

**STATE OF ARIZONA**  
**Citizens Clean Elections Commission**  
**2006 ANNUAL REPORT**

Revised



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CITIZENS CLEAN ELECTIONS COMMISSION  
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**Janet Napolitano**  
Governor

**Todd Lang**  
Executive Director



**Gary Scaramazzo**  
Chair

**Marcia J. Busching**  
**Carl J. Kunasek**  
**Royann J. Parker**  
**Jeffrey Fairman**  
Commissioners

**State of Arizona**  
**Citizens Clean Elections Commission**

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March 1, 2007

The Honorable Janet Napolitano  
Governor of Arizona  
1700 W. Washington  
Phoenix, AZ 85007

Dear Governor Napolitano:

Pursuant to Arizona Revised Statutes (A.R.S.) § 16-956(B)(3), the Citizens Clean Elections Commission (Commission) submits its 2006 Annual Report.

In 1998, the voters of Arizona passed the Citizens Clean Elections Act. The Commission celebrates the eighth anniversary of the Act through the continued commitment of upholding the letter and spirit of the Act. With the knowledge and experience gained through the last four election cycles, the Commission strives to improve the effectiveness of the administration of the public funding program, voter education, and candidate training.

The Commission accomplished its goals set in 2006, and looks forward to a productive and successful year in 2007.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Gary Scaramazzo", is written over a light blue, semi-transparent watermark of the commission's seal.

Gary Scaramazzo, Chair

## EXECUTIVE SUMMARY

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The Citizens Clean Elections Commission (Commission) is charged with the administration of the Clean Elections Act. Throughout 2006, the Commission continued to implement and administer the Clean Elections Act by issuing new regulations and by improving the process to disburse funding to qualified candidates. The Commission also emphasized education of both candidates and voters, as well as accessibility of information provided to the public.

Commission staff conducted training classes across the state throughout the year, including numerous speaking engagements to civic groups in 2006. In addition to providing information about the Clean Elections Act, the workshops also provided instruction on the use of the campaign finance software, all campaign finance reporting requirements, and bookkeeping. This effort paid off, as the total number of complaints filed and violations found during the 2006 cycle decreased from both 2004 and 2002.

The majority of complaints regarding the 2006 election cycle were resolved quickly during the election cycle. Of the forty-two 2006 election cycle enforcement cases resolved in 2006, twenty-seven were dismissed, and eight were settled. For the 2006 election cycle, the number of enforcement cases was reduced by approximately 44%, which can be attributed to our increased focus on candidate education. The Commission believes that education is essential to reducing the number of campaign finance violations and will continue to work to reduce the number of violations by increasing education and outreach.

The Clean Elections Fund revenue steadily increased over the year. The Fund was at \$27 million at the end of 2006.

## **INTRODUCTION TO THE COMMISSION**

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### **Mission Statement:**

To fairly, faithfully and fully implement and administer the Arizona Citizens Clean Elections Act.

### **Vision Statement:**

Through the successful implementation of the Arizona Citizens Clean Elections Act, the Commission seeks to improve the integrity of Arizona state government and promote public confidence in the Arizona political process.

### **Authority:**

The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

### **Membership:**

The Commission consists of 5 members:

- No more than 2 shall be members of the same political party.
- No more than 2 shall be residents of the same county.
- No one shall be appointed who does not have a party registration that has been continuously recorded for at least 5 years immediately preceding appointment, with the same political party or as an independent.
- Each candidate shall be a qualified elector who has not, in the previous 5 years in this state, been appointed to, elected to or run for any public office, including precinct committeeman, or served as an officer of a political party.
- A member of the Commission shall serve no more than one term and is not eligible for reappointment.
- No Commissioner, during his or her tenure or for 3 years thereafter, shall seek or hold any other public office, serve as an officer of any political committee or employ or be employed as a lobbyist.

### **Function:**

The Commission holds regular monthly meetings, which are open to the public.

The Commission annually elects a chair. In April of 2006, Commissioner Marcia Busching was elected as the Chair of the Commission for calendar year 2006.

Core functions of the Commission include provision of public funding to qualified candidates; publishing voter education pamphlets and sponsoring debates; administering the Clean Elections Fund; and enforcing campaign finance laws.

### *Voter Education*

- Prior to the primary and general elections, the Commission shall publish a candidate statement pamphlet for statewide and legislative office candidates to be mailed to every household that contains a registered voter.
- The Commission shall sponsor debates among candidates, require participating candidates to attend and participate in debates, and invite nonparticipating candidates to participate in debates.

### *Clean Elections Fund*

- The Commission shall ensure that money from the Fund is placed in candidate campaign accounts or otherwise spent as specified in the Act and not otherwise.
- The Commission shall ensure that money required by the Act to be paid to the Fund is deposited in the Fund.

### *Enforcement*

- The Commission shall monitor reports and financial records of candidates as needed to ensure that equalization monies are paid promptly to opposing qualified candidates.

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## COMMISSION MEMBERS

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### **Marcia Busching, Chair - Democrat - Maricopa County**

Maricopa County resident Marcia J. Busching was appointed by Governor Janet Napolitano to the Citizens Clean Elections Commission in 2003 for a term that will expire in 2008. Ms. Busching received her Bachelor's and Master's degrees in business administration and law degree from the University of Wisconsin-Madison. She was a practicing business and real estate lawyer in Arizona from 1977-2004, and listed in Best Lawyers in America for over eighteen years. She is now an arbitrator for the American Arbitration Association--on their Commercial, Construction, Master Construction, and Large Complex Case Panels. In addition she owns a real estate development company, which is developing residential lots, and she is active in community affairs.

### **Ermila Jolley – Democrat - Yuma County**

Governor Jane Hull appointed Yuma resident Ermila Jolley to the Citizens Clean Elections Commission in 2002 for a five-year term that will expire in 2007. She has filled the seat formerly held by Commissioner Carl Lopez, a Tucson resident. Ms. Jolley was appointed to the Yuma County Redistricting Commission in May 2001 and currently serves as president of the Yuma Community Hispanic Forum. Ms. Jolley also served a Democratic precinct committee person in Yuma County until 1992.

Ms. Jolley received her bachelor degree from the Northern Arizona University.

### **Gary Scaramazzo – Independent – Coconino County**

Governor Janet Napolitano appointed Page resident Gary Scaramazzo to the Citizens Clean Elections Commission in 2005 for a term that will expire in 2010. Mr. Scaramazzo received his bachelor's and master's degrees in History from Northern Arizona University and is a graduate of the Taft Institute of Government. He spent 12 years performing comprehensive community service, including two years as a member of the Page City Council and ten years as Mayor of Page. Mr. Scaramazzo has accumulated over 20 years of experience in public education as a teacher and coach at the high school level. He was a teacher in the Page Unified School District (1975-1995); instructor of Coconino Community College, Page Campus (1992-1996); the Governor's Northern Arizona Representative (1997-1999); marketing director for Sunrise Airlines (1999 & 2000); volunteer fireman in Page; president of the Arizona League of Cities and Towns; executive board member with the Governor's Alliance Against Drugs; and a representative on the Governor's Drug and Gang Policy Council. He is currently president of Scaramazzo & Associates consulting firm (1999-present); president of MarBella Development condo project in Rocky Point, Mexico (2002-present); and consultant, and then general manager, for Antelope Point Marina on Lake Powell (2002-present).

### **Carl J. Kunasek – Republican - Maricopa County**

Secretary of State Jan Brewer appointed Carl Kunasek to replace former Commissioner Tracey Bardorf. Mr. Kunasek's term will expire January 31, 2009. Mr. Kunasek was elected to the Arizona House of Representatives in 1972 where he served for 10 years before being elected to the Arizona State Senate in 1983. He served as Senate President from 1987 to 1989. He was appointed by President George Bush to be Commissioner of the Navajo and Hopi Relocation Commission from 1990 to 1994. Mr. Kunasek went on to be elected to the Arizona Corporation Commission in 1994 and served through January 2001.

### **Royann J. Parker-Republican - Pima County**

Secretary of State Jan Brewer appointed Royann Parker to succeed former Commissioner Clark Dierks, who resigned due to health reasons. Mrs. Parker's term will expire January 31, 2011. Mrs. Parker graduated Cum Laude in 1978 with a bachelor's degree in history and secondary education from Grand Canyon University in Phoenix. She was a successful Republican primary candidate in 1982 for the District 20 seat in the Arizona House of Representatives previously held for many years by her mother, Lillian Jordan. During her extensive public service over three decades, Mrs. Parker was executive secretary on Capitol Hill in Washington, D.C., from 1979 to 1981 for Arizona Congressman Eldon Rudd; served as a chief assistant for a commissioner of the Arizona Corporation Commission; was legislative assistant for a governor of Arizona; a commissioner on Appellate Court appointments for two years; an executive assistant for nine years to the assistant director and director of the Arizona Department of Administration and Arizona Department of Revenue. She also was a commercial bank loan officer for five years. Mrs. Parker's husband, David, is risk manager for Pima County, and she currently spends full time raising their two young daughters, Kathryn and Leann, taking care of her mother, and as a substitute teacher for the past four years at Casas Christian School in Oro Valley.

## SUMMARY OF COMMISSION ACTIVITIES

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The Citizens Clean Elections Act incorporates four major programs: public funding for certified candidates, campaign finance disclosure, voter education and enforcement. The following are highlights of the Commission's accomplishments and events during the year 2006:

### *Voter Education and Outreach*

- One of the Commission's primary functions is educating candidates and voters about the Clean Elections Act. Outreach in 2006 consisted of speaking engagements to social service organizations, civic clubs, and other interested parties. In addition, the Commission continued to keep the media and the public informed of the latest developments.
- Participating Candidate Workshops began in October 2005 and ran through August 2006. The Commission hosted 40 workshops throughout the state. The coordination of the workshops included an informational PowerPoint presentation, the scheduling of workshops and handouts.

### *Clean Elections Fund*

- In December 2004, the Commission approved the Fund revenue projections for the next 4 years. As a result, \$973,887 was transferred to the State General Fund in January 2005. The Commission also approved its 2006 budget including \$21,427,719 for candidate funding for the 2006 election cycle.
- The State Auditor General's Office conducted an audit of the Commission's financial system and candidate funding process.

### *Enforcement*

- A majority of the enforcement cases filed for the 2006 election cycle were finalized in 2006. A total of 42 complaints were filed for the 2006 election cycle. Of those, 29 were resolved during the 2006 election cycle, and ten remained outstanding at the end of 2006.

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## CITIZENS CLEAN ELECTIONS ACT

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The Citizens Clean Elections Act, which was passed by the voters in the November 1998 General Election, fundamentally changed Arizona's campaign finance laws by establishing a system for publicly funding candidate election campaigns. The system is voluntary; candidates may choose to participate in the system or they may choose to raise funds in the traditional manner.

The Governor proclaimed the Act as law on December 10, 1998. On February 16, 1999, the United States Department of Justice precleared the Act, thereby allowing the Act to go into effect. Then, the Citizens Clean Elections Commission was formed.

### *Qualifying for Funding*

The Act applies to candidates for legislative and statewide offices. To receive public funding for a campaign, a candidate must raise a limited number of \$5 contributions during the qualifying period. Qualifying contributions may be made by qualified electors in the candidate's legislative district. The minimum number of \$5 qualifying contributions candidates must obtain during the qualifying period are as follows:

Legislature	210
Mine Inspector	525
Corporation Commissioner	1,575
Superintendent of Public Instruction	1,575
Treasurer	1,575
Attorney General	2,625
Secretary of State	2,625
Governor	4,200

To qualify for funding, participating candidates must apply for public funding with the Secretary of State within one week after the end of the qualifying period. The candidate also must file a list of the persons that made qualifying contributions and give the Secretary of State a check in the amount of the \$5 qualifying contributions received, as well as the original signed contributor slips.

### *Primary Election Spending Limit*

Candidates who qualify for funding in contested party primary elections may receive an amount equal to the original primary election spending limit. The primary election spending limits, as adjusted in 2005 for the 2006 election, are as follows:

Legislature:	\$ 11,945
Mine Inspector:	\$ 23,890
Corporation Commissioner:	\$ 47,770
Superintendent of Public Instruction:	\$ 47,770
Treasurer:	\$ 47,770
Attorney General:	\$ 95,550
Secretary of State:	\$ 95,550

Governor: \$453,849

### *General Election Spending Limits*

The day after the primary election, qualifying candidates who are major party candidates in opposed elections may receive the following amounts:

Legislature:	\$ 17,918
Mine Inspector:	\$ 35,835
Corporation Commissioner:	\$ 71,655
Superintendent of Public Instruction :	\$ 71,655
Treasurer:	\$ 71,655
Attorney General:	\$143,325
Secretary of State:	\$143,325
Governor:	\$680,774

- An independent candidate is eligible to receive 70 percent of the sum of the original primary and general election spending limits.
- An unopposed candidate is eligible to receive only his or her qualifying contributions as the spending limit for that election.

### *Personal Monies and Early Contributions*

Participating candidates may use a limited amount of personal monies for their campaigns: \$580 for legislative office candidates and \$1,160 for statewide office candidates.

Participating candidates may raise a limited number of private contributions, which are called early contributions, during the exploratory and qualifying periods. The early contributions are limited to \$120 per contributor. The limits on the amounts that candidates may raise in early contributions are as follows:

Legislature:	\$ 2,980
Mine Inspector:	\$ 5,950
Corporation Commissioner:	\$11,910
Superintendent of Public Instruction:	\$11,910
Treasurer:	\$11,910
Attorney General:	\$23,820
Secretary of State:	\$23,820
Governor:	\$46,440

### *Matching Funds*

Participating candidates are entitled to receive matching funds when an opposing, nonparticipating candidate exceeds the primary or general election spending limits. Matching funds also will be provided to participating candidates when independent expenditures are made to advocate the election or defeat of a candidate in the race.

### *Trigger Reports*

Nonparticipating candidates must comply with additional campaign finance reporting requirements. Nonparticipating candidates must file “original” and “supplemental” campaign finance reports with the Secretary of State when the candidates make expenditures that exceed 70 percent of the primary election spending limit, or receive contributions, less the expenditures through the primary, that exceed 70 percent of the general election spending limit.

Campaign finance reports must be filed electronically with the Secretary of State and bank accounts, campaign finance reports and financial records relating to the campaign must be available for public inspection.

Any individual or entity making an independent expenditure to advocate the election or defeat of a candidate must report the expenditure once it exceeds \$580 in an election cycle. Subsequently, a supplemental campaign finance report must be filed by the next due date whenever previously unreported independent expenditures exceed \$1,000.

## **VOTER EDUCATION AND OUTREACH**

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Pursuant to A.R.S. § 16-949(C), the Commission shall apply at least ten percent of the calendar year budget on expenses associated with voter education. The Commission's voter education and outreach activities during 2006 are set forth below.

### **Candidate Debates:**

Pursuant to A.R.S. § 16-956(A) (2), the Commission shall sponsor debates among candidates. The Commission sponsors debates among candidates in both the primary election period and the general election period. Participating candidates are required to attend and participate in debates, and nonparticipating candidates are invited to participate in debates.

In preparation for the 2006 election, the Commission planned the candidate debates by seeking other organizations to host the debates within the Commission's scope of work. A debate committee was established to evaluate potential sponsors based on predefined evaluation criteria. The evaluation criteria were as follows, listed in the relative order of importance: method of approach, debate experience and cost. Using the criteria, the Commission selected 10 sponsors to host 50 debates while the Commission itself hosted 10. For the first time all of the debates were video taped and were made available on the Commission's website, [www.azcleanelections.gov](http://www.azcleanelections.gov), for the public to view at their convenience. In addition, the debates for Governor, Secretary of State, Attorney General and Superintendent of Public Instruction were held at the KAET Channel 8 studios and shown on Channel 8.

### **Candidate Statement Pamphlet:**

Pursuant to A.R.S. § 16-956(A) (1), the Commission will produce primary and general election candidate statement pamphlets. The Commission will produce and mail candidate statement pamphlets to every household in Arizona containing a registered voter before the start of early voting for both the primary and general elections. The candidate statement pamphlets will also be mailed to interested parties in the State of Arizona such as: the chambers of commerce, motor vehicle department, and local libraries.

Participating and nonparticipating candidates may supply the Commission with a 200 word statement for inclusion in the pamphlets. All candidates who will appear on either the primary or general election ballot may submit a statement. The pamphlets will include the office sought, as well as the candidate's name, party affiliation, funding source, web address, statement and the candidate's picture. Candidates will be allowed to submit separate statements for the primary and general election pamphlets.

## **Publications:**

The Citizens Clean Elections Commission issued the following publications:

- Annual Report for 2005
- *Citizens Clean Elections Act, Rules and Policies Manual*
- *2005-2006 Candidate Guide*
- *2005-2006 Nonparticipating Candidate Guide*
- Informational handouts for participating candidates

## **Voter Outreach:**

One of the Commission's major priorities for 2006 was the education of both the candidates and the voters about the Clean Elections Act and how to become involved in the political process. The education process consisted of numerous speaking engagements to social service organizations, civic clubs, and other interested parties, as well as conducting 40 participating candidate and treasurer workshops that were open to all candidates as well as the general public. In addition, the Commission continued to work with the media to keep it updated and to keep the public informed of the latest events through press releases, editorials and a quarterly bulletin.

Commission staff answered hundreds of telephone calls from voters and candidates regarding all elements of the Act and the Commission's various functions. The Commission works to ensure staff was available to provide assistance and resolve problems.

## **Candidate Guide:**

The *Candidate Guide* is an informational tool produced by the Commission to walk candidates through all aspects of the Clean Elections Act. The *Guide* provides a valuable resource to enhance candidates' knowledge of the Act and is available on the Commission's website, [www.azcleaselections.gov](http://www.azcleaselections.gov), as well as on CD.

## **Candidate Workshops:**

The Commission has undertaken the implementation of educational workshops. The workshops are intended to provide candidates with in-depth information regarding the provisions of the Clean Elections Act in order to ensure that candidates are fully equipped to abide by the Act. The Participating Candidate Workshops began in October 2005 and concluded in August 2006 consisting of 40 workshops. Organization of the workshops included developing an informational PowerPoint presentation, handouts, and a schedule of workshops. Additionally, ads were created for *The Capitol Times*, which ran continuously for 9 months (Oct. 2005-July 2006)

## ENFORCEMENT

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A majority of the enforcement cases filed for the 2006 election cycle were finalized in 2006. A total of 42 complaints were filed for the 2006 election cycle. Of those, 29 were resolved during the 2006 election cycle, and twelve remained outstanding at the end of 2006.

Dismissals: The Commission dismissed 27 complaints for lack of jurisdiction, there was no reason to believe a violation had occurred, or the candidates came into compliance.

Settlement Agreements: The Commission entered into the following settlement agreements:

- One participating candidate agreed to pay a \$2,450.00 penalty for reporting violations.

Conciliation Agreements: The Commission entered into the following settlement agreements:

- One participating candidate agreed to amend campaign finance reports.
- One participating candidate agreed to repay to the fund \$43,000 of candidate funding
- One participating candidate agreed to repay all contributors who exceeded the contribution limits. Total amount of repayment was \$1,427.40.

Administrative Hearings:

- In 2005, an Administrative Hearing occurred for overspending limits, and the Administrative Law Judge agreed with the Commission's decision to require the candidate to repay \$34,625.00 in Clean Elections money and forfeit the office. In 2006, a settlement agreement to repay \$2,500.00, in addition to the forfeiture of office was finalized.

## **RULE CHANGES**

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The Commission adopted no rule changes in 2006, but did amend its substantive policy statements to provide guidance for candidates in two areas.

First, Substantive Policy Statement 1 was revised to announce the Commission's policy regarding candidates who "test the waters" but ultimately decide not to participate in the Clean Elections system. A candidate must first notify the Commission before collecting signatures and qualifying contributions. If the candidate later decides not to seek certification as a participating candidate, the candidate can either return all qualifying contributions received or, upon written permission from the contributors, use their qualifying contributions as traditional campaign contributions.

Second, the Commission consolidated its travel policy into revised Substantive Policy Statement 11, which provides several Commission-approved methods for declaring travel expenses.

The changes were developed based on input from staff, Commissioners, the Assistant Attorney General, the Secretary of State, the Clean Elections Institute, candidates, attorneys and various other interested parties.

## LITIGATION

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### *Association of American Physicians and Surgeons v. Brewer*

Association of American Physicians and Surgeons, a political committee, and three candidates, Matt Salmon, Dean Martin, and Lori Daniels, filed a lawsuit in United States Districts Court for the District of Arizona challenging the constitutionality of the matching funds provision in the Clean Elections Act. Plaintiff candidates alleged that the Act unconstitutionally “coerces” candidates to participate in public funding. The political action committee alleged the Act chills speech by providing matching funds for some independent expenditures. Plaintiffs sought a declaration that the entire Act is void, and a permanent injunction against the Commission from implementing and enforcing the Act.

Judge Earl Carroll denied the Plaintiffs’ motion for a preliminary injunction to enjoin the Commission from disbursing matching funds and granted a motion to dismiss Plaintiffs’ complaint. The Plaintiffs appealed to the Ninth Circuit, where the case is currently pending.

### *David Burnell Smith vs. Arizona Citizens Clean Elections Commission*

In March 2005, the Citizens Clean Elections Commission found that David Burnell Smith had violated reporting requirements and exceeded his participating candidate spending limits by more than 10%, and as a result issued fines and an order requiring representative Smith to forfeit his office of State Representative.

Mr. Smith filed a Special Action Complaint in which he sought a declaratory judgment that various statutes contained in the Citizens Clean Elections Act are unconstitutional. He also sought to challenge the Commission’s decision to sanction him for violating his agreed-to spending limits, and requested that the Court vacate an Administrative Law Judge’s decision which upheld the Commission’s order. The State filed its own lawsuit which sought to have Mr. Smith ordered out of office, and the two matters were later combined. Judge Mark Aceto of the Superior Court found in the State’s favor and ordered Mr. Smith out of office. That decision was later upheld by both the Court of Appeals and the Arizona Supreme Court.

## RECOMMENDATIONS FOR CHANGES TO THE LAW

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1. Remove the provisions that Arizona courts have found unconstitutional:
  - I. Lobbyist fee provision, A.R.S § 16-944, and
  - II. Duties of Commission on Appellate Court Appointments and members of the Supreme Court. A.R.S § 16-955.
2. Modify the filing timeframes:
  - I. Begin the Qualifying Period after the preceding general election, and
  - II. End the Qualifying Period 49 days before the primary election, rather than 75 days prior to the general election. A.R.S § 16-961 (B) (3).
  - III. Begin the Exploratory Period after the preceding general election and ending August 1<sup>st</sup> in a year preceding an election for a statewide office candidate, or on January 1<sup>st</sup> of an election year for a legislative office candidate. A.R.S § 16-961 (B) (2).
3. Modify reporting requirements for candidates:
  - I. Additional filings for participating candidates:
    - a. File a campaign finance report after the end of the qualifying period to determine if early contributions have been spent or need to be returned to the Clean Elections Fund, and
    - b. File a campaign finance report when applying for certification to be a participating candidate. A.R.S § 16-947.
  - II. Reduce the reporting requirements for nonparticipating candidates by only requiring the original and supplemental trigger reports when a nonparticipating candidate is opposed in the primary and general elections by a participating candidate. A.R.S §§ 16-941(B)(2) & -958.
4. Simplify the process for qualifying for funding:
  - I. Participating candidates would be required to file the Application for Funding at the end of the qualifying period, rather than a week after the end of the qualifying period,
  - II. Qualifying contribution forms would first checked by the Secretary of State's Office,
  - III. Include a provision for a supplemental filing of qualifying contributions if the candidate fails to qualify for funding the first time, and
  - IV. Increase the random sample for legislative office candidates to 20 percent from 5 percent. A.R.S §16-950.
5. Amend primary matching funds provision so that participating candidates do not receive matching funds until the amount spent by a non-participating opponent and any independent

expenditures exceeds the sum of the spending limit and any early contributions raised by the participating candidate pursuant to ARS §16-945.

6. Strengthen enforcement authority and civil penalties:
  - I. General enforcement authority is given to impose civil penalty up to \$1,000 for any violation where no penalty is specified. A.R.S. § 16- 942.
  - II. Require that clean elections funding only be used for campaign expenses, not personal expenses, and provides for repayment of misspent monies. A.R.S. § 16-948.
  - III. Adds provision to impose a civil penalty of \$500 a day against a political committee for not complying with the Act's reporting requirements. A.R.S § 16-942.
7. Prohibit participating candidates from accepting qualifying contributions prior to being certified as a participating candidate pursuant to A.R.S § 16-947. A.R.S § 16-946(A).
8. Voter Education. For the candidate statement pamphlet published by the Commission, require candidate statements to be about the candidate, not to attack an opponent, and authorize the Commission to reject statements that do not conform to these requirements. A.R.S § 16-956(A)(1).
9. Express Advocacy Definition. §16-901.01 should be amended to reflect the U.S. Supreme Court's ruling in McConnell v. FEC regarding regulation of "electioneering communications."
10. Increase funding for participating candidates for all offices.

## STAFF DUTIES

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### **Executive Director**

Facilitate achievement of the Commission's goals and objectives. Direct agency operations and supervise staff, advise and support the Commission, oversee and monitor the implementation of the Commission policies and procedures, publications and forms. Advise the Commission on potential and pending issues and provide and establish efficient and effective mechanisms of communication among various stakeholders of the Act. Oversee and monitor the implementation of Commission policies and procedures. Set agenda and prepare materials for Commission and committee meetings. Serve as the Commission's representative to the Legislative and Executive Branch. Educate and assist candidates in compliance with reporting requirements, limits, and prohibitions, and assist candidates in participating and obtaining public funding.

### **Deputy Director**

Serve as advisor to the Executive Director and assist in the daily administration and management of agency operations. Provide assistance and support to Executive Director in all aspects of staff supervision including program management, performance evaluations, strategic planning, implementation of Commission policies and special projects as requested. Provide oversight, direction and assistance to agency staff on voter education, public relations, candidate education, candidate debates, compliance programs, budgeting, annual reports, financial systems and other areas as directed or needed. Serve in an external relations function through public speaking engagements, and through membership, participation and involvement in relevant civic and professional organizations. Assist Executive Director in serving as a liaison to state agencies, legislators, other intergovernmental jurisdictions. Acts as the agency's Information & Technology coordinator

### **Executive Assistant**

Manage human resource procedures and systems requirements. Serve as agency liaison to candidates and other state agencies. Provide technical service, assistance and training to Commission staff. Assist the Executive Director in the development of operating policies and procedures; assist in long-range organization planning; conduct special studies; recommend changes to correct operating deficiencies; recommend improvements to the provision of services to the public; prepare administrative directives; provide assistance and guidance as requested; represent the Executive Director at meetings involving personnel, government officials, political candidates and public leaders; prepare a variety of administrative reports; supervise personnel; assist Executive Director in executing the Citizens Clean Elections Act.

### **Fiscal Services Manager**

Review, monitor and control amounts expended from the budget to assure that expenditures do not exceed funds available; report problems to Executive Director; and read and analyze budget requests, gather data, confer with agency personnel, and make budget recommendations. Serve as the primary liaison between the Commission and the General Accounting Office, vendors and other subcontractors for the proper functioning of all financial systems and transactions. Develop standard operating procedures for all financial procedures relating to Commission activity. Gather and compile data and write detailed reports summarizing financial transactions and status of accounts for a given period; allocate funds to agency programs including voter education, administration and enforcement; and compose directives and procedures as these relate to financial activities of the agency. Develop, maintain, and manage complex database applications to support administration of all Commission programs and activities. Maintains agency's inventory;.

### **Voter Education Manager**

Responsible for the development and distribution of the Candidate Statement Pamphlet to every household with a registered voter. Provide advice and guidance to debate sponsors and candidates for candidate debates. Manage all aspects of publicity, marketing and educational publications for the Commission, including advertising the Commission activities for debates, candidate statement pamphlets, and tax donations in newspapers, on radio, and other media. Travel statewide to provide educational seminars to candidate committees and community groups. Work with elected officials, community leaders, large and small employers, political parties, media and other state and local officials to enhance the understanding of the Act. Develop and circulate a quarterly *Bulletin*, updating interested parties on topics of interest regarding the Act. Provide updates for the website. Create informational brochures and handouts for distribution to voters. Establish fundamental measures for the execution of bi-yearly market research. Develop, maintain, and manage complex database applications to support administration of all Commission programs and activities.

### **Campaign Finance Manager**

Monitor and review both participating and nonparticipating candidate campaign finance reports. Calculate matching funds for participating candidates based on nonparticipating candidate campaign finance reports. Maintain contact with campaign treasurers and Secretary of State Elections staff. Responsible for the enforcement complaint process, including investigation and analysis; making recommendations to the Executive Director regarding the statute or rule violation; and tracking each complaint on the complaint tracking database program. Determines one-party-dominant legislative districts. Monitor and track independent expenditures for possible matching funds.

## **Administrative Counsel**

Under direction of the Executive Director, is responsible for professional legal work of considerable difficulty; handles cases involving new and often large election and campaign finance matters, precedent setting research and case presentation; opinion on legal issues and development of legislative amendments and rules may have consequences which affect the direction of agency policy; does independent research; guides the research of other staff members; and performs related duties as required.

## **Administrative Assistant III**

Provide administrative assistance to the Executive Director and Commission. Provide support in the preparation and execution of monthly Commission meetings, including posting meeting agendas, drafting meeting mailings, ensuring meeting materials are delivered to commissioners prior to meetings. Maintain records for compliance with open meeting law requirements, organizes and maintains meeting materials, and responsible for audiotape recording of regular meetings and executive sessions. Monitor inventory and office supplies. Produce computer-generated letters, memorandum and reports, and assists with front desk duties when necessary.

## **Administrative Assistant II**

Provide administrative support to staff as needed. Answer incoming calls, draft letters, memos, agendas, and faxes. Schedule project and client meetings on and off-site, and contact attendees to determine availability and to confirm meetings. Photocopy and distribute memos, correspondence and routine mailings. Prepare documents for mailing, open and distribute mail, and oversee mail meter. Monitor receipt of facsimiles, ensures supplies for copy machines and printer, and organize electronic mail distribution lists.

## Caps on Expenditures

The Act prescribes certain caps on expenditures from the Citizens Clean Elections Fund. Pursuant to A.R.S. § 16-949(A), the Commission shall not spend more than \$5 times the number of Arizona resident personal income tax returns filed during the previous calendar year on all costs incurred under the law during a particular calendar year. Therefore, based on the number of personal income tax returned filed in 2005 (2,463,898), the expenditure cap for 2006 was \$12,319,490.

In addition to the overall expenditure cap the Act requires a cap on expenditures for administration and enforcement activities. The Commission may use up to 10 percent of the expenditure cap for costs related to administration and enforcement pursuant to A.R.S. § 16-949(B). The Commission spent \$663,793 or 5.4 percent for administration and enforcement.

Moreover, the Commission is required to spend 10 percent of its annual expenditure cap for voter education. In 2006 the Commission spent \$3,349,528 or 27 percent for voter education.

## FINANCIAL INFORMATION

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Sources of Revenue  
Citizens Clean Elections Fund  
AFIS Fund Number 2425  
For calendar year 2006  
(Unaudited)

<b>FINES, FORFIETURES &amp; PENALTIES</b>	
Court Assessments <sup>1</sup>	\$9,083,634
Commission Assessments <sup>2</sup>	\$6,868
<b>OTHER REVENUE</b>	
\$5 Tax Reduction Check-offs	\$5,134,136
Tax Credit Donations	\$153,221
Candidate Qualifying Contributions	\$433,979
Miscellaneous	\$16,317
<b>TOTAL REVENUE</b>	<b>\$14,828,155</b>

<sup>1</sup> This line item reflects the 10% surcharge imposed on all civil and criminal fines and penalties.

<sup>2</sup> This line item reflects Commission imposed penalties on candidates.

**2006 Calendar Year-to-Date Expenditure  
Summary by Function**  
**REVISED**

EXPENDITURES	Administrative and Enforcement	Voter Education	Campaign Funds	Total
Personal Services	283,619	225,128	0	508,747
Employee-Related Expenditures	67,705	55,695	0	123,399
Professional & Outside Services	177,954	1,237,981	0	1,415,935
Travel In-State	9,883	1,778	0	11,662
Travel Out-of-State	2,261	0	0	2,261
Aid to Individuals/Organizations	0	0	9,450,648	9,450,648
Other Operating Expenditures	114,665	1,825,573	0	1,940,238
Capital Equipment	0	383	0	383
Non-Capital Equipment	7,316	2,989	0	10,305
Operating Transfers Out	391	0	0	
<b>Total Expenditures</b>	<b>-663,793</b>	<b>-3,349,528</b>	<b>-9,450,648</b>	<b>-13,463,578</b>