



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

Location: Citizens Clean Elections Commission

1110 W. Washington, Suite 250

Phoenix, Arizona 85007

Date: Thursday, September 21, 2023

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 21, 2023. This meeting will be held at 9:30 a.m. **This meeting will be held in person and virtually.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at ccec@azcleanelections.gov.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/87487721619>

Meeting ID: 874 8772 1619

Please note that members of the public that choose to use the Zoom video link must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may use the Zoom raise hand feature and once called on, unmute themselves on Zoom once the meeting is open for public comment. Members of the public may participate via Zoom by computer, tablet or telephone (dial in only option is available but you will not be able to use the Zoom raise hand feature, meeting administrator will assist phone attendees). Please keep yourself muted unless you are prompted to speak. The Commission allows time for public comment on any item on the agenda. Council members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing Council staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Meeting Minutes for August 24, 2023.
- III. Discussion and Possible Action on Executive Director's Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action regarding adoption of Proposed Rule R2-20-805 (Disclaimers) pursuant to the Voter's Right to Know Act, Proposition 211 including discussion of comments and suggestions to make changes to the rule.
- V. Discussion of Voter's Right to Know Act, Chapter 6.1 of Arizona Revised Statutes Title 16, including pending rules and comments related to pending rules. **The Commission will not vote on adoption of these proposed rules at this time.**

R2-20-809 - Complaint Procedures.

R2-20-810 - Response Procedures.

R2-20-811 - Investigation and Enforcement Procedures.

R2-20-812 - Enforcement Hearing Procedures.

R2-20-813 - Transactions and Structuring.
- VI. Discussion and possible action on suggestions for additional rulemaking including clarification of terms in the definition of campaign media spending and guidelines for donors to follow in response to request from covered persons as provided in the Voter's Right to Know Act.
- 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, 1110 W Washington St, #250, Phoenix, AZ 85007.

Dated this 19th day of September, 2023

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
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
August 24, 2023
9:30 a.m.

By: Kathryn A. Blackwelder, RPR
Certified Reporter
Certificate No. 50666

**CERTIFIED
TRANSCRIPT**

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<p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on 3 August 24, 2023, at the State of Arizona, Clean 4 Elections Commission, 1110 West Washington, Conference 5 Room, Phoenix, Arizona, in the presence of the 6 following Board Members: 7 8 Mr. Mark Kimble, Chairman Mr. Galen Paton Ms. Amy Chan (Videoconference) 9 Mr. Damien Meyer (Videoconference) Mr. Steve Titla (Videoconference) 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director Paula Thomas, Executive Officer 13 Mike Becker, Policy Director Alec Shaffer, Web Content Manager 14 Avery Xola, Voter Education Manager (Videoconference) 15 Kara Karlson, Assistant Attorney General Mary O'Grady, Osborn Maledon 16 (Videoconference) Cathy Herring, Staff 17 Rivko Knox, Member of the Public (Videoconference) 18 Nathan Madden, Member of the Public (Videoconference) 19 Eli Dalton Webb, Member of the Public (Videoconference) 20 21 22 23 24 25</p>	<p>1 speaking. Commissioner Chan? 2 COMMISSIONER CHAN: I was going to move that 3 we adopt the minutes as written. 4 CHAIRMAN KIMBLE: Okay. It's been moved that 5 we adopt the minutes for the July 27, 2023 meeting. Is 6 there a second? 7 COMMISSIONER MEYER: I'll second. 8 COMMISSIONER PATON: I'll second. 9 CHAIRMAN KIMBLE: I heard Commissioner Meyer 10 first. 11 COMMISSIONER PATON: Okay. That's fine. 12 CHAIRMAN KIMBLE: So it's a second by 13 Commissioner Meyer. 14 I'll call the roll. Commissioner Chan. 15 COMMISSIONER CHAN: I vote aye. 16 CHAIRMAN KIMBLE: Commissioner Meyer. 17 COMMISSIONER MEYER: Here -- or, aye. 18 CHAIRMAN KIMBLE: Commissioner Paton. 19 COMMISSIONER PATON: Aye. 20 CHAIRMAN KIMBLE: Chair votes aye. The 21 minutes are approved 4-nothing. 22 Item III, discussion and possible action on 23 the Executive Director's Report. Tom. 24 MR. COLLINS: Yes. Thank you, Mr. Chairman, 25 Commissioners. Just to hit some of the highlights from</p>
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<p>1 P R O C E E D I N G 2 CHAIRMAN KIMBLE: Good morning. Item I on 3 our Agenda today is call to the order -- call to order. 4 It's 9:30 a.m. on August 24th, 2023. I call this 5 meeting of the Citizens Clean Elections Commission to 6 order. 7 With that, we will take attendance. 8 Commissioners, please identify yourselves for the 9 record. 10 COMMISSIONER PATON: Galen Paton. 11 COMMISSIONER MEYER: Damien Meyer. 12 COMMISSIONER CHAN: Amy Chan. 13 CHAIRMAN KIMBLE: And Commissioner Titla, are 14 you here? 15 MS. THOMAS: He's running a little late. 16 He'll -- 17 CHAIRMAN KIMBLE: He's late. Okay. 18 MS. THOMAS: -- jump on shortly. 19 CHAIRMAN KIMBLE: We do have a quorum. And I 20 am Chairman Kimble. 21 Item II, discussion and possible action on 22 minutes for the July 27th, 2023 meeting. Is there any 23 discussion on the minutes? 24 COMMISSIONER CHAN: Mr. Chairman. 25 CHAIRMAN KIMBLE: I couldn't tell who was</p>	<p>1 the last month, the qualifying period for clean 2 candidates began on August 1, which means that 3 candidates who are going to participate in the public 4 financing program can -- are out -- are out there now 5 collecting \$5 contributions and we're providing 6 trainings to those candidates. 7 And since the last time we met, the 8 Legislature finally adjourned, for what it's worth. 9 There is a report on the final disposition of the bills 10 that we are following in the materials, if you have a 11 chance to look at it. 12 You can see that, you know, we continue to 13 have an active outreach agenda and -- and -- despite it 14 being summer. 15 And then I guess I categorized this wrong, 16 but I also wanted to mention that Kara, our long-time 17 Assistant Attorney General, is now a Senior Litigation 18 Counsel at the Attorney General's Office. So that's 19 exciting and a warranted recognition of her 20 contributions certainly to our agency and to the 21 Attorney General's Office as well. 22 I wanted to mention that the -- if you all 23 are interested, the Election Procedures Manual process 24 is in the phase now where they've collected public 25 comment, and the Secretary's Office is going through</p>

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<p>1 and compiling that before they will send whatever their</p> <p>2 sort of final edition is to the Attorney General and</p> <p>3 the Governor. And then, you know, there were some</p> <p>4 materials made available by the Bipartisan Elections</p> <p>5 Task Force that Governor Hobbs convened, and those --</p> <p>6 the proposals that at least have been disclosed are in</p> <p>7 the -- are in the packet.</p> <p>8 I think that those are the main -- the main</p> <p>9 -- the main issues I wanted to hit. You know, we do</p> <p>10 currently -- just so we're all clear, we have, and I</p> <p>11 think this is right, we have three active lawsuits</p> <p>12 related to Prop 211. They're in various stages of</p> <p>13 briefing. And so, you know, we'll see how that</p> <p>14 develops. And if we need to, you know, bring you more</p> <p>15 details on those, we will.</p> <p>16 The two immediate pending issues are, you</p> <p>17 know, the Center for Arizona Policy and the Free</p> <p>18 Enterprise Club filed an amended complaint that we will</p> <p>19 have to address, and then the President -- the</p> <p>20 President of the Senate and Speaker of the House filed</p> <p>21 their own action, along with a motion for preliminary</p> <p>22 injunction, which is -- that case is framed around</p> <p>23 essentially separation-of-powers-type issues.</p> <p>24 So that really concludes the Executive</p> <p>25 Director's Report for this month, unless anyone has any</p>	<p>1 folks that we hadn't previously heard from.</p> <p>2 CHAIRMAN KIMBLE: Any other comments or</p> <p>3 questions from the Commissioners?</p> <p>4 (No response.)</p> <p>5 CHAIRMAN KIMBLE: Thank you. Move on to</p> <p>6 Item IV, discussion and possible action regarding</p> <p>7 adoption of proposed rules related to the Voters' Right</p> <p>8 to Know Act, Proposition 211.</p> <p>9 We've been taking public comment on the first</p> <p>10 set of rules to implement Proposition 211. Just by way</p> <p>11 of background, for those attending either here or</p> <p>12 online, Proposition 211 is an initiative passed by some</p> <p>13 70 percent of the voters in 2022. It requires the</p> <p>14 disclosure of the original sources of funding for large</p> <p>15 campaign media expenditures, \$50,000 for statewide</p> <p>16 elections and \$25,000 for smaller elections. It</p> <p>17 includes local elections and initiative and referendum</p> <p>18 campaign media spending.</p> <p>19 Proposition 211 tasks this Commission with</p> <p>20 rulemaking in several areas. The first set of rules</p> <p>21 generally deals with basics like calculating due dates</p> <p>22 and definitions. It also deals with more technical</p> <p>23 aspects of the Act, such as the opt-out requirement.</p> <p>24 Under Proposition 211 people who have to file reports</p> <p>25 must notify donors of their opportunity to opt out of</p>
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<p>1 questions or -- and assuming I haven't missed anything.</p> <p>2 COMMISSIONER PATON: I have a question.</p> <p>3 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>4 COMMISSIONER PATON: So how many do we -- are</p> <p>5 we having good participation on the trainings or...</p> <p>6 MR. COLLINS: Mike, do you want to -- I don't</p> <p>7 know what the right way to -- do you have a sense of</p> <p>8 that?</p> <p>9 MR. BECKER: We've had -- Mr. Chairman,</p> <p>10 Commissioners, we have put on three workshops so far</p> <p>11 and we've had a total of eight people attend, so that's</p> <p>12 not too bad this early in the game, so we're doing</p> <p>13 pretty well.</p> <p>14 MR. COLLINS: We are --</p> <p>15 COMMISSIONER PATON: Thank you.</p> <p>16 MR. COLLINS: I'm sorry. I wanted to add, we</p> <p>17 are continuing to do -- I mean, Avery was out at an</p> <p>18 event and directly talked about participation last</p> <p>19 week. You know, Mike, Avery, and I have all met with a</p> <p>20 number of different folks who represent different</p> <p>21 organizations that work with candidates about the</p> <p>22 participation. So, you know, we're -- you know,</p> <p>23 it's -- you know, obviously participation has been</p> <p>24 lower, but -- but, you know, we'll -- I think there's</p> <p>25 some demand there or at least some interest from some</p>	<p>1 having the donations used for campaign media spending.</p> <p>2 Another technical provision is how to address a</p> <p>3 person's claim that revealing their identity would</p> <p>4 cause them harm.</p> <p>5 Beginning next month we'll look at additional</p> <p>6 rules related to enforcement of the Act.</p> <p>7 As you can see in the memo staff has</p> <p>8 prepared, there are several rules for which we have</p> <p>9 de minimus changes -- which I understand is lawyer talk</p> <p>10 for minor, insignificant -- going back to English --</p> <p>11 changes or received no comments upon. If the</p> <p>12 Commission would like, we can discuss those first and I</p> <p>13 would entertain a motion to adopt, then I would move to</p> <p>14 the rules that received more comments.</p> <p>15 So the first rules I'd like to consider are:</p> <p>16 R2-20-802, time calculations; R2-20-807, recordkeeping;</p> <p>17 and R2-20-808, advisory opinions. Is there any</p> <p>18 discussion or questions for staff on those rule --</p> <p>19 proposed rules from Commissioners?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN KIMBLE: Hearing none, is there</p> <p>22 anyone who wishes to make a comment on these three</p> <p>23 proposed rules?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN KIMBLE: No one here in -- in the</p>

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<p>1 room. Is there anyone on Zoom who wants to make a 2 comment? 3 (No response.) 4 CHAIRMAN KIMBLE: Okay. Not -- not seeing 5 anyone. Is there a motion on those three items? 6 COMMISSIONER CHAN: Mr. Chairman. 7 CHAIRMAN KIMBLE: Commissioner Chan. 8 COMMISSIONER CHAN: I'll move that we adopt 9 the three items you named, it's Item -- under our 10 Agenda Item IV it's Items B, G, and H, I believe. 11 CHAIRMAN KIMBLE: Is there a second? 12 COMMISSIONER MEYER: I'll second. 13 CHAIRMAN KIMBLE: Seconded by Commissioner 14 Meyer. 15 Just to clarify, Commissioner Chan's motion 16 refers to R2-20-802, R2-20-807, and R2-20-808. 17 Any discussion on the motion? 18 (No response.) 19 CHAIRMAN KIMBLE: I will call the roll. 20 Commissioner Chan. 21 COMMISSIONER CHAN: Aye. 22 CHAIRMAN KIMBLE: Commissioner Meyer. I 23 think you -- 24 COMMISSIONER MEYER: Aye. Aye. 25 CHAIRMAN KIMBLE: Thank you, Commissioner</p>	<p>1 but not substantial changes to the -- to the rules. We 2 also got, across all four of those rules that the 3 Chairman identified, I think, suggestions within those 4 memos from -- that we've -- that, you know, call for, 5 you know, maybe additional review, additional 6 rulemaking down the road. 7 So, you know, I think that what we tried to 8 do in evaluating these comments and how to incorporate 9 changes, you know, was look at whether or not, you 10 know, we -- the suggestion would create an 11 administrative burden or enmesh the Commission in more 12 transactions than it may otherwise have been, right. 13 Our staff, our perspective was, to the extent 14 that we could -- that the statute is -- already speaks 15 to an issue and that there is -- and that there is a 16 place for a procedural rule on our part, like how to 17 access the exemption or how to go through the opt-out 18 process, you know, that we would adhere to those and 19 try to, you know -- and try to, you know -- and try to 20 not get into every different level of -- of possible 21 transaction, you know. There is -- there's good 22 reasons for that in terms of allowing, underneath the 23 statute itself, the regulated folks to be able to, you 24 know -- you know, make as many -- what reasonable -- 25 what choices are reasonable to them within the law.</p>
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<p>1 Meyer. 2 Commissioner Paton. 3 COMMISSIONER PATON: Aye. 4 CHAIRMAN KIMBLE: Chair votes aye. Those 5 three rules are approved 3-to-nothing. 6 Next set of rules I'd like to discuss are -- 7 COMMISSIONER PATON: 4-to-nothing. 8 CHAIRMAN KIMBLE: 4-to-nothing. I'm sorry. 9 Thank you, Commissioner Paton. 10 The next rules I'd like to discuss are: 11 R2-20-801, definitions and rules of construction; 12 R2-20-803, opt-out notices under A.R.S. 16-972; 13 R2-20-804, exemptions from disclosure under A.R.S. 14 16-973; and R2-20-806, communication with Commission 15 staff and others before the Commission. 16 First I'd like to have Tom give us an 17 overview of the comments that we've received on this, 18 then I'd like to hear any questions from Commissioners 19 and then any public comment, if there is any, on these 20 items. Tom. 21 MR. COLLINS: Yes. Thank you, Mr. Chairman 22 and Commissioners. I don't want to, you know, entirely 23 rehash what's -- what's in the memo. I think that, you 24 know, we got some very helpful comments, some comments 25 that are generally, you know, I think are improvements,</p>	<p>1 I think that, you know -- I think that on the 2 opt-out, you know, the principal issues seem to be, 3 one, there is, you know -- because the campaign media 4 spending definition is not the same as the definitions 5 of who gets reported for a political committee, there 6 is going to be some -- some distinct -- some PACs may 7 be in a position where they have to tell folks that, 8 well, you may not be disclosed on this side, but you 9 may be disclosed on another side. That was a point 10 that one of the -- one of the commenters raised. You 11 know, that was the kind of thing where, you know, it 12 may not be, you know, a rule that is -- that addresses 13 that, there may be some other way of addressing that 14 down the road. 15 You know, we also -- as I said, in one -- one 16 of the comments had to do with the, you know, the fact 17 that the Act allows people to give their consent to 18 their dollars being used for campaign media spending up 19 front. And, again, that was one of those issues where 20 we sort of wanted to focus on, well, the statute 21 already says that. 22 So I think that overall, you know, I think 23 the comments were constructive. We -- the ones we have 24 suggested -- and I just want to make sure that we're 25 all working from a common, you know, point. The</p>

<p style="text-align: right;">Page 14</p> <p>1 changes, which, again, we don't think are substantial, 2 are outlined in the document called -- in your 3 materials called Text for Consideration and Adoption. 4 There are, you know, some changes outlined there, and 5 they're underlined, you know. And all of those, I 6 think, are clarifying and helpful, but don't change the 7 underlying substance of the -- of the rule 8 significantly. And I think that -- and my view is 9 that, for the most part, the comments we got did not 10 really, you know, say, you know -- you know, we need 11 to -- you know, you need to scrap this entire thing and 12 start over.</p> <p>13 There was one comment from the Campaign Legal 14 Center that did suggest getting rid of a section called 15 804 -- 804 -- I'm sorry -- 80 -- 803(E), which has to 16 do with when a donor can request to opt out. You know, 17 as I said when we introduced these rules, part of the 18 reason that that particular rule is there is in order 19 to -- because we think the question is going to come up 20 through -- and so the question is whether or not we 21 answer it now, in terms of a rule, or not. You know, 22 so we think that, given that that's sort of inevitably 23 a question and that there -- there -- to us, you know, 24 is consistent with the Act's overall thrust of giving 25 donors an opportunity to make choices about how their</p>	<p style="text-align: right;">Page 16</p> <p>1 side, on the other hand, the concern has been raised, 2 what do we do with those donors who don't want their 3 dollars to be used for a particular mailing or disagree 4 with something. So in that respect, I think that where 5 the regulated community is more informed on the 6 consequences of this than perhaps the -- you know, in 7 this context I think on balance it's appropriate still 8 to, you know, codify that, in fact, donors can, you 9 know, have a way to change their mind.</p> <p>10 And again, you know, as a regulator, or 11 anybody who's not deeply enmeshed in actual practice of 12 campaign finance in the -- in the real world, you know, 13 we don't know how the relationship between donors and 14 covered persons or spenders, you know, is going to work 15 in practice. And, in fact, you know, that's just the 16 nature of being on the outside looking in. But, you 17 know, I think it was striking that the folks who 18 represent the covered person community -- the donor 19 community did not see this as an issue.</p> <p>20 I think that -- one last thing I think 21 I've -- I think I ought to mention on that point. One 22 of the other commenters wanted, in the confidentiality 23 exemption proceeding, to have covered persons sort of 24 in that process. So if I'm a donor and I have a safety 25 issue or -- and I come to the Commission through one of</p>
<p style="text-align: right;">Page 15</p> <p>1 dollars are used, we think it's consistent with that. 2 One of CLC's direct criticisms was that it 3 believed that if donors have a right to opt out after 4 they've been given the opportunity to opt out and 5 chosen not to, that that will somehow cause covered 6 people -- so "covered people" is the legal term we use 7 now for filers, essentially, spenders.</p> <p>8 I'm sorry. Kara.</p> <p>9 MS. KARLSON: Yes. Excuse me. Mr. Chairman, 10 I just wanted to let the record reflect that 11 Commissioner Titla has signed on.</p> <p>12 CHAIRMAN KIMBLE: Thank you, Kara. Yes, 13 Commissioner Titla has joined us.</p> <p>14 Tom.</p> <p>15 MR. COLLINS: Okay. So the CLC's substantive 16 comment -- and the reason I'm spending time on this is 17 because they wanted -- they wanted this excised 18 completely, and I feel like it's worth spending a 19 little time on.</p> <p>20 That covered persons and donors will be in a 21 position where they're always in flux and covered 22 persons won't be able to make decisions about how to 23 account for, you know, the fact someone might decide 24 they want their dollars not used for campaign media 25 spending. On the donor side and the covered person's</p>	<p style="text-align: right;">Page 17</p> <p>1 the three ways you can do that, which is either court 2 order, statute, or -- or petitioning the Commission 3 itself, there was a suggestion that the covered -- that 4 the original source then would have to tell the covered 5 persons that they are -- you know, that their identity 6 is not to be revealed.</p> <p>7 But the reality is, and Campaign Legal Center 8 does observe this in its letter, that not all covered 9 persons and the original sources are going to interact 10 with one another. And so if the issue is an exemption 11 from the identity -- you know, putting the additional 12 burden on the person who just sought to have their 13 identity protected, to have to go out and tell people, 14 hey, my identity is protected, again, seemed like a 15 step into a relationship that the Commission really 16 doesn't need to be -- be a part of.</p> <p>17 And then lastly on that point, you know, 18 there was another comment suggesting we adopt a 19 specific rule specific to accounting for donors, so 20 donors have to provide, on request from the spender, 21 information on where they got the money.</p> <p>22 Our -- the rules we put forth, one of which 23 you already adopted, talk about, you know, a reasonable 24 recordkeeping process by which you have to be able to 25 explain how your -- how your transactions are working.</p>

<p style="text-align: right;">Page 18</p> <p>1 We think that that's sufficient and that in the 2 event -- and if we were to mandate anything about the 3 accounting itself, right -- I mean, the rule says you 4 have to keep track of what you're doing, it has to be 5 accurate, you have to be able to share it with somebody 6 in a way that the Commission can understand what you're 7 doing, that is all but saying use a reasonable 8 accounting method. 9 But as soon as you put the words "reasonable 10 accounting method" in a rule, we're going to be in a 11 position where we're going to be evaluating is the 12 accounting method reasonable, were the specific 13 rules -- I mean, you know -- you know, accounting is, 14 like the practice of law, a bit of an art and a bit of 15 a -- and a bit of a science. And, you know, we 16 don't -- intruding directly into whether or not people 17 are making decisions that are reasonable under 18 accounting standards is probably not where we want to 19 start, you know, this process. So I think the 20 recordkeeping rules, which no one objected to, plus the 21 fact that the statute itself does not allow for 22 structuring transactions to evade the Act, was 23 sufficient there. 24 Those are sort of the highlights that I 25 wanted to bring out from the -- from the evaluation.</p> <p style="text-align: right;">Page 19</p> <p>1 Obviously, I mean, there are other folks internally 2 who've -- who've worked on this with me, so I don't 3 know if there's anything they think that I need to put 4 on the record that I haven't. But those were -- those 5 were my main points, Mr. Chairman. 6 CHAIRMAN KIMBLE: Thank you, Tom. And 7 just -- just to be clear, staff is recommending that we 8 adopt 801 as it was written and then we adopt 803, 804, 9 and 806 with non-substantial changes that are -- that 10 are clear in the memo with those changes underlined. 11 Are there any questions or comments from 12 members of the Commission? 13 Commissioner Chan. 14 COMMISSIONER CHAN: Mr. Chairman, I just 15 wanted to -- I guess I don't even know if any of the 16 regulated community has offered comments or their 17 representatives are here today, but I really appreciate 18 the time they took to review our rules. I mean, I 19 know, you know, they and their clients will be the most 20 impacted by this initiative that voters approved, and 21 so therefore are the rules that we're going to be 22 promulgating and that we are promulgating, but I think 23 they're -- they obviously took the time to really think 24 about this and give very thoughtful input. 25 And I also want to commend staff, because I</p>	<p style="text-align: right;">Page 20</p> <p>1 know how much time they had to put into this as well. 2 It's a very meaty issue, and I think they deserve our 3 accolades as well. 4 I just wanted to ask one question. I think, 5 Tom, you laid out everything in a way that kind of 6 addressed any questions I had. The only thing -- and I 7 don't know if I'm missing the forest for the trees 8 here. The only thing I have a question on is the 9 StateCraft request that the Commission consider adding 10 in this new Subsection F to R-20-803. I was trying to 11 see if that was an exact kind of duplicate of what's in 12 statute or if they were trying to thread a needle and 13 address, with a little more detail, what -- what the 14 procedures would be or what the expectation would be 15 for that situation where somebody gives notice. 16 I just -- I'm not opposed to staff's 17 recommendations. I just -- and again, I know this may 18 seem minor in the face of the enormity of everything 19 we're tackling here today, but that was -- I wondered 20 if there was some benefit to adopting something to 21 address that, but, again, I wasn't sure. And I was 22 trying to pull up the statute, and I don't know if Tom 23 can speak to it off the top of his head at the moment, 24 but whether that was an exact duplicate, if there was 25 any benefit to considering adding that in, and also, if</p> <p style="text-align: right;">Page 21</p> <p>1 we did, would it delay the rules. I'm very concerned 2 about getting the rules implemented timely because of 3 the fact that we're already starting our election year, 4 basically. 5 CHAIRMAN KIMBLE: Thank you, 6 Commissioner Chan. 7 Tom. 8 MR. COLLINS: Mr. Chairman, Commissioner 9 Chan, I'm happy to. So this is at Page 2 of the 10 StateCraft memo. Are we talking about the Subsection F 11 or the Subsection G? 12 COMMISSIONER CHAN: I was talking about 13 Subsection F. Thanks for asking. 14 MR. COLLINS: Yeah. So, Mr. Chairman, 15 Commissioner Chan, that's a -- that's a good question. 16 And I think the way we see this -- and there may be -- 17 let me put it this way. There's certainly nothing that 18 we don't think we might look at either as an additional 19 issue down the road or, in some cases -- and, you know, 20 some of the things that people may see as we work 21 through this may turn out to be legislative issues, and 22 that will just be how it will be. 23 So this is a comment that says -- so 24 basically the section ahead of it talks about how you 25 deal with opt-out notices that are mandated by the</p>
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<p>1 statute. And then this starts with, "notwithstanding</p> <p>2 the foregoing." So it says it's going to be an</p> <p>3 exception to the overall rule that applies to everyone,</p> <p>4 right, and the exception is going to be for a covered</p> <p>5 person that is also a registered political action</p> <p>6 committee, okay.</p> <p>7 So just to that -- just to walk through how</p> <p>8 this operates, what they said -- proposed to have is an</p> <p>9 exception to the existing -- to the rest of the rule</p> <p>10 for political action committees. And then it says</p> <p>11 that, you know, their compliance will be determined,</p> <p>12 for this section and for the opt-out notice itself, by</p> <p>13 including, in a written solicitation of funds or in a</p> <p>14 written receipt provided to a donor, within 10 days of</p> <p>15 receiving the donor's monies, a clear and conspicuous</p> <p>16 written notice that the PAC is required by Arizona law</p> <p>17 to publicly report the name, et cetera, et cetera, of</p> <p>18 all out-of-state contributors and Arizona residents who</p> <p>19 contribute more than a hundred dollars per election</p> <p>20 cycle. Okay. So to the extent that they're abiding</p> <p>21 by -- that a person is abiding by the statutory</p> <p>22 language, which -- in 16-972, that there's nothing</p> <p>23 outside of that that they -- that they need to have an</p> <p>24 additional rule.</p> <p>25 The other potential problem here is that it</p>	<p>1 legislation. But the reality is that what you're</p> <p>2 telling your donors under 16-972 is just a different</p> <p>3 thing from what you're telling your donors under 16 --</p> <p>4 under the rest of Chapter 6.</p> <p>5 And so obviously I think it would be a good</p> <p>6 business practice for a covered person who is in the</p> <p>7 process of dealing with their donors to tell them the</p> <p>8 range of ways in which they might be disclosed. But</p> <p>9 this is not a -- but it's not -- it's not something</p> <p>10 that the statute, at least as we -- as we've been able</p> <p>11 to understand it so far, seems to contemplate.</p> <p>12 Now, if we're misunderstanding that, I'm sure</p> <p>13 we'll hear from folks and maybe get a little better</p> <p>14 understanding, but at this point --</p> <p>15 And I think the other thing I'll mention</p> <p>16 about the way that this is put together goes to your</p> <p>17 point, Mr. Chairman, Commissioner Chan, is this -- by</p> <p>18 constructing this with the "notwithstanding" clause, it</p> <p>19 essentially -- if we were to -- we wouldn't have needed</p> <p>20 to adopt this as an amendment essentially. It's</p> <p>21 essentially a -- it's not an amendment that's going to</p> <p>22 change the -- it's self-contained, I guess is what I'm</p> <p>23 trying to say. It's a new exception that's being</p> <p>24 brought in. So there's -- you know, so if we wanted to</p> <p>25 come back and look at what -- you know, how broad the</p>
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<p>1 -- by taking the PAC out of 972 entirely, it basically</p> <p>2 says, if you're a PAC, you're going to -- you're going</p> <p>3 to go down an alternate road from 972. And so as we</p> <p>4 understand this comment, it's basically asking us to</p> <p>5 create an exception to 972 that we don't understand at</p> <p>6 this point how that would be statutorily consistent</p> <p>7 with the existing language.</p> <p>8 Now, that said, the statute does allow for a</p> <p>9 person to affirmatively reach out. That's fine. It</p> <p>10 also allows for a person -- there's nothing that would</p> <p>11 prohibit a person from explaining if they have, you</p> <p>12 know -- you know, so you've got a donor, under the</p> <p>13 campaign media spending law, who's given you \$5,001 or</p> <p>14 \$5,000 and they're at risk of being disclosed. That</p> <p>15 notice is about campaign media spending. It's not</p> <p>16 about any other thing. So campaign media spending is</p> <p>17 not every expenditure by a political committee. It's</p> <p>18 a -- it's a subset of that.</p> <p>19 You know, if the concern here is there's</p> <p>20 somehow a redundancy or something like that, you know,</p> <p>21 I mean, we will continue to have a dialogue with the</p> <p>22 regulated community about ways we might be able to, you</p> <p>23 know, work within the statutory framework for that or,</p> <p>24 you know, if, in fact, someone concludes that there is</p> <p>25 a redundancy here, that, I think, could be remedied by</p>	<p>1 scope of the problem for PACs is and find a little --</p> <p>2 you know, maybe get a better understanding of what</p> <p>3 the -- what the statutory perspective that folks have</p> <p>4 is, you know, we could revisit that. And we're going</p> <p>5 to be open to that throughout the process.</p> <p>6 But at this point, you know, we just -- we</p> <p>7 don't have a solid understanding of how we get from the</p> <p>8 972 opt-out notice, which goes to campaign spending --</p> <p>9 campaign media spending and deals with folks who are</p> <p>10 giving at a higher level, with the general operation of</p> <p>11 a PAC. You know, so that's -- that was our -- so, you</p> <p>12 know, never say never, right, but we think that, at</p> <p>13 this juncture, we don't see it as an impediment to the</p> <p>14 rule moving forward. And moreover, you know, we do</p> <p>15 want to get the certainty associated with the rule in</p> <p>16 place, you know, and then work from there.</p> <p>17 CHAIRMAN KIMBLE: Commissioner Chan, does</p> <p>18 that address your concern or do you want to --</p> <p>19 COMMISSIONER CHAN: Yes.</p> <p>20 CHAIRMAN KIMBLE: -- propose some wording</p> <p>21 change?</p> <p>22 COMMISSIONER CHAN: No. That was -- no. I</p> <p>23 appreciate all of that very much. And thanks, Tom.</p> <p>24 CHAIRMAN KIMBLE: So you're comfortable with</p> <p>25 the wording as -- as we have it now?</p>

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<p>1 COMMISSIONER CHAN: I am, yeah.</p> <p>2 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>3 Any other concerns or comments by members of</p> <p>4 the Commission?</p> <p>5 (No response.)</p> <p>6 CHAIRMAN KIMBLE: Are there any members of</p> <p>7 the public who wish to comment on these four rule</p> <p>8 changes -- rules? Excuse me.</p> <p>9 (No response.)</p> <p>10 CHAIRMAN KIMBLE: I don't see anyone in the</p> <p>11 room and I don't see anyone on Zoom either.</p> <p>12 So I would -- I would propose that we</p> <p>13 consider all four of these rule changes together,</p> <p>14 meaning 801 as written, plus 803, 804, and 806 with</p> <p>15 some minor changes as indicated in our material, unless</p> <p>16 a member of the Commission wants to pull out one of</p> <p>17 those rules and discuss more or handle it separately.</p> <p>18 What is the -- what is the preference of the Commission</p> <p>19 as far as a motion?</p> <p>20 COMMISSIONER CHAN: Mr. Chairman, I'm happy</p> <p>21 to move all of those. I have a question about</p> <p>22 whether -- how easy it will be to move all of them and</p> <p>23 what the language would be as far as just -- perhaps do</p> <p>24 we say, as presented in the materials with the</p> <p>25 substantive -- or, with the non-substantive changes as</p>	<p>1 COMMISSIONER TITLA: Aye.</p> <p>2 CHAIRMAN KIMBLE: Thank you.</p> <p>3 Chair votes aye. The four rules are approved</p> <p>4 unanimously, 5-to-nothing. Thank you very much.</p> <p>5 Item V, discussion and possible action on</p> <p>6 proposed meeting dates for September through December</p> <p>7 of 2023. Commissioners, you should have all received</p> <p>8 -- had a chance to review the dates that Ms. Thomas has</p> <p>9 proposed. And the dates for future meetings are</p> <p>10 September 21st, October 26th, November 16th, and</p> <p>11 December 14th. Is there any discussion?</p> <p>12 (No response.)</p> <p>13 CHAIRMAN KIMBLE: Is there a motion to</p> <p>14 approve these four dates for future meetings?</p> <p>15 COMMISSIONER CHAN: Mr. Chairman, I move that</p> <p>16 we approve the future meeting dates.</p> <p>17 CHAIRMAN KIMBLE: Thank you,</p> <p>18 Commissioner Chan.</p> <p>19 Is there a second?</p> <p>20 COMMISSIONER MEYER: I'll second that.</p> <p>21 CHAIRMAN KIMBLE: Thank you,</p> <p>22 Commissioner Meyer.</p> <p>23 I'll call the roll. Commissioner Chan.</p> <p>24 COMMISSIONER CHAN: Aye.</p> <p>25 CHAIRMAN KIMBLE: Commissioner Meyer.</p>
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<p>1 proposed by staff?</p> <p>2 CHAIRMAN KIMBLE: I'll turn to Kara for that.</p> <p>3 MS. KARLSON: Yes, that would be fine.</p> <p>4 COMMISSIONER CHAN: Okay. In that case,</p> <p>5 Mr. Chairman, and hopefully I'm not jumping the gun</p> <p>6 here, but I'll go ahead and move that we adopt the</p> <p>7 proposed Rules R2-20-801, R2-20-803, R2-20-804, and</p> <p>8 R2-20-806. And to the extent that several of those</p> <p>9 have some non-substantive changes, that all of that be</p> <p>10 adopted together by the Commission today.</p> <p>11 CHAIRMAN KIMBLE: Is there a second?</p> <p>12 COMMISSIONER PATON: I'll second it.</p> <p>13 CHAIRMAN KIMBLE: It was seconded by</p> <p>14 Commissioner Paton.</p> <p>15 Any discussion among Commissioners?</p> <p>16 (No response.)</p> <p>17 CHAIRMAN KIMBLE: I will call the roll.</p> <p>18 Commissioner Chan.</p> <p>19 COMMISSIONER CHAN: Aye.</p> <p>20 CHAIRMAN KIMBLE: Commissioner Meyer.</p> <p>21 COMMISSIONER MEYER: Aye.</p> <p>22 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>23 COMMISSIONER PATON: Aye.</p> <p>24 CHAIRMAN KIMBLE: Chair votes aye.</p> <p>25 Oh, I'm sorry. Commissioner Titla.</p>	<p>1 COMMISSIONER MEYER: Aye.</p> <p>2 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>3 COMMISSIONER PATON: Aye.</p> <p>4 CHAIRMAN KIMBLE: Commissioner Titla.</p> <p>5 COMMISSIONER TITLA: Aye.</p> <p>6 CHAIRMAN KIMBLE: And Chair votes aye. The</p> <p>7 meeting dates are approved 5-to-nothing. Thank you.</p> <p>8 This is the time for consideration of</p> <p>9 comments and suggestions from the public. Action taken</p> <p>10 as a result of public comment will be limited to</p> <p>11 directing staff to study the matter or rescheduling the</p> <p>12 matter for further consideration and decision at a</p> <p>13 later date or responding to criticism. Please limit</p> <p>14 your comments to no more than two minutes.</p> <p>15 Does any member of the public wish to make</p> <p>16 comments at this time?</p> <p>17 Cathy, Paula, does anyone on Zoom want to</p> <p>18 make a comment?</p> <p>19 MS. HERRING: I don't see anyone on Zoom.</p> <p>20 CHAIRMAN KIMBLE: I don't see anyone either</p> <p>21 here in the room or on Zoom who wants to make a</p> <p>22 comment.</p> <p>23 MS. THOMAS: No.</p> <p>24 CHAIRMAN KIMBLE: The public may also send</p> <p>25 comments to the Commission by mail or e-mail at</p>

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1 ccec@azcleelections.gov.
2 Item VII, motion to adjourn. At this time, I
3 would entertain a motion to adjourn.
4 COMMISSIONER PATON: I'll make a motion to
5 adjourn.
6 CHAIRMAN KIMBLE: Thank you,
7 Commissioner Paton.
8 Is there a second?
9 COMMISSIONER CHAN: Second the motion.
10 COMMISSIONER MEYER: Second.
11 CHAIRMAN KIMBLE: Thank you,
12 Commissioner Chan.
13 I'll call the roll. Commissioner Chan.
14 COMMISSIONER CHAN: Aye.
15 CHAIRMAN KIMBLE: Commissioner Meyer.
16 COMMISSIONER MEYER: Aye.
17 CHAIRMAN KIMBLE: Commissioner Paton.
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN KIMBLE: Commissioner Titla.
20 COMMISSIONER TITLA: Aye.
21 CHAIRMAN KIMBLE: And the Chair votes aye.
22 We are adjourned. Thank you very much.
23 (The meeting concluded at 10:11 a.m.)
24
25

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; 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 had and adduced upon the
11 taking of said proceedings, all to the best of my skill
12 and ability.
13
14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.
17
18 DATED at Tempe, Arizona, this 27th day of
19 August, 2023.
20
21 
22 _____
23 Kathryn A. Blackwelder, RPR
Certified Reporter #50666
24
25

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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
September 21, 2023**

Announcements:

- The next consolidated election date is November 7, 2023.
 - The voter registration deadline is Tuesday, October 10.
 - Ballots begin going out Wednesday, October 11.
 - 12 counties are conducting local elections, ranging from school district elections to local referenda.
- Clean Elections' website has launched a page for poll workers. The page provides answers to frequently asked questions and links to each county's poll worker sign up page.

Voter Education and Outreach:

- Commission staff partnered with Maricopa Community Colleges, Arizona State University and other community organizations for National Voter Registration Day this week. Our activities included:
 - Gina and Dana Lewis, Pinal County Recorder, held a Q&A on Facebook Live for National Voter Registration Day
 - Avery partnered with MCC's Red Mountain Campus for National Voter Registration Day to inform and register students
 - Alec tabled an event at Scottsdale Community college for National Voter Registration Day to inform and register students
 - Avery collaborated with Watts College of Public Service and Community Solutions to celebrate National Voter Registration Day at the University Center.
- Last week we kicked off our fall outreach efforts including:
 - Gina and Avery participated in the Disability Voting Rights Week and National Voter Registration Day virtual training by Disability Advocacy Coalition and the Arizona Disability Voter Coalition.
 - Avery held a Civil Discourse workshop at Tempe Public Library to kick off National Constitution week.
 - Gina and Avery attended and presented at the Tribal County Summit in Camp Verde, AZ hosted by the Inter-Tribal Council of Arizona.

Later this month, Clean Elections kicks off a 3-part series leading up to the 2024 elections in partnership with the Flinn Foundation's Arizona Center for Civic Leadership. The first of these CivEx webinars will be September 27 and include Tom and Gina providing an overview on how to qualify for the ballot and campaign funding, as well as insights from campaign consultants Constantin Querard and Stacy Pearson.

- Debates: Gina, Tom and Paula are working with procurement on steps for securing 2024 broadcast debate partners.
- Voter Education Guide: Gina is working on updating the voter guide in response to research and the debate work group and identifying how changes will impact postage and production costs.

- Avery attended the Arizona Secretary of States Voter Engagement Committee's first meeting.
- Gina attended the annual Election Center conference in Orlando as a part of her CERA certification training.

Administration:

- The Election Procedures Manual should go to the Attorney General and the Governor for approval in the coming weeks.
- Gov. Hobbs Bipartisan Elections Task Force continues its work. Following the task force meeting last month, the Secretary of State's office circulated a list of proposals that have been advanced by group. It is attached.
- An organization filed a ballot measure that seeks to make changes to the Arizona Constitution that include an open primary (i.e. party affiliation does not matter), required the legislature and in the absence of action, the Secretary of State, to prescribe whether the general election will be a top 2 or 3 or more rank choice election, requires the presidential preference election, if it is held, to be open to all voters regardless of parties, and provides that "no expenditure of public monies shall be made for the administration of political party elections, including without limitation, the election of precinct committee officers, the presidential preference election, and partisan primary elections to nominate a candidate for public office." The ballot language is available here:
<https://apps.arizona.vote/electioninfo/assets/47/0/BallotMeasures/I-07-2024%20Make%20Elections%20Fair%20Arizona.pdf>.

Legal

- Center for Arizona Policy v. Arizona Secretary of State, CV2022-016564, Superior Court for Maricopa County.
 - Plaintiffs filed an amended complaint last month, following dismissal earlier this year.
- Americans for Prosperity v. Meyer, No. 2:23-cv-00470-ROS (D. Ariz.)
 - Suit challenging Prop. 211 on First Amendment grounds.
 - Commission, the VRKA Committee, and the Attorney General Office's have filed motions to dismiss. Briefing is ongoing.
- Toma v. Fontes, CV2023-011834, Superior Court for Maricopa County.
 - Lawsuit and related motion for preliminary injunction filed challenging Proposition 211 on separation of powers theories.
 - The leadership filed an amended complaint recently that alleges that the Commission's rulemaking has overstepped its authority under the VRKA in addition to its other claims. Among the specific rules the leadership takes issue with are the process for giving advisory opinions and the process for permitting donors to opt out of having their dollars used for campaign media spending.

- The Power of Fives, LLC v. Clean Elections, CV2021-015826, Superior Court for Maricopa County & Clean Elections v. The Power of Fives, LLC et al. CV2022-053917, Superior Court for Arizona. Various motions pending.
- Lake v. Richer, CV2023-051480, Superior Court for Maricopa County.
 - In this public records matter, Lake challenges the county's decision to withhold ballot affidavit envelopes on the basis that 16-168(F) makes signatures exempt and in the best interests of the state.
- Richer v. Lake, CV2023-009417, Superior Court for Maricopa.
 - Suit by Stephen Richer for libel over statements by Kari Lake.
- Arizona Free Enterprise Club v. Fontes, SI300CV202300202 (Yavapai County). Lawsuit challenges process Maricopa and many other counties use to verify signatures on vote by mail affidavit envelopes. County recorders compare those signatures to the entire record of signatures in the voter's file. In rejecting the Secretary and Intervenor-Defendant's motion to dismiss, the Superior Court stated that the relevant statute permitted comparison to the signature one gives as part of registering to vote, not subsequent signatures such as those captured from affidavit envelopes. Should this case conclude at the Superior Court along those lines, and be affirmed, it would mark a significant change in practice affecting many voters, especially those whose signatures on voter registration forms are old, as signatures evolve, or taken through a digital scanner as part of a Motor Vehicle Division application.
- Litigation challenging SB1485, HB2492 and HB2243, as well as SB1260 is ongoing.
 - In one of these matters, Mi Familia Vota v. Fontes, the District Court granted partial summary judgement to the Plaintiffs last week. The court found that federal law bars restrictions that HB 2492 placed on participation in presidential elections and mail in voting, and that HB2243's provisions regarding removal of voters violate a federal restriction on the process for removing voters from the roles. A trial is set on remaining claims.
 - HB 2492 sought to require people who had submitted a federal voter registration form to provide documentary proof of citizenship before voting in a presidential election. The federal form does not require the additional documentation, but allows registration where a person declares under penalty of perjury the person is a citizen. The bill also provided that documentary proof of citizenship was required to vote by mail. This too the court held was preempted by federal law, which provides for no such restriction.
- Appeals and special actions from election challenges are still pending in the Governor's and Attorney General's Office elections.

Appointments:

- No additional information at this time

Enforcement:

- MUR 21-01, TPOF, pending.

Regulatory Agenda:

The Commission may conduct a rulemaking even if the rulemaking is not included on the annual regulatory agenda.

If the Commission approves the items on the agenda day for public comment, the regulatory agenda will be updated.

The following information is provided as required by A.R.S. § 41-1021.02:

- Notice of Docket Opening:
 - R2-20-211. R2-20-220, R2-20-223- clarify roles of executive director and other representatives of the commission in enforcement proceedings. 28 A.A.R. 3489, October 28, 2022
 - R2-20-305 & R2-20-306 provide for a process to address complaints against a commissioner. January 20, 2023.
- Notice of Proposed Rulemaking:
 - R2-20-211. R2-20-220, R2-20-223- clarify roles of executive director and other representatives of the commission in enforcement proceedings. 28 A.A.R. 3409, October 28, 2022.
Notice of Proposed Rulemaking: 28 A.A.R. 3409, October 28, 2022
 - R2-20-305 & R2-20-306- - provide for a process to address complaints against a commissioner. January 20, 2023
 - R2-20-801 to R2-20-808 – providing for definitions, time computations, opt out notices, exemptions, disclaimers, communications with the Commission, record keeping, and advisory opinions, 29 A.A.R. 1571, July 14, 2023.
 - R2-20-810 to R2-20-813 – providing for complaint and enforcement process, including hearings. Submitted to the Secretary of State. Publication pending.
- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **None pending**
- Notice of Final Rulemaking:
 - Amendments to R2-20-220 and R2-20-223, 29 A.A.R. 994, May 5, 2023.
 - Amendments to R2-20-305 & R2-20-306, 29 A.A.R. 1549, July 14, 2023.
- Rulemakings terminated: Amendment to R2-20-211. 29 A.A.R. 1149, May 12, 2023.
- Privatization option or nontraditional regulatory approach considered: **None Applicable.**

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
1/1/2023	Jan 1	SOS		Begin filing Public Officers Annual Financial Disclosure Statement covering CY2022	18-444(D)	HOLIDAY
1/1/2023	Jan 1	SOS		Begin Filing 2022 4th Qtr Lobbyist Expenditure Report covering October 1, 2022 - December 31, 2022	41-1232.02(B) 41-1232.03(B)	HOLIDAY
1/1/2023	Jan 1	SOS		Begin Filing Principal and Public Body 2022 Annual Expenditure Reports covering January 1, 2022 - December 31, 2022	41-1232.02(A) 41-1232.03(A)	HOLIDAY
1/1/2023	Jan 1	SOS		Begin filing Standing Committee 2022 4th Qtr Campaign Finance Report covering October 23, 2022 - December 31, 2022	16-927(A)(2)(b) 16-928(B)	HOLIDAY
1/1/2023	Jan 1	SOS	ELEC	Begin filing PAC and Political Party 2022 4th Qtr Campaign Finance Report covering October 23, 2022 - December 31, 2022	16-927(A)(2)(b)	HOLIDAY
1/1/2023	Jan 1	SOS		Begin Filing Candidate 2022 4th Qtr Campaign Finance Report Covering October 23, 2022 - December 31, 2022 (Statewide and Legislative Candidates)	16-927(B)	HOLIDAY
1/1/2023	Jan 1	ELEC		Begin Filing Candidate 2022 4th Qtr Campaign Finance Report Covering October 23, 2022 - December 31, 2022 (Applicable County and Local Races)	16-927(B)	HOLIDAY
1/2/2023	Jan 2	SOS	REC	Begin compiling county-provided January 2 Voter Registration Report	16-168(G)(2)(a)	HOLIDAY
1/3/2023	AugE-210	BOS		Deadline for 210 day notice by Board of Supervisors for August 1, 2023 Election.	16-205(A)	
1/9/2023	Jan 9 (Second Monday in January)	SOS		Deadline for filing Biennial Principal or Public Body Registration Renewal for period covering 2022-2023	41-1232(C) 41-1232.01(C)	
1/17/2023	Jan 15 (Jan 16 is a holiday, moved to next business day)	SOS		Deadline for filing Standing Committee 2022 4th Qtr Campaign Finance Report covering October 23, 2022 - December 31, 2022	16-927(A)(2)(b) 16-928(B)	HOLIDAY
1/17/2023	Jan 15 (Jan 16 is a holiday, moved to next business day)	SOS	ELEC	Deadline for filing PAC and Political Party 2022 4th Qtr Campaign Finance Report covering October 23, 2022 - December 31, 2022	16-927(A)(2)(b)	HOLIDAY
1/17/2023	Jan 15 (Jan 16 is a holiday, moved to next business day)	SOS		Deadline for Filing Candidate 2022 4th Qtr Campaign Finance Report Covering October 23, 2022 - December 31, 2022 (Statewide and Legislative Candidates)	16-927(B)	HOLIDAY
1/17/2023	Jan 15 (Jan 16 is a holiday, moved to next business day)	ELEC		Deadline for Filing Candidate 2022 4th Qtr Campaign Finance Report Covering October 23, 2022 - December 31, 2022 (Applicable County and Local Races)	16-927(B)	HOLIDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
1/28/2023	MarE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for March 14, 2023 election	16-544(F)	SATURDAY
1/28/2023	MarE-45	REC		Mail UOCAVA ballots by 45th day before March 14, 2023 Election for all requests received on or before the 48th day before the election	16-543(A) MOVE Act	SATURDAY
1/31/2023	Jan 31	SOS		Election System Software Escrow Statement: Election vendors who have voting equipment certified for use in Arizona elections and whose equipment is currently in use or will be used in an upcoming election shall notify the Secretary of State, in writing, by January 31 of each year where the source code is held in escrow		
1/31/2023	Jan 31	SOS		Deadline for officeholders to file annual Financial Disclosure Statement	18-444(D)	
1/31/2023	Jan 31	SOS		Deadline for Filing 2022 4th Qtr Lobbyist Expenditure Report covering October 1, 2022 - December 31, 2022	41-1232.02(B) 41-1232.03(B)	
2/1/2023	Feb 1	SOS		Send Notices of Failure to File for Public Officers Annual Financial Disclosure Statements covering CY2023	38-544	
2/12/2023	MayE-93	REC		Begin accepting ballot-by-mail requests for May 16, 2023 Election (UOCAVA voters and protected voters under 16-153 can request ballots before this date.)	16-542(A)(B) 16-153	SUNDAY
2/13/2023	MarE-29 (until 11:59 pm)	REC		Last day to Register to Vote for March 14, 2023 Election (11:59 p.m.)	16-120(A)	
2/15/2023	MarE-27	ELEC		Begin Early Voting for March 14, 2023 Election	16-542(C)	
2/15/2023	MarE-27	REC		Mail Early Ballots for March 14, 2023 Election to voters on active early voting list and voters who have requested a one-time ballot-by-mail	16-544(F)	
2/15/2023	MarE-27	ELEC		Tallying of early ballots for March 14, 2023 Election may begin	16-550(B)	
2/25/2023	MarE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for March 14, 2023 Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
2/26/2023	MarE-16	SOS		Begin Filing Standing Committee 2023 March Pre-Election Campaign Finance Report covering January 1, 2023 - February 25, 2023	16-927(A)(2)(a) 16-928(B)	SUNDAY
2/26/2023	MarE-16	ELEC		Begin Filing Candidate Committee 2023 March Pre-Election Campaign Finance Report covering January 1, 2023 - February 25, 2023 (Local Jurisdictions Only)	16-927(A)(2)(a) 16-927(B)	SUNDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
3/1/2023	March 1	SOS		Deadline for Filing Principal and Public Body 2022 Annual Expenditure Reports covering January 1, 2022 - December 31, 2022	41-1232.02(A) 41-1232.03(A)	
3/3/2023	MarE-11	REC		Deadline for accepting requests for a Ballot-by-Mail for the March 14, 2023 Election	16-542(E)	
3/4/2023	MarE-10	SOS		Deadline for Filing Standing Committee 2023 March Pre-Election Campaign Finance Report covering January 1, 2023 - February 25, 2023	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
3/4/2023	MarE-10	ELEC		Deadline for Filing Candidate Committee 2023 March Pre-Election Campaign Finance Report covering January 1, 2023 - February 25, 2023	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
3/10/2023	MarE-4	ELEC		Deadline to Vote Early In-Person for the March 14, 2023 Election by 5:00 p.m.	16-542(E)	
3/14/2023	MarE (2nd Tuesday in March)	ALL		March 14, 2023 Election	16-204(F)(1)	
3/17/2023	MarE+3 business days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties that have a 4-day work week, the deadline will be the next business day: Monday March 20, 2023	16-579(A)(2) 16-550(A) Procedures Manual	
3/20/2023	MarE + 6	BOS		First day to canvass returns for March 14, 2023 Election	16-642(A) 16-645(A)	
4/1/2023	Apr 1	SOS		Begin filing 2023 1st Qtr Lobbyist Expenditure Report covering January 1, 2023 - March 31, 2023	41-1232.02(B) 41-1232.03(B)	SATURDAY
4/1/2023	Apr 1	SOS		Begin filing Standing Committee 2023 1st Qtr Campaign Finance Report covering February 26, 2023 - March 31, 2023	16-927(A)(2)(b) 16-928(B)	SATURDAY
4/1/2023	Apr 1	SOS		Begin filing PAC and Political Party 2023 1st Qtr Campaign Finance Report covering January 1, 2023 - March 31, 2023	16-927(A)(1)	SATURDAY
4/1/2023	Apr 1	ELEC		Begin filing Candidate 2023 1st Qtr Campaign Finance Report covering February 26, 2023 - March 31, 2023 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	SATURDAY
4/1/2023	Apr 1	SOS	REC	Begin compiling county-provided April 1 Voter Registration Report	16-168(G)(2)(b)	SATURDAY
4/1/2023	MayE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for May 16, 2023 Election	16-544(F)	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
4/1/2023	MayE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before May 16, 2023 Election	16-543(A)	SATURDAY
4/3/2023	MarE+20	BOS		Last day to canvass returns for March 14, 2023 Election	16-642(A) 16-645(A)	
4/11/2023	NovE-210	BOS		Deadline for 210 day notice by Board of Supervisors for November 7, 2023 Election	16-205(A)	
4/15/2023	Apr 15	SOS		Deadline for filing Standing Committee 2023 1st Qtr Campaign Finance Report covering February 26, 2023 - March 31, 2023	16-927(A)(2)(b) 16-928(B)	SATURDAY
4/15/2023	Apr 15	ELEC		Deadline for filing Candidate 2023 1st Qtr Campaign Finance Report covering February 26, 2023 - March 31, 2023 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	SATURDAY
4/17/2023	Apr 15	ELEC		Deadline for filing PAC and Political Party 2023 1st Qtr Campaign Finance Report covering January 1, 2023 - March 31, 2023	16-927(A)(1)	
4/17/2023	MayE-29	REC		Last day to register to vote for May 16, 2023 Election (11:59 p.m.)	16-120(A)	
4/19/2023	MayE-27	ELEC		Begin early voting for May 16, 2023 Election	16-542(C)	
4/19/2023	MayE-27	REC		Mail early ballots for May 16, 2023 Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-544(F)	
4/19/2023	MayE-27	ELEC		Tallying of early ballots for May 16, 2023 Election may begin	16-550(B)	
4/29/2023	MayE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for May 16, 2023 Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
4/30/2023	AugE-93	REC		Begin accepting ballot-by-mail requests for August 1, 2023 Election (UOCAVA voters and protected voters under 16-153 can request ballots before this date.)	16-542(A)(B) 16-153	SUNDAY
4/30/2023	May 1	SOS		Begin filing Standing Committee 2023 May Pre-Election Campaign Finance Report covering April 1, 2023 - May 6, 2023	16-927(A)(2)(a) 16-928(B)	SUNDAY
5/1/2023	Apr 30 (moved to next business day)	SOS		Deadline for filing 2023 1st Qtr Lobbyist Expenditure Report covering January 1, 2023 - March 31, 2023	41-1232.02(B) 41-1232.03(B)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
5/1/2023	May 1	ELEC		Begin filing Candidate 2023 May Pre-Election Campaign Finance Report covering April 1, 2023 - May 6, 2023 (Applicable County or Local Races)	16-927(A)(2)(a) 16-927(B)	
5/3/2023	AugE - 90	ELEC		Mail Notice of August 1, 2023 Election to Active Early Voters	16-544(D)	
5/5/2023	MayE-11	REC		Deadline for accepting requests for a ballot-by-mail for the May 16, 2023 Election	16-542(E)	
5/6/2023	MayE- 10	SOS		Deadline for filing Standing Committee 2023 May Pre-Election Campaign Finance Report covering April 1, 2023 - April 29, 2023	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
5/6/2023	MayE-10	ELEC		Deadline for filing Candidate 2023 May Pre-Election Campaign Finance Report covering April 1, 2023 - May 6, 2023 (Applicable County or Local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
5/12/2023	MayE - 4	ELEC		Deadline to Vote Early In-Person for the May 16, 2023 Election by 5:00 p.m.	16-542(E)	
5/16/2023	MayE (3rd Tuesday in May)	ALL		May 16, 2023 Election	16-204(F)(2)	
5/19/2023	MayE + 3 business days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties that have a 4-day work week, the deadline will be the next business day: Monday May 22, 2023	16-579(A)(2) 16-550(A) Procedures Manual	
5/22/2023	MayE + 6	BOS		First day to canvass returns for May 16, 2023 Election	16-642(A) 16-645(A)	
6/5/2023	MayE+20	BOS		Last day to canvass returns for May 16, 2023 Election	16-642(A)	
6/17/2023	AugE-45	REC		Deadline for Active early voters to notify county that an early ballot not be sent for August 1, 2023 Election	16-544(F)	SATURDAY
6/17/2023	AugE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before August 1, 2023 Election	16-543(A)	SATURDAY
7/1/2023	Jul 1	SOS	REC	Begin compiling county-provided July 1 Voter Registration Report	16-168(G)(2)(c)	SATURDAY
7/1/2023	Jul 1	SOS		Begin filing Standing Committee 2023 2nd Qtr Campaign Finance Report covering April 30, 2023 - June 30, 2023	16-927(A)(2)(b) 16-928(B)	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
7/1/2023	Jul 1	ELEC		Begin filing PAC and Political Party 2023 2nd Qtr Campaign Finance Report covering April 1, 2023 - June 30, 2023	16-927(A)(1)	SATURDAY
7/1/2023	Jul 1	ELEC		Begin filing Candidate 2nd Qtr Campaign Finance Report covering May 1, 2023 - June 30, 2023 (Applicable County or Local Races)	16-927(A)(2)(b) 16-927(B)	SATURDAY
7/1/2023	Jul 1	SOS		Begin filing 2023 2nd Qtr Lobbyist Expenditure Report covering April 1, 2023 - June 30, 2023	41-1232.02(B) 41-1232.03(B)	SATURDAY
7/3/2023	AugE-29	REC		Last day to Register to Vote for August 1, 2023 Election (Until 11:59 PM)	16-120(A)	
7/5/2023	AugE-27	ELEC		Begin early voting for August 1, 2023 Election	16-542(C)	
7/5/2023	AugE-27	REC		Mail early ballots for August 1, 2023 Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-544(F)	
7/5/2023	AugE-27	ELEC		Tallying of early ballots for August 1, 2023 Election may begin	16-550(B)	
7/15/2023	Jul 15	SOS		Deadline for filing Standing Committee 2023 2nd Qtr Campaign Finance Report covering April 30, 2023 - June 30, 2023	16-927(A)(2)(b) 16-928(B)	SATURDAY
7/15/2023	Jul 15	ELEC		Deadline for filing Candidate 2nd Qtr Campaign Finance Report covering May 1, 2023 - June 30, 2023 (Applicable County or Local Races)	16-927(A)(2)(b) 16-927(B)	SATURDAY
7/15/2023	AugE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for August 1, 2023 Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
7/16/2023	AugE-16	SOS		Begin filing Standing Committee 2023 Pre-Primary Campaign Finance Report covering July 1, 2023 - July 15, 2023.	16-927(A)(2)(a) 16-928(B)	SUNDAY
7/16/2023	AugE-16	ELEC		Begin filing Candidate 2023 Pre-Primary Campaign Finance Report covering July 1, 2023 - July 22, 2023 (Applicable County or Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
7/17/2023	Jul 15	ELEC		Deadline for filing PAC and Political Party 2023 2nd Qtr Campaign Finance Report covering April 1, 2023 - June 30, 2023	16-927(A)(1)	
7/16/2023	AugE-16	SOS		Begin filing Standing Committee 2023 Pre-Primary Campaign Finance Report covering July 1, 2023 - July 22, 2023	16-927(A)(2)(a) 16-928(B)	SUNDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
7/16/2023	AugE-16	ELEC		Begin filing Candidate 2023 Pre-Primary Campaign Finance Report covering July 1, 2023 - July 22, 2023 (Applicable County or Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
7/21/2023	AugE-11	REC		Deadline to accept requests for a Ballot-by-Mail for the August 1, 2023 Election	16-542(E)	
7/22/2023	AugE-10	SOS		Deadline for filing Standing Committee 2023 Pre-Primary Campaign Finance Report covering July 1, 2023 - July 15, 2023	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
7/22/2023	AugE-10	ELEC		Deadline for filing Candidate 2023 Pre-Primary Campaign Finance Report covering July 1, 2023 - July 22, 2023 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
7/28/2023	AugE-4	ELEC		Deadline to Vote Early In-Person for the August 1, 2023 Election by 5:00 p.m.	16-542(E)	
7/28/2023	AugE-4	ELEC		Begin emergency early voting in a manner prescribed by the BOS due to an emergency occurring between 5:00 p.m. on July 28, 2023 and 5:00 p.m. on July 31, 2023 that would prevent the elector from voting at the polls	16-542(H)	
7/31/2023	Jul 31	SOS		Deadline for filing 2023 2nd Qtr Lobbyist Expenditure Report covering April 1, 2023 - June 30, 2023	41-1232.02(B) 41-1232.03(B)	
7/31/2023	Jul 31	CCEC	SOS	End of CCEC Exploratory Period for 2024 Election. Exploratory Period covers November 9, 2022 - July 31, 2023	16-961(B)(2)	
8/1/2023	AugE (1st Tuesday in August)	ALL		August 1, 2023 Election	16-204(F)(3)	
8/1/2023	Aug 1	CCEC	SOS	Begin CCEC Qualifying Period for 2024 Election. Qualifying Period covers August 1, 2023 - July 30, 2024	16-961(B)(3)	
8/4/2023	AugE+3 business days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties with a 4-day work week, the deadline is the following Monday, August 7, 2023.	16-579(A)(2) 16-550(A) Procedures Manual	
8/6/2023	Nov E-93	REC		Begin accepting ballot-by-mail requests for November 7, 2023 Election (UOCAVA voters and protected voters under 16-153 can request ballots before this date.)	16-542(A)(B) 16-153	SUNDAY
8/7/2023	AugE+6	BOS		First day to canvass returns for August 1, 2023 Election	16-642(A)	
8/15/2023	MarE-210	BOS		Deadline for 210 day notice by Board of Supervisors for March 12, 2024 Election	16-205(A)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
8/21/2023	AugE+20	BOS		Last day to canvass returns for August 1, 2023 Election	16-642(A)	
9/14/2023	MarE-180	BOS		Deadline for jurisdictions to notify BOS of intent to hold March 12, 2024 election	16-226 (A)	
9/14/2023	MarE-180	BOS		Deadline for jurisdictions to call March 12, 2024 election	16-226 (A)	
9/21/2023	PPE-180			Deadline for Governor's proclamation to move PPE	16-241(B)	
9/21/2023	PPE-180	SOS		Begin filing period of New Party Petitions for Recognition in PPE	16-244(A)(2) 16-804	
9/23/2023	NovE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for November 7, 2023 Election	16-544(F)	SATURDAY
9/23/2023	NovE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before November 7, 2023 Election	16-543(A)	SATURDAY
10/1/2023	Oct 1	SOS		Deadline for Secretary of State to submit updated Elections Procedures Manual to Governor and Attorney General for review	16-452(B)	SUNDAY
10/1/2023	Oct 1	SOS		Begin filing Standing Committee 2023 3rd Qtr Campaign Finance Report covering July 16, 2023 - September 30, 2023	16-927(A)(2)(b) 16-928(B)	SUNDAY
10/1/2023	Oct 1	SOS	ELEC	Begin filing PAC and Political Party 2023 3rd Qtr Campaign Finance Report covering July 1, 2023 - September 30, 2023	16-927(A)(1)	SUNDAY
10/1/2023	Oct 1	ELEC		Begin filing Candidate 2023 3rd Qtr Campaign Finance Report covering July 23, 2023 - September 30, 2023 (Applicable County or Local Races)	16-927(A)(2)(b) 16-927(B)	SUNDAY
10/1/2023	Oct 1	SOS	REC	Begin compiling county-provided October 1 Voter Registration Report	16-168(G)(2)(d)	SUNDAY
10/1/2023	Oct 1	SOS		Continued party recognition calculated based on registered voters as of October 1, 2023	16-804(A), (B) 16-168(G)	
10/1/2023	Oct 1	SOS		Begin filing 2023 3rd Qtr Lobbyist Expenditure Report covering July 1, 2023 - September 30, 2023	41-1232.02(B) 41-1232.03(B)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
10/1/2023	Oct 1	BOS		Deadline to establish new election precincts and boundaries	16-411(A)	
10/10/2023	NovE-29 (October 9 is an observed holiday, moved to next business day)	REC		Last day to register to vote for November 7, 2023 Election (11:59 p.m.)	16-120(A)	HOLIDAY
10/11/2023	NovE-27	ELEC		Begin early voting for November 7, 2023 Election	16-542(C)	
10/11/2023	NovE-27	REC		Mail early ballots for November 7, 2023 Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-544(F)	
10/11/2023	NovE-27	ELEC		Tallying of early ballots for November 7, 2023 Election may begin	16-550(B)	
10/14/2023	MarE-150	ELEC		Begin Accepting Nomination Papers from Write-In Candidates (March Local Elections)	16-312(B)	SATURDAY***
10/16/2023	Oct 15 (date is a Sunday, moved to next business day)	SOS		Deadline for filing Standing Committee 2023 3rd Qtr Campaign Finance Report covering July 16, 2023 - September 30, 2023	16-927(A)(2)(b) 16-928(B)	
10/16/2023	Oct 15 (date is a Sunday, moved to next business day)	ELEC		Deadline for filing PAC and Political Party 2023 3rd Qtr Campaign Finance Report covering July 1, 2023 - September 30, 2023	16-927(A)(1)	
10/16/2023	Oct 15 (date is a Sunday, moved to next business day)	ELEC		Deadline for filing Candidate 2023 3rd Qtr Campaign Finance Report covering July 23, 2023 - September 30, 2023 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
10/21/2023	NovE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for November 7, 2023 Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
10/21/2023	PPE-150	SOS		Deadline for filing Petitions for Recognition of New Party in PPE	16-244(A)(2)	SATURDAY
10/22/2023	NovE-16	SOS		Begin filing Standing Committee 2023 Pre-General Campaign Finance Report covering October 1, 2023 - October 21, 2023	16-927(A)(2)(a) 16-928(B)	SUNDAY
10/22/2023	NovE-16	ELEC		Begin filing Candidate 2023 Pre-General Campaign Finance Report covering October 1, 2023 - October 21, 2023 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
10/24/2023	MayE-210	BOS		Deadline for 210 day notice by Board of Supervisors for May 21, 2024 Election	16-205(A)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
10/27/2023	NovE-11	REC		Deadline to accept requests for a Ballot-by-Mail for the November 7, 2023 Election	16-542(E)	
10/28/2023	NovE-10	SOS		Deadline for filing Standing Committee 2023 Pre-General Campaign Finance Report covering October 1, 2023 - October 21, 2023	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
10/28/2023	NovE-10	ELEC		Deadline for filing Candidate 2023 Pre-General Campaign Finance Report covering October 1, 2023 - October 21, 2023 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
10/30/2023	90 + 1 Days after Legislature adjourns sine die	ALL		General effective date of legislation passed during 2023 56th Legislature, First Regular Session (Legislature adjourned on July 31, 2023.)	Const. Art. IV, Pt. 1, § 1(3) 1-243(A)	
10/31/2023	Oct 31	SOS		Deadline for filing 2023 3rd Qtr Lobbyist Expenditure Report covering July 1, 2023 - September 30, 2023	41-1232.02(B) 41-1232.03(B)	
11/3/2023	NovE-4	ELEC		Deadline to Vote Early In-Person for the November 7, 2023 Election by 5:00 p.m.	16-542(E)	
11/3/2023	Nov 3	ELEC		Begin emergency early voting in a manner prescribed by the BOS due to an emergency occurring between 5:00 p.m. on Nov. 3, 2023 and 5:00 p.m. on Nov. 6, 2023 that would prevent the elector from voting at the polls	16-542(H)	
11/7/2023	NovE (1st Tuesday after 1st Monday in November)	ALL		November 7, 2023 Election	16-204(F)(4)	
11/10/2023	PPE-130	SOS		Begin accepting Candidate Nomination Papers and Petitions for PPE	16-242(B)	
11/10/2023	NovE+3 business days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties with a 4-day work week, the deadline is the following Monday, November 13, 2023.	16-579(A)(2) 16-550(A) Procedures Manual	
11/13/2023	NovE+6	BOS		First day to canvass returns for November 7, 2023 Election	16-642(A)	
11/23/2023	MayE-180	BOS		Deadline for jurisdictions to notify BOS of intent to hold May 21, 2024 election	16-226 (A)	
11/23/2023	MayE-180	BOS		Deadline for jurisdictions to call May 21, 2024 election	16-226 (A)	
11/27/2023	NovE+20	BOS		Last day to canvass returns for November 7, 2023 Election	16-642(A)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
11/30/2023	PE-250	REC		Deadline for filing new party petitions with Secretary of State (for statewide recognition) or the county officer in charge of elections (for county recognition) for signature verification	16-803(A)	
12/1/2023	Dec 1	SOS		Begin filing Biennial Lobbyist Registration Renewal for 2023-2024	41-1232.05(A)	
12/1/2023	Dec 1	SOS	REC	Deadline to determine political parties for continued representation based on votes cast for Governor or presidential electors at last General Election, or based on October 1 county voter registration report	16-804(A)-(D) 16-168(G)	
12/10/2023	MarE - 93	REC		Begin accepting ballot-by-mail requests for March 12, 2024 Election (UOCAVA voters and protected voters under 16-153 can request ballots before this date.)	16-542(A)(B) 16-153	SUNDAY
12/11/2023	PPE-100 (next business day due to weekend)	SOS		Deadline for filing PPE Candidate Nomination Papers and Petitions	16-242(B)	
12/11/2023	+7 business days after receipt of new party petitions	SOS		Deadline for Secretary of State to remove ineligible sheets and signatures from new party petition sheets and transmit random sample to County Recorders for signature verification	16-803(B), (C)	
12/13/2023	MarE-90	ELEC		Mail Notice of March 12, 2024 Election to Active Early Voters	16-544(D)	
12/14/2023	PPE-96 (72 hours after close of candidate filing)	SOS		Deadline for Secretary of State to issue certification of those candidates qualified for the Presidential Preference Election ballot to the officer in charge of elections within 72 hours of the close of filing	16-242(F)	
12/18/2023	PPE-92	SOS		Secretary of State to hold public meeting for the purpose of the ballot order drawing for the Presidential Preference Election	16-245(B)	
12/19/2023	PPE-91	ELEC		Deliver proof of sample ballots to qualified party chair(s) no later than five days following receipt of the candidate certification from the Secretary of State.	16-245(C)	
12/20/2023	PPE-90	ELEC		Mail Notice of Presidential Preference Election to active early voters	16-544(D)	
12/27/2023	+10 business days after receipt of random sample	REC		Deadline for County Recorders to verify new party petitions petition signatures for Primary Election and provide certified results to Secretary of State	16-803(E), (F)	
12/31/2023	Dec 31	SOS		Deadline for issuance of updated Elections Procedures Manual, following approval by Governor and Attorney General	16-452(B)	HOLIDAY
1/1/2024	Jan 1	SOS		Begin filing Standing Committee 2023 4th Qtr Campaign Finance Report covering October 22, 2023 - December 31, 2023	16-927(A)(2)(b) 16-928(B)	HOLIDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
1/1/2024	Jan 1	ELEC		Begin filing PAC and Political Party 2023 4th Qtr Campaign Finance Report covering October 1, 2023 - December 31, 2023	16-927(A)(1)	HOLIDAY
1/1/2024	Jan 1	SOS		Begin filing Candidate 2023 Cumulative Report covering all transactions since last filed through December 31, 2023 (Statewide and Legislative Candidates)	16-927(A)(2)(b) 16-927(B)	HOLIDAY
1/1/2024	Jan 1	ELEC		Begin filing Candidate 2023 4th Qtr Campaign Finance Report covering October 22, 2023 - December 31, 2023 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	HOLIDAY
1/1/2024	Jan 1	SOS		Begin filing Public Officers Annual Financial Disclosure Statement covering CY2023	18-444(D)	HOLIDAY
1/1/2024	Jan 1	SOS		Begin filing 2023 4th Qtr Lobbyist Expenditure Report covering October 1, 2023 - December 31, 2023	41-1232.02(B) 41-1232.03(B)	HOLIDAY
1/1/2024	Jan 1	SOS		Begin filing Principal and Public Body 2023 Annual Expenditure Reports covering January 1, 2023 - December 31, 2023	41-1232.02(A) 41-1232.03(A)	HOLIDAY
1/1/2024	Jan 1	SOS		Begin Filing Nomination Papers, Petitions, & QCs for CCEC Candidates	16-951	HOLIDAY
1/2/2024	Jan 2	SOS	REC	Begin compiling county-provided January 2 Voter Registration Report	16-168(G)(1)(a)	
1/2/2024	Jan 2	REC		Deadline to transfer voters into newly established precincts and boundaries	16-411 16-412	
1/2/2024	Jan 2	SOS	ELEC	Calculate petition signature requirements for candidates for the 2024 Primary and General Elections based on the Jan. 2 voter registration numbers	16-322(B) 16-168(G) 16-193(1) 16-321(F)	
1/2/2024	72 hours (business days only) after receipt of certification from County Recorders	SOS		Deadline for Secretary of State to determine new party petition results of random sample, issue receipt to sponsor committee and issue party recognition (deadline may vary depending on timing of county certification)	16-803(H), (I)	
1/8/2024	Jan 8 (second Monday in January)	SOS		Deadline for filing Biennial Lobbyist Registration Renewal for 2023 - 2024	41-1232.05(A)	
1/9/2024	PE-210	BOS		Deadline for 210 day notice by Board of Supervisors for August 6, 2024 Primary Election	16-205(A)	
1/16/2024	Jan 15 (moved to next business day due to holiday)	SOS		Deadline for filing Standing Committee 2023 4th Qtr Campaign Finance Report covering October 22, 2023 - December 31, 2023	16-927(A)(2)(b) 16-928(B)	HOLIDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
1/16/2024	Jan 15 (moved to next business day due to holiday)	SOS	ELEC	Deadline for filing PAC and Political Party 2023 4th Qtr Campaign Finance Report covering October 1, 2023 - December 31, 2023	16-927(A)(1)	HOLIDAY
1/16/2024	Jan 15 (moved to next business day due to holiday)	ELEC		Deadline for Filing Candidate 2023 4th Qtr Campaign Finance Report Covering October 22, 2023 - December 31, 2023 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	HOLIDAY
1/16/2024	Jan 15 (moved to next business day due to holiday)	SOS		Deadline for Filing Candidate 2023 Cumulative Report covering all transactions since last filed through December 31, 2023 (Statewide and Legislative Candidates)	16-927(A)(2)(b) 16-927(B)	HOLIDAY
1/27/2024	MarE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for March 12, 2024 Election	16-544(F)	SATURDAY
1/27/2024	MarE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before March 12, 2024 Election	16-543(A)	SATURDAY
1/31/2024	Jan 31	SOS	ELEC	Deadline for filing Public Officers Annual Financial Disclosure Statement covering CY2023	18-444(D)	
1/31/2024	Jan 31	SOS		Deadline for filing 2023 4th Qtr Lobbyist Expenditure Report covering October 1, 2023 - December 31, 2023	41-1232.02(B) 41-1232.03(B)	
1/31/2024	Jan 31	SOS		Election System Software Escrow Statement: Election vendors who have voting equipment certified for use in Arizona elections and whose equipment is currently in use or will be used in an upcoming election shall notify the Secretary of State, in writing, by January 31 of each year where the source code is held in escrow		
2/1/2024	Feb 1	SOS		Send Notices of Failure to File for Public Officers Annual Financial Disclosure Statements covering CY2023	38-544	
2/1/2024	MarE-40	ELEC		Deadline for Write-In Candidates to file Nomination Papers (March Local Elections)	16-312(B)	
2/3/2024	PPE-45	ELEC		Prepare proof of sample ballots and (1) Submit to each county party chairman, and (2) Mail a copy to each candidate who has properly filed a Nomination Paper.	16-461(A)	SATURDAY
2/3/2024	PPE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for March 19, 2024 Presidential Preference Election	16-544(F)	SATURDAY
2/3/2024	PPE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before March 19, 2024 Presidential Preference Election	16-543(A)	SATURDAY
2/8/2024	PPE-40	ELEC		Last day to accept suggestions from county party chairmen on changes to sample ballot due to error or omission	16-461(B)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
2/8/2024	PPE-40	BOS		Print sample ballots	16-461(B), (C)	
2/8/2024	PE-180	BOS		Deadline for jurisdictions to notify BOS of intent to hold August 6, 2024 election	16-226 (A)	
2/8/2024	PE-180	BOS		Deadline for jurisdictions to call August 6, 2024 election	16-226 (A)	
2/12/2024	MarE-29	REC		Last day to register to vote for March 12, 2024 Election at 11:59 p.m.	16-120(A)	
2/14/2024	MarE-27	ELEC		Begin early voting for March 12, 2024 Election	16-542(C)	
2/14/2024	MarE-27	REC		Mail early ballots for March 12, 2024 Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-544(F)	
2/14/2024	MarE-27	ELEC		Tallying of early ballots for March 12, 2024 Election may begin	16-550(B)	
2/14/2024	EV-7	SOS	BOS	Logic and Accuracy Tests before Early Voting for the Presidential Preference Election Begins for Accessible Voting System Units	16-449 Procedures manual	
2/18/2024	MayE - 93	REC		Begin accepting ballot-by-mail requests for May 21, 2024 Election (UOCAVA voters and protected voters under 16-153 can request ballots before this date)	16-542(A)(B) 16-153	SUNDAY
2/18/2024	PPE-30	SOS		Deadline for the Secretary of State to appoint new members to the Vote Count Verification Committee	16-241(C) 16-602(K)(1)	SUNDAY
2/19/2024	PPE-29	SOS	REC	Begin Compiling county-provided PPE Voter Registration Report	16-168(G)(1)(e)	HOLIDAY
2/20/2024	PPE-29 (next business day due to holiday)	REC		Last day to register to vote for March 19, 2024 Presidential Preference Election at 11:59 p.m.	16-120(A)	
2/21/2024	PPE-27	ELEC		Begin Early Voting for March 19, 2024 Presidential Preference Election	16-542(C)	
2/21/2024	PPE-27	REC		Mail early ballots for March 19, 2024 Presidential Preference Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-544(F)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
2/21/2024	PPE-27	ELEC		Tallying of early ballots may begin for March 19, 2024 Presidential Preference Election	16-550(B)	
2/24/2024	MarE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for March 12, 2024 Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
2/25/2024	MarE-16	SOS		Begin filing Standing Committee 2024 March Pre-Election Campaign Finance Report covering January 1, 2024 - February 24, 2024	16-927(A)(2)(a) 16-928(B)	SUNDAY
2/25/2024	MarE-16	ELEC		Begin Filing Candidate 2024 March Pre-Election Campaign Finance Report Covering January 1, 2024 - February 24, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
3/1/2024	MarE-11	REC		Deadline to accept requests for a Ballot-by-Mail for the March 12, 2024 Election	16-542(E)	
3/1/2024	March 1	SOS		Deadline for filing Principal and Public Body 2023 Annual Expenditure Reports covering January 1, 2023 - December 31, 2023	41-1232.02(A) 41-1232.03(A)	
3/1/2024	30 days after due date	SOS		Send Notices of Failure to File for Public Officers Annual Financial Disclosure Statements covering CY2023	16-937 (38-544)	
3/2/2024	MarE-10	SOS		Deadline for filing Standing Committee 2024 March Pre-Election Campaign Finance Report covering January 1, 2024 - February 24, 2024	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
3/2/2024	MarE-10	ELEC		Deadline for filing Candidate 2024 March Pre-Election Campaign Finance Report covering January 1, 2024 - February 24, 2024 (Applicable County and local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
3/2/2024	PPE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for March 19, 2024 Presidential Preference Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
3/8/2024	MarE-4	ELEC		Deadline to Vote Early In-Person for the March 12, 2024 Election by 5:00 p.m.	16-542(E)	
3/8/2024	PPE-11	ELEC	SOS	Last Day to Request Early Ballot for March 19, 2024 Presidential Preference Election	16-542(E) Procedures Manual	
3/8/2024	PPE-11	BOS		Mail sample ballots	16-245(D)	
3/9/2024	PPE-10	SOS		Deadline for the Vote Count Verification Committee to meet and consider revision of the designated margins to be used in reviewing the hand counting of votes, which will be simultaneously posted to the Secretary of State's web site	16-602(K)(4)	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
3/9/2024	PE-150	SOS		Beginning of filing period for Nomination Papers, Nomination Petitions, and Financial Disclosure Statements for Primary Election candidates seeking partisan nomination	16-311(A) 16-314(A) 38-543	SATURDAY
3/9/2024	PE-150	SOS	ELEC	Beginning of filing period for Nomination Papers, Nomination Petitions, and Financial Disclosure Statements for Primary Election candidates seeking "Nomination Other than by Primary" (Independent Candidates)	16-341(A), (C) 38-543	SATURDAY
3/9/2024	PE-150	ELEC		Beginning of filing period for Non-Partisan candidate Nomination Petitions and Papers for Primary Election (Applicable County and Local Jurisdictions)	16-311(B) 16-204	SATURDAY
3/9/2024	PE-150	SOS	ELEC	Beginning of filing period for Write-in Candidate Nomination Papers for Primary Election	16-312(B)	SATURDAY
3/11/2024	PPE-8 (2nd Monday Prior to PPE)	BOS		Complete tabulation contingency plans	Procedures Manual	
3/12/2024	MarE (2nd Tuesday in March)	ALL		March 12, 2024 Election	16-204(F)(1)	
3/12/2024	PPE-7	ELEC		Deadline for political parties to provide names of persons intending to participate in PPE hand count by 5:00 p.m.	16-602(B)(7)	
3/13/2024	PPE-6	ELEC		Deadline for officer in charge to notify political parties of shortage in number of persons intending to participate in PPE hand count by 9:00 a.m.	16-602(B)(7)	
3/14/2024	PPE-5	ELEC		Deadline for political parties to provide sufficient number of additional persons to cover hand count board shortages by 5:00 p.m.	16-602(B)(7)	
3/15/2024	MarE+3 business days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties with a 4-day work week, the deadline falls on 3/18/24.	16-579(A)(2) 16-550(A) Procedures Manual	
3/15/2024	PPE-4	ELEC		Deadline to Vote Early In-Person for the March 19, 2024 Presidential Preference Election by 5:00 p.m.	16-246(C) 16-542(E)	
3/18/2024	MarE+6	BOS		First day to canvass returns for March 12, 2024 Election	16-642(A) 16-645(A)	
3/19/2024	PPE (1st Tuesday after March 15th of Presidential Election Year)	ALL		March 19, 2024 Presidential Preference Election	16-241(A)	
3/20/2024	PPE+1	ELEC		Hand Count begins within 24 hours of the closing of the polls	16-602(I)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
3/20/2024	PPE+1	ELEC		Select by lot 2% of polling places pursuant to 16-248 and perform hand count on those ballots	16-602(B)(3)	
3/26/2024	PPE+5 Business Days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties that have a 4-day work week, the deadline will be the next business day: 3/27/2024.	16-579(A)(2) 16-550(A) Procedures Manual	
3/29/2024	PPE+10 Days	BOS		Recommended deadline date for BOS to canvass March 19, 2024 Presidential Election	Procedures Manual	
4/1/2024	MarE+20	BOS	ELEC	Last day to canvass returns for March 12, 2024 Election	16-642(A) 16-645(A)	
4/1/2024	Apr 1	SOS	REC	Begin compiling county-provided April 1, 2024 Voter Registration Report	16-168(G)(1)(b)	
4/1/2024	Apr 1	SOS		Begin filing Standing Committee 2024 1st Qtr Campaign Finance Report covering February 25, 2024 - March 31, 2024	16-927(A)(2)(b) 16-928(B)	
4/1/2024	Apr 1	ELEC		Begin filing PAC and Political Party 2024 1st Qtr Campaign Finance Report covering January 1, 2024- March 31, 2024	16-927(A)(1)	
4/1/2024	Apr 1	ELEC		Begin filing Candidate 2024 1st Qtr Campaign Finance Report covering January 1, 2024 - March 31, 2024 (Statewide and Legislative Candidates)	16-927(A)(1) 16-927(B)	
4/1/2024	Apr 1	ELEC		Begin filing Candidate 2024 1st Qtr Campaign Finance Report covering February 25, 2024 - March 31, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
4/1/2024	Apr 1	SOS		Begin filing 2024 1st Qtr Lobbyist Expenditure Report covering January 1, 2024 - March 31, 2024	41-1232.02(B) 41-1232.03(B)	
4/2/2024	PPE+14	BOS	ELEC	Deadline to Canvass Returns for March 19, 2024 Presidential Preference Election	16-241(C) 16-642(A) 16-645(A)	
4/6/2024	MayE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for May 21, 2024 Election	16-544(F)	SATURDAY
4/6/2024	MayE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before May 21, 2024 Election	16-543(A)	SATURDAY
4/8/2024	PE-120	SOS		Deadline for Secretary of State to send notice to Board of Supervisors designating state and federal offices for which candidates are to be nominated at the August 6, 2024 Primary Election	16-202	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
4/8/2024	PE-120	SOS		Deadline for accepting Nomination Papers, Nomination Petitions, and Financial Disclosure Statements for Primary Election candidates seeking partisan nomination	16-311(A) 16-314(A) 38-543	
4/8/2024	PE-120	SOS		Deadline for accepting Nomination Papers, Nomination Petitions, and Financial Disclosure Statements for Primary Election candidates seeking "Nomination Other than by Primary" (Independent Candidates)	16-341(A), (C) 38-543	
4/8/2024	PE-120	ELEC		Deadline for accepting Nonpartisan Candidate Nomination Petitions and Papers for Primary Election (Applicable County and Local Jurisdictions)	16-311(B) 16-204	
4/8/2024	PPE+3rd Monday	SOS		Official Statewide Canvass of the March 19, 2024 Presidential Preference Election	16-241(C) 645(B)	16-
4/8/2024	PPE+3rd Monday	SOS		Certify election results to party chairs	16-241(C) 16-249(A) 16-645(B)	
4/9/2024	GE-210	BOS		Deadline for 210 day notice by Board of Supervisors for November 5, 2024 General Election	16-205(A)	
4/15/2024	Apr 15	SOS		Deadline for filing Standing Committee 2024 1st Qtr Campaign Finance Report covering February 25, 2024 - March 31, 2024	16-927(A)(2)(b) 16-928(B)	
4/15/2024	Apr 15	SOS	ELEC	Deadline for filing PAC and Political Party 2024 1st Qtr Campaign Finance Report covering January 1, 2024 - March 31, 2024	16-927(A)(1)	
4/15/2024	Apr 15	SOS		Deadline for Filing Candidate 2024 1st Qtr Campaign Finance Report Covering January 1, 2024 - March 31, 2024 (Statewide and Legislative Candidates)	16-927(A)(1) 16-927(B)	
4/15/2024	Apr 15	ELEC		Deadline for filing Candidate 2024 1st Qtr Campaign Finance Report covering February 25, 2024 - March 31, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
4/22/2024	Apr 22 (10 business days after close of candidate filing)	SOS	ELEC	Deadline for filing challenges to candidate Nomination Petitions	16-351(A)	
4/22/2024	MayE-29	REC		Last day to register to vote for May 21, 2024 Election at 11:59 p.m.	16-120(A)	
4/23/2024	PE-105	BOS		Earliest day Board of Supervisors may cancel election for certain offices held under Title 15, Title 48, or 16-822 based on number of candidates who have filed Nomination Paper and appoint those candidates to the office	16-410(A)	
4/24/2024	MayE-27	REC		Begin early voting for May 21, 2024 Election	16-542(C)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
4/24/2024	MayE-27	REC		Mail early ballots for May 21, 2024 Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-542(C) 16-544(F)	
4/24/2024	MarE-27	ELEC		Tallying of early ballots for March 21, 2024 Election may begin	16-550(B)	
4/28/2024	PE-100**	ELEC		Recommended deadline to order ballot cards/stock for August 6, 2024 Primary Election	16-508	SUNDAY
4/30/2024	Apr 30	SOS		Deadline for filing 2024 1st Qtr Lobbyist Expenditure Report covering January 1, 2024 - March 31, 2024	41-1232.02(B) 41-1232.03(B)	
5/4/2024	MayE-17	ELEC	SOS	File Computer Program and Voting Equipment Certification for May 21, 2024 Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
5/5/2024	MayE-16	SOS		Begin filing Standing Committee 2024 May Pre-Election Campaign Finance Report covering April 1, 2024 - May 4, 2024	16-927(A)(2)(a) 16-928(B)	SUNDAY
5/5/2024	MayE-16	ELEC		Begin Filing Candidate 2024 May Pre-Election Campaign Finance Report Covering April 1, 2024 - April 30, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
5/5/2024	PE-93	REC		Begin accepting ballot-by-mail requests for August 6, 2024 Primary Election and ballot-by-mail requests for both Primary and General Elections (UOCAVA voters and protected voters under 16-153 can request ballots before this date)	16-542(A)(B)	SUNDAY
5/8/2024	PE-90	ELEC		Mail Notice of August 6, 2024 Primary Election to active early voters	16-544(D)	
5/8/2024	PE-90	BOS		Accept lists of Election Board nominees submitted by political party chairmen for August 6, 2024 Primary Election	16-531(A)	
5/9/2024	GE-180	BOS		Deadline for jurisdictions to notify BOS of intent to hold November 5, 2024 election		
5/10/2024	MayE-11	REC		Deadline to accept requests for a ballot-by-mail for the May 21, 2024 election	16-542(E)	
5/11/2024	MayE-10	SOS		Deadline for filing Standing Committee 2024 May Pre-Election Campaign Finance Report covering April 1, 2024 - April 30, 2024	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
5/11/2024	MayE-10	ELEC		Deadline for filing Candidate 2024 May Pre-Election Campaign Finance Report Covering April 1, 2024 - April 30, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
5/17/2024	MayE-4	ELEC		Deadline to Vote Early In-Person for the May 21, 2024 Election by 5:00 p.m.	16-542(E)	
5/21/2024	MayE (3rd Tuesday in May)	ALL		May 21, 2024 Election	16-204(F)(2)	
5/23/2024	PE-75**	BOS		Recommended deadline to schedule instruction classes for Precinct Election Boards for August 6, 2024 Primary Election	16-532	
5/24/2024	MayE+3 business days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures for May 21, 2024 Election. For counties with a 4-day work week, the deadline falls on 5/27/24.	16-579(A)(2) 16-550(A) Procedures Manual	
5/27/2024	MayE+6	BOS		First day to canvass returns for May 21, 2024 Election	16-642(A) 16-645(A)	
6/4/2024	PE-63 (9 weeks)	CCEC		Begin CCEC Primary Election Period (9 week period ending on the day of the Primary Election)	16-961(B)(4)	
6/4/2024	PE-63 (9 weeks)	CCEC		CCEC payment to qualified participating candidates	16-951(A)	
6/7/2024	PE-60	REC		Accept lists of nominees for Special Election Boards from the county party chairmen and begin appointing Special Election Boards for August 6, 2024 Primary Election	16-549(A)	
6/8/2024	GE-150 = Jun 8 (Saturday)	ELEC		Begin accepting nonpartisan candidate Nomination Petitions and Papers for General Election (applicable county and local jurisdictions)	16-311(B) 16-204	SATURDAY
6/8/2024	GE-150	SOS	ELEC	Beginning of Filing Period for Write-in Candidate Nomination Papers for General Election	16-312(B)	SATURDAY
6/10/2024	MayE+20	BOS		Last day to canvass returns for May 21, 2024 Election	16-642(A) 16-645(A)	
6/17/2024	PE-50**	BOS		Recommended deadline to prepare materials and supplies for instruction classes for Precinct Election Boards	16-532	
6/17/2024	PE-50**	BOS		Recommended deadline to print instructions and check list for Election Board and Inspectors	16-532	
6/22/2024	PE-45	BOS		Instruction classes for Precinct Election Boards may begin	16-532(A)	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
6/22/2024	PE-45	ELEC		Prepare proof of sample ballots and: (1) Submit to each county party chairman, and (2) Mail a copy to each candidate who has properly filed a Nomination Paper	16-461(A)	SATURDAY
6/22/2024	PE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for August 6, 2024 Primary Election	16-544(F)	SATURDAY
6/22/2024	PE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before August 6, 2024 Primary Election.	16-543(A)	SATURDAY
6/23/2024	PE-44**	ELEC		Recommended deadline to order ballot cards/stock for August 6, 2024 Primary Election	16-508	SUNDAY
6/27/2024	PE-40	ELEC		Last day to accept suggestions from county party chairmen on changes to sample ballot due to error or omission	16-461(B)	
6/27/2024	PE-40	BOS		Print sample ballots	16-461(B) 16-461(C)	
6/27/2024	PE-40	SOS	ELEC	Deadline for Write-in Candidate Nomination Papers for August 6, 2024 Primary Election at 5:00 p.m.	16-312(B)	
6/28/2024	PE-39**	SOS	ELEC	Deliver notice of Write-in Candidates who have filed Nomination Papers	16-312(E) Procedures Manual	
6/28/2024	PE-39**	BOS		Include list of eligible Write-in Candidates in supplies for Precinct Inspectors	16-312(C) 16-312(E)	
7/1/2024	Jul 1	SOS		Begin filing Standing Committee 2024 2nd Qtr Campaign Finance Report covering May 1, 2024 - June 30, 2024	16-927(A)(2)(b) 16-928(B)	
7/1/2024	Jul 1	ELEC		Begin filing PAC and Political Party 2024 2nd Qtr Campaign Finance Report covering April 1, 2024 - June 30, 2024	16-927(A)(1)	
7/1/2024	Jul 1	ELEC		Begin filing Candidate 2024 2nd Qtr Campaign Finance Report covering April 1, 2024 - June 30, 2024 (Statewide and Legislative Candidates)	16-927(A)(1) 16-927(B)	
7/1/2024	Jul 1	ELEC		Begin filing Candidate 2024 2nd Qtr Campaign Finance Report covering May 1, 2024 - June 30, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
7/1/2024	Jul 1	SOS		Begin filing 2024 2nd Qtr Lobbyist Expenditure Report covering April 1, 2024 - June 30, 2024	41-1232.02(B) 41-1232.03(B)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
7/3/2024	GE - 4 months and 1 day	SOS		Deadline for filing statewide initiative petitions with the Secretary of State	Const. Art. IV, Pt. 1 § 1(4)	
7/3/2024	(EV-7)	SOS	BOS	Begin Logic and Accuracy Tests before early voting for the Primary Election for accessible voting system units	16-449 Procedures Manual	
7/4/2024	PE-33	BOS		Print early ballots and deliver to County Recorder	16-503 16-545(B)(1)	HOLIDAY
7/4/2024	PE-33**	REC		Print instructions and envelopes needed for early voting for the August 6, 2024 Primary Election	16-547(C)	HOLIDAY
7/4/2024	PE-33**	REC		Recommended deadline to appoint Special Election Boards	16-549(A)	HOLIDAY
7/5/2024	PE-32**	BOS		Recommended date to begin accepting political party election observer lists submitted by county party chairmen for August 6, 2024 Primary Election	16-590	
7/5/2024	PE-32**	BOS		Designate locations for Central Counting Place Boards, Precinct Boards, Early Boards, Data Processing Boards and Receiving Site Boards	Procedures Manual	
7/8/2024	PE-29	REC		Last day to register to vote for August 6, 2024 Primary Election at 11:59 p.m.	16-120(A)	
7/8/2024	PE-29	SOS	REC	Begin compiling county-provided Primary Election Voter Registration Report	16-168(G)(1)(c)	
7/8/2024	PE-29	BOS		Recommended deadline for designating locations for Receiving Sites, Central Counting Place, Computer Center and Early Processing Center	16-551	
7/8/2024	GE-120	ELEC		Deadline for accepting Nonpartisan Candidate Nomination Petitions and Papers for General Election (Applicable County and Local Jurisdictions)	16-311(B) 16-204	
7/10/2024	PE-27	SOS		Deadline to submit arguments for or against statewide Ballot Measures	19-124(A)(B)	
7/10/2024	PE-27	REC		Begin early voting for August 6, 2024 Primary Election	16-542(C)	
7/10/2024	PE-27	REC		Mail early ballots for August 6, 2024 Primary Election to voters on Active Early Voting List and voters who have requested a one-time ballot-by-mail	16-544(F)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
7/10/2024	PE-27	ELEC		Tallying of early ballots for August 6, 2024 Primary Election may begin	16-550(B)	
7/15/2024	Jul 15	SOS		Deadline for filing Standing Committee 2024 2nd Qtr Campaign Finance Report covering May 1, 2024 - June 30, 2024	16-927(A)(2)(b) 16-928(B)	
7/15/2024	Jul 15	SOS	ELEC	Deadline for filing PAC and Political Party 2024 2nd Qtr Campaign Finance Report covering April 1, 2024 - June 30, 2024	16-927(A)(1)	
7/15/2024	Jul 15	SOS		Deadline for filing Candidate 2024 2nd Qtr Campaign Finance Report covering April 1, 2024 - June 30, 2024 (Statewide and Legislative Candidates)	16-927(A)(1) 16-927(B)	
7/15/2024	Jul 15	ELEC		Deadline for filing Candidate 2024 2nd Qtr Campaign Finance Report covering May 1, 2024 - June 30, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
7/16/2024	July 16 (8 days after close of registration)	REC		Deliver complete copies of precinct registers to county and state party chairmen	16-168(C)	
7/17/2024	PE-20	BOS		Designate polling places including emergency voting and dropbox locations (except for special district and mail ballot elections)	16-411(B)	
7/17/2024	PE-20	BOS		Deadline to appoint all Election Boards by BOS	16-531 16-535 16-551	
7/17/2024	90 + 1 Days after Legislature adjourns sine die	ALL		General effective date of legislation passed during 2024 56th Legislature, Second Regular Session (Based on anticipated adjournment of April 17, 2024; this date will change if Legislature adjourns on a different date.)	Const. Art. IV, Pt. 1, § 1(3) 1-243(A)	
7/19/2024	PE-18**	BOS		Recommended deadline to outline polling place support plan for General Election Day	Procedures Manual	
7/20/2024	PE-17	BOS	SOS	File Computer Program and Voting Equipment Certification for August 6, 2024 Primary Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
7/20/2024	PE-17	SOS		SOS performs Logic and Accuracy tests within 17 days of August 6, 2024 Primary Election - Notify public 48 hours in advance	16-449(A) Procedures Manual	SATURDAY
7/21/2024	PE-16	SOS		Begin filing Standing Committee 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024	16-927(A)(2)(a) 16-928(B)	SUNDAY
7/21/2024	PE-16	SOS	ELEC	Begin filing PAC and Political Party 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024	16-927(A)(2)(a)	SUNDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
7/21/2024	PE-16	SOS		Begin filing Candidate 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(a) 16-927(B)	SUNDAY
7/21/2024	PE-16	ELEC		Begin filing Candidate 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
7/22/2024	10 business days after close of candidate filing	ELEC		Deadline for filing challenges to Candidate Nonpartisan Nomination Petitions for the General Election	16-351(A)	
7/23/2024	GE-105	BOS		Earliest day Board of Supervisors may cancel election for certain offices held under Title 15, Title 48, or 16-822 based on number of candidates who have filed Nomination Paper and appoint those candidates to the office	16-410(A)	
7/23/2024	PE-14**	BOS		Mail notice to county party chairmen as to time and place when voting devices can be inspected	16-447(B)	
7/26/2024	PE-11	REC		Deadline for accepting requests for assistance by Special Election Board due to "continuing" illness at 5:00 p.m.	16-549(C)	
7/26/2024	PE-11	REC		Deadline for accepting requests for a ballot-by-mail for August 6, 2024 Primary Election	16-542(E)	
7/26/2024	PE-11	BOS		Mail sample ballots	16-461(D)	
7/26/2024	PE-11 (after 5:00 p.m. on 2nd Friday prior to PE)	REC		Begin accepting requests for assistance by Special Election Board due to "unanticipated" illness or disability	16-549(D)	
7/27/2024	PE-10	SOS		Deadline for the Vote Count Verification Committee to meet and consider revision of the designated margins to be used in the hand count audit, which will be simultaneously posted to the Secretary of State's web site.	16-602(K)(4)	SATURDAY
7/27/2024	PE-10	REC		Prepare official precinct registers	16-168(A)	SATURDAY
7/27/2024	PE-10**	REC		Provide inactive voter list to each precinct on or before Election Day	16-583(A)	SATURDAY
7/27/2024	PE-10	SOS		Deadline for filing Standing Committee 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
7/27/2024	PE-10	SOS	ELEC	Deadline for Filing PAC and Political Party 2024 Pre-Primary Campaign Finance Report Covering July 1, 2024 - July 20, 2024	16-927(A)(2)(a) 1-243(A) 1-303	SATURDAY
7/27/2024	PE-10	SOS		Deadline for filing Candidate 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
7/27/2024	PE-10	ELEC		Deadline for filing Candidate 2024 Pre-Primary Campaign Finance Report covering July 1, 2024 - July 20, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
7/28/2024	GE-100			Beginning of Filing Period for Independent Presidential Write-in Candidate Nomination Papers for General Election.	16-341(G)	SUNDAY
7/29/2024	PE-8 (2nd Monday Prior to PE)	BOS	ELEC	Complete tabulation contingency plans	Procedures Manual	
7/30/2024	PE-7**	BOS		Recommended deadline to complete ballot and supply dispersal plan	16-509	
7/30/2024	PE-7	ELEC		Deadline for political parties to provide names of persons intending to participate in hand count by 5:00 p.m.	16-602(B)(7)	
7/30/2024	PE-7	CCEC	SOS	Deadline for filing Application for Certification form with the Secretary of State as a CCEC participating candidate	16-947(A) 16-961(B)(3)	
7/30/2024	PE-7	CCEC	SOS	End of CCEC Qualifying Period for 2022 Election, covers August 1, 2023 - July 30, 2024	16-961(B)(3)	
7/31/2024	PE-6 (Wednesday prior to PE)	ELEC		Deadline for officer in charge of elections to notify political parties of shortage in number of persons intending to participate in hand count by 9:00 a.m.	16-602(B)(7)	
7/31/2024	Jul 31	SOS		Deadline for filing 2024 2nd Qtr Lobbyist Expenditure Report covering April 1, 2024 - June 30, 2024	41-1232.02(B) 41-1232.03(B)	
8/1/2024	Filing date+ 20 business days (Date may vary for early filings)	SOS		Deadline for Secretary of State to remove ineligible initiative petition sheets and signatures and transmit random sample to County Recorders	19-121.01(A) 19-121.01(B) 19-121.01(D)	
8/1/2024	PE-5 (Thursday prior to PE)	ELEC		Deadline for political parties to provide sufficient number of additional persons to cover hand count board shortages by 5:00 p.m.	16-602(B)(7)	
8/2/2024	PE-4 (Friday prior to PE)	REC		Deadline for "overseas" voter as defined in UOCAVA who was recently discharged or separated from employment to register to vote for the Primary Election at 5:00 p.m.	16-103(D)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
8/2/2024	PE-4	ELEC		Deadline to Vote Early In-Person for the August 6, 2024 Primary Election by 5:00 p.m.	16-542(E)	
8/2/2024	Aug 2	ELEC		Begin emergency early voting in a manner prescribed by the BOS; available to electors who experience an emergency between 5:00 p.m. on August 2, 2024 and 5:00 p.m. on Aug. 5, 2024 that would prevent them from voting at the polls	16-542(H)	
8/4/2024	PE-2	BOS		If BOS fails to designate polling places, the Justice of the Peace may designate polling places	16-411(C)	SUNDAY
8/4/2024	PE-2	BOS		Deliver ballots to Inspector	16-509	SUNDAY
8/4/2024	GE-93	REC		Begin accepting requests for early ballots for the November 5, 2024 General Election (UOCAVA voters and protected voters can request ballots before this date)	16-542(A)(B) 16-153	SUNDAY
8/4/2024	GE-93**	REC		Begin accepting requests for assistance by Special Election Board due to "continuing" illness	16-549	SUNDAY
8/5/2024	PE-1**	BOS		Recommended deadline to complete instruction classes for Precinct Boards, Receiving and Central Counting Place Boards and Data Processing Boards	16-532	
8/5/2024	PE-1**	BOS		Recommended deadline to deliver polling place supplies	16-404 16-405 16-447 16-511	
8/5/2024	PE-1	REC		Deadline for Accepting Requests for Assistance by Special Election Board due to "unanticipated" Illness or Disability	16-549(D)	
8/5/2024	PE-1	REC		Deliver list of all electors who were issued early ballots to Precinct Inspectors	16-542(G)	
8/5/2024	PE-1**	BOS		Recommended deadline to deliver list of qualified write-in candidates to Inspector to be posted in polling place on Election Day	16-312(E)	
8/6/2024	PE	ALL		August 6, 2024 Primary Election	16-201 16-204(E)(1) 16-204(F) 16-206(A)	
8/6/2024	PE	REC		Continue delivery of early ballots to Early Boards for processing until 7:00 p.m.	16-551(C)	
8/6/2024	PE	REC		Deadline for uniformed and overseas citizens residing outside of Arizona to register to vote for the Primary Election at 7:00 p.m.	16-103(C)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
8/6/2024	PE	CCEC		End of CCEC Primary Election Period	16-961(B)(4)	
8/7/2024	PE+1	ELEC		Hand count begins within 24 hours of the closing of the polls	16-602(I) Procedures Manual	
8/7/2024	PE+1	ELEC		Select by lot 2% of precincts/vote centers and perform hand count on those ballots; randomly select from sequestered early ballot batches a number equal to 1% of early ballots cast or 5,000 early ballots (whichever is less) for manual audit	16-602(B)(1) 16-602(F) Procedures Manual	
8/7/2024	PE+1	ELEC		Select contested races to be hand counted	16-602(B)(2) 16-602(C)	
8/7/2024	PE+1	CCEC		Begin CCEC General Election Period	16-961(B)(5)	
8/7/2024	PE+1	CCEC		CCEC payment to qualified participating candidates	16-951(C)	
8/7/2024	PE+1	CCEC		CCEC candidates to return monies above sufficient amount to pay unpaid bills during Primary Election Period	16-953(A)	
8/7/2024	GE-90	BOS		Accept lists submitted by party chairmen of Election Board nominees for November 5, 2024 General Election	16-531(A)	
8/7/2024	GE-90	SOS	BOS	Begin accepting retention paperwork for judicial officers of Supreme and Appellate courts (SOS) and Superior Court (CLK)	Const. Art. VI, § 38(A)	
8/12/2024	PE+1st Monday	BOS		Deadline to hear early ballot challenges (by 5:00 p.m.)	16-552(E)	
8/12/2024	PE+6	BOS		First day to canvass returns for August 6, 2024 Primary Election, and issue Letters of Nomination and Certificates of Election	16-642(A) 16-645(A)	
8/13/2024	PE+5 Business Days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties that have a 4-day work week, the deadline will be the next business day: 8/14/2024.	16-579(A)(2) 16-550(A) Procedures Manual	
8/13/2024	PE+5 business days	REC		Deadline to process provisional ballots from the August 6, 2024 Primary Election	16-135(D) 16-584(E)	
8/13/2024	MarE-210	BOS		Deadline for 210 day notice by Board of Supervisors for March 11, 2025 Election	16-205	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
8/16/2024	PE+10	SOS		Deadline for party chairs to file nomination papers for presidential electors for November 5, 2024 general election	16-344(A)	
8/17/2024	GE-80	SOS		Deadline for Independent Presidential Write-in Candidate Nomination Papers for General Election at 5:00 p.m.	16-341(G)	SATURDAY
8/20/2024	PE+14	BOS		Last day to canvass returns for August 6, 2024 Primary Election, and issue Letters of Nomination and Certificates of Election (NOTE: 16-642(A) allows governing body to canvass up to 20 days following an election. However, 16-645(B) requires BOS to deliver canvass to SOS within 14 days after Primary Election)	16-642(A) 16-645(A) 16-645(B)	
8/20/2024	PE+14	BOS		Deliver Canvass to Secretary of State	16-645(B)	
8/22/2024	Receipt of Random Sample +15 Business Days (Date may vary for early filings)	REC		Deadline for County Recorders to verify initiative petition signatures and provide certified results to the Secretary of State	19-121.02	
8/22/2024	GE-75**	BOS		Recommended deadline to schedule instruction classes for Precinct Election Boards for November 5, 2024 General Election	16-532	
8/25/2024	AugE+5 days after canvass			Deadline to file a state election contest	16-673(A)	SUNDAY
8/26/2024	PE+ 3rd Monday	SOS		OFFICIAL CANVASS OF THE AUGUST 6, 2024 PRIMARY ELECTION: Canvass returns for all Federal, Statewide, and Legislative Offices	16-645(B)	
8/26/2024	PE+ 3rd Monday	SOS		Issue Letters of Nomination to all prevailing Federal, Statewide, and Legislative Candidates who filed Nomination Papers with the Secretary of State	16-645(B)	
8/27/2024	GE-70	CCEC	SOS	Deadline for participating candidate to file Application to Receive Funds and Qualifying Contributions Report with original qualifying slips to the Secretary of State	16-950(B)	
8/27/2024	72 hours (business days only) after receipt of certification from County Recorders (Date may vary for early filings)	SOS		Deadline for Secretary of State to determine initiative petition results of random sample, issue receipt to sponsor committee, and notify Governor	19-121.04	
9/5/2024	PE+30	CCEC		CCEC candidates shall pay uncontested / unpaid bills from Primary Election	16-953(C)	
9/6/2024	GE-60	REC		Accept list of nominees for Special Election Boards from the county party chairmen and begin appointing Special Election Boards for November 5, 2024 General Election	16-549(A)	
9/6/2024	GE-60	SOS	BOS	Deadline to accept retention paperwork for judicial officers of Supreme and Appellate courts (SOS) and Superior Court (CLK)	Const. Art. VI § 38(A)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
9/16/2024	GE-50**	BOS		Recommended deadline to prepare materials and supplies for instruction classes for Precinct Election Boards	16-532	
9/16/2024	GE-50**	BOS		Recommended deadline to print instructions and check list for Election Board and Inspectors	16-532	
9/21/2024	GE-45	BOS		Prepare proof of sample ballots and submit to each county party chairman; Mail a copy to each candidate whose name did not appear on the Primary Election ballot.	16-461(A)	SATURDAY
9/21/2024	GE-45	BOS		Begin instruction classes for Precinct Election Boards	16-532	SATURDAY
9/21/2024	GE-45	REC		Deadline for active early voters to notify county that an early ballot not be sent for November 5, 2024 General Election	16-544(F)	SATURDAY
9/21/2024	GE-45	REC		Mail UOCAVA ballots for all requests received on or before the 48th day before November 5, 2024 General Election	16-543(A)	SATURDAY
9/23/2024	GE-43**	SOS		Recommended date to mail or e-mail a Publicity Pamphlet to every household that contains a registered voter	19-123(B) 19-123(C)	
9/26/2024	GE-40	BOS		Last day to accept suggestions from county party chairmen on changes to sample ballot due to error or omission	16-461(B)	
9/26/2024	GE-40	SOS	ELEC	Deadline for Write-in Candidate Nomination Papers for General Election at 5:00 p.m.	16-312(B)	
9/27/2024	GE-39**	SOS	ELEC	Recommended date to deliver notice to counties of Write-in Candidates filing Nomination Papers with Secretary of State	16-312(E)	
9/27/2024	GE-39**	BOS		Include list of eligible Write-in Candidates in supplies for Precinct Inspectors	16-312(E)	
10/1/2024	Oct 1	SOS		Begin filing Standing Committee 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024	16-927(A)(2)(b) 16-928(B)	
10/1/2024	Oct 1	SOS	ELEC	Begin filing PAC and Political Party 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024	16-927(A)(2)(b)	
10/1/2024	Oct 1	SOS		Begin filing Candidate 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(b) 16-927(B)	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
10/1/2024	Oct 1	ELEC		Begin filing Candidate 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
10/1/2024	Oct 1	SOS		Begin filing 2024 3rd Qtr Lobbyist Expenditure Report covering July 1, 2024 - September 30, 2024	41-1232.02(B) 41-1232.03(B)	
10/2/2024	(EV-7)	SOS	BOS	Logic and Accuracy Tests begin for accessible voting system units before early voting for General Election	16-449 Procedures Manual	
10/3/2024	GE-33	BOS		Print early ballots and deliver to County Recorders	16-503 16-545	
10/6/2024	GE-30**	BOS		Recommended date to begin accepting political party election observer lists submitted by county party chairmen for November 5, 2024 General Election	16-590(A)	SUNDAY
10/6/2024	GE-30			Deadline for Issuance of Proclamation of General Election by Governor	16-214	SUNDAY
10/7/2024	GE-29	REC		Last day to register to vote for November 5, 2024 General Election at 11:59 p.m.	16-120(A)	
10/7/2024	GE-29	SOS	REC	Begin compiling county-provided General Election Voter Registration Report	16-168(G)(1)(d)	
10/9/2024	GE-27	REC		Begin early voting for November 5, 2024 General Election	16-542(C)	
10/9/2024	GE-27	REC		Mail early ballots for November 5, 2024 General Election to voters on Active Early Voting List and voters who requested a one-time ballot-by-mail	16-544(F)	
10/9/2024	PE-27	ELEC		Tallying of early ballots for November 5, 2024 General Election may begin	16-550(B)	
10/11/2024	GE-25**	BOS		Recommended deadline to print challenge lists and payroll vouchers	16-536 16-594	
10/11/2024	GE-25**	BOS		Recommended deadline to have ballot labels ready for voting devices	16-405	
10/11/2024	GE-25**	BOS		Recommended deadline to print poll lists	16-516	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
10/11/2024	GE-25**	BOS		Recommended deadline to print official and unofficial return envelopes	16-511(A) 16-615 16-616	
10/11/2024	GE-25**	BOS		Recommended deadline to print duplicate ballot report forms	16-608(A)	
10/15/2024	Oct 15	SOS		Deadline for filing Standing Committee 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024	16-927(A)(2)(b) 16-928(B)	
10/15/2024	Oct 15	SOS	ELEC	Deadline for filing PAC and Political Party 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024	16-927(A)(2)(b)	
10/15/2024	Oct 15	SOS		Deadline for filing Candidate 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(b) 16-927(B)	
10/15/2024	Oct 15	ELEC		Deadline for filing Candidate 2024 3rd Qtr Campaign Finance Report covering July 21, 2024 - September 30, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	
10/15/2024	Oct 15 (8 days after close of registration)	REC		Deliver complete copies of precinct registers to county and state party chairmen	16-168(C)	
10/16/2024	GE-20	BOS		Designate polling places including emergency voting and dropbox locations (except for special district and mail ballot elections)	16-411(B)	
10/16/2024	GE-20	BOS		Deadline to appoint all Election Boards	16-531 16-535 16-551	
10/18/2024	GE-18**	BOS		Recommended deadline to print log books and forms for Receiving Sites, Central Counting Place, Computer Center and Early Ballot Processing Center	16-608	
10/18/2024	GE-18**	BOS		Recommended deadline to outline polling place support plan for General Election Day	Procedures Manual	
10/19/2024	GE-17	SOS	BOS	Perform Logic and Accuracy Tests within 17 days of November 5, 2024 General Election - Notify public 48 hours in advance	16-449(A) Procedures Manual	SATURDAY
10/19/2024	GE-17	BOS	SOS	File Computer Program and Voting Equipment Certification for November 5, 2024 General Election with Secretary of State	16-445(A) Procedures Manual	SATURDAY
10/20/2024	GE-16	SOS		Begin filing Standing Committee 2024 Pre-General Campaign Finance Report covering October 1, 2024 - October 19, 2024	16-927(A)(2)(a) 16-928(B)	SUNDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
10/20/2024	GE-16	SOS	ELEC	Begin filing PAC and Political Party 2024 Pre-General Campaign Finance Report covering October 1, 2024 - October 19, 2024	16-927(A)(2)(a)	SUNDAY
10/20/2024	GE-16	SOS		Begin filing Candidate 2024 Pre-General Campaign Finance Report covering October 1, 2024 - October 19, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(a) 16-927(B)	SUNDAY
10/20/2024	GE-16	ELEC		Begin filing Candidate 2024 Pre-General Campaign Finance Report covering October 1, 2024 - October 19, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B)	SUNDAY
10/22/2024	GE-14**	BOS		Mail notice to county party chairmen as to time and place when voting devices can be inspected	16-447(B)	
10/22/2024	MayE-210	BOS		Deadline for 210 day notice by Board of Supervisors for May 20, 2025 Election	16-205	
10/25/2024	GE-11	REC		Deadline for accepting requests for a ballot-by-mail for November 5, 2024 General Election	16-542(E)	
10/25/2024	GE-11	BOS		Mail sample ballot to every household that contains a registered voter not on the Active Early Voting List	16-510(C)	
10/25/2024	GE-11 (2nd Friday prior to GE)	REC		Deadline for accepting requests for assistance by Special Election Board due to "continuing" illness or disability at 5:00 p.m.	16-549(C)	
10/26/2024	GE-10	SOS		Deadline for filing Standing Committee 2024 Pre-General Campaign Finance Report covering October 1, 2024 - October 19, 2024	16-927(A)(2)(a) 16-928(B) 1-243(A) 1-303	SATURDAY
10/26/2024	GE-10	SOS	ELEC	Deadline for filing PAC and Political Party 2024 Pre-General Campaign Finance Report covering October 1, 2024 - October 19, 2024	16-927(A)(2)(a) 1-243(A) 1-303	SATURDAY
10/26/2024	GE-10	SOS		Deadline for Filing Candidate 2024 Pre-General Campaign Finance Report Covering October 1, 2024 - October 19, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
10/26/2024	GE-10	ELEC		Deadline for Filing Candidate 2024 Pre-General Campaign Finance Report Covering October 1, 2024 - October 19, 2024 (Applicable County and Local Races)	16-927(A)(2)(a) 16-927(B) 1-243(A) 1-303	SATURDAY
10/26/2024	GE-10	SOS		Deadline for the Vote Count Verification Committee to meet and consider revision of the designated margins to be used in the hand count audit, which will be simultaneously posted to the Secretary of State's website	16-602(K)(4)	SATURDAY
10/26/2024	(After 2nd Friday before GE)	REC		Begin accepting requests for assistance by Special Election Board due to "unanticipated" illness or disability	16-549(D)	SATURDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
10/26/2024	GE-10	BOS		Deadline to publish Election Proclamation made by Governor	16-214(C)	SATURDAY
10/26/2024	GE-10	REC		Prepare official precinct registers	16-168(A)	SATURDAY
10/26/2024	GE-10	REC		Provide inactive voter list to each precinct on or before Election Day	16-583*	SATURDAY
10/29/2024	GE-7 (Tuesday preceding GE)	ELEC		Deadline for political parties to provide names of persons intending to participate in hand count by 5:00 p.m.	16-602(B)(7)	
10/30/2024	GE-6 (Wednesday preceding GE)	ELEC		Deadline for officer in charge of elections to notify political parties of shortage in number of persons intending to participate in hand count by 9:00 a.m.	16-602(B)(7)	
10/31/2024	GE-5 (Thursday preceding GE)	ELEC		Deadline for political parties to provide sufficient number of additional persons to cover hand count board shortages by 5:00 p.m.	16-602(B)(7)	
10/31/2024	October 31	SOS		Deadline for filing 2024 3rd Qtr Lobbyist Expenditure Report covering July 1, 2024 - September 30, 2024	41-1232.02(B) 41-1232.03(B)	
11/1/2024	GE-4 (Friday preceding GE)	REC		Deadline for "overseas" voter as defined in UOCAVA who was recently discharged or separated from employment to register to vote for the General Election at 5:00 p.m.	16-103(D)	
11/1/2024	GE-4	ELEC		Deadline to Vote Early In-Person for the November 5, 2024 General Election by 5:00 p.m.	16-542(E)	
11/1/2024	Nov 1	ELEC		Begin emergency early voting in a manner prescribed by the BOS due to an emergency occurring between 5:00 p.m. on Nov. 1, 2024 and 5:00 p.m. on Nov. 4, 2024 that would prevent the elector from voting at the polls	16-542(H)	
11/3/2024	GE-2	BOS		If BOS fails to designate polling places, the Justice of the Peace may designate polling places	16-411(C)	SUNDAY
11/3/2024	GE-2	BOS		Deliver ballots to Inspector	16-509	SUNDAY
11/4/2024	GE-1	BOS		Complete instruction classes for Precinct Boards, Receiving and Central Counting Place Boards and Data Processing Boards	16-532	
11/4/2024	GE-1	BOS		Deliver polling place supplies	16-404 16-447(D) 16-511	

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
11/4/2024	GE-1	REC		Deadline for accepting requests for assistance by Special Election Board due to "unanticipated" illness or disability	16-549(D)	
11/4/2024	GE-1	REC		Deliver list of all electors who were issued early ballots to Precinct Inspectors	16-542(G)	
11/4/2024	GE-1**	BOS		Recommended deadline to deliver lists of qualified Write-in Candidates to Inspector to be posted in polling place on Election Day	16-312(E)	
11/5/2024	GE	ALL		November 5, 2024 General Election	16-204(E)(2) 16-204(F)(4) 16-206(A) 16-211	
11/5/2024	GE	REC		Continue delivery of early ballots to Early Boards for processing until 7:00 p.m.	16-551(C)	
11/5/2024	GE	REC		Deadline for UOCAVA voters temporarily absent from the state to register to vote for November 5, 2024 General Election at 7:00 p.m.	16-103(C)	
11/5/2024	GE	CCEC		End of CCEC General Election Period	16-961(B)(5)	
11/6/2024	GE+1	ELEC		Hand count audit begins within 24 hours of the closing of the polls	16-602(I)	
11/6/2024	GE+1	ELEC		Select by lot 2% of precincts/vote centers and perform hand count on those ballots; randomly select from sequestered early ballot batches a number equal to 1% of early ballots cast or 5,000 early ballots (whichever is less) for manual audit	16-602(B)(1) 16-602(F) Procedures Manual	
11/6/2024	GE+1	ELEC		Select contested races to be hand counted	16-602(B)(2) 16-602(C)	
11/6/2024	GE+1	CCEC		Candidates to return monies above sufficient amount to pay unpaid bills during General Election Period	16-953(B)	
11/6/2024	GE+1	CCEC	SOS	Begin CCEC Exploratory Period for candidates for 2026 Election. Exploratory period covers November 6, 2024 - July 31, 2025	16-961(B)(2)	
11/11/2024	GE+6	BOS		Deadline to hear early ballot challenges (by 5:00 p.m.)	16-552(E)	HOLIDAY
11/11/2024	GE+6	BOS		First day to canvass returns for November 5, 2024 General Election, and issue Certificates of Election for County and Local offices	16-642(A) 16-645(A)	HOLIDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
11/13/2024	GE+5 Business Days	REC		Last day for identification verification for Conditional Provisional Ballots and curing of early ballot affidavit signatures. For counties that have a 4-day work week, the deadline will be the next business day: 11/14/2024	16-579(A)(2) 16-550(A) Procedures Manual	
11/15/2024	GE+10	REC		Deadline to process Provisional Ballots from the November 5, 2024 General Election	16-135(D) 16-584(E)	
11/25/2024	GE+20	BOS		Last day to canvass returns for November 5, 2024 General Election, and issue Certificates of Election for County and Local Offices	16-642(A) 16-645(A)	
11/30/2024	NovE+5 days after canvass			Deadline to file a state election contest	16-673(A)	SATURDAY
12/1/2024	Dec 1	SOS		Begin filing Biennial Principal or Public Body Registration Renewal for 2024 - 2025	41-1232(C) 41-1232.01(C)	SUNDAY
12/2/2024	GE+ 4th Monday	SOS		OFFICIAL CANVASS OF THE NOVEMBER 5, 2024 GENERAL ELECTION: Canvass returns for all Federal, Statewide, and Legislative Offices, Supreme and Appellate Judicial Officers, and all Statewide Ballot Measures	Const. Art V § 10 16-648(A)	
12/2/2024	GE+ 4th Monday	SOS		First day to issue Certificates of Election to all prevailing Federal, Statewide, and Legislative Candidates who filed Nomination Papers with the Secretary of State	Const. Art V § 10 16-650	
12/2/2024	GE + 4th Monday			Upon completion of Canvass, Governor shall issue Proclamation on Constitutional Amendments and Measures	16-651	
12/5/2024	GE+30	CCEC		Clean Elections candidates shall pay uncontested and unpaid bills from General Election	16-953(C)	
12/10/2024	1st Tuesday after the 1st Monday in November	SOS		Arizona Electors Safe Harbor Deadline	16-212	
12/16/2024	1st Monday after 2nd Wednesday in December	SOS		Meeting of the Electoral College	3 U.S.C. Ch. 1 § 7	
12/31/2024	Dec 31	SOS		Deadline for SOS to inform legislature about plan for election officer certification and training	16-407(D)	
1/1/2025	Jan 1	SOS		Begin Filing 2024 4th Qtr Lobbyist Expenditure Report covering October 1, 2024 - December 31, 2024	41-1232.02(B) 41-1232.03(B)	HOLIDAY
1/1/2025	Jan 1	SOS		Begin filing Standing Committee 2024 4th Qtr Campaign Finance Report covering October 20, 2024 - December 31, 2024	16-927(A)(2)(b) 16-928(B)	HOLIDAY

2023-2024 ELECTION CALENDAR

DATE	DATE IN STATUTE	Cat 1	Cat 2	EVENT	REFERENCE	HOLIDAY/ WEEKEND STATUS
1/1/2025	Jan 1	SOS	ELEC	Begin filing PAC and Political Party 2024 4th Qtr Campaign Finance Report covering October 20, 2024 - December 31, 2024	16-927(A)(2)(b)	HOLIDAY
1/1/2025	Jan 1	SOS		Begin Filing Candidate 2024 4th Qtr Campaign Finance Report Covering October 20, 2024 - December 31, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(b) 16-927(B)	HOLIDAY
1/1/2025	Jan 1	ELEC		Begin Filing Candidate 2024 4th Qtr Campaign Finance Report Covering October 20, 2024 - December 31, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B)	HOLIDAY
1/1/2025	Jan 1	SOS		Begin filing Public Officers Annual Financial Disclosure Statement covering CY2024	18-444(D)	HOLIDAY
1/1/2025	Jan 1	SOS		Begin Filing Principal and Public Body 2024 Annual Expenditure Reports covering January 1, 2024 - December 31, 2024	41-1232.02(A) 41-1232.03(A)	HOLIDAY
1/13/2025	Jan 13 (Second Monday in January)	SOS		Deadline for filing Biennial Principal or Public Body Registration Renewal for period beginning 2024 - 2025	41-1232(C) 41-1232.01(C)	
1/15/2025	Jan 15	SOS		Deadline for filing Standing Committee 2024 4th Qtr Campaign Finance Report covering October 20, 2024 - December 31, 2024	16-927(A)(2)(b) 16-928(B) 1-243(A) 1-303	
1/15/2025	Jan 15	SOS	ELEC	Deadline for filing PAC and Political Party 2024 4th Qtr Campaign Finance Report covering October 20, 2024 - December 31, 2024	16-927(A)(2)(b) 1-243(A) 1-303	
1/15/2025	Jan 15	SOS		Deadline for Filing Candidate 2024 4th Qtr Campaign Finance Report Covering October 20, 2024 - December 31, 2024 (Statewide and Legislative Candidates)	16-927(A)(2)(b) 16-927(B) 1-243(A) 1-303	
1/15/2025	Jan 15	ELEC		Deadline for Filing Candidate 2024 4th Qtr Campaign Finance Report Covering October 20, 2024 - December 31, 2024 (Applicable County and Local Races)	16-927(A)(2)(b) 16-927(B) 1-243(A) 1-303	
1/31/2025	Jan 31	SOS		Election System Software Escrow Statement: Election vendors who have voting equipment certified for use in Arizona elections and whose equipment is currently in use or will be used in an upcoming election shall notify the Secretary of State, in writing, by January 31 of each year where the source code is held in escrow		

Katie Hobbs
Governor

Thomas M. Collins
Executive Director



Mark S. Kimble
Chair

Steve M. Titla
Damien R. Meyer
Amy B. Chan
Galen D. Paton
Commissioners

State of Arizona
Citizens Clean Elections Commission

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MEMORANDUM

To: Commissioners

From: Thomas Collins

Date: 9/19/2023

Subject: Disclaimer proposed rules and comments

The Voter's Right to Know Act, Chapter 6.1 of Title 16, states:

The commission shall establish disclaimer requirements for public communications by covered persons. A political action committee that complies with these requirements need not separately comply with the requirements prescribed in section 16-925, subsection B.

Public communications by covered persons shall state, at a minimum, the names of the top three donors who directly or indirectly made the three largest contributions of original monies during the election cycle to the covered person. If it is not technologically possible for a public communication disseminated on the internet or by social media message, text message or short message service to provide all the information required by this subsection, the public communication must provide a means for viewers to obtain, immediately and easily, the required information without having to receive extraneous information.

A.R.S § 16-974(C).

To meet this requirement staff has proposed R2-20-805. That proposal provides the following:

R2-20- 805. Disclaimers

- A.** A covered person shall include the words "paid for by" on every public communication followed by the full legal name of the covered person making the public communication. The public communication shall also state whether it is: 1) authorized by any candidate or their agents and any candidate's name who individually or through their agents participated in the authorization; or 2) that the public communication is not authorized by any candidate or their agents acting on the candidate's behalf.
- B.** Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast.
- C.** If it is not technologically possible for a public communication disseminated on the internet or by social media message, text message or short message service to provide all the information required by this section, the public communication must provide a means for viewers to obtain, immediately and easily, the required information without having to receive extraneous information. The public communication must always state the full legal name of the covered person.
- D.** If the public communication is:

 - 1. Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
 - 2. Delivered by hand or by mail, the disclosure shall be clearly readable.
 - 3. Delivered electronically, the disclosure shall be clearly readable.
 - 4. Displayed on a sign or billboard, the disclosure shall be displayed at a height that is at least four percent of the vertical height of the sign or billboard.
 - 5. Broadcast on television, in a video or film, both of the following requirements apply:

 - a. The disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth of the broadcast duration or four seconds, a spoken disclosure statement is not required.
 - b. The written disclosure statement shall be printed in letters that are displayed in a height that is at least four percent of the vertical picture height, except that if the advertisement is paid

for by a political action committee, the written disclosure statement shall be displayed in a height that is at least ten percent of the vertical picture height.

- c. These disclosure requirements apply to any broadcast, video, or film format, whether distributed via airwaves, cable, the internet, or other delivery methods.

We received several comments about this proposal. This memo analyzes them.

Comments

Statecraft, a Phoenix based law firm comments that the statute provides that donors who give less than \$5,000 are not disclosed on reports under the VRKA. Statecraft notes that the rule should be clarified to ensure that a person who is otherwise not disclosable should not face disclosure in a disclaimer. Staff agrees that this is the intent of both the statute and the proposed rule and recommends the express inclusion of that threshold in the rule text.

Consequently, Section 805(B) would read: Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast.

Herrera Arellano (HA), another Phoenix-based firm, suggests two changes to this proposed rule. First, they suggest that the Commission, by rule, limit disclosure of donors on a disclaimer to only those whose funds were actually used for the communication in question. The statute doesn't provide for such a limitation nor does the pre-existing disclaimer statute A.R.S. § 16-925. Consequently, staff does not recommend this change.

The firm also recommends a change to account for the protection of identities. While the statute provides that under certain circumstances an otherwise disclosable donor is not subject to disclosure, the proposed rule does not directly address the consequence of that occurrence. In short, what goes on a disclaimer if the donor is not to be revealed. Like Statecraft's comment, this suggestion squares with the terms of the statute and clarifies the terms of the rule. Additionally, while the statute requires that "at a minimum" the top three donors be identified on the disclaimer, staff sees no reason to have a fourth donor revealed merely because a third donor is protected.

Based on staff's recommendation, the combined language from the Statecraft and HA comments would read:

Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast. In the event a donor otherwise subject to disclosure pursuant to this section is protected under A.R.S. § 16-973(F) the disclaimer shall omit that donor's identity.

The Campaign Legal Center (CLC) also made comments related to this proposed rule.

The first suggestion CLC makes is to create a look back in the disclaimer such that a prior donor whose donation from a prior election cycle account for more than 50 percent of the covered person's funds. While there may be an argument the term "at a minimum" as used in A.R.S. § 16-974 would permit the Commission to include such a requirement, the better reading of the statute is that at a minimum refers to the number of donors, not the time frame of the donation. The statute specifically states that donors in the current election cycle are to be identified. Staff does not recommend this change.

The next suggestion is that the Commission further clarify what to do if there is a tie among the top three donors. Staff doesn't think this level of detail is necessary. In the event that this occurs, staff may recommend revisiting this aspect of CLC's comment, but in the meantime, Staff recommends presuming a covered person will make a reasonable determination of how to disclose the top three donors.

The next comment, CLC suggests, consistent with Statecraft, that Commission clarify that donors under \$5,000 are not to be disclosed in a disclaimer. Staff agrees.

The remainder of CLC's comments and suggested language focus on creating more specific parameters for covered person's in ensuring disclaimers are available and accessible. While staff is conscious of the public's interest here, we are not aware of abuses of the reasonableness standard set forth in A.R.S. § 16-925 and reflected in this proposed rule. Consequently, staff does not recommend this change.

Exhibit 1- Rule with Recommended Changes

R2-20- 805. Disclaimers

- A.** A covered person shall include the words "paid for by" on every public communication followed by the full legal name of the covered person making the public communication. The public communication shall also state whether it is: 1) authorized by any candidate or their agents and any candidate's name who individually or through their agents participated in the authorization; or 2) that the public communication is not authorized by any candidate or their agents acting on the candidate's behalf.
- B.** Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast. In the event a donor otherwise subject to disclosure pursuant to this section is protected under A.R.S. § 16-973(F) the disclaimer shall omit that donor's identity.
- C.** If it is not technologically possible for a public communication disseminated on the internet or by social media message, text message or short message service to provide all the information required by this section, the public communication must provide a means for viewers to obtain, immediately and easily, the required information without having to receive extraneous information. The public communication must always state the full legal name of the covered person.
- D.** If the public communication is:
1. Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
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 - b. The written disclosure statement shall be printed in letters that are displayed in a height that is at least four percent of the

vertical picture height, except that if the advertisement is paid for by a political action committee, the written disclosure statement shall be displayed in a height that is at least ten percent of the vertical picture height.

- c. These disclosure requirements apply to any broadcast, video, or film format, whether distributed via airwaves, cable, the internet, or other delivery methods.

September 19, 2023

Mr. Thomas M. Collins, Executive Director
Citizens Clean Elections Commission
1110 W. Washington Street, Suite 250
Phoenix, AZ 85007

VIA E-MAIL (ccec@azcleelections.gov)

Re: Comments on Notice of Proposed Rulemaking; “Voter’s Right to Know Act” (Proposition 211)

Dear Mr. Collins,

People United for Privacy¹ submits these comments on the above-referenced notice of proposed rulemaking by the Citizens Clean Elections Commission (the “Commission”). We urge the Commission to hold off on adopting regulations while the serious legal challenge to the underlying “Voter’s Right to Know Act” (the “Act”) remains pending in federal court.² As the lawsuit demonstrates, there are significant constitutional problems with the Act’s vague and overbroad terminology and its unjustified encroachments on donor privacy. Promulgating rules to implement the Act at this time may turn out to be an exercise in futility and a waste of agency resources in the likely event that the Act is struck down in litigation.

1. There is no need for the Commission to rush to adopt these rules.

While the Commission may adopt rules to implement the Act, the Act sets no particular deadline for doing so.³ Moreover, although the Act purports that this rulemaking is exempt from the Arizona Administrative Procedure Act,⁴ that law also prescribes no particular deadline for promulgating rules. Indeed, the Act generally does not require the Commission to adopt any implementing rules at all; the only rulemaking the Act requires is for the Act’s disclaimer requirements.⁵

¹ People United for Privacy defends the rights of all Americans – regardless of their beliefs – to come together in support of their shared values. Nonprofit organizations perform important work in communities across the United States, and we protect the ability of nonprofit donors to support causes and exercise their First Amendment rights privately.

² *Americans for Prosperity, et al. v. Meyer, et al.*, Case No. 2:23-cv-00470-ROS (D. Ariz.).

³ See Ariz. Rev. Stat. § 16-974(A)(1), (C).

⁴ *Id.* § 16-974(D).

⁵ Compare *id.* § 16-974(C) (“The commission *shall* establish disclaimer requirements for public communications by covered persons.”) (emphasis added) with *id.* § 16-974(A)(1) (“The commission *may*... [a]dopt and enforce rules.”) (emphasis added).

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2. The Arizona Superior Court’s dismissal of the challenge to the Act establishes no presumption of its constitutionality.

The recent ruling by the Maricopa County Superior Court dismissing a separate challenge to the Act provides little assurance of the Act’s constitutionality.⁶ The court failed to properly apply the “exacting scrutiny” standard against the Act’s unconstitutionally broad donor exposure requirements and to adequately address the Act’s unconstitutionally vague terminology.

2.1. The Act is not “narrowly tailored” and fails “exacting scrutiny.”

The Arizona Superior Court concluded the Act satisfies the “exacting scrutiny” standard for disclosure laws insofar as:

the Act mandates the disclosure of original sources of campaign funds, which prevents cloaking actual contributors by using intermediaries:

The interests in where political campaign money comes from and in learning who supports and opposes ballot measures extend beyond just those organizations that support a measure or candidate directly. The secondary-contributor requirement is designed to go beyond the ad hoc organizations with creative but misleading names and instead expose the actual contributors to such groups.⁷

However, both the Superior Court decision and the U.S. Court of Appeals for the Ninth Circuit’s “*No on E*” decision cited therein fail to explain how the Act’s requirement for organizations to indiscriminately report their donors—and donors to those donors—is “narrowly tailored” to the state’s interest in disclosure of “who supports and opposes ballot measures” and candidates. Donors give to non-profit organizations for wide variety of charitable, educational, and issue advocacy purposes. Those donors, by definition, are not giving to “support[] and oppose[] ballot measures” or candidates. The Superior Court decision fails to explain why such donors should have to be publicly exposed on an organization’s so-called “campaign media spending” reports.

That nexus is even more attenuated for the Act’s “secondary-contributor [disclosure] requirement” – i.e., the requirement that “campaign media spending” sponsors report their donors’ donors. If: (i) Donor 1 gives to Organization A to support its educational activities; (ii) A then gives to Organization B to support B’s charitable activities; and (iii) B also engages in “campaign media spending,” how can it be said that Donor 1 “supports” or “opposes” any ballot measure or candidate such that Organization B should have to report Donor 1 under the Act? Again, the Superior Court decision fails to justify how this donor reporting requirement bears a “*substantial*” relationship

⁶ *Center for Arizona Policy, Inc., et al. v. Arizona Secretary of State, et al.*, Case No. CV 2022-016564 (Super. Ct. of Ariz., Maricopa County), Under Advisement Ruling dated Jun. 21, 2023.

⁷ *Id.* at 8-9 (quoting *No on E, San Franciscans Opposing the Affordable Housing Production Act v. Chiu*, 62 F.4th 529, 540-41 (9th Cir. 2023)) (internal brackets and italics omitted).

with the state's interest in exposing "who supports and opposes ballot measures" and candidates, as the "exacting scrutiny" standard demands.⁸

The Superior Court's analysis is premised on the notion that organizations engaged in political campaign spending are "cloaking actual contributors by using intermediaries." While this may be true in a few instances, the court cites no record evidence of how pervasive this practice is. Therefore, the court's pretext for its holding is mere conjecture, and "we have never accepted mere conjecture as adequate" to uphold a law that burdens First Amendment rights.⁹

Moreover, even if the Superior Court was justifiably concerned about the circumvention of disclosure "by using intermediaries," the court failed to consider why an alternative approach that either: (a) prohibits such "earmarking" of contributions (a la Ariz. Rev. Stat. §§ 16-918 and - 1022(B)); or (b) requires only contributions earmarked through intermediaries for "campaign media spending" to be reported (a la Ariz. Rev. Stat. § 16-926(E)) wouldn't be a far better fit for the governmental interest at issue.

Under the "exacting scrutiny" standard that applies here, "fit matters," and there must be a "reasonable assessment of the burdens imposed by disclosure" that "begin[s] with an understanding of the extent to which the burdens are unnecessary."¹⁰ Here, there is an exceedingly poor fit between the Act's vastly overbroad donor reporting requirement relative to the narrow interest in exposing donors "using intermediaries" to fund political campaign spending. And the patently obvious alternative of requiring only the reporting of donors who earmark their contributions for political campaign spending renders "the burdens [of the Act] unnecessary." Therefore, the Act fails "exacting scrutiny."

The Superior Court also places great stock in the Act's allowance for donors to opt out of disclosure by prohibiting their donations from being used for "campaign media spending." However, the presumption that someone supports or consents to a practice simply because he or she does not opt out is highly disfavored. For example:

- The Federal Election Commission ("FEC") prohibits deducting contributions for a PAC from employees' paychecks or on union members' dues statements on an opt-out basis;¹¹

⁸ See *id.* at 9 (emphasis in the original).

⁹ *McCutcheon v. FEC*, 572 U.S. 185, 210 (2014) (internal quotation marks and citation omitted).

¹⁰ *Amer. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2384-85 (2021) (internal quotation marks and citation omitted).

¹¹ See FEC Adv. Op. Nos. 2001-04 (MSDWPAC) and 1977-37 (NEA-PAC).

- The FEC has recommended that Congress prohibit campaign contribution solicitations from requiring donors to opt out of having their credit cards charged for recurring contributions;¹²
- The Federal Communications Commission prohibits robocalls and automated text messages from being sent to cellphones on an opt-out basis.¹³

In the same vein, we cannot presume that donors to nonprofit organizations intend to fund “campaign media spending,” as the Act and Superior Court presume, simply because those donors fail to opt out of having their funds used for such purposes. Indeed, the written opt-out notices that organizations are required to send may become lost in the mail, sequestered in recipients’ e-mail spam filters, or simply overlooked. “In a climate marked by the so-called cancel or call-out culture that has resulted in people losing employment . . . and where the Internet removes any geographic barriers to cyber harassment of others,”¹⁴ the Act imposes an undue burden on donors’ right to privacy by requiring their names, addresses, occupations, and employers to be publicly associated with “campaign media spending”¹⁵ by default on an opt-out basis.

Moreover, as plaintiffs in the federal court litigation correctly note, the Act’s opt-out provision does not apply to a donor’s donors.¹⁶ Again, using the example from before, if: (i) Donor 1 gives to Organization A to support its educational activities; (ii) A then gives to Organization B to support B’s charitable activities; and (iii) B also engages in “campaign media spending,” how can the Superior Court presume that Donor 1 “supports” or “opposes” any ballot measure or candidate when the Act doesn’t even give Donor 1 any opportunity to opt out of being associated with Organization B’s “campaign media spending”?

2.2. The Act relies upon unconstitutionally vague terminology, and the Commission’s proposed rule fails to clarify it.

As even the Arizona Superior Court acknowledges, the Act “burden[s] the ability to speak” by virtue of its reporting and disclaimer requirements.¹⁷ Accordingly, a “greater degree of

¹² See FEC 2022 Legislative Recommendations, at <https://www.fec.gov/resources/cms-content/documents/legrec2022.pdf>.

¹³ See 47 C.F.R. § 64.1200(a)(1); see also FCC Enforcement Advisory No. 2016-03, DA 16-264 (Mar. 14, 2016).

¹⁴ *Amer. For Prosperity v. Grewal*, 2019 WL 4855853 at *20 (D. N.J. 2019).

¹⁵ See Ariz. Rev. Stat. §§ 16-973(A)(6), -971(10) (defining “identity”).

¹⁶ *Americans for Prosperity, et al. v. Meyer, et al.*, Case No. 2:23-cv-00470-ROS (D. Ariz.), Plaintiffs’ Omnibus Opp. to Mot. to Dismiss (Doc. No. 38) at 25 (ECF page number).

¹⁷ *Center for Arizona Policy, Inc.*, Under Advisement Ruling at 7 (internal quotation marks and citation omitted).

specificity is required” of the content standards triggering these speech regulations so as not to render the entire Act unconstitutionally vague.¹⁸

The Superior Court failed to properly address the claim that the term “campaign media spending” as used in the Act is unconstitutionally vague. The court merely reasoned that “Plaintiffs’ challenge to three portions of the Act do not support a facial challenge of the *entire* measure based on vagueness.”¹⁹

The Superior Court misses the mark by a mile: The *entire* Act relies upon vague terminology. The Act’s twin pillars – that organizations must report donors and identify themselves and their donors on disclaimers – are both triggered by “campaign media spending.”²⁰ And this foundational term is vague in several critical respects.

2.2.1. “Partisan” activities are vague and undefined.

The Act defines “campaign media spending” to include “partisan voter registration, partisan get-out-the-vote activity or other partisan campaign activity.”²¹ The Act does not further define these activities. In the federal litigation, the Commission protests that “Plaintiffs launched this broadside [against the ‘campaign media spending’ definition] before the Commission has passed one regulation.”²² Yet, the Commission has now released its proposed rule text, and it *still* fails to define what these activities mean. Indeed, the Commission contends that one “cannot dispute that ‘partisan’ in [the Act] refers to a recognized political party or party affiliation,” and that it is not “plausible” that anyone could “misinterpret ‘partisan’” to mean anything else.²³

However, the Internal Revenue Service (“IRS”) interprets “partisan” voter registration and get-out-the-vote activities by non-profits merely to mean “activities conducted in a biased manner that favors (or opposes) one or more candidates.”²⁴ In other words, per the IRS, and contrary to the Commission’s assertion, “partisan” activities need not necessarily refer to a political party or party affiliation.²⁵

¹⁸ See *Buckley v. Valeo* 424 U.S. 1, 77 (1976) (internal quotation marks and citations omitted); see also *id.* at 43 (discussing how a vague speech law impermissibly “blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim”).

¹⁹ *Center for Arizona Policy, Inc.*, Under Advisement Ruling at 10 (emphasis in the original).

²⁰ See Ariz. Rev. Stat. §§ 16-973, -974(C).

²¹ *Id.* § 16-971(2)(a)(vi).

²² *Americans for Prosperity, et al. v. Meyer, et al.*, Case No. 2:23-cv-00470-ROS (D. Ariz.), Defendants’ Reply in Support of Mot. to Dismiss (Doc. No. 43) at 7 (ECF page number).

²³ *Id.* at 8 (ECF page number).

²⁴ IRS, Rev. Rul. 2007-41 (Jun. 18, 2007), 2007-25 I.R.B. at 1422, available at <https://www.irs.gov/pub/irs-tege/rr2007-41.pdf>.

²⁵ To be explicitly clear, the IRS provides this example of what it considers to be a “partisan” get-out-the-vote activity, notwithstanding the lack of any reference to a political party or party affiliation:

To the extent that the IRS guidance demonstrates it is indeed possible to interpret “partisan” activity in multiple ways, the Commission must clarify what this aspect of “campaign media spending” means. If – as the Commission asserts in the federal litigation – it only means activities that refer to a political party or party affiliation, then the rule must clarify this point. The proposed rule text fails to do so.²⁶

2.2.2. The PASO standard is vague and undefined.

The Act also defines “campaign media spending” to include various types of public communications that “promote[], support[], attack[] or oppose[]” candidates, ballot measures, and the recall of elected officials.²⁷ The Act’s reliance upon what is commonly known as the “PASO” standard is deeply problematic. Like the Act’s regulation of “partisan” activities, the PASO standard is vague and inherently subjective. As the late U.S. Supreme Court Justice Antonin Scalia asked rhetorically of the PASO standard, “Does attacking the king’s position [on a policy issue] attack the king?”²⁸ Who can say with any certainty?

The U.S. Supreme Court upheld a vagueness challenge to the PASO standard in a very limited context, and the Act’s incorporation of the PASO standard is materially distinguishable in key respects. Specifically, federal law defines “federal election activity” (“FEA”) to include “a public communication that *refers to a clearly identified candidate*” and that PASOs the candidate.²⁹ This provision applies primarily to how state, district, and local party committees may pay for FEA, and secondarily to how federal and state candidates may pay for FEA.³⁰

The U.S. Supreme Court upheld the PASO standard in federal law only with respect to “the confines within which potential [political] party speakers must act in order to avoid triggering the

Shortly before the election, C sets up a telephone bank to call registered voters in the district in which Candidate G is seeking election. In the phone conversations, C’s representative tells the voter about the importance of environmental issues and asks questions about the voter’s views on these issues. If the voter appears to agree with the incumbent’s position, C’s representative thanks the voter and ends the call. If the voter appears to agree with Candidate G’s position, C’s representative reminds the voter about the upcoming election, stresses the importance of voting in the election and offers to provide transportation to the polls.

Id.

²⁶ On the other hand, if the Commission were to address this issue in the pending rulemaking, then that may conflict with its representations in the federal litigation. This is yet another reason why the Commission should hold this rulemaking in abeyance.

²⁷ Ariz. Rev. Stat. § 16-971(2)(a)(ii), (iv), (v).

²⁸ *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 493 (Scalia, J., concurring).

²⁹ 52 U.S.C. § 30101(20)(A)(iii) (emphasis added).

³⁰ See *id.* § 30125(b), (e), and (f); see also FEC, Explanation and Justification for Final Rules on Coordinated Communications (*hereinafter*, “FEC Coordination E&J”), 75 Fed. Reg. 55947, 55955 (Sep. 15, 2010).

[FEA] provision,” and largely on the basis that “actions taken by political parties are presumed to be in connection with election campaigns.”³¹ Moreover, while the Court reasoned that political parties could seek advisory opinions from the FEC on whether certain communications would qualify as PASO,³² the Court subsequently soured on forcing speakers to seek FEC advisory opinions.³³

Unlike federal law, the Arizona law broadly applies the PASO standard to any person or organization. Unlike the political parties that the U.S. Supreme Court “presumed” would be acting “in connection with election campaigns,” this same presumption cannot be applied to issue advocacy groups like Planned Parenthood Arizona, the Arizona Life Coalition, or the ACLU of Arizona, for example. Therefore, it cannot be presumed that the Act’s PASO standard is constitutional when applied to these types of organizations.

Moreover, unlike federal law, which requires a communication to refer to a “clearly identified candidate” before the PASO standard can be applied, the Arizona law includes no such limitation.³⁴ As the U.S. Supreme Court has noted, “the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions.”³⁵ To Justice Scalia’s point, under the Act, a public communication that “promotes, supports, attacks or opposes” a government policy could be deemed to PASO a candidate without any reference to a candidate whatsoever if a candidate happens to be closely tied to the issue.³⁶ The First Amendment prohibits this type of vague and unpredictable regulation of speech.³⁷

Indeed, the Act’s drafters apparently recognized the dangers of the PASO standard. Why else would they have limited its application to only six months before an election with respect to

³¹ *McConnell v. FEC*, 540 U.S. 93, 169 n.64 (2003). The *McConnell* Court also purported that the words “‘promote,’ ‘oppose,’ ‘attack,’ and ‘support’ . . . provide explicit standards for those who apply them and give the person of ordinary intelligence a reasonable opportunity to know what is prohibited.” *Id.* (internal quotation marks and citations omitted). However, this is not so in practice. The FEC actually considered further defining the “PASO” standard in a rulemaking concerning coordinated communications, but ultimately did not adopt the PASO standard for that purpose, and therefore did not further define PASO. See FEC Coordination E&J a 55955. If the PASO standard were “explicit” and clear on its face, why would the FEC have weighed the need to further define it?

³² *McConnell*, 540 U.S. at 169 n.64.

³³ *Citizens United v. FEC*, 558 U.S. 310, 336 (2010) (“If parties want to avoid litigation and the possibility of civil and criminal penalties, they must either refrain from speaking or ask the FEC to issue an advisory opinion approving of the political speech in question.”).

³⁴ Compare 52 U.S.C. § 30101(20)(A)(iii) with Ariz. Rev. Stat. § 16-971(2)(a)(ii).

³⁵ *Buckley*, 424 U.S. at 42.

³⁶ Even if the Commission were inclined to address this glaring deficiency by grafting a “reference to a clearly identified candidate” limitation into the “campaign media spending” definition by this rulemaking, it is unclear that it would have the authority to do so given the Act’s plain text.

³⁷ See *id.* at 42-43.

candidates?³⁸ However, an unconstitutionally vague speech standard that is applied for only six months of the year is still unconstitutional for six months of the year. Moreover, the Act notably omits any time limitation for applying the PASO standard for communications with respect to ballot measures and recalls, and the regulation of such communications also does not hinge on whether they actually refer to any clearly identified measure or recall.³⁹

Again, these glaring deficiencies render the “campaign media spending” definition unconstitutionally vague and subjective. For example, if a ballot measure seeks to enact stricter criminal sentencing laws, or if a County Attorney is facing a potential recall for seeking more lenient sentences in criminal prosecutions, is an advertisement that highlights rising crime rates and demands action by state legislators “promoting,” “attacking,” “supporting,” or “opposing” the ballot measure or the County Attorney’s recall? Who can really say with any certainty under the vague “campaign media spending” definition?

3. Conclusion

For all of the reasons discussed above, the litigation that remains pending in federal court presents a serious challenge to the constitutionality of Proposition 211. The Commission should hold off on adopting implementing regulations until that litigation and all appeals have been resolved. Proposition 211 imposes an undue burden on donor privacy and free speech. The federal judiciary should be given a chance to properly adjudicate these issues before the law is given any further effect.

Sincerely,

Matt Nese
Vice President, People United for Privacy

Eric Wang
Counsel to People United for Privacy

³⁸ See Ariz. Rev. Stat. § 16-971(2)(a)(ii).

³⁹ See *id.* § 16-971(2)(a)(iv), (v).

August 21, 2023

Arizona Citizens Clean Elections Commission
1110 West Washington Street, Suite 250
Phoenix, Arizona 85007

(via email: ccec@azcleanelections.gov)

RE: Public Comment on Proposed Rules Implementing Prop. 211

Dear Commissioners:

This firm represents various political action committees, unions, and nonprofit corporations engaged in Arizona elections. We have been closely following the Commission's rulemaking process related to the Voters' Right to Know Act (the "Act"). We appreciate the opportunity to make public comment on proposed rules and ask the Commission for further clarification regarding certain portions of the Act.

Accordingly, please consider the following comments regarding the proposed rules introduced on June 22, and please further consider questions or points of clarification that we respectfully submit here, in the hopes that the Commission may choose to issue further rules or respond in writing to clarify the Act.

I. Donor Disclosure

Our primary concern about the Act and its proposed rules relates to the obligation that Covered Persons and their donors identify and disclose their contributors. Per our reading of the Act, there is ambiguity as to which contributions must be disclosed and how a Covered Person or a donor should appropriately identify those reportable contributions.

a. Scope of Donors' Duty to Identify Subcontributors (R2-20-801(C))

We turn first to non-Covered Persons (e.g., donors) and their obligation to disclose contributions. Proposed Rule R2-20-801(C) is responsive to this topic:

In response to a request pursuant to A.R.S. § 16-972(D), a person must inform that covered person in writing, the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person's original monies being transferred up to the amount of money being transferred to the requesting person.

We appreciate that this rule makes clear that a donor need only disclose those "original monies being transferred up to the amount of money being transferred to the requesting person." In other words, a donor who contributes \$100,000 to a Covered Person must disclose the original sources of \$100,000 of the donor's own funds (the "subcontributions"). But we respectfully request that the Commission add additional language to this rule to clarify that the donor may use any reasonable accounting system in determining *which* subcontributions to disclose, such that the donor's obligation is satisfied if it discloses non-opt-out donors who have made gifts totaling the amount equal to that transferred to the Covered Person. Given that money is fungible, donors should not be forced to attempt to identify and track the precise dollars the donor received and then transferred to the Covered Person.

A rule of this nature would appropriately balance the Act's interest in transparency and the burden on donors.¹ This is especially true because the Act places fewer burdens on donors compared to the burdens on Covered Persons themselves. As relevant, these requirements are principally that donors, who have not opted out of their funds being used for campaign media spending, provide records showing transfers of over \$2,500 to covered persons and that such records be maintained for five years. *See* A.R.S. §16-972(D)–(E), -973(E). Because donors may not know that the recipient of their money will eventually qualify as a Covered Person (and therefore may not know until later that the Act applies to them at all), donors should not be expected to track each the original source of each precise dollar that is contributed to that eventual Covered Person.

Accordingly, adding language to R2-20-801(C) allowing for donors to use any reasonable accounting method to identify the source of the money "being transferred

¹ Short of a rewritten rule on this issue, we would welcome written guidance from the Commission explaining that donors need not disclose the sources of *specific* dollars given to a Covered Person but may instead use any reasonable method to identify donors who have made gifts to the donor totaling an amount equal to that being transferred to the Covered Person.

up the amount of money being transferred to the requesting person” would clarify how donors are to identify the sources of the funds transferred.

b. Scope of Covered Persons’ Duty to Disclose Contributors

Related to the disclosure of original monies, we respectfully request that the Commission clarify its intent regarding Covered Persons’ obligation to identify “each donor of original monies who contributed, directly or indirectly, more than \$5,000 of traceable monies or in-kind contributions for campaign media spending during the election cycle to the covered person and the date and amount of each of the donor’s contributions.” A.R.S. § 16-973(A)(6).

Based on our reading of the Act, it is ambiguous whether, on any given report, a Covered Person must disclose (1) *all* donors who have given the Covered Person more than \$5,000 during the relevant election cycle or (2) only those donors who have given more than \$5,000 *and* whose money was actually used in the Campaign Media Spending that triggers the Covered Person’s report.

In the face of similarly ambiguous language related to non-Covered Person donors, the Commission helpfully explained in R2-20-801(C) that donors need only disclose the sources of funds “up the amount of money being transferred.” Similar language regarding Covered Persons would resolve ambiguity in the Act and promote compliance because Covered Persons will understand that the extent of their reporting obligations is limited to disclosure of those non-opt out donors whose contributions were used for Campaign Media Spending.

II. Disclaimers

Next, we request that the Commission clarify proposed Rule R2-20-805 regarding disclaimers on public communications. Would this rule, as written, require a Covered Person to list its top three donors (who have not opted out), regardless of whether those donors’ funds were used to create the communication on which the disclaimer is to appear?

If that is the case, we respectfully urge the Commission to reconsider this proposed rule and rewrite it such that only the Covered Person’s top three donors *whose funds were used to create the public communication* be included in the disclaimer. Donors may wish to be associated with certain but not all speech of a Covered Person. The Act should allow donors and Covered Persons to agree on specific uses of contributions, even if the donor has not opted out of their use for Campaign Media Spending.

It is not difficult to imagine a scenario in which a donor makes a contribution to fund certain work of a Covered Person, but by virtue of being one of the Covered Person's top three overall donors, the donor's name appears on messaging that is entirely unrelated to the goal which the donor hoped to further—perhaps without any forewarning. This scenario—made possible, in part, by proposed Rule R2-20-805—poses a nightmare for donors who wish to support Covered Persons on certain issues but not others. It will chill donor speech by forcing them to sign on to *all* communications of a Covered Person or *none*.²

III. Protected Identities

Proposed Rule R2-20-804 provides a clear mechanism for persons seeking to protect their identity from disclosure. But the public would benefit from guidance pertaining to what happens after any such exemption is approved. Currently, the draft rule provides that the Executive Director “shall issue a letter [granting the exemption] to the requestor within 5 days stating that their name shall not be disclosed.” R2-20-804(C), (D). The requestor, as contemplated by the proposed rule, is the original source of traceable monies, not the Covered Person. The Covered Person, therefore, may have no indication that the identity of one of its donors should be withheld from the Covered Person's report.

It would be useful to include additional language that indicates that the original source who receives the exemption letter must send a copy to the Covered Person. Otherwise, Covered Persons may inadvertently violate the law by disclosing a person with a valid exception.

Covered Persons would also benefit from a rule regarding the effect that a protected-identity exemption has on the Covered Person's disclosure reports and disclaimers. The Act mandates that someone with an exemption “shall not be disclosed or included in a disclaimer.” A.R.S. § 16-973(F). But neither the Act nor the proposed rules make clear whether other, non-identifying information about the exempted donation (*e.g.*, date, amount, etc.) must be included in the disclosure report.

Covered Persons would also benefit from an explanation of the disclaimer rules as applied when the identity of a Covered Person's top-three donor's identity must be

² In light of this problem, we also urge the Commission to consider whether the Act would allow a donor to opt out of certain of a Covered Person's Campaign Media Spending activities but not others.

withheld. In that case, a disclaimer could reasonably state one of the three donor's names has been redacted, or the disclaimer could skip the exempted donor and instead identify the next top donor who has not been exempted.

We respectfully request further elaboration from the Commission on the precise steps that a Covered Person must take to craft compliant reports and disclaimers when a major donor is exempt from disclosure.

IV. Conclusion

We appreciate you considering our input during the Commission's public comment period and for allowing us to ask questions that may benefit from further clarification by the Commission. Please feel free to contact us and let us know if we may be of assistance as the Commission addresses these comments and requests.

Sincerely,

A handwritten signature in black ink that reads "Roy Herrera". The signature is written in a cursive, flowing style.

Roy Herrera

Cc: Tom Collins (Thomas.collins@azcleelections.gov)

June 21, 2023

BY ELECTRONIC MAIL DELIVERY

Arizona Citizens Clean Elections Commission
1110 W. Washington St., Suite 250
Phoenix, AZ 85007

Re: Comment Regarding Draft Rules for Chapter 6.1 of Title 16, Arizona Revised Statutes – the Voters’ Right to Know Act

Dear Commissioners:

We are election law practitioners who represent clients that plan to spend funds in connection with Arizona state elections in 2024. We are in receipt of an email from Mr. Thomas Collins, the Executive Director of the Arizona Clean Elections Commission (the “*Commission*”) dated June 18, 2023, in advance of a June 22 meeting to discuss the draft rules (the “*Draft Rules*”) implementing Chapter 6.1 of Title 16, Arizona Revised Statutes (the “*Voters’ Right to Know Act*” or the “*Act*”). We appreciate Mr. Collins noting that “you may have your own ideas you would like the Commission to consider” and to “[p]lease feel free to get in touch with us if you have any questions, concerns or comments.” We have also reviewed the two new provisions of the Draft Rules circulated on June 18.

Our goals in this process are twofold: ensuring that the Draft Rules properly implement the Act and obtaining regulatory certainty for our clients. We understand that this process may be iterative and that the formal comment period will not open until after the June 22 meeting. By submitting comments now, we hope to focus the Commission’s attention on two issues prior to the meeting.

First, to ask the Commission to clarify how sections 801(c) and 803 of the Draft Rules will work in practice when an entity (as opposed to an individual) transfers monies to a “covered person.” We do not believe that any additional Draft Rule provisions are required to address this matter; we are instead requesting that the Commission confirm that our understanding of the Draft Rules – as applied to two hypothetical scenarios – is correct. We defer to the Commission as to the proper avenue for such confirmation, whether it be a written explanation and justification for the Draft Rules or a statement on the record at a Commission meeting. If our understanding of the Draft Rules is incorrect, however, then additional regulatory provisions may be required.

Second, to clarify the scope of the sixth and seventh types of “campaign media spending.” We are agnostic as to whether the Commission addresses this issue via new regulatory provisions or an interpretive statement.

A. Clarifying how sections 801(c) and 803 of the Draft Rules work in practice.

Proposed section 801(c) of the Draft Rules reads as follows:

In response to a request pursuant to A.R.S. § 16-972(D), a person must inform that covered person in writing, the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person's original monies being transferred ***up to the amount of money being transferred to the requesting person.***¹

Proposed section 803(a) of the Draft Rules reads as follows:

Before a covered person may use or transfer a donor's monies for campaign media spending, the donor must be notified in writing that the monies may be so used. The covered person must give the donor an opportunity to opt out of having the donation used or transferred for campaign media spending.²

The remaining subparts of section 803 specify how the written notice must be provided.

To ensure that the public understands how these two sections will work together, in practice, alongside the existing statutory provisions, we have set forth two hypothetical scenarios below that reflect how organizations transfer funds to influence Arizona state elections. We ask that the Commission clarify that the Donor and Covered Person's proposed course of action in Hypotheticals A and B comply with the statute and Draft Rules.

Hypothetical A

- Donor is a national organization that focuses on electing Democrats to statewide and legislative offices. Donor will effectuate its Arizona program by making monetary and in-kind contributions to Covered Person.
- Covered Person is a national organization that focuses on electing Democrats to statewide and legislative offices. Covered Person will effectuate its Arizona program by engaging in campaign media spending.
- Donor raises funds from individuals and organizations. To comply with applicable federal and state rules, Donor segregates its funds in different bank accounts based on money type (individual v. organizational), amount (some jurisdictions have contribution limits), and other factors (some donors place restrictions on their funds).

¹ See First Round Draft Notice of Proposed Rulemaking (June 18, 2023) at R2-20-801(C).

² See *id.* at R-20-803(A).

- While Donor would not use or transfer any funds provided by its donors restricted for use outside of Arizona elections, Donor has *not* sent section 803 compliant notices to *its* donors. (We do not read the Draft Rules to require Donor to do so.)
- On Friday, March 1, 2024, Donor contributes \$500,000 to Covered Person. On Monday, March 4, 2024, Covered Person sends a section 803 compliant notice to Donor *and* a request for original monies notice prescribed by section 801(c) of the Draft Rules and A.R.S. § 16-972(D).
- During the current election cycle, Donor has received \$2.5 million in contributions in total from both organizations and individuals. The donations from organizations are not original monies. Donor made the \$500,000 contribution from a bank account that had received \$1 million in contributions solely from individuals, all of which constituted original monies.
- In response to the request for original monies, Donor discloses that the individuals below contributed the following amounts since the beginning of the election cycle:
 - Individual A -- \$100,000
 - Individuals B and C -- \$50,000 each
 - Individuals D, E, F, G, and H --\$25,000 each
 - Individual I, J, K, and L -- \$10,000 each
 - Individual M, N, O, P, Q, R, and S -- \$5,000 each
 - Unitemized -- \$100,000 total from individuals who contributed \$2,500 or less to Donor since beginning of election cycle.
- Donor responds to section 803 notice by opting-in to use of \$500,000 for campaign media spending.

We interpret the aforementioned steps in Hypothetical A to be in compliance with proposed sections 801(c) and 803 of the Draft Rules. The statute and Draft Rules only require the opt-out notice to be sent from a covered person to a donor; that was done here. There is no requirement in the statute or Draft Rules that a donor must send opt-out notices to its own donors. Instead, the statute and Draft Rules merely require that a donor provide the “the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person’s original monies being transferred up to the amount of money being transferred to the requesting person.” That, too, was done here to the extent that the Commission would allow Donor to count the \$100,000 in unitemized (\$2,500 or less contributions) donations toward the \$500,000 amount. (If it is instead required to provide the Covered Person with a list of donors who contributed \$2,500 or less in original monies – even if those donors are not required to be disclosed on filings with the Commission – the Donor could comply in that way too.)

Hypothetical B

The same as Hypothetical A, except that Donor contributes \$400,000 from the account consisting solely of contributions of original monies from individuals and \$100,000 from a separate account consisting solely of contributions of non-original monies from nonprofit organizations. Neither the statute nor Draft Rules require that the disclosure of original monies be tied to the bank account from which the contribution of traceable monies is made. Therefore, Donor chose to source all \$500,000 in original monies from the individual-only account, even though Donor contributed only \$400,000 from that account and \$100,000 from another account.

B. Clarifying the meaning of “campaign media spending.”

The statute defines “campaign media spending” to mean “spending monies or accepting in-kind contributions to pay for” five types of “public communications” enumerated at § 16-971(2)(a)(i)-(v) *or* either of the following:

(vi) “An activity or public communication that supports the election or defeat of candidates of an identified political party or the electoral prospects of an identified political party, including partisan voter registration, partisan get-out-the-vote activity or other partisan campaign activity.”³

(vii) “Research, design, production, polling, data analytics, mailing or social media list acquisition or any other activity conducted in preparation for or in conjunction with any of the activities described in items (i) through (vi) of this subdivision.”⁴ The Draft Rules clarify that these activities “shall not be considered campaign media spending unless these activities are specifically conducted in preparation for or in conjunction with those other activities.”⁵

We are asking the Commission to clarify the meaning of these latter two terms.

1. Clarifying the meaning of “activity” in Ariz. Stat. § 16-971(a)(vi).

The term “activity” is not defined anywhere in Title 16 and is used only once in the definition of “campaign media spending.” The common definition of the term is so broad as to potentially include anything that a person does. This potential overbreadth creates confusion. For example, if a donor gives \$50,000 to a statewide political party over the course of an election cycle, have they engaged in campaign media spending because they have done an “activity” that supports the electoral prospects of a candidate or political party? If so, the donor becomes a covered person with their own reporting obligations under the Act.⁶ We do not think this is the intention of the Act. In this example, the political party is already obligated to report the identity of the donor to

³ A.R.S. § 16-971(2)(a)(vi).

⁴ *Id.* § 16-971(2)(a)(vii).

⁵ First Round Draft Notice of Proposed Rulemaking (June 18, 2023) at R2-20-804.

⁶ *See* A.R.S. §§ 16-971(7)(a), 16-973.

the state and saddling donors with a duplicative reporting obligation does not further the goals of the law.⁷

We are asking the Commission to clarify that the term “activity” only includes programs aimed externally at voters to support or oppose a political party, as opposed to monetary or in-kind contributions of goods or services made to a covered person *or* internal work performed by an organization. This interpretation is consistent with the language of the statute. While rules of statutory construction dictate that the term “activity” mean something distinct from “public communication,” the statutory examples of such “activity” – partisan voter registration and partisan get-out-the-vote-activity – describe external programs aimed at voters that contain non-communicative program elements, such as collecting and submitting voter registration cards or transporting voters to the polls. We read the inclusion of the term “activity” to simply encompass these non-communicative elements that sometimes accompany programs aimed externally at voters. Likewise, the interpretive canon of *ejusdem generis* dictates that the term “other partisan campaign activity” is limited to activities of the same type as partisan voter registration and partisan get-out-the-vote activity – *e.g.*, external programs aimed at voters.⁸

It is also consistent with the statute’s structure. The term “campaign media spending” includes a seventh type – discussed below – that is aimed squarely at *internal* activities. Unlike any of the other provisions, which stand on their own, the seventh provision stipulates that if these internal activities qualify as “campaign media spending” only if they are “conducted in preparation for or in conjunction with any of the [other six] activities.”⁹ If the sixth type of campaign media spending were also aimed at internal activities, it would likely contain the same requirement that it be conducted in preparation for or in conjunction with other types of campaign media spending. But it does not, further bolstering the interpretation that the sixth type covers only activity aimed externally at voters.

2. Clarifying that an organization does not engage in “campaign media spending” if it makes an in-kind contribution of research, design, production, polling, data analytics, mailing or social media list acquisition to a covered person.

The term “campaign media spending” is defined to mean “spending monies *or accepting in-kind contributions* to pay for ... [r]esearch, design, production, polling, data analytics, mailing or social media list acquisition or any other activity conducted in preparation for or in conjunction with any of the activities described in items (i) through (vi) of this subdivision.”¹⁰ It is notable that the term does *not* include *making* in-kind contributions for these goods or services. This reflects the clear distinction that the statute draws between donors and covered persons, and indicates a clear choice that the *recipient* of in-kind contributions bears the burden of filing reports. Therefore, we ask the Commission to clarify that an organization does not engage in

⁷ See *id.* § 16-926.

⁸ See *Wilderness World, Inc. v. Dep’t of Revenue State of Arizona*, 182 Ariz. 196, 199 (1995) (describing the *ejusdem generis* interpretive canon as “where general words follow the enumeration of particular classes of persons or things, the general words should be construed as applicable only to persons or things of the same general nature or class of those enumerated.”), quoting *White v. Moore*, 46 Ariz. 48, 53–54 (1935) and 59 C.J. Statutes § 581 (1932).

⁹ See A.R.S. § 16-971(a)(2)(vi).

¹⁰ See *id.*

“campaign media spending” if it makes an in-kind contribution of research, design, production, polling, data analytics, mailing or social media list acquisition to a covered person.

We appreciate the Commission’s consideration of our request and are available to answer any questions.

Respectfully submitted,

Jon Berkon
Meredith Parnell
Elias Law Group LLP



August 21, 2023

Submitted electronically to ccec@azcanelections.gov.

Mark Kimble, Chairman
Arizona Citizens Clean Elections Commission
1802 W. Jackson St. #129
Phoenix, Arizona 85007

**Re: Comments in Support of Proposed Rules R2-20-801
through R2-20-808, relating to the Voters' Right to Know
Act (Proposition 211)**

Dear Chairman Kimble and Members of the Commission,

Campaign Legal Center ("CLC") respectfully submits these written comments to the Arizona Citizens Clean Elections Commission ("Commission") in support of Proposed Rules R2-20-801 through R2-20-808 (collectively "Proposed Rules") implementing Arizona's recently enacted Voters' Right to Know Act.¹

CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening democracy through law at all levels of government. Since its founding in 2002, CLC has participated in every major campaign finance case before the U.S. Supreme Court and in numerous other federal and state court proceedings. Our work promotes every American's right to an accountable and transparent democratic system.

CLC commends the Commission's efforts to timely implement the Voters' Right to Know Act ("VRTKA" or "the Act") and commitment to developing thorough, clear, and functional regulations. Our comments and recommendations are intended to strengthen and clarify the draft rules and assist the Commission's work on this important issue.

DISCUSSION

I. Background

Before the passage of the Act, Arizona's prior campaign finance disclosure system was described as "one of the most pro-dark-money statutes imaginable."² Wealthy special interests used 501(c)(4) groups and other nonprofits as a conduit for millions of dollars, donating to organizations that

¹ See Ariz. Admin. Register, Vol. 29, Issue 28 at 1571-76, Notice of Proposed Exempt Rulemaking, Title 2. Administration, Chapter 20. Citizens Clean Elections Commission, Article 8, R2-20-801 through 808 (July 15, 2023), https://apps.azsos.gov/public_services/register/2023/28/contents.pdf.

² See Alexander J. Lindvall, Ending Dark Money in Arizona, 44 Seton Hall Legis. J. 61, 73 (2019).

either pay for independent spending directly or transfer the money to super PACs and other nonprofits for election spending in Arizona.³

The Voters' Right to Know Act was enacted by over 70% of Arizona voters in November 2022 to shine a light on the original sources of this flood of secret "dark money" campaign spending.⁴ Like other disclosure laws, the Act does not limit expenditures for campaign speech or contributions to pay for such speech. Instead, the Act protects the First Amendment rights of voters, enhancing robust public debate and providing voters with information critical to choosing, and holding accountable, their elected leaders. As the Commission is aware, this was recently affirmed in a ruling by the Superior Court of Arizona, Maricopa County,⁵ which granted the Commission and other defendants' motions to dismiss a facial challenge to the Act in June.⁶

II. The Proposed Rules and CLC's Recommendations

The Act is a critical policy achievement protecting voters' right to know who is spending big money to influence their vote. Laws requiring donor disclosure have always intended to educate the public about the true source of money trying to affect elections, and the Act ensures that disclosure in Arizona will be meaningful and not simply report the names of intermediaries or front groups who are masking the true identity of large donors. These proposed rules are an important next step in implementing the Act, fulfilling statutory obligations (as directed for top three donor disclaimers in A.R.S. § 16-974(C)), and providing necessary guidance and clarification to other sections.

In the following subsections, CLC suggests clarifications for four sections of the Commission's draft regulations, including provisions relating to opt-out notices, donor requests for exemptions from disclosure, top three donor disclaimers, and ex parte communications regarding pending complaints. We additionally suggest the Commission adopt regulations providing further guidance regarding how direct donors provide original source and intermediary information to covered persons under the Act. Finally, we have also included a brief subsection identifying some technical corrections.

A. § 803 - Opt-Out Notices

A key feature of the Act is each donor's right to opt-out their donations from use in campaign media spending; when a donor elects to opt-out within the 21-day statutory period, a covered person may not use those funds for campaign media spending, and the donor's identity is not subject to disclosure under the Act.⁷ This process empowers donors to decide whether their money can be used by covered persons to influence elections. To avoid

³ See David R. Berman, *Dark Money in Arizona: The Right to Know, Free Speech and Playing Whack-a-Mole*, Morrison Inst. for Pub. Pol'y 3-4 (2014). See also Lindvall at 67-68; *Dark Money Basics*, OpenSecrets, <https://www.opensecrets.org/dark-money/basics> (last visited January 28, 2023).

⁴ See ARIZ. SEC. OF STATE, STATE OF ARIZONA OFFICIAL CANVASS: 2022 GENERAL ELECTION 12 (Dec. 5, 2022, 10:00:00 AM), https://azsos.gov/sites/default/files/2022Dec05_General_Election_Canvass_Web.pdf. See also Jane Mayer, *A rare win in the fight against dark money*, THE NEW YORKER (Nov. 16, 2022), <https://www.newyorker.com/news/news-desk/a-rare-win-in-the-fight-against-dark-money>.

⁵ Minute Entry: Under Advisement Ruling, *Center for Arizona Policy, Inc. v. Arizona Secretary of State*, Sup. Ct. of the State of Arizona, Maricopa Cty., Case No. CV2022-016564 (Jun. 22, 2023) (copy of ruling available at <https://campaignlegal.org/document/center-arizona-policy-inc-et-al-v-arizona-secretary-state-et-al-under-advisement-ruling>).

⁶ CLC's affiliated 501(c)(4) organization, CLC Action, represents Voters Right to Know, the political committee established to draft and support Proposition 211, in this litigation.

⁷ See A.R.S. §§ 16-972(B) and (C), 16-973(A) and (E).

confusion for both donors and covered persons in the opt-out process, we recommend revisions to the below portions of § R2-20-803.

First, § R2-20-803(D) (providing covered persons with the ability to send donors additional opt-out notices) creates potential ambiguity surrounding the opt-out timeline when a covered person sends an additional opt-out notice or reminder within the statutory 21-day period.

The draft rule’s language permits covered persons to send subsequent opt-out notices with new opt-out deadlines of no less than one day after receipt of the new notice. However, because the rule does not address how these new opt-out notices interact with the statutory opt-out period, it could create confusion among covered persons regarding whether a subsequent opt-out notice alters the required minimum 21-day opt-out period under A.R.S. § 16-972.

While nothing prevents a covered person from providing a donor with additional time to opt their contribution out of campaign media spending, we recommend revisions to clarify that any subsequent notices provided by a covered person cannot shorten the statutory 21-day opt-out period.

Furthermore, the final rule should specify that if a covered person does send a donor a subsequent opt-out notice, the covered person may not spend, transfer, or otherwise obligate those funds for campaign media spending purposes until any additional opt-out time provided in that notice has elapsed (or, of course, the donor affirmatively opts in).

Suggested language for subsection (D) is available below:

“If a donor does not opt out after the initial 21-day notice period under A.R.S. § 16-972, a covered person may make subsequent written notices to a donor of their right to opt out and may set a time for response of no less than 1 day from the date the donor receives the notice. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within the time identified in the subsequent request.”

Second, § R2-20-803(E) creates ambiguity regarding how covered persons must address donor opt-out requests made after the 21-day period—and any subsequent opt-out period provided by the covered person—has passed. While a covered person may choose to honor a late opt-out request from a donor, the draft language presents logistical issues and appears to be in tension with the 21-day statutory deadline that a donor must abide by in order to opt out.

A.R.S. § 16-972(B) permits funds that have not been opted out within the 21-day period to be used or transferred for campaign media spending. Section R2-20-803(E) of the Proposed Rules currently requires a covered person to honor a donor’s late opt-out request and treat it as a retroactive opt-out for that donor. However, this may be impossible if a covered person has already spent or obligated those funds for campaign media spending, as permitted by the statute. Moreover, this requirement potentially would result in covered persons being in a perpetual state of limbo: If any donor may opt out at any point after the initial notice, covered persons may be unable to spend donor funds on elections without being at risk of violating a late opt-out request.

We recommend the Commission eliminate the requirement that covered persons honor late opt-out requests and, accordingly, remove subsection (E) entirely. Covered persons could choose to honor a late opt-out request from a

donor if the funds have not already been spent or obligated, but they should not be required to do so. This deletion also dovetails with subsection (D), which (as clarified above) would allow covered persons to send additional opt-out notices with response periods after the initial 21-day statutory opt-out period has elapsed.

Third, we recommend revising the parallel language in § R2-20-803(B) and (D) regarding receipts provided to donors upon request.⁸ This language permits donors to request a receipt, which may be issued prior to the end of the 21-day opt-out period (or any subsequent opt-out period provided under subsection (D)). Currently, the language requires a receipt to “confirm[] the donor’s choice” as to whether funds have been opted out. Rather than requiring the receipt to confirm the status of the donated funds while the opt-out period is potentially still in effect, we suggest the following language:

“. . . Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor stating whether the funds had been opted-out at the time the receipt was issued. If the covered person regularly provides receipts for donations the receipt shall note whether the funds have been opted out . . .”

B. § 804 - Requests for exemptions

The Act provides original source donors with the ability to request an exemption from disclosure of their identity under the Act when their identity is otherwise protected from disclosure by a law or by a court order, or where a donor “demonstrates to the satisfaction of the commission that there is a reasonable probability that public knowledge of the original source’s identity would subject the source or the source’s family to a serious risk of physical harm.” A.R.S. § 16-973(F).

The administration of this provision is particularly important to ensure both that donors who are truly at risk are protected and that the exemption process is not abused by those who merely would prefer anonymity. We suggest seven areas for revision or clarification below:

First, and most generally, this section appears to contemplate only situations where original sources request exemptions *after* a contribution is made to a covered person. We strongly recommend the Commission allow original sources to request an exemption from the Act prior to receiving a solicitation or making a contribution; a donor may intend to make contributions subject to disclosure under the Act and should be able, at that time, to submit a request prior to making such contribution.

Second, proposed § R2-20-804(A) provides that an original source who has not opted their funds out from campaign media spending must file a request for an exemption within fourteen days after the notice to opt out is given. However, the original source of funds may not receive an opt-out notice; if the original source contributes funds to an intermediary, which then passes the funds on to a covered person, it is possible that only the intermediary receives the opt-out notice. While an intermediary could choose to pass the opt-out notice back to the original source, there is no requirement that an intermediary do so. In this case, the Proposed Rule’s timeline for an original source to apply for an exemption remains unclear.

We suggest that the regulations provide the same exemption request period for original sources who were not an immediate contributor to a covered person but may nonetheless be reported as the original source of funds in a

⁸ This language is also paralleled in subsection (E); we recommend removing that paragraph entirely, but if it is retained or otherwise revised, the parallel language should also be updated.

report required under the Act. For example, where an original source contributed funds to multiple entities, who each passed along funds (thus functioning as intermediaries) to the covered person that totaled more than the \$5,000 reporting threshold, the original source would not have received an opt-out notice – but would be identified in a report as a major contributor of funds in aggregate. That person may still qualify for, and should therefore be able to request, an exemption under A.R.S. § 16-973(F), and this situation should be contemplated in the final rule.

Third, proposed § R2-20-804(A) provides only a fourteen-day exemption request period after a donor receives the notice to opt out. This means that the exemption request period would elapse before the 21-day statutory opt-out period (or an extended opt-out period under § R2-20-803(D)) ends. We recommend modifying this subsection to reflect a twenty-one day exemption request period, in line with the statutory opt-out deadline.

Suggested language reflecting the above revisions to subsection (A) is as follows:

“A. An original source who has not opted out of having their monies used for campaign media spending may file a request for an exemption with the Executive Director no later than 21 days after the notice to opt out is given. An original source may file a request for an exemption with the Executive Director prior to making a donation. In the event an original source did not receive a notice to opt out, the original source may file a request for exemption with the Executive Director no later than 21 days after discovering their monies may be or have been used for campaign media spending.”

Fourth, proposed § R2-20-804(B), (C), and (D) currently describe the determination process for whether a requestor will be exempted from disclosure under the Act because of a court order (subsection (B)), statutory claim to confidentiality (subsection (C)), or reasonable probability of physical harm to the requestor or their family (subsection (D)). However, none currently provide for clear guidelines when the Commission determines the requestor is *not* entitled to the requested exemption. In such circumstances, the final rule should specify that the requestor’s identity is subject to disclosure under the Act *but* should also provide a requestor who has already contributed money to a covered person with an additional amount of time (for example, five days) from the date of the decision denying the exemption to determine whether they wish to opt-out their contribution from campaign media spending.

We suggest the below language be added as a new subsection following subsection (D):

“In the event the Commission decides that the request should not be granted, the Executive Director shall issue a letter to the requestor within five days stating the Commission’s decision. The letter shall notify the requestor that they can opt out of having their monies used or transferred for campaign media spending by notifying the covered person in writing within five days of receipt of the letter, and that if the requestor does not opt out, their name shall be subject to disclosure.”

Fifth, subsection (F) provides that “[n]o records related to a request shall be subject to a public records request or any other type of request. The records shall not be produced absent a court order compelling disclosure.” This prohibition on sharing any records “related to” an exemption request is potentially overly broad and could capture even routine Commission agendas that mention a request but do not contain any identifying information regarding the requestor. We recommend narrowing this public records exemption to apply only to records that contain information that could lead to

the identification of a requestor, or by specifically listing the types of records subject to the exemption in subsection (F). Suggested language is as follows:

“Records related to a request that contain information that may lead to the identification of a requestor shall not be subject to a public records request or any other type of request. Such records shall not be produced absent a court order compelling disclosure.”

Furthermore, in the final rule, the Commission should consider making redacted versions of each final determination letter available to the public; the reasoning contained in such letters could be helpful to the public and to potential future applicants for exemptions to understand the process and reasoning behind the Commission’s decision.

Sixth, we recommend modifying the language in (G) to clarify that records must be retained upon appeal of the Executive Director or Commission’s determination:

“All except the Executive Director’s letter shall be destroyed within 30 days of the final disposition or determination and only after the conclusion of any subsequent court review, in the case of an appeal.”

Lastly, § R2-20-804 does not provide for how the Commission will handle situations where a request for exemption is denied by the agency and later upheld by a court upon review. We suggest that a final version of the rules also provide guidelines for this situation. For example, when a request is denied by the Commission and then upheld by the court, the Commission should retain records until thirty days after the conclusion of the case, or until the period for an appeal has passed, whichever is longer.

C. § 805 – Disclaimers

Section R2-20-805 provides necessary guidance for A.R.S. § 16-974(C), which directs the Commission to establish a top three donor disclaimer requirement for public communications by covered persons. We commend the Commission in particular for including in proposed § R2-20-805(B) a clarification that top-three donor disclaimers only include donors of original monies who have not opted out pursuant to A.R.S. § 16-972. This interpretation of the Act is clearly consistent with its intent and other provisions.

As the Commission explores how to implement the top three donor disclaimers, we recommend additional language regarding how to calculate the top three donors and updated language applying the disclaimer requirement to different ad formats. These additional guidelines are particularly important for practical implementation; for example, if an ad runs over a longer period of time, the identity of the top three original source donors who did not opt out their funds might change. Without clear guidelines for these common situations, there may be questions or confusion for the regulated community.

Our recommended language is as follows:

“B. Public communications by covered persons shall state in a clear and conspicuous manner the names of the top three donors who directly or indirectly made the three largest contributions of original monies who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast.

1. For purposes of this subsection, contributions of traceable monies made in prior election cycles shall be considered to have been contributed in the current election cycle if the contributor’s

aggregate contributions of original funds to the covered person constituted more than half of the covered person's traceable funds at the start of the election cycle;

2. If multiple contributors have contributed identical amounts such that there is no difference in contributed amounts between the third-highest contributor and the fourth-highest (or lower), the contributor who most recently contributed to the covered person shall be deemed a top three donor.

3. No contributor of traceable monies shall be deemed a top three donor if its aggregate contributions of original funds during the election cycle to the covered person are less than \$5,000."

The recommended language below is designed to dovetail with the "clear and conspicuous" language in (B) and efficiently address how covered persons should include disclaimers in the broad range of ads and ad formats that fall under this requirement and would replace (C) and (D) from this section. The proposed standards leave potential ambiguity as to what would qualify as, for example, "clearly readable" or "clearly spoken." By creating a safe harbor where ads meet certain requirements, these regulations also provide the Commission with flexibility to better address potential violations of the Proposed Rule's disclaimer requirement.

C. For purposes of this § R2-20-805(B), a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.

D. Flexibility for certain internet or digital communications.—

1. Accommodation for technological impossibility. In the case of a public communication disseminated on the internet or by social media message, text message, or short message service where it is not technologically possible to provide all the information required by this section, the communication shall, in a clear and conspicuous manner—

a. state the full legal name of the covered person who paid for the communication; and

b. provide a means for the recipient of the communication to immediately and easily obtain the remainder of the information required under (B) with minimal effort and without receiving or viewing any additional material other than such required information.

E. Safe harbor for determining clear and conspicuous manner. A statement shall be considered to be made in a clear and conspicuous manner if the communication meets the following requirements:

1. Text or graphic communication.— In the case of a text or graphic communication, the statement shall be clearly readable and —

a. appear in letters at least as large as the majority of the text in the communication;

b. is contained in a printed box set apart from the other contents of the communication; and

c. is printed with a reasonable degree of color contrast between the background and the printed statement.

d. In the case of a sign or billboard, in addition to the requirements in clauses (a), (b), and (c), the disclosure shall be displayed at a height that is at least four percent of the vertical height of the sign or billboard.

2. Audio communications.— In the case of an audio communication, the statement is spoken in a clearly audible and intelligible manner at the beginning or end of the communications and lasts at least 4 seconds.

3. Video communications.— In the case of a video communication which also includes audio, the statement—

a. is included at either the beginning or the end of the communication; and

b. is made both in a written format that meets the requirements of clause (1) and appears for at least 4 seconds, and in an audible format that meets the requirements of clause (2).

4. Other communications.— In the case of any other type of communication, the statement is at least as clear and conspicuous as the statement specified in clauses (1), (2), or (3).

5. Brief video communications.— In the case of a video communication that is a qualified internet or digital communication shorter than 10 seconds, the audible portion of the statement may be omitted.

6. The disclosure requirements in (1), (2), and (3) apply to any broadcast, video, film, or audio format, whether distributed via airwaves, cable, the internet, or other delivery methods.”

D. § 806 - Communication (ex parte)

We recommend the Commission consider re-titling proposed § R2-20-806 to “Ex Parte Communication” provide greater clarity regarding its purpose. In addition, we recommend a small revision to (B) to reflect that the ban on communications between the Executive Director (or any other commission staff or attorneys representing the Executive Director) and the Commissioners applies *only* to communications relating to a pending Complaint. In the absence of this revision, the proposed rule seems to suggest that the Commissioners cannot communicate with the Executive Director or other Commission staff at all if there is any complaint pending before the Commission.

“B. In the event of a Complaint, no Commissioner shall communicate with the Executive Director or any other commission staff or attorney who represents the Executive Director regarding the Complaint except in commission proceedings where the Respondent or Respondent’s Counsel is present.”

We additionally suggest that the Commission insert a new subsection (C) as follows, and re-number the current subsections (C) through (F) as (D) through (G).

“C. In the event that a Commissioner receives an ex parte communication as defined in subsections F and G of this rule, the Commissioner shall disclose receipt of such a communication on the public record in commission proceedings.”

E. Proposed Additional Regulations

Any final regulations promulgated by the Commission on the Act should include guidance regarding the process for the direct donor to a covered person to provide original source information for the funds contributed if that donor is not the original source themselves.

A.R.S. § 16-972(D) requires any person who donates more than \$5,000 in traceable monies in an election cycle to inform a covered person in writing of the identity of each other person who directly or indirectly contributed more than \$2,500 of the donation in original monies and the amount of money contributed by those persons. A donor must convey this information within ten days after receiving a written request from the covered person, and must maintain these records for at least five years, available upon request to the Commission. Similar provisions govern in-kind contributions valued at more than \$5,000. *See* A.R.S. § 16-972(E).

Language outlining this responsibility and the process for donors to report this information to a covered person – from a request by a covered person to the tracing, reporting, and record-keeping process for donors – should be addressed in the final regulations to reduce confusion for both donors and covered persons.

F. Minor Changes and Corrections

In addition to the more detailed and policy-oriented suggestions above, we identified a few minor changes and corrections the Commission may wish to consider. We suggest updating:

- § R2-20-801(C): “. . . a person must inform that covered person in writing of the identity of each other person that directly or indirectly contributed . . .”
- § R2-20-803(B)(3): “Provide opt-out information in writing. . . .” (The structure set forth in (B) and followed in (B)(1) and (2) is not followed in (B)(3) but can be resolved with this language).
- § R2-20-804(B): “. . . the Executive Director shall confirm the validity of the court order within five days . . .” provides greater flexibility to the Executive Director and parallels the construction in (C).

Conclusion

CLC thanks the Commission for its consideration of the foregoing comments and recommendations regarding this important rulemaking. As the Commission prepares to implement the Voters’ Right to Know Act, CLC would be glad to provide further assistance or resources.

Respectfully submitted,

s/ Elizabeth D. Shimek
Elizabeth D. Shimek
Senior Legal Counsel

August 7, 2023

Citizens Clean Election Commission
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Phoenix, Arizona 85007
ccec@azcleelections.gov
VIA EMAIL ONLY

Re: Comments on Draft Rules R-20-803, R-20-805 and R-20-813

Dear Director Collins:

I respectfully submit the following comments in connection with the draft regulations R-20-803, R-20-805 and R-20-813, pursuant to the Commission's Notice of Proposed Rulemaking. Although I write solely on my own behalf, the comments are informed by my experience as an election law practitioner, to include ambiguities and uncertainties that some of my clients have encountered in seeking to understand and ensure compliance with the new regulatory obligations created by Proposition 211, A.R.S. §§ 16-971, *et seq.*

I. Draft R-20-803: Application to Political Action Committees

This regulation should be revised to reflect the impracticality of the “opt-out” provisions of A.R.S. § 16-972 as applied to “covered persons” that are also political action committees (“PACs”). The current Arizona campaign finance code, which Proposition 211 did not amend in any material respect, requires PACs to publicly report all receipts, to include itemized disclosures of all contributions in any amount by entities and out-of-state individuals and all contributions by Arizona residents in excess of \$100 for the election cycle. *See* A.R.S. § 16-926(B)(1). More broadly, section 527 of the Internal Revenue Code—which is the predicate for most PACs’ tax-exempt status—largely conditions such entities’ exemption from federal income tax on the use of revenues for “exempt functions,” *i.e.*, “influencing or attempting to influence the selection, nomination, election, or appointment” of individuals to public office.” 26 U.S.C. § 527(e).

The upshot is that the opt-out provisions of Proposition 211 stand in considerable tension with regulatory and disclosure obligations imposed on many PACs by extrinsic sources of law. For example, assume an individual donates \$6,000 to a “covered person” that is also a PAC; assume further that the recipient PAC notifies the donor of his opt-out rights in accordance with the proposed R-20-803, and that the donor exercises this prerogative. The PAC then must ensure that the funds are not used or transferred for reportable “campaign media spending.” *See* A.R.S. § 16-972(C). If those funds are used for any other purpose that could constitute influencing an election, however, the PAC remains required by A.R.S. § 16-926(A)(1)(a) to publicly disclose that donor’s identity. Alternatively, the PAC could in theory allocate the monies to wholly non-electoral purposes (thus rendering the funds a receipt other than a “contribution,” within the meaning of A.R.S. § 16-901(11)), but the donation then may no longer be for an “exempt purpose,” within the meaning

of the Internal Revenue Code. Application of the opt-out provisions to individuals who donate less than \$5,000 per election cycle to a “covered person” PAC produces even more incongruous results. Proposition 211 generally leaves such donors’ privacy intact irrespective of whether they exercise opt-out rights, but A.R.S. § 16-926(A)(1) nevertheless may necessitate their disclosure. Providing the opt-out notice envisaged by R-20-803 to such donors could easily induce confusion, if not an erroneous belief by the donor that his or her privacy will remain protected.

For these reasons, the Commission should consider amending the proposed R-20-803 by adding a subsection (F), as follows:

“ . . . F. Notwithstanding the foregoing, a covered person that is also a registered political action committee pursuant to A.R.S. § 16-905(C) may comply with this section and A.R.S. § 16-972 by including either in its written solicitations of funds or in a written receipt provided to a donor within ten (10) days of receiving the donor’s monies a clear and conspicuous written notice that the political action committee is required by Arizona law to publicly report the name, address, and (if applicable) occupation and employer of all out-of-state contributors and all entity contributors, and of Arizona residents who contribute more than \$100 per election cycle.”¹

II. Draft R-20-803: Advance Written Consent

A.R.S. § 16-972(C) permits covered persons to bypass the 21-day opt-out waiting period by instead obtaining the donor’s advance written consent to the use or transfer of the donor’s monies for campaign media spending. The regulation should likewise incorporate this alternative, which in many instances offers a logistically easier and more efficient method of compliance. Accordingly, the Commission should amend draft R-20-803 by adding subsection (G)—in addition to the subsection (F) proposed above—as follows:

“ . . . G. Notwithstanding the foregoing, a covered person may comply with this section and A.R.S. § 16-972 by obtaining, at the time monies are transferred to the covered person or thereafter, the donor’s written consent to the use or transfer of such monies for campaign media spending. A consent provided pursuant to this subsection is sufficient if it includes an affirmative written manifestation by the donor (including but not limited to the marking of a check box on an electronic or paper remittance form) that the donor (i) authorizes the use or transfer of some or all of the donor’s monies for campaign media spending and (ii) understands that the donor’s identifying information may be reported to the appropriate governmental authority in this state for disclosure to the public.”

III. Draft R-20-805: Disclaimer Exemption for Small Donors

Although A.R.S. § 16-973(G) preserves the privacy of original sources that donate \$5,000 or less in monies or in-kind contributions per election cycle for campaign media spending, neither A.R.S. § 16-974(C) nor the draft R-20-805 directly incorporates this limitation, thereby creating an ambiguity, if not a direct conflict between these provisions.

¹ For similar reasons, the Commission should consider including political party committees within the ambit of this proposed revision as well.

The Commission accordingly should amend the draft R-20-805(B) to clarify: “Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies in excess of \$5,000 for the election cycle and who have not opted out”

IV. Draft R-20-813: Application to Attorneys or Other Fiduciaries

The final sentence of the draft R-20-813(D)—to wit, “Willful conduct includes advising a client to take an action or taking an action to violate A.R.S. § 16-975”—is improper. The Commission has no constitutional or statutory authority to prescribe obligations for fiduciaries acting in their capacity as such, particularly when the proposed regulation is incongruent with, or cumulative of, ethical directives or rules of conduct promulgated by a licensing authority or (in the case of attorneys) a separate branch of government.

With respect to attorneys, Arizona Rule of Professional Conduct 1.2(d) provides that “[a] lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.” While the draft R-20-813(D) might be intended to codify a prohibition approximating this ethical limitation, its wording is not so confined.

The final sentence should be removed from the draft regulation entirely. While admittedly not having researched the question exhaustively, I am aware of no other instance in which an administrative agency has purported to devise an independent predicate for an attorney’s or other fiduciary’s liability when acting in that capacity. To do so apparently for the first time in a regulatory field that is suffused with both First Amendment imperatives and increasingly vindictive litigation tactics is, I respectfully suggest, inappropriate and misguided.

Attorneys are, of course, subject to the same civil and criminal laws that bind all other citizens, in addition to the Rules of Professional Conduct. But the final sentence of the draft R-20-813(D) risks chilling effective legal representation by engendering a potential (if not actual) discrepancy between an attorney’s ethical duties to his or her client and the Commission’s diktats. It also cultivates a perverse incentive for complainants to strategically engineer conflicts of interest and undermine confidential attorney-client relationships by joining a covered person’s legal counsel as a co-respondent in Commission proceedings.

The Commission accordingly should excise the final sentence of the draft R-20-813(D) entirely. To the extent a comparable provision remains in the adopted regulation, it should be revised to incorporate verbatim the language of Arizona Rule of Professional Conduct 1.2(d).

Thank you for your consideration of the foregoing comments.

Respectfully,

/s/ Thomas Basile
Thomas Basile