	44	MAR 2018	28,771	55	154	8,825	12,812	50,617
Cochise	49	OCT 2017	19,740	142	565	28,460	25,466	74,373
	49	JAN 2018	19,077	131	551	27,490	23,913	71,162
	49	MAR 2018	18,730	130	546	26,960	23,322	69,688
Coconino	71	OCT 2017	32,536	305	853	20,985	27,562	82,241
	71	JAN 2018	32,688	303	855	21,148	27,883	82,877
	71	MAR 2018	32,608	304	843	21,086	27,735	82,576
Gila	39	OCT 2017	9,131	32	182	12,778	8,431	30,554
	39	JAN 2018	9,133	32	183	12,903	8,516	30,767
	39	MAR 2018	9,123	31	180	12,974	8,531	30,839
Graham	22	OCT 2017	5,506	14	81	8,341	4,472	18,414
	22	JAN 2018	5,515	13	79	8,403	4,540	18,550
	22	MAR 2018	5,498	13	80	8,430	4,581	18,602
Greenlee	8	OCT 2017	1,987	3	33	1,400	1,336	4,759
	8	JAN 2018	1,981	3	35	1,409	1,354	4,782
	8	MAR 2018	1,975	3	36	1,423	1,369	4,806
La Paz	11	OCT 2017	2,213	13	38	3,711	3,469	9,444
	11	JAN 2018	2,223	14	38	3,766	3,531	9,572
	11	MAR 2018	2,222	15	39	3,823	3,574	9,673
Maricopa	724	OCT 2017	635,498	3,913	21,252	788,298	780,715	2,229,676
	738	JAN 2018	629,647	3,853	20,955	785,290	769,039	2,208,784
	738	MAR 2018	626,489	3,776	20,621	782,999	759,506	2,193,391
Mohave	24	OCT 2017	20,966	159	755	53,776	45,619	121,275
	24	JAN 2018	20,481	155	740	53,458	44,419	119,253
	24	MAR 2018	20,571	153	750	53,939	44,779	120,192
Navajo	14	OCT 2017	26,052	74	446	21,939	18,376	66,887
	14	JAN 2018	25,320	72	421	21,185	17,706	64,704
	14	MAR 2018	25,234	70	415	21,246	17,909	64,874
Pima	248	OCT 2017	200,939	1,657	4,266	160,932	162,861	530,655
	248	JAN 2018	197,911	1,605	4,158	158,126	160,239	522,039
	249	MAR 2018	195,874	1,551	4,064	157,008	158,169	516,666
Pinal	102	OCT 2017	52,342	286	1,553	68,473	74,697	197,351
	102	JAN 2018	52,806	287	1,591	69,234	75,802	199,720
	102	MAR 2018	52,183	279	1,557	68,820	74,915	197,554
Santa Cruz	24	OCT 2017	13,722	46	152	4,332	8,819	27,071
	24	JAN 2018	13,801	46	157	4,362	8,912	27,278
	24	MAR 2018	13,850	46	161	4,384	8,986	27,427
Yavapai	45	OCT 2017	27,852	308	1,053	62,080	44,985	136,278
	45	JAN 2018	28,062	305	1,078	62,866	45,592	137,903
	45	MAR 2018	27,664	293	1,058	62,446	44,876	136,337
Yuma	44	OCT 2017	29,404	66	560	24,440	31,398	85,868
	44	JAN 2018	29,319	64	562	24,553	31,692	86,190
	44	MAR 2018	29,518	63	568	24,831	32,155	87,135
Totals:	1,470	OCT 2017	1,106,675	7,073	31,941	1,268,748	1,250,879	3,665,316
	1,483	JAN 2018	1,096,747	6,938	31,554	1,262,989	1,235,863	3,634,091
	1,484	MAR 2018	1,090,310	6,782	31,072	1,258,994	1,223,219	3,610,377
Percentages:		OCT 2017	30.19	0.19	0.87	34.61	34.13	
		JAN 2018	30.18	0.19	0.87	34.75	34.01	
		MAR 2018	30.20	0.19	0.86	34.87	33.88	

*Party was not a recognized party

STATE OF ARIZONA REGISTRATION REPORT
 2018 March Voter Registration - March 01, 2018
 Compiled and Issued by the Arizona Secretary of State

Active							
District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Congressional District 1							
Apache	44	28,771	55	154	8,825	12,812	50,617
Coconino	71	32,608	304	843	21,086	27,735	82,576
Gila	22	5,945	11	49	2,981	3,538	12,524
Graham	22	5,498	13	80	8,430	4,581	18,602
Greenlee	8	1,975	3	36	1,423	1,369	4,806
Maricopa	2	108	0	3	12	94	217
Mohave	2	279	0	3	113	382	777
Navajo	14	25,234	70	415	21,246	17,909	64,874
Pima	26	17,415	91	424	27,545	19,612	65,087
Pinal	60	32,835	142	730	33,047	39,356	106,110
Yavapai	7	5,168	59	148	6,677	6,973	19,025
Total:	278	155,836	748	2,885	131,385	134,361	425,215
Congressional District 2							
Cochise	49	18,730	130	546	26,960	23,322	69,688
Pima	146	114,651	954	2,642	105,759	96,926	320,932
Total:	195	133,381	1,084	3,188	132,719	120,248	390,620
Congressional District 3							
Maricopa	46	38,385	150	919	27,202	41,742	108,398
Pima	77	63,808	506	998	23,704	41,631	130,647
Pinal	1	155	0	0	9	86	250
Santa Cruz	24	13,850	46	161	4,384	8,986	27,427
Yuma	29	22,360	48	325	10,788	20,201	53,722
Total:	177	138,558	750	2,403	66,087	112,646	320,444
Congressional District 4							
Gila	17	3,178	20	131	9,993	4,993	18,315
La Paz	11	2,222	15	39	3,823	3,574	9,673
Maricopa	16	5,598	35	244	13,768	9,836	29,481
Mohave	22	20,292	153	747	53,826	44,397	119,415
Pinal	41	19,193	137	827	35,564	35,473	91,194
Yavapai	38	22,496	234	910	55,769	37,903	117,312
Yuma	15	7,158	15	243	14,043	11,954	33,413
Total:	160	80,137	609	3,141	186,786	148,130	418,803
Congressional District 5							
Maricopa	128	103,136	623	4,513	205,804	158,793	472,869
Total:	128	103,136	623	4,513	205,804	158,793	472,869
Congressional District 6							
Maricopa	156	112,743	707	4,349	185,053	157,966	460,818
Total:	156	112,743	707	4,349	185,053	157,966	460,818
Congressional District 7							
Maricopa	107	125,621	568	2,461	41,350	100,747	270,747
Total:	107	125,621	568	2,461	41,350	100,747	270,747
Congressional District 8							
Maricopa	143	110,216	629	3,548	188,277	153,693	456,363
Total:	143	110,216	629	3,548	188,277	153,693	456,363
Congressional District 9							
Maricopa	140	130,682	1,064	4,584	121,533	136,635	394,498
Total:	140	130,682	1,064	4,584	121,533	136,635	394,498

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District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Legislative District 1							
Maricopa	16	8,268	61	414	22,795	15,151	46,689
Yavapai	35	17,972	187	775	48,762	31,347	99,043
Total:	51	26,240	248	1,189	71,557	46,498	145,732
Legislative District 2							
Pima	33	27,513	124	456	19,494	24,435	72,022
Santa Cruz	24	13,850	46	161	4,384	8,986	27,427
Total:	57	41,363	170	617	23,878	33,421	99,449
Legislative District 3							
Pima	41	43,987	417	694	14,744	26,680	86,522
Total:	41	43,987	417	694	14,744	26,680	86,522
Legislative District 4							
Maricopa	17	8,538	61	265	10,168	11,150	30,182
Pima	17	7,376	42	81	2,308	4,762	14,569
Pinal	1	155	0	0	9	86	250
Yuma	23	20,007	43	263	8,260	17,284	45,857
Total:	58	36,076	146	609	20,745	33,282	90,858
Legislative District 5							
La Paz	11	2,222	15	39	3,823	3,574	9,673
Mohave	22	20,292	153	747	53,826	44,397	119,415
Total:	33	22,514	168	786	57,649	47,971	129,088
Legislative District 6							
Coconino	45	21,083	266	668	16,576	20,796	59,389
Gila	18	3,224	20	132	10,088	5,039	18,503
Navajo	5	2,984	15	121	9,361	4,226	16,707
Yavapai	10	9,692	106	283	13,684	13,529	37,294
Total:	78	36,983	407	1,204	49,709	43,590	131,893
Legislative District 7							
Apache	44	28,771	55	154	8,825	12,812	50,617
Coconino	26	11,525	38	175	4,510	6,939	23,187
Gila	3	1,967	1	8	200	969	3,145
Graham	2	1,461	1	5	194	651	2,312
Mohave	2	279	0	3	113	382	777
Navajo	9	22,250	55	294	11,885	13,683	48,167
Pinal	1	0	0	0	0	0	0
Total:	87	66,253	150	639	25,727	35,436	128,205
Legislative District 8							
Gila	18	3,932	10	40	2,686	2,523	9,191
Pinal	51	27,042	121	662	28,264	33,420	89,509
Total:	69	30,974	131	702	30,950	35,943	98,700
Legislative District 9							
Pima	57	45,689	399	979	36,831	35,180	119,078
Total:	57	45,689	399	979	36,831	35,180	119,078
Legislative District 10							
Pima	49	43,259	381	991	37,433	33,933	115,997
Total:	49	43,259	381	991	37,433	33,933	115,997

STATE OF ARIZONA REGISTRATION REPORT
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Active							
District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Legislative District 11							
Pima	34	21,236	141	571	33,084	23,813	78,845
Pinal	27	14,877	85	487	19,816	21,727	56,992
Total:	61	36,113	226	1,058	52,900	45,540	135,837
Legislative District 12							
Maricopa	37	31,635	188	1,583	71,606	50,434	155,446
Pinal	1	280	2	21	700	546	1,549
Total:	38	31,915	190	1,604	72,306	50,980	156,995
Legislative District 13							
Maricopa	29	19,387	108	681	34,386	28,665	83,227
Yuma	21	9,511	20	305	16,571	14,871	41,278
Total:	50	28,898	128	986	50,957	43,536	124,505
Legislative District 14							
Cochise	49	18,730	130	546	26,960	23,322	69,688
Graham	20	4,037	12	75	8,236	3,930	16,290
Greenlee	8	1,975	3	36	1,423	1,369	4,806
Pima	18	6,814	47	292	13,114	9,366	29,633
Total:	95	31,556	192	949	49,733	37,987	120,417
Legislative District 15							
Maricopa	42	32,052	215	1,391	59,313	47,559	140,530
Total:	42	32,052	215	1,391	59,313	47,559	140,530
Legislative District 16							
Maricopa	25	18,378	127	838	35,032	31,419	85,794
Pinal	21	9,829	71	387	19,831	19,136	49,254
Total:	46	28,207	198	1,225	54,863	50,555	135,048
Legislative District 17							
Maricopa	40	37,500	188	1,327	52,536	48,859	140,410
Total:	40	37,500	188	1,327	52,536	48,859	140,410
Legislative District 18							
Maricopa	41	43,521	309	1,463	48,716	45,952	139,961
Total:	41	43,521	309	1,463	48,716	45,952	139,961
Legislative District 19							
Maricopa	29	36,294	105	679	13,910	33,007	83,995
Total:	29	36,294	105	679	13,910	33,007	83,995
Legislative District 20							
Maricopa	47	35,523	260	1,321	44,173	44,796	126,073
Total:	47	35,523	260	1,321	44,173	44,796	126,073
Legislative District 21							
Maricopa	42	34,998	198	961	48,264	45,802	130,223
Total:	42	34,998	198	961	48,264	45,802	130,223
Legislative District 22							
Maricopa	48	32,945	148	1,013	71,353	50,221	155,680
Total:	48	32,945	148	1,013	71,353	50,221	155,680

STATE OF ARIZONA REGISTRATION REPORT
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Active

District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Legislative District 23							
Maricopa	54	35,773	180	1,299	74,235	55,168	166,655
Total:	54	35,773	180	1,299	74,235	55,168	166,655
Legislative District 24							
Maricopa	40	42,049	349	1,226	22,390	35,163	101,177
Total:	40	42,049	349	1,226	22,390	35,163	101,177
Legislative District 25							
Maricopa	42	30,042	241	1,331	60,907	45,466	137,987
Total:	42	30,042	241	1,331	60,907	45,466	137,987
Legislative District 26							
Maricopa	34	33,352	334	1,237	21,351	36,496	92,770
Total:	34	33,352	334	1,237	21,351	36,496	92,770
Legislative District 27							
Maricopa	36	43,121	168	681	12,125	31,641	87,736
Total:	36	43,121	168	681	12,125	31,641	87,736
Legislative District 28							
Maricopa	57	39,247	250	1,382	49,602	41,661	132,142
Total:	57	39,247	250	1,382	49,602	41,661	132,142
Legislative District 29							
Maricopa	33	32,459	108	777	14,203	30,683	78,230
Total:	33	32,459	108	777	14,203	30,683	78,230
Legislative District 30							
Maricopa	29	31,407	178	752	15,934	30,213	78,484
Total:	29	31,407	178	752	15,934	30,213	78,484
State Total:	1484	1,090,310	6,782	31,072	1,258,994	1,223,219	3,610,377

STATE OF ARIZONA REGISTRATION REPORT
 2018 March Voter Registration - March 01, 2018
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Inactive								
County	Precincts	Date/Period	Democratic	Green	Libertarian	Republican	Other	Total
Apache	45	OCT 2017	1,224	2	15	506	837	2,584
	44	JAN 2018	1,231	2	15	532	877	2,657
	44	MAR 2018	1,263	2	15	560	892	2,732
Cochise	49	OCT 2017	2,427	31	81	2,880	4,580	9,999
	49	JAN 2018	3,100	42	103	3,972	6,363	13,580
	49	MAR 2018	3,459	42	113	4,569	6,988	15,171
Coconino	71	OCT 2017	2,467	49	102	1,540	4,417	8,575
	71	JAN 2018	2,442	48	97	1,517	4,363	8,467
	71	MAR 2018	2,648	52	110	1,669	4,669	9,148
Gila	39	OCT 2017	1,604	9	44	1,726	2,295	5,678
	39	JAN 2018	1,581	9	43	1,704	2,276	5,613
	39	MAR 2018	1,583	9	46	1,748	2,327	5,713
Graham	22	OCT 2017	539	2	6	718	841	2,106
	22	JAN 2018	531	2	6	697	829	2,065
	22	MAR 2018	529	2	6	696	823	2,056
Greenlee	8	OCT 2017	63	0	0	64	101	228
	8	JAN 2018	56	0	0	60	98	214
	8	MAR 2018	54	0	0	58	98	210
La Paz	11	OCT 2017	504	7	9	606	921	2,047
	11	JAN 2018	501	7	9	597	915	2,029
	11	MAR 2018	498	7	9	591	909	2,014
Maricopa	724	OCT 2017	51,945	481	2,314	49,142	88,288	192,170
	738	JAN 2018	62,914	561	2,748	55,868	107,024	229,115
	738	MAR 2018	72,549	641	3,170	63,856	121,757	261,973
Mohave	24	OCT 2017	5,336	37	157	7,187	12,376	25,093
	24	JAN 2018	5,812	41	170	8,015	13,773	27,811
	24	MAR 2018	5,797	41	171	7,987	13,781	27,777
Navajo	14	OCT 2017	1,636	11	44	1,560	1,759	5,010
	14	JAN 2018	2,275	16	64	2,416	2,625	7,396
	14	MAR 2018	2,242	15	64	2,371	2,594	7,286
Pima	248	OCT 2017	23,131	388	758	17,112	31,484	72,873
	248	JAN 2018	26,566	423	882	20,301	35,305	83,477
	249	MAR 2018	29,746	467	994	22,109	38,935	92,251
Pinal	102	OCT 2017	3,507	21	106	3,395	6,272	13,301
	102	JAN 2018	3,467	21	108	3,354	6,182	13,132
	102	MAR 2018	4,084	25	125	4,108	7,172	15,514
Santa Cruz	24	OCT 2017	1,106	4	17	384	1,061	2,572
	24	JAN 2018	1,095	4	16	378	1,051	2,544
	24	MAR 2018	1,084	4	16	375	1,047	2,526
Yavapai	45	OCT 2017	2,894	58	199	5,508	7,411	16,070
	45	JAN 2018	2,788	58	194	5,258	7,285	15,583
	45	MAR 2018	3,301	64	223	6,152	8,372	18,112
Yuma	44	OCT 2017	5,995	26	200	5,904	10,674	22,799
	44	JAN 2018	6,155	28	201	5,957	10,827	23,168
	44	MAR 2018	6,090	28	196	5,886	10,741	22,941
Totals:	1,470	OCT 2017	104,378	1,126	4,052	98,232	173,317	381,105
	1,483	JAN 2018	120,514	1,262	4,656	110,626	199,793	436,851
	1,484	MAR 2018	134,927	1,399	5,258	122,735	221,105	485,424
Percentages:		OCT 2017	27.39	0.30	1.06	25.78	45.48	
		JAN 2018	27.59	0.29	1.07	25.32	45.73	
		MAR 2018	27.80	0.29	1.08	25.28	45.55	

*Party was not a recognized party

STATE OF ARIZONA REGISTRATION REPORT

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Inactive

District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Congressional District 1							
Apache	44	1,263	2	15	560	892	2,732
Coconino	71	2,648	52	110	1,669	4,669	9,148
Gila	22	970	3	17	460	1,005	2,455
Graham	22	529	2	6	696	823	2,056
Greenlee	8	54	0	0	58	98	210
Maricopa	2	14	0	0	3	11	28
Mohave	2	14	0	0	11	33	58
Navajo	14	2,242	15	64	2,371	2,594	7,286
Pima	26	2,009	17	93	3,317	3,358	8,794
Pinal	60	2,427	15	50	1,779	3,370	7,641
Yavapai	7	628	13	31	650	1,251	2,573
Total:	278	12,798	119	386	11,574	18,104	42,981
Congressional District 2							
Cochise	49	3,459	42	113	4,569	6,988	15,171
Pima	146	18,331	310	666	14,828	25,515	59,650
Total:	195	21,790	352	779	19,397	32,503	74,821
Congressional District 3							
Maricopa	46	5,674	28	191	3,731	9,583	19,207
Pima	77	9,406	140	235	3,964	10,062	23,807
Pinal	1	8	0	0	2	2	12
Santa Cruz	24	1,084	4	16	375	1,047	2,526
Yuma	29	4,074	18	118	2,831	6,432	13,473
Total:	177	20,246	190	560	10,903	27,126	59,025
Congressional District 4							
Gila	17	613	6	29	1,288	1,322	3,258
La Paz	11	498	7	9	591	909	2,014
Maricopa	16	375	5	16	771	913	2,080
Mohave	22	5,783	41	171	7,976	13,748	27,719
Pinal	41	1,649	10	75	2,327	3,800	7,861
Yavapai	38	2,673	51	192	5,502	7,121	15,539
Yuma	15	2,016	10	78	3,055	4,309	9,468
Total:	160	13,607	130	570	21,510	32,122	67,939
Congressional District 5							
Maricopa	128	7,843	97	432	13,444	18,148	39,964
Total:	128	7,843	97	432	13,444	18,148	39,964
Congressional District 6							
Maricopa	156	9,601	110	535	13,046	19,234	42,526
Total:	156	9,601	110	535	13,046	19,234	42,526
Congressional District 7							
Maricopa	107	20,100	95	528	6,366	25,217	52,306
Total:	107	20,100	95	528	6,366	25,217	52,306
Congressional District 8							
Maricopa	143	9,420	78	410	12,236	18,150	40,294
Total:	143	9,420	78	410	12,236	18,150	40,294
Congressional District 9							
Maricopa	140	19,522	228	1,058	14,259	30,501	65,568
Total:	140	19,522	228	1,058	14,259	30,501	65,568

STATE OF ARIZONA REGISTRATION REPORT

2018 March Voter Registration - March 01, 2018
Compiled and Issued by the Arizona Secretary of State

Inactive

District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Legislative District 1							
Maricopa	16	556	7	39	1,140	1,222	2,964
Yavapai	35	2,096	39	168	4,768	5,721	12,792
Total:	51	2,652	46	207	5,908	6,943	15,756
Legislative District 2							
Pima	33	3,698	35	103	2,553	4,996	11,385
Santa Cruz	24	1,084	4	16	375	1,047	2,526
Total:	57	4,782	39	119	2,928	6,043	13,911
Legislative District 3							
Pima	41	7,352	153	197	3,015	7,742	18,459
Total:	41	7,352	153	197	3,015	7,742	18,459
Legislative District 4							
Maricopa	17	1,379	6	55	1,400	2,900	5,740
Pima	17	705	5	8	281	728	1,727
Pinal	1	8	0	0	2	2	12
Yuma	23	3,508	11	87	2,144	5,293	11,043
Total:	58	5,600	22	150	3,827	8,923	18,522
Legislative District 5							
La Paz	11	498	7	9	591	909	2,014
Mohave	22	5,783	41	171	7,976	13,748	27,719
Total:	33	6,281	48	180	8,567	14,657	29,733
Legislative District 6							
Coconino	45	2,025	51	99	1,402	4,035	7,612
Gila	18	621	6	30	1,296	1,332	3,285
Navajo	5	313	1	15	842	689	1,860
Yavapai	10	1,205	25	55	1,384	2,651	5,320
Total:	78	4,164	83	199	4,924	8,707	18,077
Legislative District 7							
Apache	44	1,263	2	15	560	892	2,732
Coconino	26	623	1	11	267	634	1,536
Gila	3	419	1	4	55	270	749
Graham	2	182	1	0	33	135	351
Mohave	2	14	0	0	11	33	58
Navajo	9	1,929	14	49	1,529	1,905	5,426
Pinal	1	0	0	0	0	0	0
Total:	87	4,430	19	79	2,455	3,869	10,852
Legislative District 8							
Gila	18	543	2	12	397	725	1,679
Pinal	51	2,297	12	51	1,948	3,984	8,292
Total:	69	2,840	14	63	2,345	4,709	9,971
Legislative District 9							
Pima	57	7,447	132	259	5,179	9,534	22,551
Total:	57	7,447	132	259	5,179	9,534	22,551
Legislative District 10							
Pima	49	7,376	115	261	5,787	10,270	23,809
Total:	49	7,376	115	261	5,787	10,270	23,809

STATE OF ARIZONA REGISTRATION REPORT
 2018 March Voter Registration - March 01, 2018
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Inactive

District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Legislative District 11							
Pima	34	2,400	22	117	3,908	4,123	10,570
Pinal	27	1,003	7	33	971	1,553	3,567
Total:	61	3,403	29	150	4,879	5,676	14,137
Legislative District 12							
Maricopa	37	2,648	35	176	5,603	7,016	15,478
Pinal	1	18	0	2	57	42	119
Total:	38	2,666	35	178	5,660	7,058	15,597
Legislative District 13							
Maricopa	29	2,077	18	90	2,940	4,334	9,459
Yuma	21	2,582	17	109	3,742	5,448	11,898
Total:	50	4,659	35	199	6,682	9,782	21,357
Legislative District 14							
Cochise	49	3,459	42	113	4,569	6,988	15,171
Graham	20	347	1	6	663	688	1,705
Greenlee	8	54	0	0	58	98	210
Pima	18	768	5	49	1,386	1,542	3,750
Total:	95	4,628	48	168	6,676	9,316	20,836
Legislative District 15							
Maricopa	42	2,815	26	167	4,610	5,888	13,506
Total:	42	2,815	26	167	4,610	5,888	13,506
Legislative District 16							
Maricopa	25	1,258	11	66	1,971	2,821	6,127
Pinal	21	758	6	39	1,130	1,591	3,524
Total:	46	2,016	17	105	3,101	4,412	9,651
Legislative District 17							
Maricopa	40	3,247	34	164	4,095	6,601	14,141
Total:	40	3,247	34	164	4,095	6,601	14,141
Legislative District 18							
Maricopa	41	5,805	52	305	5,182	9,246	20,590
Total:	41	5,805	52	305	5,182	9,246	20,590
Legislative District 19							
Maricopa	29	5,913	28	178	2,477	8,814	17,410
Total:	29	5,913	28	178	2,477	8,814	17,410
Legislative District 20							
Maricopa	47	3,045	38	168	2,877	5,670	11,798
Total:	47	3,045	38	168	2,877	5,670	11,798
Legislative District 21							
Maricopa	42	2,949	22	118	3,337	5,032	11,458
Total:	42	2,949	22	118	3,337	5,032	11,458
Legislative District 22							
Maricopa	48	2,443	25	95	4,069	5,310	11,942
Total:	48	2,443	25	95	4,069	5,310	11,942

STATE OF ARIZONA REGISTRATION REPORT
 2018 March Voter Registration - March 01, 2018
 Compiled and Issued by the Arizona Secretary of State

Inactive							
District	Precincts	Democratic	Green	Libertarian	Republican	Other	Total
Legislative District 23							
Maricopa	54	2,157	28	137	3,948	4,749	11,019
Total:	54	2,157	28	137	3,948	4,749	11,019
Legislative District 24							
Maricopa	40	8,045	81	301	3,408	9,700	21,535
Total:	40	8,045	81	301	3,408	9,700	21,535
Legislative District 25							
Maricopa	42	2,034	40	107	2,942	4,252	9,375
Total:	42	2,034	40	107	2,942	4,252	9,375
Legislative District 26							
Maricopa	34	6,500	82	398	4,063	11,027	22,070
Total:	34	6,500	82	398	4,063	11,027	22,070
Legislative District 27							
Maricopa	36	6,747	29	144	2,014	8,131	17,065
Total:	36	6,747	29	144	2,014	8,131	17,065
Legislative District 28							
Maricopa	57	4,023	43	208	4,069	6,493	14,836
Total:	57	4,023	43	208	4,069	6,493	14,836
Legislative District 29							
Maricopa	33	4,473	17	136	1,844	6,204	12,674
Total:	33	4,473	17	136	1,844	6,204	12,674
Legislative District 30							
Maricopa	29	4,435	19	118	1,867	6,347	12,786
Total:	29	4,435	19	118	1,867	6,347	12,786
State Total:	1484	134,927	1,399	5,258	122,735	221,105	485,424

EXHIBIT 11

Entity Details

Entity Name: ONE ARIZONA
 Entity Type: Domestic Nonprofit Corporation
 Formation Date: 4/15/2015
 Agreement Date: 4/20/2015
 Original Incorporation Date: 4/15/2015
 Business Type: C/NIC
 Domestic Status: AZ
 Related Entity Name: 4/20/2015

Entity ID: 10455304
 Entity Status: Active
 Current Report Status: In Good Standing
 Status Date:
 Last Report: Reported
 Last Annual Report Filed: 2016
 Annual Report Due Date: 4/15/2019
 Next Date:

Secondary Agent Information

Name: FRANCISCO HEREDIA
 Address:
 Agent Last Reported: 4/20/2015
 Available:
 Contact:

Registered Office:
 Address: 530 E MCOWELL ROAD SUITE 107-448, PHOENIX, AZ 85004, USA
 Entity:
 Mailing Address: 530 E MCOWELL ROAD SUITE 107-448, PHOENIX, AZ 85004, USA

Managerial Information

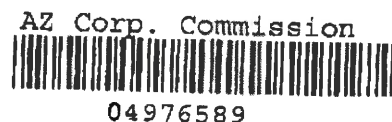
Title	Name	Position	Address	Date of Filing Certificate	Last Updated
Director	SPENCER WILSON		2401 N CENTRAL AVE SUITE 500, PHOENIX, AZ 85004, USA	2/2/2017	4/21/2016
Director	EDUARDO SANC		1710 E INDIAN SCHOOL RD SUITE 100, PHOENIX, AZ 85016, USA	2/2/2017	4/21/2016
Director	ALEXANDER CORNEL		3425 N 107TH AVE SUITE 100, PHOENIX, AZ 85018, USA	2/2/2017	4/21/2016
Director	TOMAS ROBLES		3120 N 107TH AVE, PHOENIX, AZ 85018, USA	4/15/2015	4/21/2016
Officer	JAY DANLEY		2028 W WASHINGTON ST, PHOENIX, AZ 85003, USA	9/15/2015	4/21/2016

Entity Address (Not for Filing)
 Available:
 Address: 530 E MCOWELL RD STE 107-448, PHOENIX, AZ 85004, USA
 Contact: Via Copy
 Last Reported: 4/21/2016

Page 1 of 1, Generated 5/1/2016

EXHIBIT 12

AZ CORPORATION COMMISSION
FILED



ARTICLES OF INCORPORATION

APR 15 2015

OF

FILE NO. -1998580-4

ONE ARIZONA

**An
Arizona Nonprofit Corporation**

The undersigned incorporators on this day associate themselves with the following nonprofit corporation under the laws of the State of Arizona and do adopt the following Articles of Incorporation.

ARTICLE I – Name and Purpose

Section 1. The name of the corporation is One Arizona (hereinafter the “Corporation”).

Section 1. The Corporation is organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding provision of any future federal law. Such purposes include but are not limited to: working to improve the lives of Latinos, young people and single women by building a culture of civic participation.

Section 2. The character of affairs of the Corporation will be to function as a nonprofit organization working to improve the lives of Latinos, young people and single women by building a culture of civic participation.

ARTICLE II – Members

This corporation has no members.

ARTICLE III – Limitations

No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article 1. No substantial part of activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax Section 501 (c)(3) of the Internal Revenue Code.

ARTICLE IV – Dissolution

Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the Corporation, dispose of all its assets exclusively for the purposes of the Corporation in such a manner, or to such organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Laws) as the Board of Directors shall determine. Any such assets not disposed of shall be disposed by the Superior Court of the county in which the principle office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose.

ARTICLE V – Indemnification

The power of indemnification under the Arizona Revised Statutes shall not be denied or limited by the bylaws. The directors and officers, and such appointed employees or organization volunteers of the Corporation shall not be individually liable for the Corporation's debts or other liabilities. The private property of these individuals shall be exempt from corporate debt or liabilities.

ARTICLE VI – Board of Directors

The initial board of directors shall consist of five(5) directors. The names and addresses of persons who are to serve as the directors until the first annual meeting of the meeting of the Board of Directors are:

Francisco Heredia
959 W. Monte
Mesa, AZ 85210

Raquel Teran
1710 E Indian School Rd
#100, Phoenix, AZ 85016

Tomas Robles
3120 N 19th Ave,
Phoenix, AZ 85015

Sam Wercinski
3117 N. 16th Street, Ste. 120
Phoenix Arizona 85016

Petra Falcon
701 S 1st Street,
Phoenix, Arizona 85004

Decisions in respect to the Corporation will be vested in a Board of Directors of not less than three (3). Membership, resignations, and removal from office of the Board of Directors shall be prescribed in the by-laws.

ARTICLE VII – Address

The initial registered address in the state of Arizona of the initial registered office of the Corporation is 530 E McDowell Rd suite 107 #448, Phoenix, AZ 85004.

ARTICLE VIII – Statutory Agent

The name and address of the statutory agent of the Corporation is Francisco Heredia, 530 E McDowell Rd suite 107 #448, Phoenix, AZ 85004.

ARTICLE IX – Incorporator

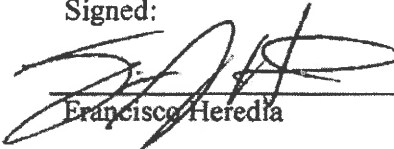
The name and address of the incorporator is Francisco Heredia, 530 E McDowell Rd suite 107 #448, Phoenix, AZ 85004.

ARTICLE X – Amendments

The Articles of Incorporation may be amended as provided in the Bylaws of the Corporation.

EXECUTED this 8th day of April, 2015 by all the incorporators.

Signed:



Francisco Heredia

Acceptance of Appointment by Statutory Agent

The undersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named corporations effective this 8th day of April, 2015.

Signed 

Francisco Heredia

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

STATUTORY AGENT ACCEPTANCE

Please read Instructions *MQ02i*

1. **ENTITY NAME** – give the **exact** name in Arizona of the corporation or LLC that has appointed the Statutory Agent (this must match exactly the name as listed on the document appointing the statutory agent, e.g., Articles of Organization or Article of Incorporation):

One Arizona

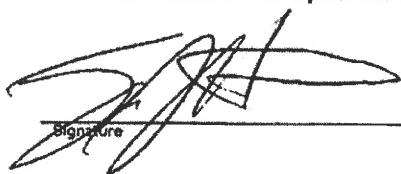
2. **STATUTORY AGENT NAME** – give the exact name of the Statutory Agent appointed by the entity listed in number 1 above (this will be *either* an individual or an entity). **NOTE** - the name must match **exactly** the statutory agent name as listed in the document that appoints the statutory agent (e.g. Articles of Incorporation or Articles of Organization), including any middle initial or suffix:

Francisco Heredia

3. STATUTORY AGENT SIGNATURE:

By the signature appearing below, the individual or entity named in number 2 above accepts the appointment as statutory agent for the entity named in number 1 above, and acknowledges that the appointment is effective until the appointing entity replaces the statutory agent or the statutory agent resigns, whichever occurs first.

The person signing below declares and certifies *under penalty of perjury* that the information contained within this document together with any attachments is true and correct, and is submitted in compliance with Arizona law.



Francisco Heredia

04/08/2015

Printed Name

Date

REQUIRED – check only one:

☒ **Individual as statutory agent:** I am signing on behalf of myself as the individual (natural person) named as statutory agent.

☐ **Entity as statutory agent:** I am signing on behalf of the entity named as statutory agent, and I am authorized to act for that entity.

Filing Fee: none (regular processing)
Expedited processing – not applicable.
All fees are nonrefundable – see Instructions.

Mail: Arizona Corporation Commission - Corporate Filings Section
1300 W. Washington St., Phoenix, Arizona 85007
Fax: 602-542-4100

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.
All documents filed with the Arizona Corporation Commission are public record and are open for public inspection.
If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

CERTIFICATE OF DISCLOSURE

Read the Instructions C003i

1. ENTITY NAME – give the exact name of the corporation in Arizona:

One Arizona

2. A.C.C. FILE NUMBER (if already incorporated or registered in AZ):

Find the A.C.C. file number on the upper corner of filed documents OR on our website at: <http://www.azcc.gov/Divisions/Corporations>

3. Check only one of the following to indicate the type of Certificate:

- ☒ Initial (accompanies formation or registration documents)
☐ Annual (credit unions and loan companies only)
☐ Supplemental to COD filed _____ (supplements a previously-filed Certificate of Disclosure)

4. FELONY/JUDGMENT QUESTIONS :

Has any person (a) who is currently an officer, director, trustee, or incorporator, or (b) who controls or holds over ten per cent of the issued and outstanding common shares or ten per cent of any other proprietary, beneficial or membership interest in the corporation been:

4.1	Convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven year period immediately preceding the signing of this certificate?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4.2	Convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses or restraint of trade or monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the signing of this certificate?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4.3	Subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the signing of this certificate, involving any of the following: a. The violation of fraud or registration provisions of the securities laws of that jurisdiction; b. The violation of the consumer fraud laws of that jurisdiction; c. The violation of the antitrust or restraint of trade laws of that jurisdiction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4.4	If any of the answers to numbers 4.1, 4.2, or 4.3 are YES , you MUST complete and attach a Certificate of Disclosure Felony/Judgment Attachment form C004.		

5. BANKRUPTCY QUESTION:

5.1 Has any person (a) who is currently an officer, director, trustee, incorporator, or (b) who controls or holds over twenty per cent of the issued and outstanding common shares or twenty per cent of any other proprietary, beneficial or membership interest in the corporation, served in any such capacity or held a twenty per cent interest in any other corporation (not the one filing this Certificate) on the bankruptcy or receivership of the other corporation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5.2 If the answer to number 5.1 is YES , you MUST complete and attach a Certificate of Disclosure Bankruptcy Attachment form C005.		

IMPORTANT: If within 60 days of the delivery of this Certificate to the A.C.C. any person not included in this Certificate becomes an officer, director, trustee or person controlling or holding over ten per cent of the issued and outstanding shares or ten per cent of any other proprietary, beneficial or membership interest in the corporation, the corporation must submit a SUPPLEMENTAL Certificate providing information about that person, signed by all incorporators or by a duly elected and authorized officer.

SIGNATURE REQUIREMENTS:

Initial Certificate of Disclosure:	This Certificate must be signed by all incorporators. If more space is needed, complete and attach an Incorporator Attachment form C084.
Foreign corporations:	This Certificate may be signed by a duly authorized officer or by the Chairman of the Board of Directors.
Credit Unions and Loan Companies:	This Certificate must be signed by any 2 officers or directors.

Francisco Heredia

Name		
530 E McDowell Rd		
Address 1		
suite 107 #448		
Address 2		
Phoenix	AZ	85004
City	State	Zip
Country	UNITED STATES	

SIGNATURE - see Instructions C003i:

By typing or entering my name and checking the box marked "I accept" below, I acknowledge *under penalty of perjury* that this document together with any attachments is submitted in compliance with Arizona law.

 ☒ I ACCEPT

Francisco Heredia
Printed Name Date 04/08/2015

REQUIRED - check only one:

- ☒ **Incorporator** - I am an Incorporator of the corporation submitting this Certificate.
☐ **Officer** - I am an officer of the corporation submitting this Certificate.
☐ **Chairman of the Board of Directors** - I am the Chairman of the Board of Directors of the corporation submitting this Certificate.
☐ **Director** - I am a Director of the credit union or loan company submitting this Certificate.

Name		
Address 1		
Address 2		
City	State	Zip
Country		

SIGNATURE - see Instructions C003i:

By typing or entering my name and checking the box marked "I accept" below, I acknowledge *under penalty of perjury* that this document together with any attachments is submitted in compliance with Arizona law.

☐ I ACCEPT

Signature
Printed Name Date

REQUIRED - check only one:

- ☐ **Incorporator** - I am an Incorporator of the corporation submitting this Certificate.
☐ **Officer** - I am an officer of the corporation submitting this Certificate.
☐ **Chairman of the Board of Directors** - I am the Chairman of the Board of Directors of the corporation submitting this Certificate.
☐ **Director** - I am a Director of the credit union or loan company submitting this Certificate.

Filing Fee: None
All fees are nonrefundable - see Instructions.

Mail: Arizona Corporation Commission - Corporate Filings Section
1300 W. Washington St., Phoenix, Arizona 85007
Fax: 602-542-4100

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.

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If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

C003.001
Rev: 2010

Arizona Corporation Commission - Corporations Division
Page 2 of 2

EXHIBIT 13

[Skip to Main Content](#)**POLITICO**

Socorro Ramirex has lived in Phoenix for 39 years. | Patrick Cavan Brown for POLITICO Magazine

THE DECIDERS

Is THIS the Year Arizona Finally Turns Blue?

Democrats have been expecting Barry Goldwater's home state to flip for years now. Powered by a Latino electorate fired up by Donald Trump, they just might do it — as long as they can actually get them to the polls.

By ETHAN EPSTEIN | July 16, 2018

PHOENIX — “Democrats hope demographic changes will translate into a win in November,” wrote *The Nation* magazine a while back. “Arizona, the second fastest-growing state ... brimming with Latinos and Independents [is] where the bloodiest fight is likely to take place,” correspondent Marc Cooper trumpeted. Liberal writers of all stripes have been bullish in recent years on the Democrats’ prospects in this southwestern state long associated with Barry Goldwater-style arch conservatism. “[C]onsider the influence of ongoing demographic changes in the state which have been steadily increasing the percentage of minority eligible voters, mostly Hispanics, and

reducing the share of relatively conservative white working-class voters,” wrote Ruy Teixeira in the *New Republic*, arguing that Arizona is a state that’s ready to “flip.” Democratic optimism in Arizona has even reached across the pond as well, with the U.K.’s *Guardian* writing, “Across bone dry Arizona, voters and pollsters have begun to ask openly about a change that seemed nearly impossible not so long ago: Could Democrats take the American West?”

The answer, so far, has had been a resounding no. That *Nation* article was written in 2004—a year in which President George W. Bush carried Arizona easily, and Senator John McCain coasted to reelection with 76 percent of the vote. Teixeira’s missive in the *New Republic*? That was from 2012; Mitt Romney beat Barack Obama by 9 points that year in Arizona, and Republican Jeff Flake won an open Senate by nearly a million votes. As for the *Guardian*—it was bolstering the Democrats’ chances in 2016. We all know how that ended.

But this year, those indefatigable Arizona Democrats are sanguine once again. For once, their optimism may be justified: President Donald Trump’s unpopularity, coupled with an electorate that has only grown more Latino since Cooper’s 2004 article, has put two crucial races in play. One is the governor’s contest, where incumbent Republican Doug Ducey faces a likely challenge from David Garcia, a Hispanic-American professor and education expert at Arizona State University. A number of House seats are up for grabs in the state. Then there’s the race to fill Flake’s seat that pits Democratic Congresswoman Kyrsten Sinema against, depending on how the primary shakes out, establishment-backed Republican Congresswoman Martha McSally. The last time a Democrat won that seat was in 1982.

A new POLITICO/AARP poll shows Democrats ahead by 7 points in generic ballots in both the governor’s and Senate races. But to actually win statewide elections in this highly ethnically polarized state, Democrats will need to juice turnout among younger and especially older Latinos, who have tended to vote at lower rates than other voters in their age group — who also are trending ever more Republican. And not just in purplish Arizona: All across the U.S. Southwest, Latino voters could be the key to flipping Republican strongholds from red to blue, if only the Democratic Party can figure out how to get enough of them to the polls. Solve that mystery, and even a GOP-dominated state like Texas could suddenly be in play.

One answer to the Democrats’ puzzle, says Joseph Garcia, director of the Latino Public Policy Center at Arizona State’s Morrison Institute for Public Policy, is that many Latinos don’t realize their potential power at the ballot box. Latinos think of Arizona as a red

state, “so they’ve tended not to vote,” Garcia says. The question, in the Trump era, is whether that assumption is safe any longer.

Phoenix, and Maricopa County in general, is saturated in Latino—and specifically, Mexican—culture. (More than 90 percent of Arizona Latinos are of Mexican origin.) Vast swaths of the sprawling county, population 4.2 million, are essentially *barrios*. Take Central Avenue, south of downtown Phoenix: It’s a seemingly endless strip of Mexican supermarkets, restaurants, body shops and convenience stores, dominated by Spanish signage.

Or Tolleson, a town just west of Phoenix, which is more than 80 percent Latino: Its pleasant, low-slung downtown, recently rechristened the “Paseo de Luces,” or “path of lights,” is a cornucopia of Mexican-American businesses — butcher shops, taquerias, grocery stores selling imported tortillas and salsa. Off the main drag, there are apartment buildings with names like “Casa de Merced.” On a recent weekday, two young men at a local restaurant in downtown Tolleson discussed—in English—recently having attained U.S. citizenship. “It was such a relief!” one exclaimed.

Yet even as Latinos now make up an increasingly large percentage of the population in Arizona (currently estimated at 30 percent), their participation—and representation — in politics has lagged. About a quarter of Arizona’s registered voters are Latino — and, in most elections, only 18 percent to 20 percent of ballots are cast by Latinos.

The last Latino elected statewide here was Raúl Héctor Castro, a Mexican-born immigrant who became a lawyer and diplomat. That was in 1974. (President Lyndon B. Johnson, who tapped Castro as U.S. ambassador to El Salvador, asked him to change his last name to avoid confusion with Cuba’s Fidel Castro. He refused.) The contrast between Arizona and nearby states like California and Nevada, which boast heavy Latino political participation and representation, is striking.

Part of this disconnect is a matter of timing, according to political hands in Arizona. The state had long boasted a small Mexican-American population, dating back to when its current territory was actually part of Mexico. But it wasn’t until the early 1990s that the Latino population began to take off.

Ironically, it was a steep reduction in illegal migration into California and Texas that spurred the move into Arizona. “You had Operation Gatekeeper and Operation Hold the Line, which were fortifications of urban cross-points in El Paso and San Diego,

respectively, which is where everybody crossed without permission,” recalls Ian Danley, a longtime Arizona political operative currently managing the gubernatorial campaign of David Garcia, the Mexican-American Democrat running to replace Ducey. “They believed that if you sealed off the urban crossing points, the natural terrain of Arizona would be its own natural barrier,” Danley says. “And it wasn’t. The economy was too strong.”

Maricopa, a sun-drenched valley that sprawls across more than 9,000 square miles, still contains remnants of its frontier origins. Thanks to its then-plentiful water supplies, the area became a way station for forty-niners seeking their fortunes in the California gold fields. A gold strike in nearby Yuma in 1862 brought an influx of prospectors from the East Coast, who established the mining town of Wickenburg to the northwest of present-day Phoenix.

But it wasn’t until the advent of air conditioning, and innovations like Sun City, the pioneering retirement community that opened in 1960, that the county’s growth first exploded. The Phoenix area, a desert with roughly 300 days of sunshine per year and nearly 200 golf courses, quickly became a magnet for mostly white, middle-class “snowbirds” looking to escape the dreary weather up north. Given this history, Maricopa is very much a land of migrants of all backgrounds.

But because of the heat, the huge number of transplants, its sprawling nature, and the way it developed — think gated communities and highways—it at times seems to lack a unified culture. For a county of Maricopa’s size, there’s a relative dearth of public spaces, like large parks, where citizens can gather. Public transit is sparsely used, too; in my time here, there were never more than two or three people waiting at the light rail stations that dot downtown Phoenix. Sports allegiance, a sign of civic engagement, is weak as well. Even when they’re good, the Diamondbacks are among the lower-drawing teams in Major League Baseball.

For a time in the early 2000s, Maricopa was America’s fastest-growing county, driven largely by booms in real estate and tourism. Those industries are magnets for immigrant labor, which only added to the appeal for Mexican border-crossers.

As a result, Arizona’s Latino population trebled from 1990 to 2015 from 700,000 to about 2.2 million. Thirty-one percent of Maricopa County residents are now Latino, according to the U.S. Census. But because the population is so new to the state (and in many cases, unable to vote), political representation has lagged. In terms of Latino political participation, Arizona is “in a place California was in the 1980s,” says Montserrat

Arredondo, who runs One Arizona, a Phoenix nonprofit that works to register Latino voters. Her goal is for “political representation to reflect the local population,” she says.

There could be a giant leap toward that objective this year in the state’s governor’s race. Ducey, the incumbent Republican, a mostly moderate, Chamber of Commerce type, is unpopular, and an NBC News/Marist poll from mid-June found that 59 percent of voters, including more than 60 percent of registered Independents, want him replaced this November. The POLITICO/AARP poll had more bad news for the governor, with only 34 percent of registered voters saying they’d vote for him if the election were held today. (Forty-one percent backed the Democrat, and a quarter were undecided.) A prolonged fight with the school’s teachers unions over salaries earlier this year weakened his standing.

Ducey will likely face Garcia, an ASU education professor who leads his closest primary opponent by 25 points according to the latest polls. Garcia previously ran for superintendent of Arizona schools in 2014, and lost by a whisker. (He did better than any other Democrat who ran statewide that year.) Because of the current focus on education in Arizona, Garcia seems tailor-made for this year’s contest.

He’s also tailor-made for the state’s rapidly changing electorate. Garcia, 48, is a fourth-generation Mexican-American who grew up in eastern Maricopa County, served in the Army, and attended Arizona State before earning a doctorate at the University of Chicago. He married another Mexican-American who grew up in the same neighborhood and the couple has two daughters. At 48, he stands at the crux of two generations of Arizona Latinos — and he says he notices a big difference between the older and the younger folks.

“The intergenerational split in the Latino community is fascinating,” Garcia tells me in an interview in his campaign office. (With temperatures hovering around 112 degrees outside on this summer day, it’s nice that Garcia runs an office in which casual attire is de rigueur.) “Take, for example, my grandparents. They grew up in almost exclusively Spanish-speaking environment. My dad had to go out of his way to *not* be Mexican, to *not* be in a neighborhood where it was all Spanish.”

Garcia, on the other hand, had the opposite experience: He was raised in a mixed neighborhood and didn’t actually master Spanish until later in life — and only after a conscious effort. Indeed, his parents didn’t want him to learn Spanish for fear he would end up in a substandard, segregated classroom, as had been the experience for much of

their generation. His dad's thinking was, "Why would I subject you this *Mexicanness*, while my goal is for you to be as American as possible?" he recalls.

Garcia says the younger generation of Arizona Latinos is far more ethnically conscious than their parents and grandparents. His experience growing up is "totally different from his daughters," he says. They, for example, speak Spanish, and have worked to cultivate their Latino identity.

And they're not alone in that. "We're seeing a younger generation that's much more vocal about being Latino, Latinx, Mexicano," he says. Garcia allows that older Latinos have a more restrictive view of immigration than younger Latino Arizonans do, but says that distinction is eroding. "If [immigration] becomes a racial issue, about who you are rather than what you've done ... we [Latinos] all in the same boat whether you came over here recently or were here for generations."

"It'll all come down to turnout" may be the hoariest chestnut in politics, but it's conventional wisdom for good reason: To win, you've got to get your voters to the polls.

And in Arizona, as in the rest of the country, partisan identification is increasingly tied to ethnic identity. The state hasn't yet reached Mississippi-like levels of racial polarization (in that state, more than 90 percent of whites tend to vote Republican, and more than 90 percent of blacks vote for Democrats), but its elections do look increasingly like censuses, with three-quarters of Latinos voting Democratic and more than 60 percent of whites pulling the lever for the GOP. Those figures are going up: According to Danley, Garcia's campaign manager, white Arizonans of all ages are trending more Republican.

Demographics, fundamentally, are why Democrats here are so bullish on their chances in 2018 and beyond. It's not that they're winning the argument, or that there even is an argument per se: It's simply that their numbers are growing. That's a trend that will continue, given that the median Latino Arizonan is aged 27 while the median age for white Arizonans is 47. More than half of public school students in Arizona are Latino; the figures are even higher in Maricopa County.

It wasn't always this way. In the early late 1990s and early 2000s, Republicans regularly won more than 40 percent of the Latino vote in Arizona. In 2018, under the polarizing presidency of Trump, they'll be lucky to muster a quarter of the vote.

The new POLITICO/AARP poll shows that among Arizona Hispanics only 26 percent “strongly” or “somewhat” approve of the job the president is doing; 72 percent “strongly” or “somewhat” disapprove. The congressional and gubernatorial polls tell a similar tale, with only 22 percent of Latinos supporting the generic Republican candidate for Congress and the same percentage backing Ducey’s reelection bid.

It wasn’t always that way. James Garcia, a 59-year-old Mexican-American playwright in Phoenix, traces the beginning of ethnic polarization to 2010. That year, Arizona passed SB 1070, touted as the toughest anti-illegal immigration law in the country. Its most famous clause mandated that local law enforcement check the immigration status of anyone they deemed to have a “reasonable” chance of being an illegal immigrant. (The law was never repealed, but subsequent court rulings have largely gutted it.)

Much like the current contretemps over the separation of children from their parents at the Mexican-U.S. border, 1070 was an issue that broke through into the broader national consciousness. Russell Pearce, the state senator who sponsored the measure, became a fixture on cable television. So did Joe Arpaio, then the sheriff of Maricopa County, who came up with ever-more flamboyant — and, his critics say, brutal — ways to enforce 1070. (Pearce ended up being recalled in 2011; Arpaio lost his reelection bid in 2016.)

The law not only drove Latinos away from the Republicans, but also spurred a new era of political activism. “1070 was definitely a watershed,” Garcia says. “It sparked not only grass-roots organizations but drew a ton of national attention from organizations who could provide funding.” The law quite literally hit home for Garcia. He recalls his daughter, then about 8 years old, asking, “Are we going to get arrested?”

As a result of 1070, immigration became “existential” for Arizona Latinos, Joseph Garcia of ASU’s Morrison Institute says. And the issue incites voter passions like nothing else—on both sides. Lupe Conchas, a 25-year-old Mexican-American Phoenix native and political activist, for example, traces his political awakening to 1070. And the gubernatorial candidate David Garcia points out that of three big liberal political movements in Arizona—the push for higher teacher salaries; gun control; and immigrant rights—only the latter has invited a palpable backlash. When the “March for Our Lives” gun control rally happened in Phoenix, “there were only 10 or 15 counter protesters,” he notes. Immigration rallies, on the other hand, *always* draw a sizable counterforce. Arizona’s politics are defined by backlash. Whereas Californians, also riven by identity politics, can chill out at the beach, in arid Arizona the tension just bakes, Danley says.

Democrats are hopeful that immigration will energize a population that traditionally hasn't voted much in Arizona—older Latinos. Harry Garewal, a 66-year-old Mexican-American who served on the Phoenix school board, says that Latino political participation, particularly among people of his generation, has long been low because “mostly, people were too busy working.” Garewal rattles off a list of Latino candidates for various local offices in Arizona, noting, pointedly, that all are under 40. Another middle-aged Mexican-American, a well-connected politico here, exclaims, “My mother doesn't even vote!” She reasons that she'll be shackled with jury duty if she registers.

Activists and Democratic partisans are counting on young Latinos to spur their older counterparts to visit the voting booth—in many cases, for the first time. Take “Dreamers,” the young people who were brought to the country illegally as children. They, of course, can't vote—they're not citizens. But Joseph Garcia of the Morrison Institute says they're very politically active, pleading with older Latinos in their community to register and then vote. The same goes for young Latinos who are American citizens—there's a movement to “get your nana to vote,” Garcia says.

Montserrat Arredondo of One Arizona says her organization's goal is to register 200,000 voters before Oct. 9, which is the deadline if you want to vote in the November elections. (One Arizona is nominally nonpartisan, but plainly politically liberal.) To reach that lofty target, her groups sets up shop at “the local grocery store, the park, Target.” In recent years, they've gone beyond the traditional set-up-a-booth approach, too: They've implemented techniques like text messaging to encourage Latinos to vote.

Arredondo says One Arizona gained “a lot of energy” after Donald Trump's election, but that obstacles remain, particularly in getting middle-aged and older Latinos engaged. They recall the 2006 ballot measure, she says, which overwhelmingly passed, that made English the official language of the state. After that the older group became “turned off” to politics, according to Arredondo. The other big problem is simply taking the time. People tend to view voting as akin to “going to the DMV,” she says.

But there are signs more people are willing to make that trek to the DMV. At Mexican Art Imports, a Phoenix art store chock-a-block with treasures from south of the border, store manager Ashley Diez, a married, 32-year-old mother of two, told me, “My first time voting was 2016.” The Phoenix native, a fourth-generation Mexican-American, plans to vote this year as well—likely for Democrats.

Diez's father, Fred Montez, typically votes for Democrats. (Interestingly, Diez's mother votes Republican, but she doesn't live in Arizona.) But like many older Latinos, he didn't

have much connection to his Mexican heritage growing up. He didn't speak Spanish at home, for example—"speaking Spanish was frowned on by older generations"—Diez says, and only learned it when it became a necessity for his business.

Republicans agree that the Democratic electorate seems unusually fired up this year. "Arizona Democrats are experiencing a genuine enthusiasm that I have not seen previously in my 30 years of experience with such things in Arizona," says Stan Barnes, a longtime conservative consultant here. But he cautions the Democrats that might not be enough: "Republicans have natural advantages in Arizona that give their candidates a meaningful head start," he points out, starting with the fact that there are still more registered Republicans than Democrats here. Republican voters are older, too, and they tend to vote much more reliably than the young—another boost to the GOP's prospects. Motivating older white Arizonans to vote is less of a challenge than it is for Latinos—in 2016, more than half of Arizona voters were over the age of 50, according to exit polls. Their turnout will be key to Republican hopes this year, too.

Nonetheless, it's because of new voters like Diez that Arizona Democrats are increasingly confident that they'll be able not only to win the governorship, but snatch the Senate seat being vacated by Jeff Flake, who announced his retirement after his criticism of Trump sent his popularity plummeting among Republicans. Polls have presumptive Democratic nominee, Congresswoman Sinema of Maricopa County, ahead of all three Republicans running against her.

Congresswoman McSally from Tucson likely will get the Republican nod; she leads Kelli Ward, an osteopath, by about 10 points, according to the latest polling. Arpaio—yes, Joe Arpaio—is also supposedly running for Senate, but his is essentially a Potemkin campaign. (As recently as this spring, he was picking up the phone at his campaign headquarters.) Arpaio, now 86 years old, is polling a distant third.

A former Green Party member, Sinema is now running to the center, at least on economic issues. "She has cracked the code because she understands pure liberalism doesn't work. She understands the value of job creation in lifting people out of poverty, not just government programs, so she has embraced the private sector's ability to create jobs," says Dave Richins, a Republican former city councilman in Mesa, in eastern Maricopa County.

Jason Rose, a well-known conservative political consultant in Maricopa County who says he has never voted for a Democrat on the national level, nonetheless tells me that even he

would “consider” pulling the lever for Sinema. Noting her extraordinary background—so poor was her family that she lived three years in an abandoned gas station when she was growing up—Rose says that “Sinema is the most remarkable statewide candidate in Arizona since John McCain first ran for Senate in 1982.”

McSally, for her part, is a deeply respected Air Force veteran (she was the first woman to fly a combat mission for the Air Force) with a sterling reputation as a thoughtful presence in Congress. She has never revealed whether she voted for Trump, whose approval rating in the POLITICO/AARP poll of Arizona voters remains underwater at 44 percent.

As always in Arizona, it is immigration where the clearest lines have been drawn between the Democrat and the Republican. Sinema supports the DREAM Act and said in late June, as the child separation crisis was raging that the Trump administration’s policy had “traumatized innocent children.”

McSally, for her part, has embraced a hard line on immigration. Many Republicans—even conservative stalwarts like Texas Senator Ted Cruz—distanced themselves from Trump at the height of the child separation crisis. Not McSally. When asked about the issue, she said, “I try not to get swayed by what the emotions are or the pressure.” She’s blasted Sinema over sanctuary cities, and even quietly removed herself from legislation offering a path to citizenship to some illegal immigrants.

Indeed, Democrats appear to have handed Republicans a major opportunity with their recent calls to “abolish” Immigrations and Customs Enforcement, the division of the Homeland Security Department charged with enforcing immigration laws at home. Many Democrats in Congress have backed the call, and in early July, David Garcia threw his weight behind the campaign as well.

“The ICE issue is the greatest political gift that could have been given to the Arizona Republican Party,” Rose says. Governor Ducey sure seemed to think so: Barely a day had passed since Garcia’s call before he had published an op-ed in *USA Today* charging that “Calls to abolish ICE are wrong and reckless.”

“The governor is going to go full throttle on the abolish ICE issue,” Rose predicts. McSally won’t be able to: Sinema has said she does not support abolishing ICE.

Rose also notes that the border is a familiar electoral trump card for Arizona Republicans, particularly among older voters. In 2006, Rose recalls, incumbent Republican Senator Jon Kyl faced a tough challenge from a Democratic candidate that he fended off by playing up his support from border enforcement. And “abolish ICE” is not

only electoral gold for Republicans in Arizona: Courtney Alexander, communications director of the Congressional Leadership Fund, a super PAC aligned with House Republicans, says her group's nationwide polling finds that a mere 15 percent of the electorate backs the idea.

Still, the Democrats hope to not only take the Senate seat and the governorship but two House seats here as well. Rep. McSally, the Senate candidate, is retiring from the House, and the race for her seat, which was one held by Gabby Giffords, will be competitive. The Democrats are also targeting the Phoenix-area seat held by David Schweikert, who is contending not only with Trump's unpopularity but also an ethics investigation into whether he received illegal campaign contributions. And then of course there is the Senate seat held by the terminally ill McCain. An early exit for McCain would set up another competitive race in 2020.

So Arizona does look increasingly like a battleground after years of wishful thinking on the left, and all it took was the surprise election of a certain Manhattan real estate mogul. But it's going to take an unprecedented amount of Latino turnout for Democrats to win the big statewide races, and it's likely to get ugly.

Garcia, the Democrat running for governor, expects Ducey to fight hard on immigration and identity issues, perhaps with ads tying him to MS-13, the violent Central American gang. But he's betting that such an approach ultimately will hurt Ducey—particularly among older Latinos who worked so hard for decades to integrate into American society.

"I'm thinking of my dad," he says. "It is going to backfire because I can think of my father saying, 'Let me get this straight. You served, and they're going to put this on you? What else do you need to do? ... They're still going to tag you because you're brown? I believe that his generation is going to push back. Remember, this was a generation that fought for a place. And they look at someone like me and are proud of the role they played in allowing someone like *me* to have a place.'"

EXHIBIT 14

Stephen Hamway

Age: 27

Registration: Democrat

Voting History

Election	'18	'16	'14	'12	'10	'08	'07	'06	'04	'03
General			🕒	🕒	🕒					
Municipal										
Presidential										
Primary			🕒							
Special Election										

Kevin O'Malley

Age: 65

Registration: Democrat

Voting History

Election	'18	'16	'14	'12	'10	'08	'07	'06	'04	'03
General		🕒	🕒	🕒	✉️	🕒		✓	✓	
Municipal										
Presidential		🕒								
Primary		🕒	🕒	🕒	✉️	🕒				
Special Election										

Ann Murray

Age: 63

Registration: Republican

Voting History

Election	'18	'16	'14	'12	'10	'08	'07	'06	'04	'03
General		⌚	⌚		✉	⌚		⌚	⌚	
Municipal										
Presidential										
Primary				⌚						
Special Election										

Gita Mishkin

36

Registration: Republican

Election	'18	'16	'14	'12	'10	'08	'07	'06	'04	'03
General		✓	✓	✓	✓	✓				
Municipal										
Presidential						✓				
Primary		✓								
Special Election										

Alex Goering

Age: 28

Registration: Democrat

Election	'18	'16	'14	'12	'10	'08	'07	'06	'04	'03
General		🕒	🕒	🕒	✓	✓				
Municipal										
Presidential		🕒								
Primary			🕒	🕒						
Special Election										

Terri Lynn Lambert

Age: 64

Registration: Republican

Election	'18	'16	'14	'12	'10	'08	'07	'06	'04	'03
General		🕒		🕒	✉	🕒		🕒	🕒	
Municipal										
Presidential										
Primary		🕒			✉	🕒			🕒	
Special Election										

EXHIBIT 15

Arizona's Renewable Energy Industry

Arizonans know our state has a unique connection to the sun. Arizona has the potential to be a renewable energy powerhouse, but the current state legislature has been a roadblock to achieving it. Let's get Arizona on track to lead the nation in solar, wind, and hydroelectric energy production, and let's save taxpayers' money in the process.

Green, renewable, sustainable energy is projected to be a leading job creator now and in the future; Arizona has the knowledge and infrastructure, but now we need policies that move us forward. I'll work to make sure we don't overlook our unique energy capabilities.

Arizona Corporate Handouts

I come from generations of small-business owners. I'm proud of Arizona's growing businesses, but I'm against corporate welfare. Arizona Republicans think the state succeeds economically when they give corporations huge tax breaks. This failed economic policy goes by many names but has had one result: growing debt and a shrinking budget.

Arizona Republicans just enacted a state bill a few months ago giving corporations even more tax breaks, including a special tax break for corporate jet buyers. I know that corporate handouts lead to poorly maintained infrastructure and underfunded public education down the road.

Robust infrastructure and a highly educated and trained local workforce motivate businesses to move to Arizona. When I'm elected, I'll help make sure corporations are equitable partners in our state economy.

Education and the Economy

Our education system is the foundation for our future economy, and right now, we are failing our children. Undereducated students lead to an undereducated workforce that is unable to compete for jobs.

I believe that we as a state need to restructure the way in which we fund our public education system, by prioritizing our children's future. We need to invest in our teachers, require smaller class sizes, and prioritize public neighborhood schools. Our kids deserve better, and as a public school teacher for 25 years, I am ready to take these issues.

As a state, we need to evaluate how systems are linked. I believe investing in our kids is an investment in our future, which is a sustainable and diverse economy that competes globally for new jobs in Arizona.

EXHIBIT 16

Issues

Funding Public Education

Funding for education in our state has been dismal at best. Our student success rate is among the lowest in the country, and the student class size is among the highest of any state in the union. In order to ensure all of our students are receiving the education they deserve, we must guarantee that public education is a good opportunity for individuals to be successful in society. This can only be attained by allocating the funds required, something we have yet to achieve.

Investing in Arizona's Infrastructure

Transportation is the most important necessity for economic growth. Our funding is not keeping up with maintaining needs throughout the state. We must reverse this trend if we want to bring jobs into the state, especially in rural areas.

Since 2008 the state legislature has reduced funding to roads and infrastructure, ultimately hurting our more rural areas. Just look at our deteriorating roads, freeways, and highways. This lack of maintenance damages our vehicles. Our roads are deteriorating. We are paying our taxes, we should be receiving that funding back in the maintenance and improvement of our roads.

Protecting our Public Lands

As a hunter, I understand the importance of Arizona's natural beauty. This is something we must protect so that when our children take their children to the Grand Canyon, they aren't welcomed by a nuclear power plant, or uranium mining. There are sites just like these across the state, and must stay open and accessible to the public.

EXHIBIT 17

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STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

In the Matter of:

Case No.: 14-007

LEGACY FOUNDATION ACTION FUND,
RESPONDENT

ORDER AND NOTICE OF APPEALABLE
AGENCY ACTION

The Citizens Clean Elections Commission ("Commission") shall enforce the provisions of the Citizens Clean Elections Act ("Act"). Pursuant to those duties, the Commission hereby issues this Order and Notice of Appealable Agency Action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Legacy Action Foundation Fund ("LFAF" or "Respondent") is a 501(c)(4) social welfare organization. Respondent is not registered with the Secretary of State's Office as a political committee or independent expenditure committee.

On January 9, 2014, Scott Smith, then Mayor of the City of Mesa, established his candidate campaign committee, Smith for Governor 2014, with the Secretary of State's office. At this time, Smith was also the President for the U.S. Conference of Mayors. Before Smith resigned as mayor and thus ended his term as president of the Conference, LFAF aired over \$260,000 in television advertisements in the Phoenix market. This advertisement coincided with Smith's last two weeks in these positions. The ad is express advocacy under A.R.S. § 16-901.01

On July 31, 2014, the Commission found it had jurisdiction to determine whether Respondent had complied with the Clean Elections Act and Rules in regards to the advertisement.

On September 11, 2014, the Commission found reason to believe that Respondent had violated A.R.S. §§ 16-941(D) and -958(A) and (B) of the Act. On September 26, 2014, the Commission served an

1 order of compliance on Respondent stating with reasonable particularity the nature of the violations and
2 requiring compliance within fourteen days. A.R.S. § 16-957(A).

3 On November 20, 2014, the Commission found probable cause to believe Respondent violated
4 the Clean Elections Act.

5 Any person who makes independent expenditures exceeding \$500 in an election cycle is required
6 to file campaign finance reports with the Secretary of State's Office in accordance with A.R.S. § 16-958.
7 A.R.S. § 16-941(D).

8 Any person who has filed an original report pursuant to A.R.S. § 16-941(D) must file
9 supplemental reports to declare previously unreported independent expenditures exceeding \$1,000.
10 A.R.S. § 16-958(A). Before the beginning of the primary election period, June 24, 2014, the person shall
11 file an original report on the first of each month after the expenditures exceed \$700, and supplemental
12 reports on the first of each month after the previously unreported expenditures exceed \$1,000. A.R.S. §
13 16-958(B)(1).

14 **Count I. Original Report.**

15 Respondent's expenditures exceeded \$260,000 during March 2014, and Respondent was
16 required to file the original report by April 1, 2014. As of November 20, 2014, Respondent was 234 days
17 late filing the original report for expenditures.

18 **FAILURE TO COMPLY**

19 After the Commission's September 11, 2014 finding that there was reason to believe Respondent
20 had violated requirements of the Act, the expiration of fourteen days, and service of an order requiring
21 compliance, Respondent failed to comply with A.R.S. §§ 16-941(D and 16-958(A) by filing campaign
22 finance reports. To this date, Respondent has never filed the campaign finance reports required by
23 A.R.S. §§ 16-941(D and 16-958(A). In *United States v. Locke*, 471 U.S. 84 (1985), the United States
24 Supreme Court rejected the notion of compliance with a filing deadline sometime after the deadline falls
25 due. "Filing deadlines, like statutes of limitations, necessarily operate harshly and arbitrarily with respect
to individuals who fall just on the other side of them, but if the concept of a filing deadline is to have any
content, the deadline must be enforced." *Id.* at 101. Therefore, Respondent failed to comply with the

1 reporting deadlines, and could not subsequently comply with those deadlines by filing the reports at a
2 later date.

3 Accordingly, the Commission hereby makes a public finding that the Respondent violated the Act,
4 failed to comply with the reporting deadlines, and issues this Order assessing a civil penalty in
5 accordance with A.R.S. § 16-942 and R2-20-109(F)(3).

6 **PENALTIES**

7 The civil penalty for a violation by or on behalf of any candidate of any reporting requirement
8 imposed by the Act is \$430 per day for statewide office. The Commission has determined the daily
9 penalty shall be calculated from the day following the date the Commission asserted jurisdiction in this
10 matter, August 1, 2014, through November 20, 2014, the date of the Commission's probable cause
11 determination and assessment of penalties--111 days.

12 The penalty imposed shall be doubled if the amount not reported for a particular election cycle
13 exceeds ten percent of the adjusted primary or general election spending limit. The amount of the
14 expenditure (\$260,000) exceeds ten percent of the adjusted primary spending limit for the governor's race
15 (\$75,362). The penalty shall be \$860 per day for 111 days, which results in the assessment of a penalty
16 of \$95,460.

17 **ORDER**

18 WHEREFORE, the Citizens Clean Elections Commission hereby imposes a civil penalty of
19 \$95,460. This civil penalty will be satisfied upon receipt of payment to the Citizens Clean Elections
20 Commission, 1616 W. Adams, Ste. 110, Phoenix, Arizona 85007.

21 You may request an administrative hearing to contest this Order by submitting a written request
22 for a hearing within 30 days of receipt of this Order. The written request for a hearing shall be sent to the
23 Citizens Clean Elections Commission, 1616 W. Adams, Ste. 110, Phoenix, Arizona 85007.

24 If you request a hearing, you may request an informal settlement conference pursuant to A.R.S. §
25 41-1092.06.

Individuals with a disability may request reasonable accommodation by contacting the Citizens
Clean Elections Commission, 1616 W. Adams, Ste. 110, Phoenix, Arizona 85007, Telephone: (602) 364-

3477; and during a hearing by contacting the Office of Administrative Hearings, 1400 West Washington,
Suite 101, Phoenix, Arizona 85007, Telephone: (602) 542-9826. Requests should be made as early as
possible to allow time to arrange the accommodation.

Dated this 28 day of November, 2014.

By:



Thomas M. Collins, Executive Director

August 17, 2018

Thomas Collins, Executive Director
Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, Arizona 85007

Re: Issue advocacy complaint against Sunlight Arizona Program CCEC MUR No. 18-07

Mr. Collins:

This letter is in response to the complaint being considered under MUR No. 18-07 against One Arizona's transparency project called Sunlight Arizona. The goal of the project and the purpose of the mailers is to educate constituents on the activities of elected officials. Neither the project nor the individual pieces expressly advocate for the election or defeat of a candidate; nor do they even mention any election. The pieces urge constituents to contact their elected officials and let them know the values and issues that are important to them. There is no reason to believe that a violation happened here, and we urge the Commission to find as such.

Discussion

The Commission's analysis of this complaint begins and ends with express advocacy.

A. For the purposes of this chapter, "expressly advocates" means:

1. Conveying a communication containing a phrase such as "vote for," "elect," "reelect," "support," "endorse," "cast your ballot for," "(name of candidate) in (year)," "(name of candidate) for (office)," "vote against," "defeat," "reject" or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates.
2. Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer referring to one or more clearly identified candidates and targeted to the electorate of that candidate(s) that in context can have no reasonable meaning other than to advocate the election or defeat of

the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents.

A.R.S. § 16-901.01. In the instant case there were no “magic words” found in paragraph 1. The use of “vote” must refer to urging the recipient of the communication vote for the candidate clearly identified in the communication. Urging the recipient to contact an elected official and ask the official to vote while in session based on certain values does not satisfy the test.

Paragraph 2 addresses public communications, which the targeted mailers unquestionably were. It next requires the communication clearly identify a candidate and be targeted to the electorate of the candidate. The mailers do not identify any of the elected officials as candidates, but with the exception to be discussed below they do identify people who are candidates. Similarly, the most relevant constituency to an elected official is exactly the electorate of the candidate. We do not concede that this prong is satisfied, but it is not relevant because the last prong is plainly not met.

The communication must be such that “in context can have no reasonable meaning other than to advocate the election or defeat of the candidate.” Not so, here. The mail provides a mechanism to contact the elected official. It promotes a particular issue and does not refer to any upcoming election. It was more than 60 days before even the primary election.

One Arizona, a non-profit covered under Section 501(c)(3) of the IRC, produced ads exactly in line with those produced by Wisconsin Right to Life in the seminal case on the issue of express advocacy. In *FEC v. WRTL*, the U.S. Supreme Court considered whether television ads chiding Wisconsin’s Senators for filibustering judicial appointments constituted express advocacy against the Senators as candidates. The Court held it did not as follows:

In light of these considerations, a court should find that an ad is the functional equivalent of express advocacy only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate. Under this test, WRTL's three ads are plainly not the functional equivalent of express advocacy. First, their content is consistent with that of a genuine issue ad: The ads focus on a legislative issue, take a position on the issue, exhort the public to adopt that position, and urge the public to contact public officials with respect to the matter. Second, their content lacks indicia of express advocacy: The ads do not mention an election, candidacy, political party, or challenger; and they do

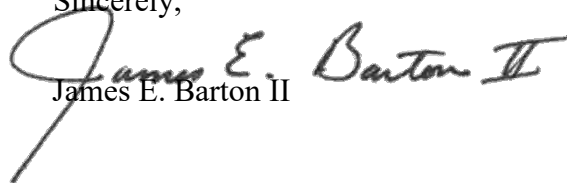
not take a position on a candidate's character, qualifications, or fitness for office.

Fed. Election Comm'n v. Wisconsin Right To Life, Inc., 551 U.S. 449, 469–70 (2007). One Arizona's project to educate constituents is identical to that of Wisconsin Right to Life's. Attached is a mailer from another component of the program in which the Commission can see that an elected official who is not running for reelection is identified. This should put to bed any concerns the Commission has that this program can have no other reasonable meaning than influencing elections. To the contrary, it is classic issue advocacy endorsed by the United States Supreme Court.

Note, the mailers are quite distinct from those of *Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 354–55, ¶ 29 (App. 2014). In that case, the ad was aired days before the identified individual was to leave the office allegedly the target of the ad. It was addressing salacious accusations against the work a candidate for AG did while he *had been* Superintendent of Public Schools. *Id.* In the instant case, each of these mailers are addressed to current officeholders, long before the election, addressing real issues that they consider while in session and asking constituents to contact them.

This is not express advocacy, and there is no reason to believe there was a violation here.

Sincerely,


James E. Barton II

I, Montserrat Arredondo, as Executive Director of One Arizona, affirm the above is true and correct.

Montserrat Arredondo

Date

A black and white photograph of a man in a suit and tie, seen from the chest down, writing with a pen on a document. The image is slightly blurred, focusing on the action of writing.

Predatory lenders
can be hard to recognize, but they
put all families **AT RISK.**

Did your legislator vote
to protect Arizona's families
against predatory lenders?

**LEARN
MORE**



Arizona's lawmakers should protect us from **predatory lenders.**

The Arizona legislature recently passed a law that allows mortgage companies and consumer lenders to sell new, untested financial products to as many as 10,000 customers before they need real licensing.¹

State Senator **STEVE YARBROUGH** and State Representative **J.D. MESNARD** voted FOR HB 2434,² which **DEREGULATES** “innovative financial products,” weakens consumer protections, and opens the door to more predatory lending.

**CALL**

**Steve Yarbrough at (602) 926-5863 and
J.D. Mesnard at (602) 926-4481 and tell them to
stop putting Arizona families' financial future at risk.**

1. Forbes.com, 3/23/18; 2. HB 2434, 2/22/18; 3/21/18

State Lawmakers Should Represent Our Interests

State lawmakers make important decisions that affect our daily lives. It's important that they create policies that help all Arizonans, not just the powerful few.

Sunlight Arizona is a non-profit, non-partisan project with the mission of educating Arizona's families and working people about important economic policy issues. Our goal is to ensure that our state government is working for everyone. To learn more visit: SunlightArizona.org

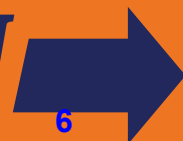


A grayscale photograph of a person in a dark suit and tie, sitting at a desk and writing on a document with a pen. The person's face is not visible, and the background is blurred.

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September 25, 2018

Citizens Clean Elections Commission
c/o Thomas Collins, Executive Director
1616 W. Adams, Suite 110
Phoenix, Arizona 85007

Re: CCEC Executive Director's Statement of Reasons related to Issue advocacy complaint against Sunlight Arizona Program, MUR No. 18-07

Mr. Collins and Commissioners:

Torres Law Group, PLLC represents One Arizona, and Jim Barton will appear on September 27, 2018 to speak on behalf of One Arizona, an Arizona non-profit corporation. This letter is in response to the Reason to Believe Memo related to One Arizona and MUR No. 18-07, transmitted to the parties on September 10, 2018. It is intended to highlight and clarify arguments made in our August 17, 2018, response and to thereby assist the Commission in its deliberation following the September 27th meeting.

Discussion

It is worth considering the language at issue in this complaint, which frames the entire discussion. Because the piece does not contain any of the so-called "magic words," the relevant portion of the statute is:

A. For the purposes of this chapter, "expressly advocates" means:

....

2. Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer referring to one or more clearly identified candidates and targeted to the electorate of that candidate(s) ***that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s)***, as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents.

A.R.S. § 16-901.01 (Emphasis added). The question before the Commission is whether One Arizona’s outreach to constituents of elected officials, which explicitly asked the constituent to contact his or her elected official and express the identified value to the elected official, can have no reasonable meaning other than advocating for the defeat of that elected official.

The Executive Director’s report states that *Committee for Justice in Fairness v. Arizona Secretary of State’s Office (CJF)*, 235 Ariz. 347 (App. 2014) by the Arizona Court of Appeals is the “controlling case” in this matter. While it is true that the Arizona Court of Appeals’ examination of the meaning of “express advocacy” is relevant, it did not, and could not have, overruled the United States Supreme Court’s ruling in *Federal Election Commission v. Wisconsin Right to Life (WRTL)*, 551 U.S. 449 (2007), which was decided based on its interpretation of the United States Constitution. The United States Supreme Court’s rulings are not, as the Executive Director suggests, merely “persuasive authority,” [RTB at 3] because it addresses the impact of regulation on Free Speech specifically by expanding the definition of express advocacy.

The language from *WRTL* is nearly identical to the statute under consideration in the instant matter. *WRTL* considered whether an “ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.” 551 U.S. at 470. In the instant case, the Commission must consider whether these objected to mailers “in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s).” A.R.S. § 16-901.01. These are the exact same standard. The Commission is not at liberty to ignore the holdings of the United States Supreme Court on the meaning of this phrase.

While *CJF* makes clear that the Commission may consider the timing and overall context of the ad in assessing whether it can genuinely have no other meaning than the defeat of a targeted candidate, it does not allow regulators to do what is recommended here—to cynically view all attempts to communicate with the constituents of an elected official as express advocacy. The Commission must determine whether these mailers are of such an extreme nature in both timing and content that the Commission can say “in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s).” If not, the Commission cannot treat this piece of issue advocacy as express advocacy.

Timing

When determining whether a communication constitutes “express advocacy,” the timing of the ad is a contextual factor that may be weighed. A.R.S. § 16-901.01(a)(2). But that communication’s timing must indicate that it “can have no reasonable meaning other than to advocate the election or defeat” of a candidate. *Id.* The ad examined in *CJF* certainly met this standard, as it ran just days before the general election. The Court of Appeals characterized that anti-Horne ad as being run “shortly before the November general election,” 235 Ariz. at 347 ¶ 4, such that the timing indicated “the only reasonable purpose for running such an advertisement

immediately before the election was to advocate Horne's defeat as candidate for Attorney General,” *id.* at 355, ¶ 29 (emphasis added).

Separately, although only relating to federal elections and broadcast communications, it is also noteworthy that the Federal Election Commission does not characterize communications as “electioneering communications” unless they are at least within 30 days of a primary and 60 days of a general election. 11 C.F.R. § 100.29.

One Arizona’s issue advocacy program was not indicative of a “context [that] can have no reasonable meaning other than to advocate the election or defeat” of a candidate. One Arizona distributed mail pieces in June 2018. As the Executive Director mentions, none of the elected officials had serious challenges in their August 2018 primary elections, and three of the four had no primary opponents at all. [RTP at 4.] Thus, as the Executive Director acknowledges, One Arizona’s mailers were disseminated more than 130 days—over 18 weeks—before any election that would matter to these elected officials in November 2018. One Arizona’s mailers are hardly comparable to the *CJF* ad in terms of temporal proximity to an election. The facts of the “controlling case” in this matter only show how much the Commission would need to stretch in order to find a violation here. If the Commission were to find that any group that sponsors communications five months before an election “can have no reasonable meaning other than to advocate the election or defeat” of a candidate, Arizona would have the broadest “independent expenditure” definition in the country, the effect of which would be a months-long moratorium on educating constituents on the official activities of their elected representatives. This is far in excess of what the plain statutory language and the *CJF* opinion can support.

The Executive Director makes much of the fact that the mailers were sent “after the 2018 legislative session adjourned.” [RTB at 5.] This was dealt with explicitly in *WRTL*, when the FEC claimed that the TV ads were not issue advocacy because there were no filibusters in progress while the ads were running. The United State Supreme Court responded:

Next, the FEC and intervenors seize on the timing of *WRTL*'s ads. They observe that the ads were to be aired near elections but not near actual Senate votes on judicial nominees, and that *WRTL* did not run the ads after the elections. To the extent this evidence goes to *WRTL*'s subjective intent, it is again irrelevant. To the extent it nonetheless suggests that the ads should be interpreted as express advocacy, it falls short. That the ads were run close to an election is unremarkable in a challenge like this.

551 U.S. at 472. One Arizona’s ability to influence a legislator’s official actions cannot be limited to a window that is as narrow as the Executive Director suggests. One Arizona can reasonably assume that an officeholder will be returned to office and continue to serve in the future, given the real phenomenon of incumbency retention.

The Executive Director appears to have a subjective belief that timing suggests an electoral purpose behind One Arizona’s mailers. Subjective belief is not enough, though. The mailers’ timing must be so close to an election that they “can have no reasonable meaning other than to advocate the election or defeat” of a candidate. That exacting standard is not met here.

Content

As with the timing of an ad, when determining whether a communication constitutes “express advocacy,” the content of the ad is a factor in assessing whether it amounts to “express advocacy.” A.R.S. § 16-901.01(a)(2). But, again, that communication’s content must indicate that it “can have no reasonable meaning other than to advocate the election or defeat” of a candidate. *Id.*

The content of the mailers demonstrates that their purpose is to encourage citizens to engage their elected officials. For example, it encourages the governed to contact their legislators so that they represent the interests of the governed. A call to remind those in an elected official’s district that “State Lawmakers Should Represent Our interests,” does not suggest changing the lawmakers. Rather, it explicitly calls on them to contact that lawmaker to ensure he or she represents their interest. [RTP at 6.] Similarly, the reference to 2019 makes it clear that the mailer assumes the lawmaker will be in office in 2019. [*Id.*] That is hardly express advocacy for or against that lawmaker.

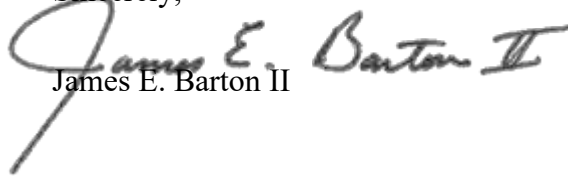
The piece provides concrete information on the elected official’s voting record. Of course, that is explicitly exempted from the definition of express advocacy. A communication “shall not be considered as one that expressly advocates merely because it presents information about the voting record or position on a campaign issue of three or more candidates, so long as it is not made in coordination with a candidate, political party, agent of the candidate or party or a person who is coordinating with a candidate or candidate’s agent.” A.R.S. § 16-901.01(B). While this piece does more than that—it also encourages the recipient to call his or her elected official and ask them to vote in the interest of those in the elected official’s district—it is perplexing how providing such “exempt” information can somehow make an issue advocacy piece into express advocacy. [RTB at 7.]

Conclusion

Groups like One Arizona have a constitutional right to educate constituents on the behavior of elected officials. Aligning the Arizona Legislature’s legislative actions with the values of those they govern is a legitimate purpose for One Arizona. The exercise of that right is not an evasion of campaign finance rules.

We urge the Commission to find no reason to believe there was a violation here.

Sincerely,

A handwritten signature in dark ink, reading "James E. Barton II". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James E. Barton II

CC: Mike Liburdi, liburdim@gtlaw.com