



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

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**Location:** Citizens Clean Elections Commission

1110 W. Washington, Suite 250

Phoenix, Arizona 85007

**Date:** Thursday, December 14, 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 December 14, 2023. This meeting will be held at 9:30 a.m. **This meeting will be held in person and virtually. The meeting location will be open by 9:15 a.m. at the latest.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at [ccec@azcleelections.gov](mailto:ccec@azcleelections.gov).

The meeting may be available for live streaming online at <https://www.youtube.com/c/AZCCEC/live>. You can also visit <https://www.azcleelections.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/88051314579>

Meeting ID: 880 5131 4579

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 November 16, 2023.
- III. Discussion and Possible Action on Executive Director’s Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on Clean Elections Voter Education Survey.
- V. Discussion and Possible Action on Annual Budgetary Calculations and 2024 Spending Plan.
- VI. Discussion and Possible Action on Proposed Meeting Dates for January – March 2024.
- 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 12th day of December, 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  
November 16, 2023  
9:30 a.m.

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



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<p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on 3 November 16, 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 9 Mr. Galen Paton 10 Ms. Amy Chan 11 12 OTHERS PRESENT: 13 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Mike Becker, Policy Director 17 Gina Roberts, Voter Education Director 18 Kara Karlson, Assistant Attorney General 19 Mary O'Grady, Osborn Maledon 20 Jessica Painter, Meeting Planner 21 Rivko Knox, Member of the Public 22 Jim Barton, Barton Mendez Soto 23 24 25</p>	<p>1 COMMISSIONER PATON: Second. 2 CHAIRMAN KIMBLE: Thank you, 3 Commissioner Paton. 4 I will call the roll. Commissioner Chan. 5 COMMISSIONER CHAN: Aye. 6 CHAIRMAN KIMBLE: Commissioner Paton. 7 COMMISSIONER PATON: Aye. 8 CHAIRMAN KIMBLE: Chair votes aye. 9 The minutes are approved 3-to-nothing. 10 Item III is the discussion and possible 11 action on the Executive Director's Report. Tom. 12 MR. COLLINS: Thank you, Mr. Chairman, 13 Commissioners. We did have a -- an election, a 14 jurisdictional election on November 7th, and so that -- 15 you can see those results on our website. 16 Just yesterday morning Gina, along with 17 Senator Bennett, the Pima County Recorder, and a local 18 attorney had a -- a panel discussion online through the 19 Arizona Capitol Times about how to get -- how to get -- 20 everything you needed to know about the election in 21 2024, which was very -- a very good session. And I 22 think we have a video of that or there will be 23 eventually, usually, if you want to watch that. But it 24 was a really, really content-rich panel. And from 25 talking to Gina, they had more questions than they</p>
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<p>1 P R O C E E D I N G 2 CHAIRMAN KIMBLE: Item I today is the call to 3 order. It is 9:30 a.m. on November 16th, 2023, and I'm 4 going to call this meeting of the Citizens Clean 5 Elections Commission to order. 6 With that, we will take attendance. 7 Commissioners, please identify yourselves for the 8 record. 9 COMMISSIONER PATON: Galen Paton. 10 COMMISSIONER CHAN: Amy Chan. 11 CHAIRMAN KIMBLE: And I'm Commissioner 12 Kimble. 13 We have a quorum, so we will begin. 14 Item II, discussion and possible action on 15 meeting minutes for October 26, 2023. Commissioners, 16 you have the minutes from our October meeting in the 17 packet. Is there any discussion on the minutes? 18 (No response.) 19 CHAIRMAN KIMBLE: If not, then do I have a 20 motion to approve the minutes? Commissioner Chan. 21 COMMISSIONER CHAN: I move that we approve 22 the minutes as written. 23 CHAIRMAN KIMBLE: Thank you, 24 Commissioner Chan. 25 Is there a second?</p>	<p>1 could even get to, and so that was really a success and 2 leaving people wanting more. 3 I also wanted to highlight the workshop that 4 Avery did at the Tempe Public Library for National 5 Civics Day. This was in conjunction with the Maricopa 6 County Recorder's Office. And Avery has developed a 7 presentation on civil discourse, and I had -- I live in 8 Tempe, and so I had some folks who I know were there, 9 and they gave it high marks. And so that was -- that 10 was good to hear. 11 We are continuing to host workshops for 12 participating candidates every week, and we've had 27 13 candidates attend so far. 14 I think we -- we talked about this last 15 meeting, but the Governor's Bipartisan Election Task 16 Force announced its report on November 2nd. It has a 17 number of different programmatic recommendations. The 18 one that obviously we talked about last time, which -- 19 based on the reports from the last meeting that they 20 had that made it in was our -- was how we can utilize 21 our website to develop more of a one-stop -- or, we, I 22 think, developed the framework for this, but to enhance 23 the one-stop shop aspect of the Clean Elections 24 website. There are some other programmatic aspects in 25 the -- in the report and then a couple of executive</p>


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<p>1 orders that the Governor issued.</p> <p>2 We will have a hearing on December 13th on --</p> <p>3 just going to move on to the legal materials. There's</p> <p>4 a hearing on December 13th on the legislative</p> <p>5 leadership's lawsuit and motion for a preliminary</p> <p>6 injunction on Proposition 211. So this is a case that</p> <p>7 principally has to do with the legislative leadership,</p> <p>8 so the Speaker of the House and the President of the</p> <p>9 Senate's claims that the -- that Prop 211, the</p> <p>10 statutory framework violates the separation of powers</p> <p>11 principles and a related concept called the</p> <p>12 Nondelegation Doctrine, which has something to do with</p> <p>13 how the Legislature, or in this case the voters who act</p> <p>14 as the Legislature, can delegate certain powers to</p> <p>15 executive agencies. You know, Mary and her team have</p> <p>16 been working on this, along with the AG's Office.</p> <p>17 Those are kind of the main things I wanted</p> <p>18 to -- to mention on the report. Those are really the</p> <p>19 highlights, from my perspective, unless any</p> <p>20 Commissioners have any questions.</p> <p>21 CHAIRMAN KIMBLE: Thank you, Tom.</p> <p>22 Are there any questions from Commissioners on</p> <p>23 Tom's report?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN KIMBLE: Okay. Thank you, Tom.</p>	<p>1 will -- how that course of action would be treated</p> <p>2 under Prop 211.</p> <p>3 So the -- so the purpose of that is to</p> <p>4 provide a framework in which folks who have an interest</p> <p>5 in -- can, you know, get a -- an answer to a question</p> <p>6 without having to have it only answered through some</p> <p>7 kind of enforcement process. And, as part of that, it</p> <p>8 provides some protection to the person who asks if they</p> <p>9 abide by the terms of the advisory opinion.</p> <p>10 So in that sense, it's a transparent way to</p> <p>11 deal with legal and, to some extent, policy questions,</p> <p>12 and it does so in a way that, rather than expanding in</p> <p>13 a particular way the Commission's role, rather it</p> <p>14 really is a -- is a limiting effort and ensures that</p> <p>15 the Commission's discretion is channeled into a</p> <p>16 transparent formal process that will -- that folks can</p> <p>17 rely upon.</p> <p>18 And so with that, we received a request in</p> <p>19 late September regarding a discrete question of whether</p> <p>20 or not a ballot measure's petition circulation would</p> <p>21 qualify -- if you made payments towards that, would</p> <p>22 that qualify as campaign media spending, or, if, as</p> <p>23 here, a donor opted out, right, which is to say said to</p> <p>24 their -- the covered person or end spender, I don't</p> <p>25 want my dollars used for campaign media spending, you</p>
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<p>1 Item IV, discussion and possible action on</p> <p>2 Advisory Opinion Request 2023-01 from Service Employees</p> <p>3 International Union-United Healthcare Workers West.</p> <p>4 This Agenda item represents our first advisory request</p> <p>5 under Proposition 211. The issue presented by the</p> <p>6 requestor is, does a donation, monetary -- excuse me --</p> <p>7 monetary or in-kind, made to a ballot committee in</p> <p>8 support of its collection of signatures for ballot</p> <p>9 measure qualification, qualification efforts, support a</p> <p>10 covered person's campaign media spending as defined by</p> <p>11 the Act.</p> <p>12 The staff has prepared a recommended response</p> <p>13 that is in your packet. I'm going to ask Tom to</p> <p>14 summarize this document. And then, Commissioners, if</p> <p>15 you have any questions, I will ask -- I will turn to</p> <p>16 you.</p> <p>17 Tom.</p> <p>18 MR. COLLINS: Yes. Thank you, Mr. Chairman,</p> <p>19 Commissioners. So as Commissioner Kimble mentioned,</p> <p>20 the Commission passed a rule -- adopted a rule called</p> <p>21 R2-20-808 -- excuse me -- that provides for an advisory</p> <p>22 opinion process. The advisory opinion process is</p> <p>23 designed to allow folks who have a basis for doing so</p> <p>24 to ask the Commission a question about whether or not a</p> <p>25 particular course of action will be -- you know, how it</p>	<p>1 know, but can that -- can those dollars still be used</p> <p>2 for ballot measure petition circulation.</p> <p>3 I know you all -- all three Commissioners who</p> <p>4 are here, I know you're all very familiar with the</p> <p>5 petition process, but just so -- you know, sort of for</p> <p>6 the record formally, you know, under the Arizona</p> <p>7 Constitution voters themselves can initiate</p> <p>8 legislation, either statutory or constitutional, and</p> <p>9 there is a formal process that involves, you know,</p> <p>10 printing petitions of the proposed legislation,</p> <p>11 circulating those -- that text along with the</p> <p>12 petitions, and voters who are eligible to vote in that</p> <p>13 particular -- whatever jurisdiction, in this case</p> <p>14 statewide, can -- are eligible to vote can sign saying,</p> <p>15 yes, I would like to have the opportunity to vote on</p> <p>16 this on the ballot.</p> <p>17 This is a heavily regulated area of political</p> <p>18 activity, the petition process is, the initiative</p> <p>19 process is. I mean, it's sort of -- you know, from my</p> <p>20 point of view, on its face it's First Amendment</p> <p>21 activity very clearly, it's literally petitioning the</p> <p>22 government, and yet it's one of the most heavily</p> <p>23 regulated areas in Arizona political law.</p> <p>24 So to -- so the question, you know, as I laid</p> <p>25 out, was, you know, if you're going to pay for</p>

<p style="text-align: right;">Page 10</p> <p>1 signatures, is that campaign media spending. And the 2 analysis that we've recommended follows -- traces out 3 the statutory terms, and -- and two highlights of that. 4 First, the definitions of campaign media 5 spending in Prop 211 relate to public communications, 6 and public communications is defined, you know, to 7 include billboards, television, Internet, you know, 8 other things like that. And here the advisory opinion 9 request states that the requestor would not be doing 10 any of those things or supporting any of those things. 11 And it also says that -- but if you were doing public 12 communications related to a ballot measure, that would 13 fall under the category of campaign media spending. 14 So the upshot is, if I said to a -- as a 15 donor if I said I want to opt out from having my 16 dollars used for campaign media spending, are these 17 petitions themselves campaign media spending, 18 essentially. 19 And the staff's conclusion or recommendation 20 for the Commission is that they are not campaign media 21 spending because that discrete and heavily regulated on 22 its own process of petitioning the government through 23 those forms -- that petition formal process, you know, 24 is not a public communication as defined in the Act. 25 And thus, you know, we think that the answer to that</p> <p style="text-align: right;">Page 11</p> <p>1 question is that that is not going to -- that that 2 course of action would be correct under the Act, that a 3 person who said I'm opting out and -- but nevertheless, 4 this money -- I want this -- I think this money can be 5 used for petition circulation efforts, we think the 6 answer to that question is yes. 7 We received three public comments on this 8 point. All of those public comments reached the same 9 conclusion. Some of their analysis was a little more 10 perhaps elaborate than -- than what staff believed 11 necessary to answer this question. We think that the 12 statute is pretty clear on it. I mean, we think the 13 statute is clear as a bell on this. 14 And additionally, some of the request -- some 15 of the comments asked us to sort of explore some other 16 issues, such as, well, what does that mean for 17 opposition to a ballot initiative. And I think that -- 18 I think that -- I think that -- you know, we did not 19 get into detail on other issues that might have been 20 raised in the comments, but rather think that we 21 answered the discrete question in front of you and 22 provided an answer that we think is reliable and we 23 hope folks will rely on it and we hope you decide to 24 approve it. 25 CHAIRMAN KIMBLE: Thank you, Tom. You</p>	<p style="text-align: right;">Page 12</p> <p>1 mentioned some -- some other organizations that weighed 2 in on the advisory opinion, and I wanted to ask you 3 about one of those from Statecraft that supported the 4 advisory opinion, but seemed to then go into new areas 5 assuming that these would also be free of the 6 requirement to report. And in their -- in their e-mail 7 they said canvassing and field activities are 8 intrinsically a direct face-to-face mode of outreach, 9 they're not public communications, and similar 10 face-to-face activities in opposition to an initiative 11 or referendum effort should also not be covered. 12 And I'm wondering your thoughts on that. And 13 it seems like that's a stretch from what the advisory 14 opinion said, and I'm not sure that I'm comfortable 15 letting that stand without some comment. 16 MR. COLLINS: Mr. Chairman, Commissioners, I 17 think that's a fair question. The way we chose to 18 address that for present purposes was to take the -- 19 you know, take the advisory opinion's context on its -- 20 on its face and not really attempt to expand it beyond 21 the discrete question asked. 22 So the reason -- and the reason why, and this 23 goes to your point, why I would not want to expand 24 beyond the -- I mean, first of all, obviously, if there 25 was a specific question that we could be asked on this,</p> <p style="text-align: right;">Page 13</p> <p>1 we would consider it under the proper term -- proper 2 process. But under this process that we've outlined, I 3 think it's important to understand that we would need 4 to have a little bit more specificity about precisely 5 what field canvassing means, what that kind of 6 face-to-face interaction would be in order for us to 7 provide the kind of analysis that we think is here. 8 In this case, the advisory opinion request 9 itself, you know, outlines with some -- with a level of 10 specificity what is to be undertaken and what is to be 11 excluded, and I think -- and I think the process that 12 we have put in place, which is -- parallels the Federal 13 Election Commission's process in most respects, I think 14 that we're better off, in this place, sort of answering 15 the discrete question. We -- there may be -- I think 16 with more detail we could provide a more specific 17 answer to that question now, but I think for present 18 purposes -- I think for present purposes I think we 19 decided or I concluded that it would be better -- we'd 20 be better off answering the question in front of us. 21 Obviously, I think that -- I think it's 22 helpful, I would say, to get a comment like that for 23 the purpose of flagging additional issues, as you 24 noted, that we will have to deal with at some point 25 down the road, but at this point we're not really in a</p>
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<p style="text-align: right;">Page 14</p> <p>1 place to do that.</p> <p>2 CHAIRMAN KIMBLE: Okay. It just seemed to me</p> <p>3 that the request for an advisory opinion was for a</p> <p>4 request on a narrow issue, and then Statecraft took</p> <p>5 that and expanded it greatly and almost said -- and I'm</p> <p>6 probably taking this too far, but they almost said,</p> <p>7 because of what you said in your advisory opinion, we</p> <p>8 are assuming this, thank you very much. And it seems</p> <p>9 like we need to say something that -- that you're</p> <p>10 bringing up things that were not addressed in the</p> <p>11 advisory opinion and you shouldn't assume that just</p> <p>12 because you wrote a letter saying they assume that.</p> <p>13 MR. COLLINS: Mr. Chairman, I think that's a</p> <p>14 fair question. What I would -- what I don't think we</p> <p>15 need to do, and I wouldn't recommend, is adding</p> <p>16 language to the opinion to say that, because what I</p> <p>17 would like to not have the opinions become is having to</p> <p>18 have a rebuttal of every single public comment that we</p> <p>19 have.</p> <p>20 But that said, I think that your statement is</p> <p>21 correct and it's correct as a matter of the policy I</p> <p>22 stated. In other words, the policy expressly says, if</p> <p>23 you want to have something on which you can rely, this</p> <p>24 is the process to follow, and so I think this</p> <p>25 conversation itself makes that clear on the record to</p>	<p style="text-align: right;">Page 16</p> <p>1 my only concern, and I'm not a lawyer, is that by not</p> <p>2 saying anything about this, are they going to take it</p> <p>3 as --</p> <p>4 COMMISSIONER PATON: Golden.</p> <p>5 CHAIRMAN KIMBLE: -- as an understanding</p> <p>6 that -- that we agree?</p> <p>7 MR. COLLINS: Mr. Chairman, the thing I --</p> <p>8 what I can -- what I can do, if this would satisfy you,</p> <p>9 I'm happy to, you know, draft a message -- a</p> <p>10 communication to them that outlines that, you know,</p> <p>11 and -- you know, I mean, I think that's perfectly</p> <p>12 reasonable. I think that what you've said captures the</p> <p>13 legal advice that Ms. Karlson has just given you, as</p> <p>14 well as my own recommendation on that point. And so I</p> <p>15 think that there would be no problem for us simply</p> <p>16 writing them a letter that says, hey, you know, FYI, we</p> <p>17 considered your comment at some length in open session,</p> <p>18 and our position is -- you know, if you have a specific</p> <p>19 question that you would like to provide, please do so,</p> <p>20 but otherwise we're just not in a position to create --</p> <p>21 and we want to dispel you of any idea that you have a</p> <p>22 reliance interest here.</p> <p>23 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>24 Are there comments from either of the other</p> <p>25 two Commissioners with us today?</p>
<p style="text-align: right;">Page 15</p> <p>1 anybody who -- who looks at it. You know, not to say</p> <p>2 that folks aren't going to make assumptions. Folks can</p> <p>3 make assumptions, but -- and they have to, right,</p> <p>4 that's the nature of making decisions.</p> <p>5 But, yes, I take your point and I -- and I</p> <p>6 agree that under the rules and the process we've</p> <p>7 outlined we're not in a position to say to someone, you</p> <p>8 having asserted a point in a Commission proceeding,</p> <p>9 that we are -- we -- you now have some reliance</p> <p>10 interest. No, there is no reliance interest created by</p> <p>11 such -- such -- by mere assertion.</p> <p>12 MS. KARLSON: Mr. Chairman.</p> <p>13 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>14 Ms. Karlson.</p> <p>15 MS. KARLSON: I would also just really like</p> <p>16 to emphasize that point by Mr. Collins, specifically</p> <p>17 that the rule for -- that provides for an advisory</p> <p>18 opinion, R2-20-808, it's really limited to this -- it</p> <p>19 requires the requestor to provide specific facts and</p> <p>20 to -- it needs to be limited to that context. I think</p> <p>21 that, just from a procedural legal standpoint, to be</p> <p>22 clear, advisory opinions should not start going outside</p> <p>23 the bounds of what is being -- what was properly</p> <p>24 brought before -- under the rules.</p> <p>25 CHAIRMAN KIMBLE: Thank you. I guess my --</p>	<p style="text-align: right;">Page 17</p> <p>1 COMMISSIONER PATON: No.</p> <p>2 CHAIRMAN KIMBLE: None.</p> <p>3 Also, today Mr. Barton is with us, who</p> <p>4 requested this advisory opinion. Mr. Barton, are there</p> <p>5 comments you'd like to make?</p> <p>6 MR. BARTON: Mr. Chair, I don't have any</p> <p>7 specific comments, but I am here to answer questions if</p> <p>8 it's -- if it's helpful.</p> <p>9 CHAIRMAN KIMBLE: Thank you.</p> <p>10 Do the Commissioners have any questions of</p> <p>11 Mr. Barton?</p> <p>12 (No response.)</p> <p>13 CHAIRMAN KIMBLE: Okay. Hearing none, is</p> <p>14 there a motion to approve the response to the advisory</p> <p>15 opinion request?</p> <p>16 COMMISSIONER CHAN: I would move that we</p> <p>17 adopt or approve the --</p> <p>18 Actually, Tom, how should I -- how should I</p> <p>19 phrase this motion? I'm sorry.</p> <p>20 MR. COLLINS: I'm sorry, Mr. Chairman.</p> <p>21 CHAIRMAN KIMBLE: Tom.</p> <p>22 MR. COLLINS: Approve. Approve is fine.</p> <p>23 COMMISSIONER CHAN: Approve?</p> <p>24 MR. COLLINS: Yes. It doesn't matter.</p> <p>25 COMMISSIONER CHAN: Okay. And it's -- it's</p>

<p style="text-align: right;">Page 18</p> <p>1 the request or our response to the request that we're</p> <p>2 approving?</p> <p>3 CHAIRMAN KIMBLE: It's the response to the</p> <p>4 advisory opinion request.</p> <p>5 COMMISSIONER CHAN: Okay. That's what I</p> <p>6 thought. Thank you. I'm sorry. It feels like a</p> <p>7 Monday to me right now.</p> <p>8 All right. Mr. Chairman, I move that we</p> <p>9 approve the response to the Advisory Opinion Request</p> <p>10 2023-01.</p> <p>11 CHAIRMAN KIMBLE: Thank you,</p> <p>12 Commissioner Chan.</p> <p>13 Is there a second?</p> <p>14 COMMISSIONER PATON: I'll second.</p> <p>15 CHAIRMAN KIMBLE: Thank you,</p> <p>16 Commissioner Paton.</p> <p>17 It's been moved and seconded that we approve</p> <p>18 the response to the advisory opinion request. I will</p> <p>19 call the roll. Commissioner Chan.</p> <p>20 COMMISSIONER CHAN: Aye.</p> <p>21 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>22 COMMISSIONER PATON: Aye.</p> <p>23 CHAIRMAN KIMBLE: Chair votes aye.</p> <p>24 The response is approved 3-to-nothing.</p> <p>25 Thank you. Thank you, Mr. Barton, for</p>	<p style="text-align: right;">Page 20</p> <p>1 proposed, and some we opposed, some we didn't. As I</p> <p>2 think you know also, the League is a totally</p> <p>3 nonpartisan organization.</p> <p>4 I started observing because I was appointed</p> <p>5 as an observer by the president of the League of Women</p> <p>6 Voters of Arizona. I continued coming because I</p> <p>7 learned so, so, so much about elections, as well as the</p> <p>8 role of the Commission. And I sat through some</p> <p>9 extremely interesting meetings and very challenging --</p> <p>10 challenging meetings, some that made quite a few</p> <p>11 headlines, and, like I say, learned a great deal and</p> <p>12 have always been extremely impressed with the</p> <p>13 professionalism of all the Commissioners, as well as</p> <p>14 with, Mr. Collins, you and your staff. Nothing but</p> <p>15 pure professionalism. Always eager to hear comments,</p> <p>16 responding as appropriate.</p> <p>17 The reason I chose to speak this afternoon --</p> <p>18 or, this morning, I guess, is that I noticed that the</p> <p>19 Governor's Office of Commissions and Boards -- or, I'm</p> <p>20 not getting the term right -- has actually put out a</p> <p>21 notice seeking additional people to apply.</p> <p>22 And I just wanted to say that a number of</p> <p>23 years ago I actually thought it might be my crowning</p> <p>24 kind of achievement to apply and be on the Commission,</p> <p>25 and then I read all the requirements and realized,</p>
<p style="text-align: right;">Page 19</p> <p>1 coming.</p> <p>2 MR. BARTON: Thank you, sir.</p> <p>3 CHAIRMAN KIMBLE: Item V, public comment.</p> <p>4 This is the time for consideration of comments and</p> <p>5 suggestions from the public. Action taken as a result</p> <p>6 of public comment will be limited to directing staff to</p> <p>7 study the matter or rescheduling the matter for further</p> <p>8 consideration and decision at a later date or</p> <p>9 responding to criticism. Please limit your comment to</p> <p>10 no more than two minutes.</p> <p>11 Does any member of the public wish to make</p> <p>12 comments at this time? Does anyone on Zoom wish to</p> <p>13 make comment?</p> <p>14 Ms. Knox.</p> <p>15 MS. KNOX: Thank you very much. Chairman,</p> <p>16 Commissioners, Mr. Collins, staff, my name is Rivko</p> <p>17 Knox. I've lived in Arizona for years and years and</p> <p>18 years. I started out observing the Commission because,</p> <p>19 I think as many of you know, and I have certainly said</p> <p>20 this in the past, the League of Women Voters, of which</p> <p>21 I am a longtime, 50-plus-year member, was very</p> <p>22 instrumental in helping to draft the initial language</p> <p>23 and getting the initiative passed and for quite a</p> <p>24 while, I think, kept a -- kept a close eye, was very</p> <p>25 supportive of the Commission, various changes that were</p>	<p style="text-align: right;">Page 21</p> <p>1 because of my partisan involvement, in addition to</p> <p>2 being in the League, I was not eligible to apply. But</p> <p>3 I do know a few people who have, and I thought this was</p> <p>4 a good time for me to like thank all of you</p> <p>5 Commissioners.</p> <p>6 Some of you have been on for, it seems like</p> <p>7 thousands of years. I know that's not true, because</p> <p>8 none of us are that old, but it does seem that some of</p> <p>9 you have been around for a long, long, long time.</p> <p>10 You've never lost your commitment, your interest. Your</p> <p>11 attendance is outstanding, your reading of the</p> <p>12 materials, your commitment to the purpose of Clean</p> <p>13 Elections. And even though your terms have expired,</p> <p>14 I -- I just want to applaud you.</p> <p>15 I hope that new people will apply. I hope</p> <p>16 that new people will be appointed, because that's the</p> <p>17 way the process was intended. Nobody was intended to</p> <p>18 serve forever, even though some of you may feel like</p> <p>19 that. But I wanted to thank you and thank you,</p> <p>20 Mr. Collins -- thank all the Commissioners, thank you,</p> <p>21 Mr. Collins, and all your staff. I've watched some</p> <p>22 come and some go. They were all, again, very</p> <p>23 dedicated.</p> <p>24 I hope that new Commissioners will be</p> <p>25 appointed. I hope they will be as dedicated and</p>



<p style="text-align: right;">Page 22</p> <p>1 professional and nonpartisan and as committed to the 2 mission of Clean Elections as all of you have been. I 3 just wish you the best of luck. 4 I do plan to continue to observe. By the 5 way, I do -- I'm not an official observer on behalf of 6 the League, but I do write little reports that I send 7 out to, I don't know, 15, 20 people I know, almost all 8 from the League, who are interested in knowing what's 9 going on because you do some outstanding work. And 10 some of it gets in the newspapers -- or, the news, I 11 should say, the media, and some doesn't, so I keep 12 people kind of informed. 13 So thank you. It's been a tremendous 14 learning experience. And I'm not saying good-bye. I 15 just thought, with the new -- the request for people to 16 be appointed to the Commission, that it was an 17 appropriate time for me to make some comments. So, 18 again, thank you, and I will be back. Bye-bye. 19 CHAIRMAN KIMBLE: Thank you, Ms. Knox, for 20 your comments and your kind words. Your opinions 21 certainly mean a lot because of your longtime interest 22 in the Commission going back to when this whole process 23 was started. And I think I can speak on behalf of my 24 colleagues when I say, it does seem like thousands of 25 years, but maybe not quite.</p> <p style="text-align: right;">Page 23</p> <p>1 And the -- if the process has started to find 2 new members of the Commission, I'm -- I personally am 3 glad of that, because this was not intended to be a 4 permanent job, even though I think I'm in the ninth 5 year of my five-year term or something like that. 6 But thank you very much, Ms. Knox, for your 7 continued interest in our activities and you give us a 8 good perspective looking forward and also looking back. 9 Thank you. 10 Anyone else wish to make a comment? 11 (No response.) 12 CHAIRMAN KIMBLE: The public may also send 13 comments to the Commission by mail or e-mail at 14 ccec@azcleaselections.gov. 15 At this time, I would entertain a motion to 16 adjourn. Is there a motion to adjourn? 17 COMMISSIONER PATON: I'll make a motion to 18 adjourn. 19 CHAIRMAN KIMBLE: Is there a second to 20 Commissioner Paton's motion to adjourn? 21 COMMISSIONER CHAN: I second the motion. 22 CHAIRMAN KIMBLE: Seconded by 23 Commissioner Chan. 24 I will call the roll. Commissioner Chan. 25 COMMISSIONER CHAN: Aye.</p>	<p style="text-align: right;">Page 24</p> <p>1 CHAIRMAN KIMBLE: Commissioner Paton. 2 COMMISSIONER PATON: Aye. 3 CHAIRMAN KIMBLE: Chair votes aye. 4 We are adjourned until next month. Thank you 5 very much. 6 (The meeting adjourned at 10:00 a.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 25</p> <p>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 17th day of 19 November, 2023. 20 21 22  23 Kathryn A. Blackwelder, RPR 24 Certified Reporter #50666 25</p>
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<hr/> <p style="text-align: center;"><b>1</b></p> <p><b>10:00</b> 24:6</p> <p><b>13th</b> 6:2,4</p> <p><b>15</b> 22:7</p> <p><b>16th</b> 3:3</p>	<p><b>activity</b> 9:18,21</p> <p><b>adding</b> 14:15</p> <p><b>addition</b> 21:1</p> <p><b>additional</b> 13:23 20:21</p> <p><b>additionally</b> 11:14</p> <p><b>address</b> 12:18</p> <p><b>addressed</b> 14:10</p> <p><b>adjourn</b> 23:16,18,20</p> <p><b>adjourned</b> 24:4,6</p> <p><b>adopt</b> 17:17</p> <p><b>adopted</b> 7:20</p> <p><b>advice</b> 16:13</p> <p><b>advisory</b> 7:2,4,21,22 8:9 10:8 12:2,4,13,19 13:8 14:3,7,11 15:17,22 17:4,14 18:4,9,18</p>	<p><b>asks</b> 8:8</p> <p><b>aspect</b> 5:23</p> <p><b>aspects</b> 5:24</p> <p><b>asserted</b> 15:8</p> <p><b>assertion</b> 15:11</p> <p><b>assume</b> 14:11,12</p> <p><b>assuming</b> 12:5 14:8</p> <p><b>assumptions</b> 15:2,3</p> <p><b>attempt</b> 12:20</p> <p><b>attend</b> 5:13</p> <p><b>attendance</b> 3:6 21:11</p> <p><b>attorney</b> 4:18</p> <p><b>Avery</b> 5:4,6</p> <p><b>aye</b> 4:5,7,8 18:20,22,23 23:25 24:2,3</p>	<hr/> <p style="text-align: center;"><b>C</b></p> <p><b>call</b> 3:2,4 4:4 18:19 23:24</p> <p><b>called</b> 6:11 7:20</p> <p><b>campaign</b> 7:10 8:22,25 10:1,4,13,16,17,20</p> <p><b>candidates</b> 5:12,13</p> <p><b>canvassing</b> 12:7 13:5</p> <p><b>Capitol</b> 4:19</p> <p><b>captures</b> 16:12</p> <p><b>case</b> 6:6,13 9:13 13:8</p> <p><b>category</b> 10:13</p> <p><b>ccec@ azcanelections. gov.</b> 23:14</p> <p><b>Chair</b> 4:8 17:6 18:23 24:3</p>
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**CITIZENS CLEAN ELECTIONS COMMISSION  
EXECUTIVE DIRECTOR REPORT  
December 14, 2023**

**Announcements:**

- The March local elections will be held on March 12, 2024.
- The Presidential Preference Election will be held on March 19, 2024.
- Voter's Right to Know Act rules 809-813 are now in the Arizona Administrative Register, [apps.azsos.gov/public\\_services/register/2023/48/contents.pdf](https://apps.azsos.gov/public_services/register/2023/48/contents.pdf).

**Voter Education and Outreach:**

- Avery presented and was a panelist at the AZ Secretary of State's Town Hall on Youth Engagement at Northern Arizona University.
- Gina served as a judge for the We the People: The Citizen and the Constitution regional competition.
- Staff will attend the state's election security table top exercise tomorrow and Saturday.
- Clean Elections and the Cronkite Agency completed their partnership on a youth voter outreach campaign centering on the 26<sup>th</sup> amendment. The videos are available on the Commission's YouTube channel. [https://youtu.be/Won99\\_R-ZN4?si=UCDmkebUMYZkbAxm](https://youtu.be/Won99_R-ZN4?si=UCDmkebUMYZkbAxm)
- Avery participates in the Arizona Commission of African American Affairs committee meetings, Mesa Community College Civic Action Council and the AZSOS Engagement Advisory Board Meetings
- Avery met with Tiffany Thornhill of the Pastor Center to plan for upcoming events in 2024
- Avery spoke with June Shorthair of the Phoenix Indian Center about voter resources for 2024
- Gina met with the Know Your Vote Initiative on voter education and outreach.

**Administration:**

- 12 Candidate Workshops have been held, with more to be scheduled through the end of the year. Workshops are held virtually on Tuesdays from 1-2pm. 29 candidates have attended the workshops.
- We have received two additional requests for Advisory Opinions, which have been distributed for public comment. Advisory Opinion requests are available on the rulemaking page. Please see attachment.
- The Secretary of State submitted the 2023 Election Procedures Manual to the Attorney General and the Governor for approval. Approval is pending.
- Staff has received reports of misinformation leading to confusion about the scope of Proposition 211, specifically that non-profit service providers are being told that the Voter's Right to Know Act will impact their operations, when that is not the aim of the Act. We will be advancing our outreach in the time remaining this year and in the first quarter to address this.



- Tom moderated a panel on public campaign financing at the Council of Government Ethics Laws 2023 conference last week. The panel included the executive directors of the Maine Commission on Governmental Ethics and Campaign Practices, the Seattle Ethics and Elections Commission, and the New Haven Democracy Fund, as well as the Clerk of the City of Albuquerque.

## **Legal:**

### **Commission**

- Center for Arizona Policy v. Arizona Secretary of State, CV2022-016564, Superior Court for Maricopa County.
  - An oral argument on Plaintiffs' Motion for Preliminary Injunctions is currently set at the end of January.
- 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.
- Toma v. Fontes, CV2023-011834, Superior Court for Maricopa County.
  - Plaintiffs' Motion for Preliminary Injunction and Defendant's Motions to Dismiss were argued December 13.
- 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. The Superior Court denied the Commission's Motion for Summary Judgement and denied Respondents motion to quash a subpoena in rulings last week.

### **Others**

- Lake v. Richer, CV2023-051480, Superior Court for Maricopa County.
  - In this public records matter, Lake challenged the county's decision to withhold ballot affidavit envelopes bearing voter signatures. Superior Court Judge John Hannah rejected the public records request late last month.
- 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.
- Arizona Free Enterprise Club v. Fontes (Yavapai County). Lawsuit challenging the use of what the Complaint refers to as "unstaffed" drop boxes for the return of mail ballots to the county recorder pursuant to the Elections Procedures manual. Case number unavailable at this time.
- The No Labels Party of Arizona v. Fontes, 2:23-cv-02172 (D. Ariz.) Complaint and Motion for Preliminary Injunction by a political party seeking to block the Secretary of State from accepting filings to run for office as a No Labels Party candidate for offices other than President and Vice President arguing that

state statute allows the party to block such efforts and that their associational rights under the First Amendment likewise require the party to be able to bar such candidates.

### **Appointments:**

- Governor Hobbs's Office of Boards and Commissions posted a notice recruiting applicants for the Citizens Clean Elections Commission.  
<https://bc.azgovernor.gov/>.

### **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. The following information is provided under 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. 29 A.A.R. 1969, September 1, 2023.
- 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.
  - New rules R2-20-801 to R2-20-808, 29 A.A.R. 3523, November 10, 2023.
  - New rules R2-20-809 to R2-20-813, 29 A.A.R. 3687, December 1, 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.**



250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

November 27, 2023

**BY ELECTRONIC MAIL DELIVERY**

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

**Re: Advisory Opinion Request**

Dear Commissioners:

Pursuant to Rule R2-20-808 adopted by the Arizona Citizens Clean Elections Commission (“**Commission**”), we seek an advisory opinion on behalf of the Democratic Legislative Campaign Committee and The PAC for America’s Future (each individually, a “**Donor**” and collectively, “**Donors**”).

**I. Factual Background**

Donors are organized under section 527 of the Internal Revenue Code. As national organizations focused on electing candidates to legislative office, Donors have registered political committees in multiple states in accordance with state campaign finance rules. To comply with applicable federal and state rules, Donors segregate 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).

Each Donor intends to make one or more monetary contributions in excess of \$25,000 to a covered person to fund campaign media spending to influence the election of a state legislative candidate during the 2024 election cycle. Each Donor plans to make the contributions from more than one of their bank accounts; for ease of reference in this opinion, we will refer to these as Accounts A, B, and C. Donors will not make these contributions with funds restricted for use outside of Arizona elections. Donors will opt in to having their contributions used for campaign media spending in response to the notice required by A.R.S. § 16-972(B).

Donors seek guidance regarding which original monies they must disclose to a covered person in response to a § 16-972(D) request and, assuming the Donors do not themselves qualify as covered persons, seek confirmation that they are not required to send § 16-972(B) opt-out notices to their own contributors.

## II. Discussion/Questions Presented

1. Do one or more of the following methods of disclosing original monies satisfy Donors' obligations under Arizona law?

Donors have reviewed the rules promulgated by the Commission, comments submitted in response to the proposed rules, and the Commission staff memorandum in response to the comments. One comment, submitted by a law firm, asked the Commission to specify that "any reasonable accounting system" may be used by a donor to determine its compliance with R20-20-801(C). The Commission staff rejected this request, concluding that "this additional regulation would unnecessarily burden donors and raise potential compliance and enforcement costs." The Commission staff noted that the requirement for donors to maintain a "record keeping system to track transactions" and "the statutory bar on structuring transactions illegally provide flexibility to donors but require them to act reasonably."

Donors now wish to confirm that one or more of their proposed methods of disclosing original monies complies with this standard. As stated above, each Donor plans to make the contributions from more than one of their bank accounts. To make the analysis easier, for each Donor we are asking the Commission to opine on a proposed \$100,000 contribution that would come from three different bank accounts: \$50,000 from Account A, \$30,000 from Account B, and \$20,000 from Account C. There are three potential ways that Donors could reply to an A.R.S. § 16-972(D) request seeking disclosure of the original monies comprising the contribution.

Donors believe that all three methods comply with Arizona law and are asking the Commission to confirm that it agrees. If the Commission believes that one or more methods complies and one or more methods does not comply, Donors ask that the Commission specify which method(s) comply and which method(s) do not.

- *Method #1:* Disclose original monies using a first-in-first-out (FIFO) or last-in-first-out (LIFO) accounting methodology for each account from which the contribution came. Donor would disclose the first-in or last-in original monies totaling \$50,000 from Account A, \$30,000 from Account B, and \$20,000 from account C. To the extent that the original monies attributed to a source was \$2,500 or less, the source would not be disclosed; such unitemized donations would be aggregated with the source being described as "unitemized." In addition, Donor would not "double count" any source of funds; once any original monies were disclosed as the source of a contribution in response to a § 16-972(D) request, they would *not* be disclosed as the source of any subsequent contribution in response to a § 16-972(D) request.
- *Method #2:* Disclose original monies from each account from which the contribution came, without regard to first-in or last-in order of receipt. Donor would disclose original monies totaling \$50,000 from Account A, \$30,000 from Account B, and \$20,000 from account C, limited to original monies received during the current election cycle, but without regard to the order of receipt. To the extent that the original monies attributed to a source was \$2,500 or less, the source would not be disclosed; such unitemized donations would be aggregated with the source being described as "unitemized." In addition, Donor

would not “double count” any source of funds; once any original monies were disclosed as the source of a contribution in response to a § 16-972(D) request, they would *not* be disclosed as the source of any subsequent contribution in response to a § 16-972(D) request.

- *Method #3*: Disclose original monies from any of the three accounts, without regard to how much was contributed from each account (again, limited to original monies received this election cycle). For example, Donor could disclose \$100,000 in original monies from Account A; or Donor could disclose \$50,000 in original monies from Account B and \$50,000 in original monies from Account C; or Donor could disclose \$75,000 in original monies from Account A, \$15,000 in original monies from Account B, and \$10,000 in original monies from Account C. To the extent that the original monies attributed to a source was \$2,500 or less, the source would not be disclosed; such unitemized donations would be aggregated with the source being described as “unitemized.” In addition, Donor would not “double count” any source of funds; once any original monies were disclosed as the source of a contribution in response to a § 16-972(D) request, they would *not* be disclosed as the source of any subsequent contribution in response to a § 16-972(D) request.

*Proposed answer*: Yes. All three reporting methods are reasonable methods for disclosing original monies and therefore comply with the statute.

A.R.S. § 16-972(D) reads as follows:

Any person that donates to a covered person more than \$5,000 in traceable monies in an election cycle must inform that covered person in writing, within ten days after receiving a written request from the covered person, of the ***identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person’s original monies being transferred***. If the original monies were previously transferred, the donor must disclose all such previous transfers of more than \$2,500 and identify the intermediaries. The donor must maintain these records for at least five years and provide the records on request to the commission.<sup>1</sup>

Rule R2-20-801(C) 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***.<sup>2</sup>

Rule R2-20-803(A) reads as follows:

Before a covered person may use or transfer a donor’s monies for campaign media

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<sup>1</sup> A.R.S. § 16-972(D) (emphasis added).

<sup>2</sup> Ariz. Admin. Code R2-20-801(C) (emphasis added).

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.<sup>3</sup>

*First*, R2-20-801(C) expressly provides that A.R.S. § 16-972(D) requires disclosure only “up to the amount of money being transferred to the requesting person.”<sup>4</sup> Therefore, if Donor contributes \$100,000 to a covered person, Donor is only required to account for \$100,000 in incoming donations in its response to a § 16-972(D) request.

*Second*, in recommending adoption of the proposed rules, the Commission staff advised that “the statutory bar on structuring transactions illegally provide[s] flexibility to donors but require[s] them to act reasonably.”<sup>5</sup> The proposed disclosure methods are objectively reasonable. They disclose original monies provided to Donor in an aggregate amount equaling the contribution to the covered person, they only disclose original monies provided to Donor in the current election cycle, and they avoid any double counting. In fact, each of Donors’ proposed compliance methods would comply with a similar Minnesota statute that prescribes a methodology by which donors to independent expenditure committees may comply with the requirement to disclose underlying contributors:<sup>6</sup>

(c) To determine the amount of membership dues or fees, or donations made by a person to an association and attributable to the association’s contribution to the independent expenditure or ballot question political committee or fund, the donor association must:

- (1) apply a pro rata calculation to all unrestricted dues, fees, and contributions received by the donor association in the calendar year; or
- (2) as provided in paragraph (d), identify the specific individuals or associations whose dues, fees, or contributions are included in the contribution to the independent expenditure political committee or fund.

(d) Dues, fees, or contributions from an individual or association must be identified in a contribution to an independent expenditure political committee or fund under paragraph (c), clause (2), if:

- (1) the individual or association has specifically authorized the donor association to use the individual’s or association’s dues, fees, or contributions for this purpose; or
- (2) *the individual’s or association’s dues, fees, or contributions to the donor association are unrestricted and the donor association designates them as the source of the subject contribution to the independent expenditure political committee or fund.***

(e) After a portion of the general treasury money received by an association from a person has been designated as the source of a contribution to an independent expenditure or ballot

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<sup>3</sup> *Id.* R2-20-803(A).

<sup>4</sup> *Id.* R2-20-801(C).

<sup>5</sup> See Memorandum from Thomas Collins to Arizona Citizens Clean Election Commissioners regarding Voter’s Right to Know Act Rules (Aug. 22, 2023) at 2.

<sup>6</sup> Minn. Stat. Ann. § 10A.27, subd. 15(c)-(e) (emphasis added).

question political committee or fund, that portion of the association's general treasury money received from that person may not be designated as the source of any other contribution to an independent expenditure or ballot question political committee or fund.

Echoing the statute, the Minnesota disclosure form notes that "[a] contribution may be attributed to specific donors if the donor has specifically authorized the association to use that donor's dues or donations for independent expenditure purposes or, absent specific authorization, the association designates specific donors' dues or donations as the source of the contribution to the independent expenditure political committee or fund" and expressly permits donor organizations to include unitemized amounts in accounting for the total amount contributed.<sup>7</sup> The fact that each of Donors' proposed methods would comply with another state's analogous disclosure regime evinces the reasonableness of each method.<sup>8</sup>

For these reasons, we ask the Commission to confirm that each proposed method complies with A.R.S. § 16-972(D) and Rules R2-20-801(C) and R2-20-803(A).

2. If Donors do not engage in campaign media spending themselves, are they required to send opt-out notices to their own contributors?

*Proposed answer:* No. The statute and rules merely require the opt-out notice to be sent from a covered person to the *covered person's donors*. There is no requirement that a donor send opt-out notices to its own donors.

A.R.S. § 16-972(B) reads as follows:

Before the covered person may use or transfer a donor's monies for campaign media spending, the donor must be notified in writing that the monies may be so used and must be given an opportunity to opt out of having the donation used or transferred for campaign media spending.<sup>9</sup>

Rule R2-20-803(A) reads as follows:

Before a covered person may use or transfer a donor's monies for campaign media

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<sup>7</sup> Minnesota Campaign Finance Board, *2022 Disclosure Statement for Corporations and other Unregistered Associations Contributing to Independent Expenditure Committees and Funds*, [https://cfmlite.cfb.mn.gov/pdf/forms/cf\\_reports/2022\\_IEPCF\\_Underlying\\_Disclosure.pdf](https://cfmlite.cfb.mn.gov/pdf/forms/cf_reports/2022_IEPCF_Underlying_Disclosure.pdf).

<sup>8</sup> The LIFO/FIFO method is also expressly contemplated in guidance issued by the Federal Election Commission and the Michigan Secretary of State. In advisory opinions, the Federal Election Commission has opined that "the Commission has identified certain accounting methods as reasonable. In Advisory Opinion 2006-6 (Busby), the Commission identified the method described in 11 CFR 110.3(c)(4), which is known as the 'first in, first out' method, as a reasonable accounting method. In Advisory Opinion 2004-45 (Salazar), the Commission determined that the 'last in, first out' accounting method was reasonable." FEC Adv. Op. 2006-38 (Casey), <https://www.fec.gov/files/legal/aos/2006-38/2006-38.pdf>. Likewise, the Michigan Secretary of State has opined that "[e]xpenditures to Michigan candidates, PACS, Political Party Committees or Ballot Question Committees may be made directly from the committee's out-of-state account and reported through the LIFO accounting method or any other reasonable accounting method." Mich. Bureau of Elections, *Appendix K: Out of State Groups*, <https://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixK>.

<sup>9</sup> A.R.S. § 16-972(B).



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.***<sup>10</sup>

The other subsections of Rule R2-20-803 detail the contents, format, and timing of the opt-out notices. Neither the statute nor rule require any person other than the covered person to send opt-out notices to donors. Rule R2-20-813(B) permits but does not require a person who is not a covered person to provide the opt-out notice to another person who has contributed original monies before transferring the monies to a covered person.<sup>11</sup>

Requiring donors to send opt-out notices to their own donors would be unworkable in practice. Under such a regulatory scheme, each nested donor that transferred traceable monies would be required to send opt-out notices to their donors, some of which might face the same obligation. This “Russian nesting doll” situation would lead to covered persons having to wait far longer than 21 days prior to engaging in constitutionally protected speech. The Commission should confirm that A.R.S. § 16-972 and R2-20-803 do not require donors to covered persons to send opt-out notices to their own underlying contributors.

Very truly yours,

Jonathan S. Berkon  
G. Meredith Parnell

*Counsel to The PAC for America’s Future and Democratic Legislative Campaign Committee*

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<sup>10</sup> Ariz. Admin. Code R2-20-803(A) (emphasis added).

<sup>11</sup> *Id.* Rule R2-20-813(B) (“A person who is not a covered person *may* provide the notice prescribed by A.R.S. § 16-972(B) to another person who has given that person monies before transferring monies or making an in-kind donation to a covered person.”) (emphasis added).

November 27, 2023

**BY ELECTRONIC MAIL DELIVERY**

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

**Re:     Advisory Opinion Request**

Dear Commissioners:

Pursuant to Rule R2-20-808 adopted by the Arizona Citizens Clean Elections Commission (“**Commission**”), we seek an advisory opinion on behalf of Democratic Legislative Campaign Committee (“**DLCC**”). DLCC seeks confirmation whether its intended activities constitute campaign media spending under the Voters Right to Know Act (the “**Act**”).

**I.       Background**

DLCC is organized under section 527 of the Internal Revenue Code. DLCC is a national organization with a purpose of electing Democrats to state legislative offices around the country. It is registered in multiple states in accordance with state campaign finance rules. DLCC is not “organized for the primary purpose of influencing the result of an election” in Arizona.<sup>1</sup> Therefore, it is not a “political action committee” and is not registered as such with the Secretary of State.<sup>2</sup>

To effectuate its purpose of electing Democrats to state legislative offices, DLCC intends to engage in the following projects during the 2023-2024 election cycle in Arizona:

- *Project #1*: Make a monetary contributions to the Arizona Democratic Party, which will not be earmarked for any particular campaign or purpose;
- *Project #2*: Expend funds to hire consultant(s) to provide research, polling, and data analytics services related to legislative elections to be used for DLCC’s internal planning

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<sup>1</sup> See A.R.S. § 16-905(C)(1). See also *id.* § 16-901(17) (defining “election” to mean “any election for any ballot measure in this state or any candidate election during a primary, general, recall, special or runoff election for any office in this state other than a federal office and a political party office. . .”).

<sup>2</sup> See *id.* §§ 16-971(15), 16-901(41).

purposes; and

- *Project #3*: Make in-kind contributions for research, polling, and data analytics work product to other persons engaged in campaign media spending.

The value of the contributions and expenditures for Projects 1-3 will exceed \$25,000 per legislative election that DLCC seeks to influence during the 2023-2024 cycle.

DLCC will not spend monies or accept in-kind contributions to pay for any of the following in Arizona during the 2023-2024 election cycle:

- A public communication that expressly advocates for or against the nomination, or election of a candidate;
- A public communication that promotes, supports, attacks, or opposes a candidate within six months preceding an election involving that candidate;
- A public communication that refers to a clearly identified candidate within ninety days before a primary election until the time of the general election and that is disseminated in the jurisdiction where the candidate's election is taking place;
- A public communication that promotes, supports, attacks, or opposes the qualification or approval of any state or local initiative or referendum;
- A public communication that promotes, supports, attacks, or opposes the recall of a public officer;
- A 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; or
- Research, design, production, polling, data analytics, mailing or social media list acquisition conducted in preparation for or in conjunction with any of the activities described above.

Accordingly, DLCC will not be engaged in "campaign media spending" as defined by A.R.S. § 16-971(2)(a)(i)-(v). DLCC now seeks confirmation that its planned activities do not constitute "campaign media spending" as set forth by A.R.S. § 16-971(2)(a)(vi)-(vii).

## **II. Questions Presented**

1. Does making a monetary contribution to a political party or spending money for projects for internal use (such as research, polling, and data analytics) constitute campaign media spending by a person if that person is not engaged in any of the activities set forth in A.R.S. § 16-971(2)(a)(i)-(v)? If so, please specify which of the two projects – the monetary contribution and/or the internal projects –

constitutes campaign media spending.

2. Does making an in-kind contribution of research, polling, or data analysis to another person constitute campaign media spending if the recipient of the in-kind contribution engages in campaign media spending?

### III. Legal Analysis

1. *Does making a monetary contribution to a political party or spending monies for projects solely for internal use (such as research, polling, and data analytics) constitute campaign media spending by a person if that person is not engaged in any of the activities set forth in A.R.S. § 16-971(2)(a)(i)-(v)? If so, please specify which of the two projects – the monetary contribution and/or the internal projects – constitutes campaign media spending.*

No. The Act defines campaign media spending to mean “spending monies or accepting in-kind contributions to pay for” five types of “public communications” enumerated at A.R.S. § 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.***”<sup>3</sup>

(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.”<sup>4</sup>

The Commission’s implementing Rules clarify that the internal activities set forth at so-called “Prong 7,” A.R.S. § 16-971(2)(a)(vii), “shall *not* be considered campaign media spending unless these activities are *specifically* conducted in preparation for or in conjunction with those other activities” set forth in so-called “Prongs 1-6,” A.R.S. § 16-971(2)(a)(i)-(vi).<sup>5</sup> As noted above, DLCC will not sponsor any of the public communications described in Prongs 1-5. Therefore, Prong 7 would only be satisfied if any of the DLCC’s projects also satisfied Prong 6.

At bottom, then, the question presented here is whether making a monetary contribution to a political party or spending monies for projects solely for internal use (such as research, polling, and data analytics) is an “[a]n activity ... 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” under A.R.S. § 16-971(2)(a)(vi). We contend that it is not.

The term “activity” is not defined anywhere in Title 16 and is used only once in the definition of

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<sup>3</sup> *Id.* § 16-971(2)(a)(vi) (emphasis added).

<sup>4</sup> *Id.* § 16-971(2)(a)(vii).

<sup>5</sup> Ariz. Admin. Code R2-20-801(B) (emphasis added).

campaign media spending. When interpreting statutory terms established by voter-approved ballot measures, the primary objective “is to place a reasonable interpretation on the intent of the electorate that adopted it.”<sup>6</sup> The first step in doing so is to give words “their natural, obvious and ordinary meaning unless the context suggests otherwise” and to “apply the provision as written if it is subject to only one reasonable meaning.”<sup>7</sup> The word “activity” is defined to mean “the quality or state of being active; behavior or actions of a particular kind.”<sup>8</sup> The ordinary definition of the word is so broad, therefore, that it is subject to more than one reasonable meaning. When a term is subject to more than one reasonable meaning, or when context suggests that a term should not given its ordinary meaning, then the general rule of interpretation is that “each word, phrase, clause and sentence must be given meaning so that no part will be void, inert, redundant or trivial.”<sup>9</sup>

To do so, the Commission should confirm that the term “activity” in Prong 6 includes only programs aimed externally at voters to support or oppose a political party and does *not* include monetary contributions *or* internal projects. 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. Accordingly, the inclusion of the term “activity” simply encompasses non-communicative elements that often accompany programs aimed externally at voters. Likewise, the interpretive canon of *ejusdem generis* – providing that where a general word follows a list of specific terms, the general word will be interpreted to include only items of a similar nature to the terms specified – 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.<sup>10</sup>

This construction also ensures that no part of the Act will be void, inert, redundant, or trivial. The Act, for example, already requires organizations that make monetary contributions to covered persons engaged in campaign media spending to disclose their underlying contributors. Treating such contributions as campaign media spending that transform the organizational donors into covered persons would impose duplicative reporting obligations that do not further the purpose or intent of the Act.<sup>11</sup> Such a requirement would not increase the transparency of the original sources of contributions to influence election results, would not give voters more information so they can make informed decisions and hold officeholders accountable, and would not reduce the potential for corruption or the laundering of political monies.<sup>12</sup> Such a construction would also violate a

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<sup>6</sup> *State v. Estrada*, 201 Ariz. 247, 250 (2001) (internal quotation and citation omitted).

<sup>7</sup> *Arizona Chamber of Com. & Indus. v. Kiley*, 242 Ariz. 533, 537 (2017) (internal quotation and citation omitted).

<sup>8</sup> Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/activity>.

<sup>9</sup> *Vangilder v. Arizona Dep't of Revenue*, 248 Ariz. 254, 260 (Ct. App. 2020), *as amended* (Mar. 3, 2020), *aff'd in part, vacated in part*, 252 Ariz. 481 (2022) (internal quotation and citation omitted).

<sup>10</sup> 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).

<sup>11</sup> A.R.S. § 16-926.

<sup>12</sup> See Ariz. Sec’y. of State, *Certificate and Title: An Initiative Measure Amendment Title 6, Arizona Revised Statutes by Adding Chapter 6.1; Relating to the Disclosure of the Original Source of Monies Used for Campaign Media*

core principle of the Act: that donors may restrict their funds from being used for campaign media spending (even if the recipient is a covered person) and therefore avoid the burdensome requirements that the Act imposes. If such contributions were treated as campaign media spending under Prong 6, that option would be eliminated.

The same is true for the internal projects that DLCC proposes to undertake. If the term “activity” in Prong 6 encompassed internal projects, it would render Prong 7 “void, inert, redundant, and trivial.” Moreover, while Prongs 1 through 6 stand on their own, Prong 7 stipulates that the enumerated 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.”<sup>13</sup> If Prong 6 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.

For these reasons the Commission should confirm 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.

2. *Does making an in-kind contribution of research, polling, or data analysis to another person constitute campaign media spending if the recipient of the in-kind contribution engages in campaign media spending?*

No. 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.”<sup>14</sup> 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: the *recipient* of in-kind contributions is the covered person while the *maker* of in-kind contributions is subject to the requirements imposed on donors. Therefore, the Commission should confirm that an organization does not engage in “campaign media spending” merely because it makes an in-kind contribution of research, design, production, polling, data analytics, mailing or social media list acquisition to a covered person.

Very truly yours,

Jonathan S. Berkon  
G. Meredith Parnell  
*Counsel to Democratic Legislative Campaign Committee*

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*Spending* at Section 2: Purpose and Intent,  
<https://apps.arizona.vote/electioninfo/assets/33/0/BallotMeasures/Certificate%20and%20Title.pdf>.

<sup>13</sup> See A.R.S. § 16-971(2)(a)(vi).

<sup>14</sup> See *id.* § 16-971(2)(a)(vii).



# **AZ Citizens Clean Elections Commission Public Opinion Survey Results**

November 2023

# Topics

- ❖ Big Picture: Voters are Restless and Conflicted
- ❖ Key Issues Among Registered and Likely Voters
- ❖ Key Issues: Letting Locals Speak in their Own Words
- ❖ Key Issues: Regional Breakdown
- ❖ The Right Channels: Where People are Watching News and Hearing Debate

**Presented by...**

**Mike Noble**  
**Founder & CEO, NPI**



# Project Goals

## Identify

- Gauge perceptions of Arizona registered and likely voters on top issues
- Learn what issues and debate topics resonate most with Arizona voters in each region and party

1

## Discover

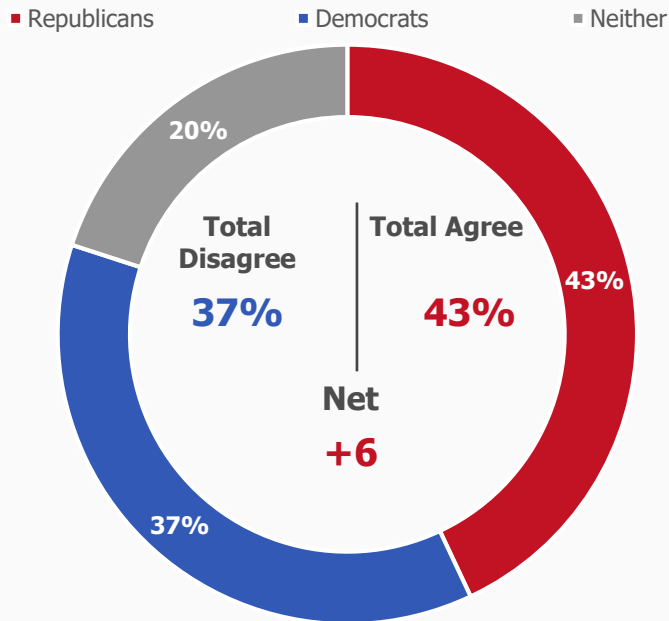
- Discover the specific issues within broader categories most important to Arizona voters
- Provide actionable recommendations for consideration that will enhance strategic planning for voter education and debate discussions

2

**Big Picture: Voters are  
Restless and Conflicted**

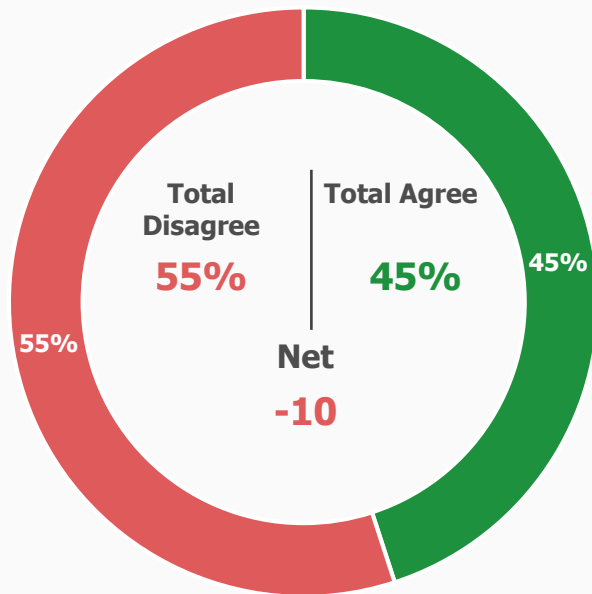
# AZ is restless, discontented with current leaders, and open to change

## Political Party that Runs State Best



## Trajectory of Arizona

■ Arizona is going on the right track ■ Arizona is going in the wrong direction



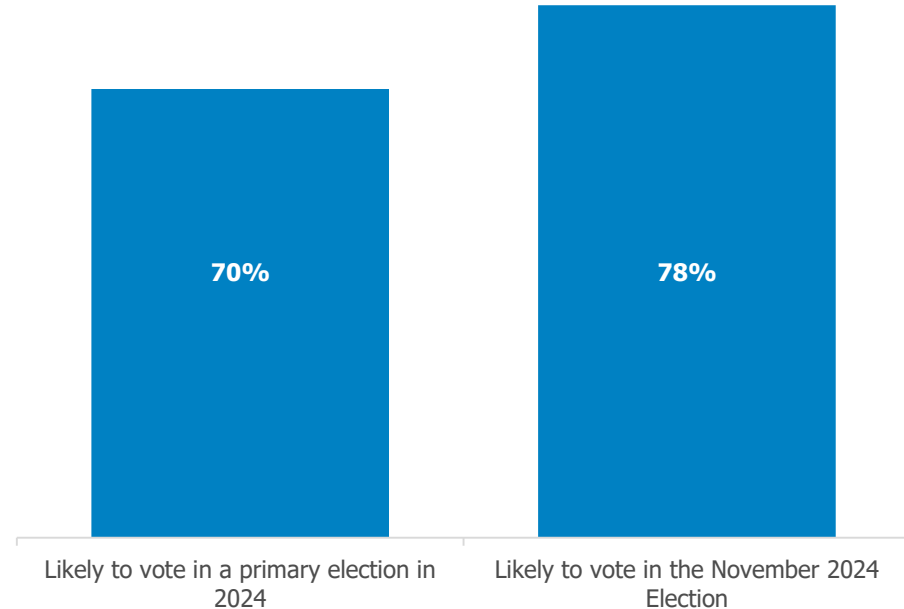
Q) Do you believe that Arizona is on the right track or heading in the wrong direction? And When it comes to running the state of Arizona, which political party do you believe would do a better job, in general.

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

## Most respondents are likely to vote in the 2024 primary and general elections

- Not *all* of these respondents will vote, and, with the candidate field in flux, it's impossible to determine exact turnout levels. But, current data suggests high enthusiasm in both primary and general elections.

## Likelihood to Vote in Upcoming Elections

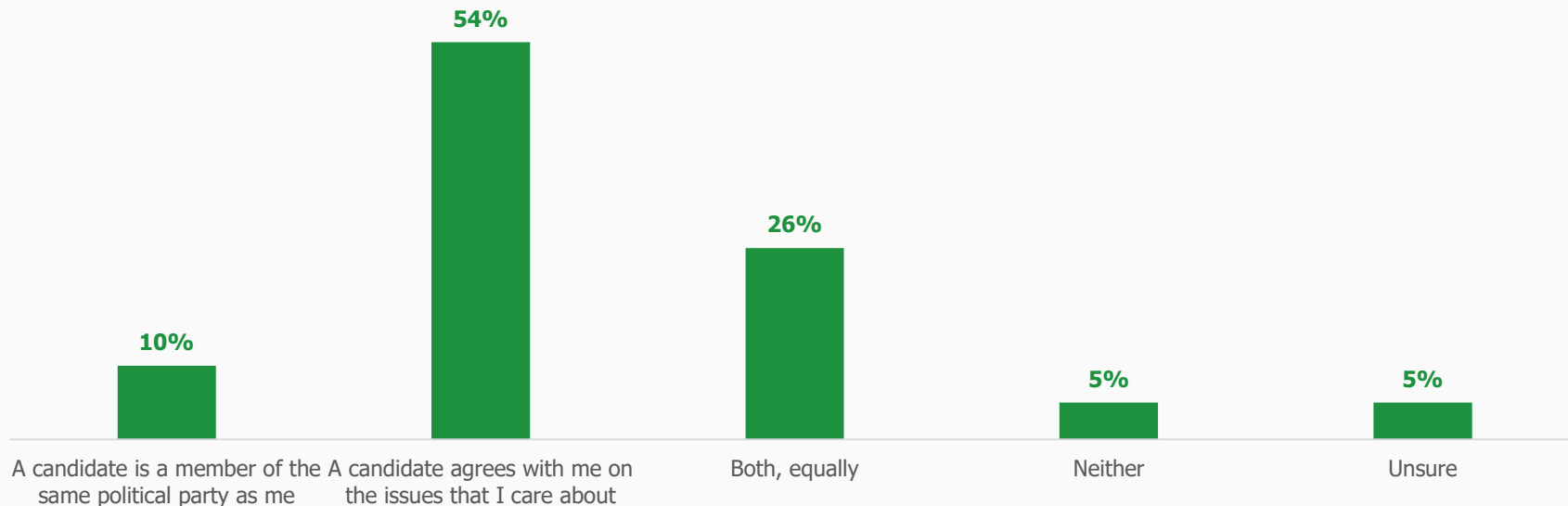


Q) How likely are you to vote in either the Democratic Party or Republican Party's Primary Election in August 2024? AND As you may know, on November 5th, 2024, there will be a presidential election. How likely are you to vote in this election?

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

**Most people report they would vote for a candidate who agrees with them on specific issues they care about than someone from a specific party.**

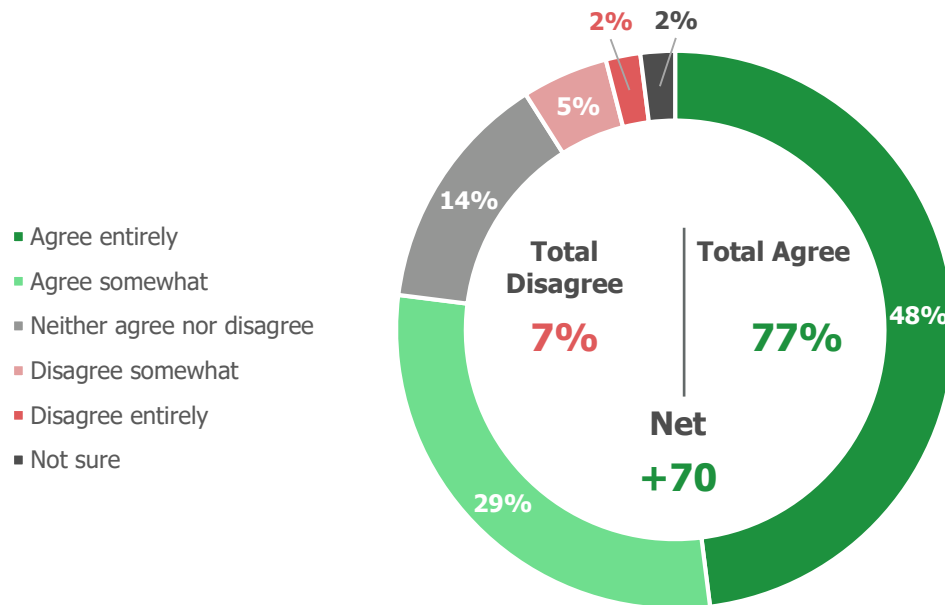
## Voters' Preferences for Candidates



## AZ is overwhelmingly in favor of compromise between parties

- A majority of Democrats (81%), Republicans (73%), and Independents (78%) want to see compromise between the parties
- Even the groups least in favor of seeing compromise (18–34-year-olds and high school graduates) are overwhelmingly in favor of it, at 73%

## Voters' Desire for Compromise Amongst Parties



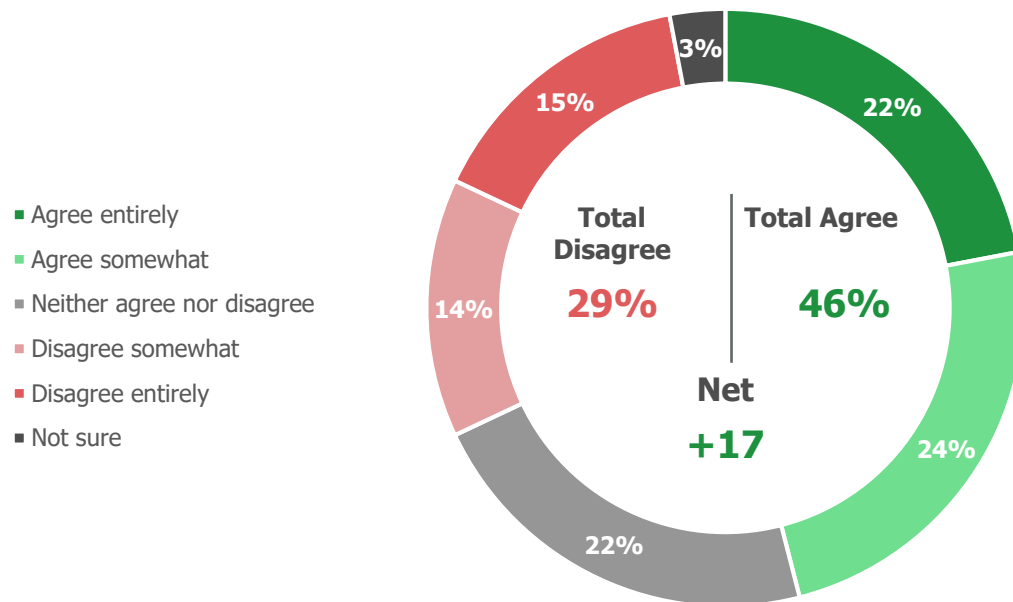
Q) I want both political parties to work together, even if it means compromising on some important issues

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

## However, Arizonans are not as interested in seeing compromise on issues they care about

- 41% of Democrats and 52% of Republicans are in favor of having representatives stand firm on their issues
- The net agreement for this question (+17) is notably low despite respondents' earlier desire to see compromise between parties (+70)

## Voters' Desire for Representatives to Stand Firm on their Issues



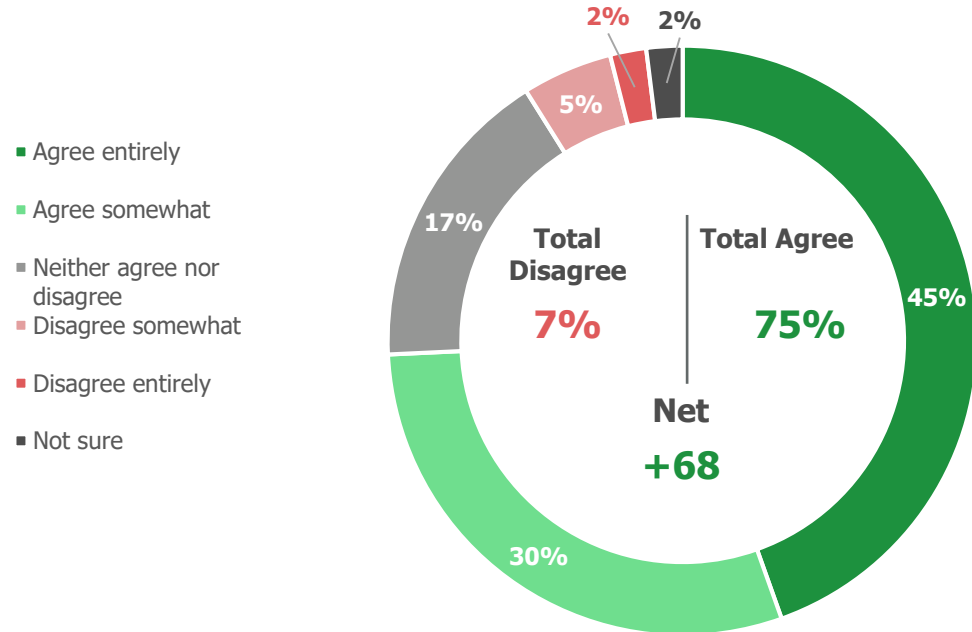
Q) I want my representatives to stand firm on their beliefs, even if it means not much gets done in government.

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

## Voters strongly support politicians having good relationships with other politicians

- Democrats (80%) and Republicans (71%) are both heavily in favor of representatives having good relationships with other representatives
- The lowest level of agreement came from high school graduates (71%), who nonetheless held mostly positive opinions

## Voters' Preference for Politicians' Relationships with Other Politicians



Q) A politician should work to maintain good relationships with their fellow elected officials; there is no point in being rude and hard to work with

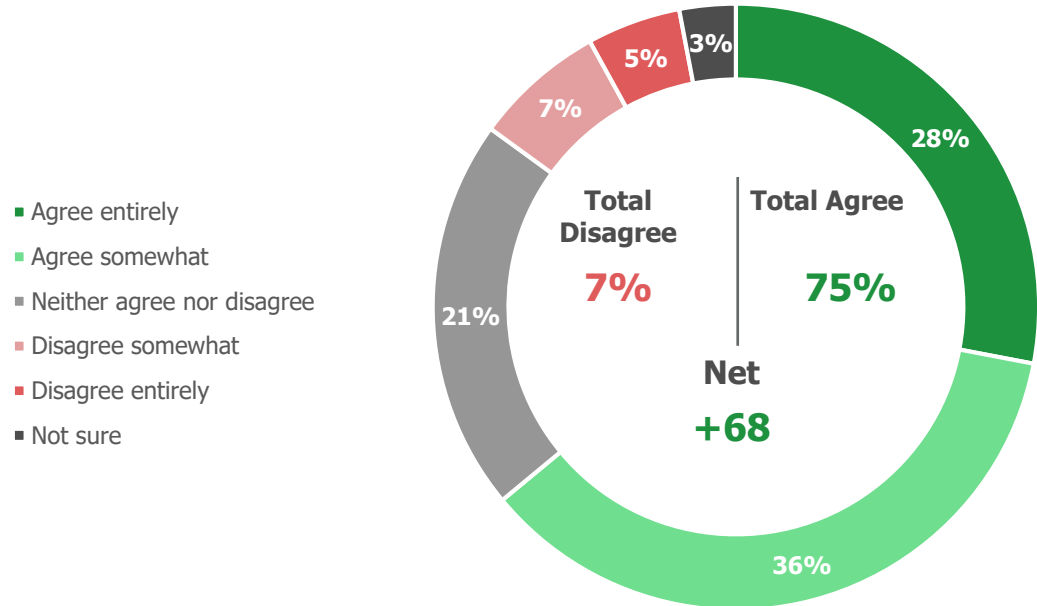
† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.



## Respondents are as interested in candidate temperament as policy

- 70% of Democrats and 58% of Republicans answered that they believe a candidate's temperament is as important as their stances on policy issues
- Other than Democrats, Hispanic voters are the most interested in candidate temperament, at 68%

## Importance of Candidate Attitudes to Voters

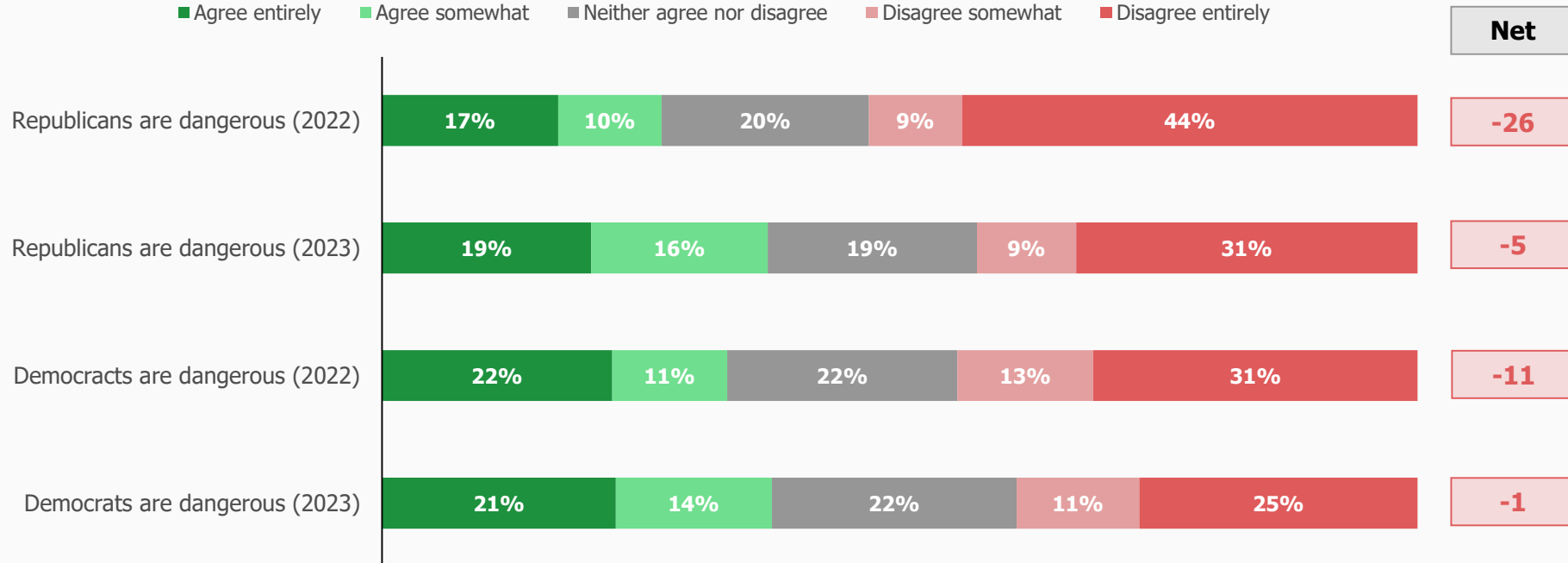


Q) A candidate's attitude and temperament matter as much to me as their stances on policy issues.  
† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# More people have changed their views about Republicans than Democrats since 2022

## Respondents' Belief in the Danger of the 'Other' Party

■ Agree entirely ■ Agree somewhat ■ Neither agree nor disagree ■ Disagree somewhat ■ Disagree entirely



# Key Takeaways

- Arizonans are restless and ready to vote
  - Voters have conflicting emotions
    - Hungry for compromise and value ideas over party
    - Distrust for the other side of the aisle is high
    - Want leaders who will confront opponents, but not go too far
- A debate that lets candidates contrast their ideas *and* showcase their character would benefit the electorate



# Key Issues

A detailed breakdown of what particular issues matter to respondents

# Our Multilayered Approach

We allow people to select from 50 issues, each of which are slotted into larger categories

- For instance, someone could select “Jobs/Economy (taxes)” OR “Jobs/Economy (gas prices)”

We used a multi-stage question

- Allow people to select as many issues as they want at first (“want to know” issues)
- Then require them to pick their top three (want to know more”)
- And lastly, a single most important issue (“need to know” issues)

This allowed us to get a sense for what people want to know about in general, and what they want to know about the most

- We also broke this data down by likely voter and likely primary voters from each party

**This is truly unique – most surveys do not get this much detail.**

## For the next section, there were 12 total categories a respondent could choose issues from...

Healthcare

Government

Jobs/Economy

Abortion

Elections

Infrastructure

Education

Gun Policy

Housing

Environment

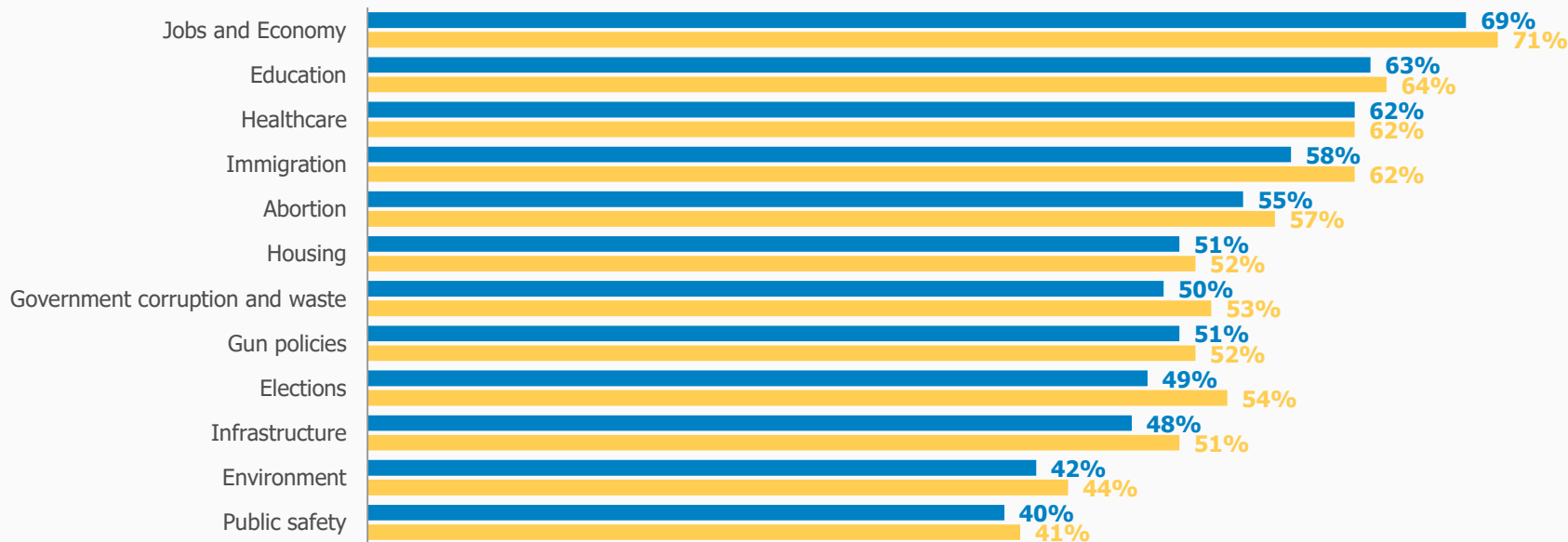
Public Safety

Immigration

# When asked to select any that apply, the top issues selected for registered voters and likely voters were Jobs and Economy, Education, and Healthcare

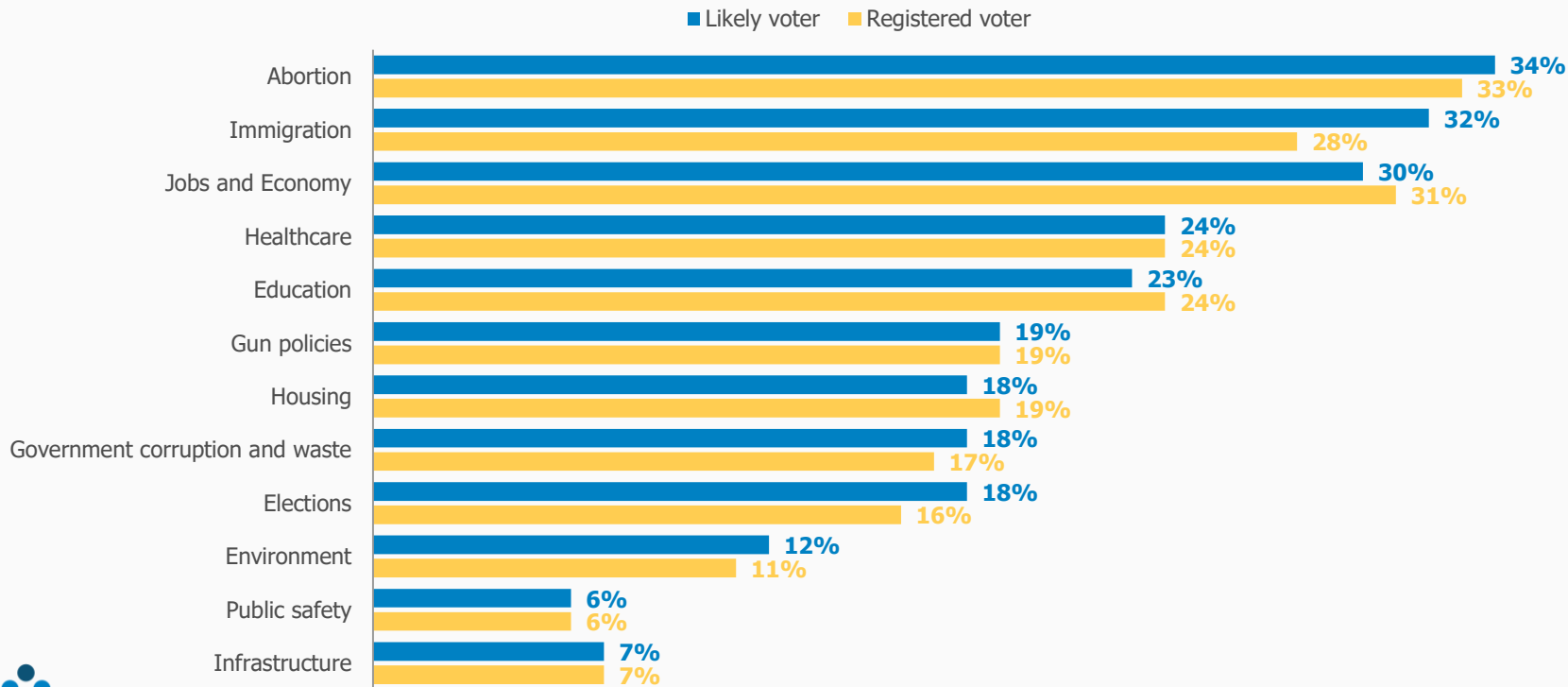
## Top Issue Amongst RV and LV (Select All)

■ Likely Voters ■ Registered Voters



# When asked to select the top three issues, registered voters and likely voters push Abortion to the top, while Jobs and Economy drops to second for registered voters and to third for likely voters

## Top Issue Amongst RV and LV (Select Top 3)



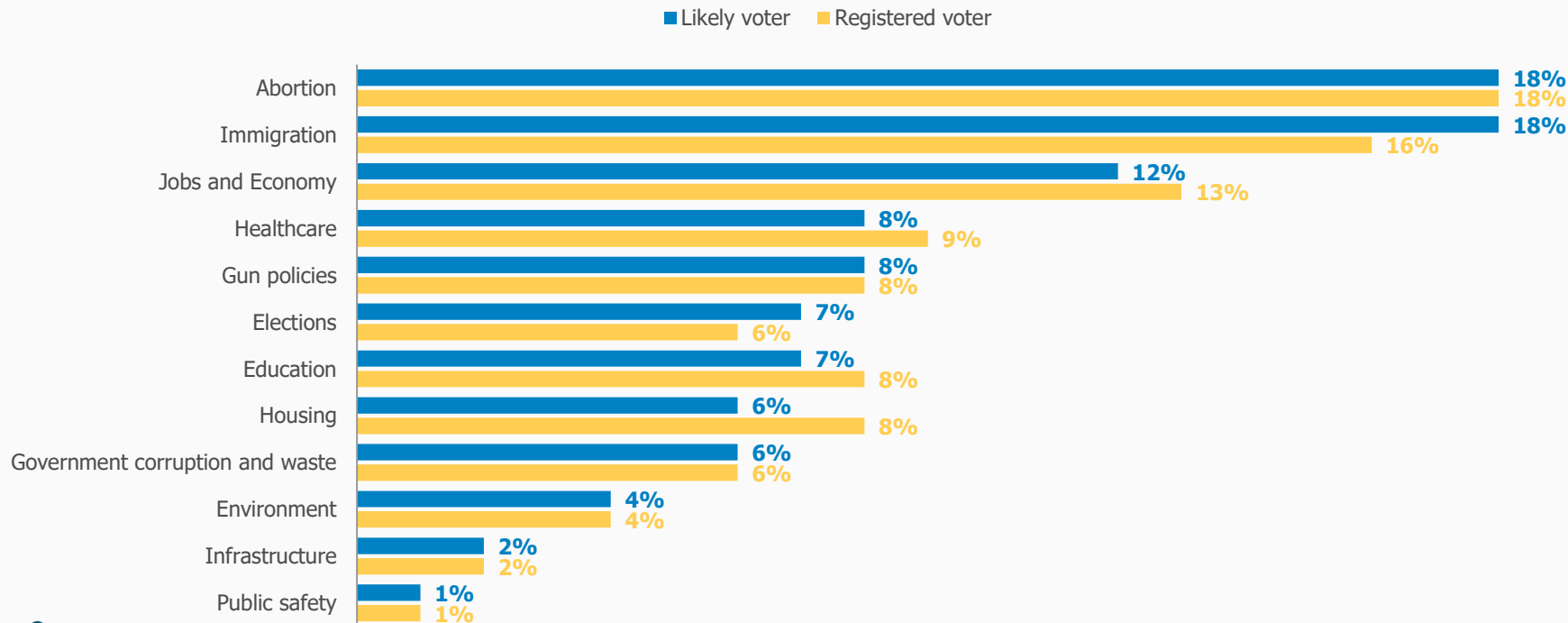
Q) Of the issues you chose in the last question, which are the three most important for you to know a candidate's position when you are deciding how you will vote?

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.



# When asked to select a single most important issue, registered voters and likely voters once again lined up with Abortion, Immigration, and Jobs and Economy as the top three

## Top Issue Amongst RV and LV (Top Issue)

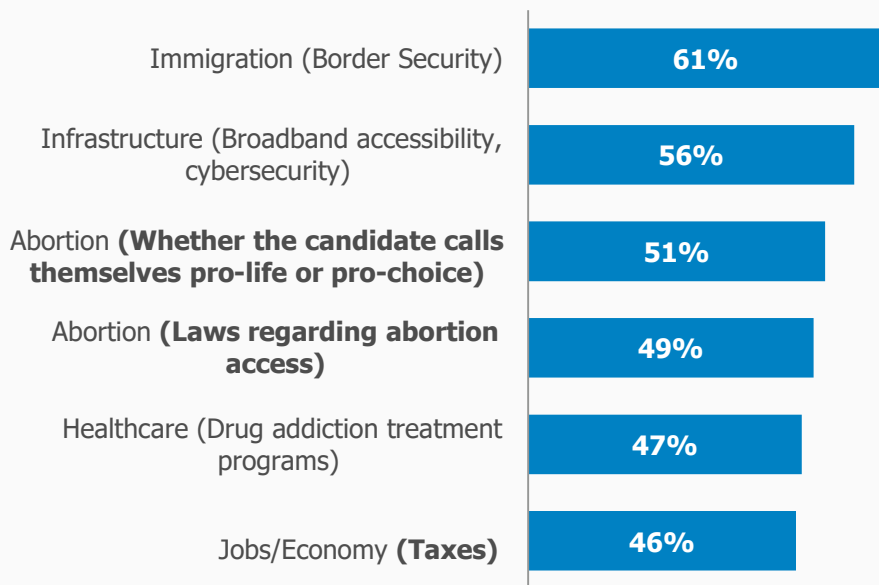


Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

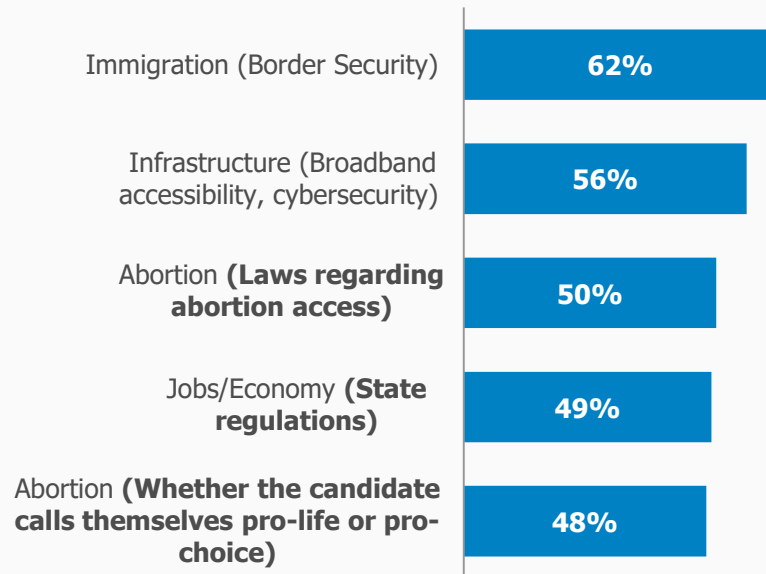
† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Registered voters and likely voters have similar top issues; however, there is slight variation in specifics...

## Top Five Top Issues Amongst Registered Voters



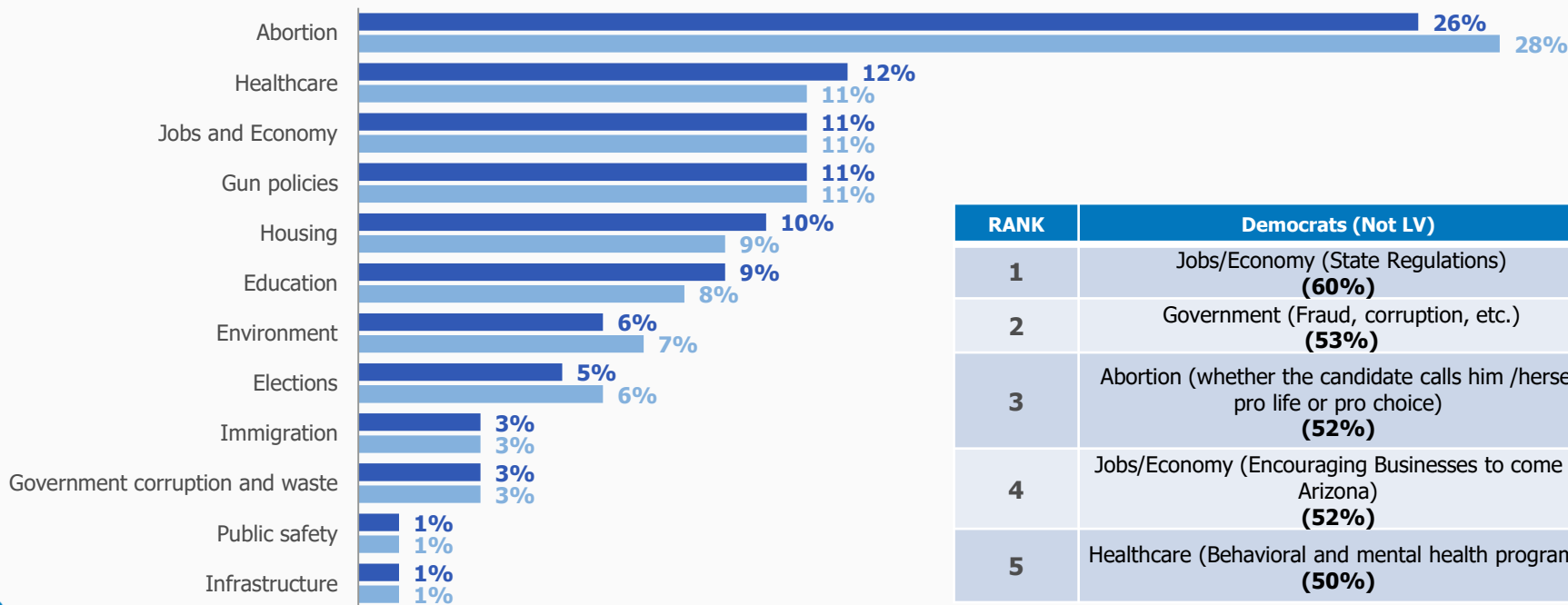
## Top Five Top Issues Amongst Likely Voters



**Democrats are concerned with Abortion generally, but, State Regulation, Fraud/Corruption, then a candidate calling themselves Pro-Life/Pro-Choice are important individually.**

## Top Issue by Category for Democrats

■ Democrat ■ Likely Democratic Primary Voter

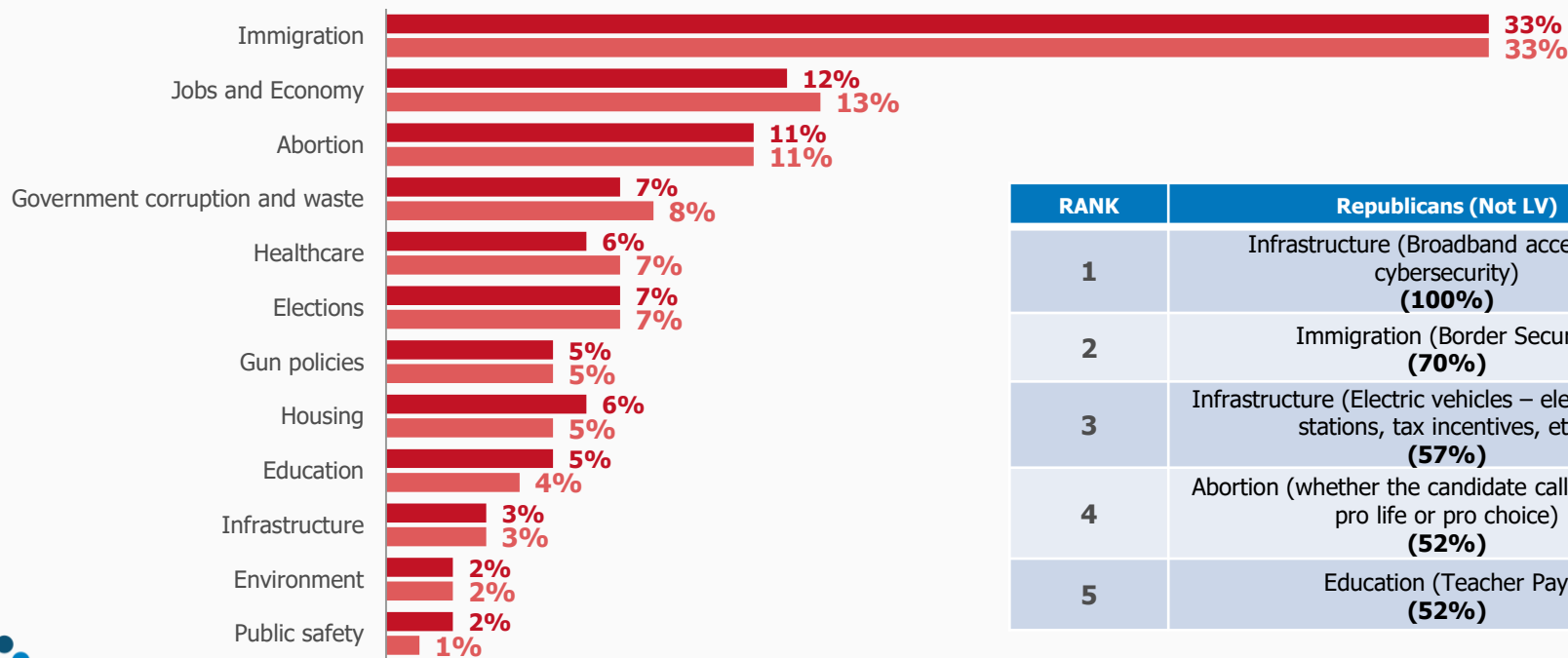


RANK	Democrats (Not LV)
1	Jobs/Economy (State Regulations) (60%)
2	Government (Fraud, corruption, etc.) (53%)
3	Abortion (whether the candidate calls him /herself pro life or pro choice) (52%)
4	Jobs/Economy (Encouraging Businesses to come to Arizona) (52%)
5	Healthcare (Behavioral and mental health programs) (50%)

# Republicans are concerned most with Immigration as a main topic; however, Broadband/Accessibility/Cybersecurity, Bordered Security, and Electric Vehicles issues are important individually.

## Top Issue by Category for Republicans

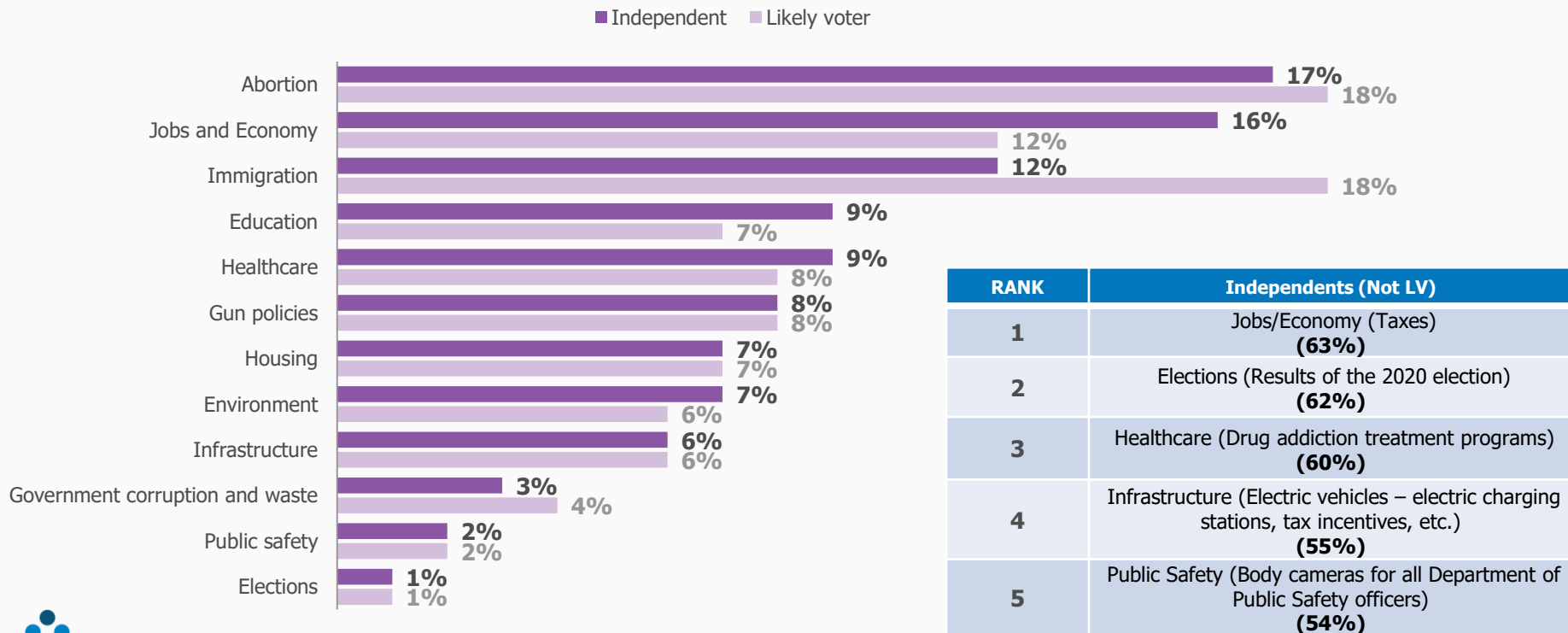
■ Republican ■ Likely Republican Primary Voter



RANK	Republicans (Not LV)
1	Infrastructure (Broadband accessibility, cybersecurity) (100%)
2	Immigration (Border Security) (70%)
3	Infrastructure (Electric vehicles – electric charging stations, tax incentives, etc.) (57%)
4	Abortion (whether the candidate calls him /herself pro life or pro choice) (52%)
5	Education (Teacher Pay) (52%)

# Abortion is the most important issue category for Independents; however, Taxes, the Results of the 2020 Election, and Drug addiction treatment programs are topics of specific interest.

## Top Issue by Category for Independents



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

**Abortion and Immigration vary between first and second; however, Jobs and Economy remain the third. Healthcare is also a consistent issue with Gun Policies, Government Corruption, and Housing varying between demographics.**

Rank	Registered Voters	Likely Voters	Republicans	Democrats	Independents
1	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Abortion</b> (Laws regarding abortion access)	<b>Immigration</b> (Border Security)	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Abortion</b> (Laws regarding abortion access)
2	<b>Immigration</b> (Border Security)	<b>Immigration</b> (Border Security)	<b>Jobs and Economy</b> (Unemployment)	<b>Healthcare</b> (Behavioral and mental health programs)	<b>Jobs and Economy</b> (Taxes)
3	<b>Jobs and Economy</b> (Taxes)	<b>Jobs and Economy</b> (State Regulations)	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Jobs and Economy</b> (State Regulations)	<b>Immigration</b> (Border Security)
4	<b>Healthcare</b> (Drug addiction treatment programs)	<b>Healthcare</b> (Expanding access to Arizona's senior)	<b>Government</b> (Fraud, corruption, etc. and wasteful spending)	<b>Gun Policies</b> (School Safety)	<b>Education</b> (Funding for Science, Technology, Engineering, and Math Curriculum)
5	<b>Gun Policies</b> (School safety)	<b>Gun Policies</b> (School Safety)	<b>Healthcare</b> (Expanding Access to Arizona seniors)	<b>Housing</b> (Homeless encampments)	<b>Healthcare</b> (Drug addiction treatment programs)

# Key Takeaways

- Abortion, Jobs/Economy, and Immigration matter most to Arizona voters
  - But, the top issue for each party varies:
    - Immigration is most important to Republicans
    - Abortion is most important to Democrats and Independents
- Candidates who push messaging on the specific issues selected within its broader category will fare well with their respective electorates

# Key Issues

Policy issues in voters' own words

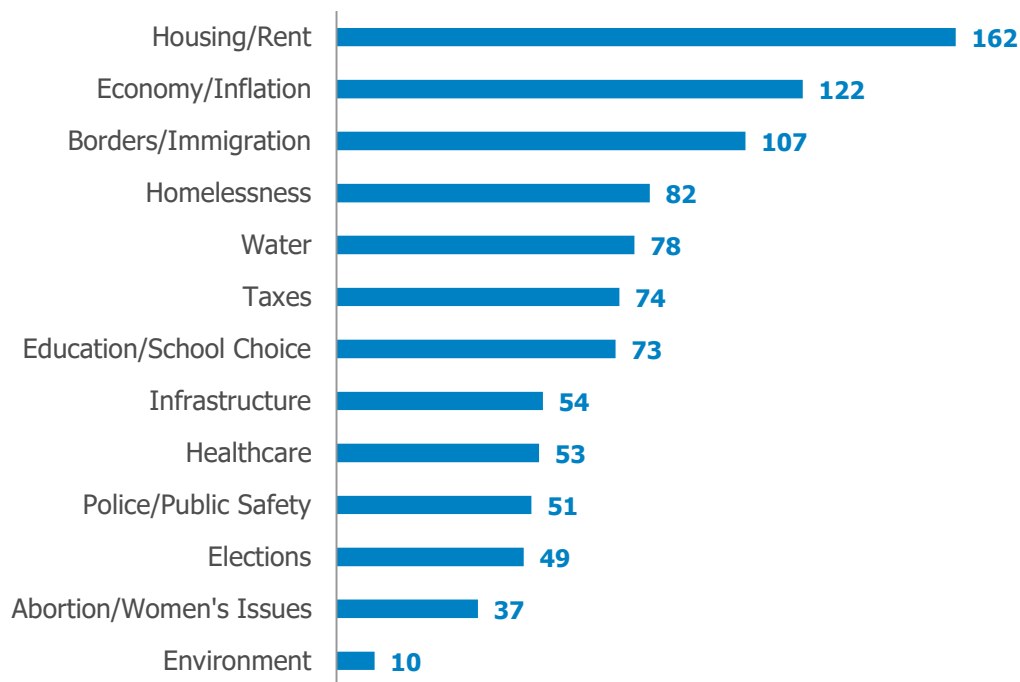


## Arizonans care about water almost as much as other key issues

- When prompted to mention their primary concerns in their own words, Arizonans predominantly mention housing and economic issues, with borders and immigration being almost as important.
- Notably, the most common issue Arizonans mentioned that was not included as an option in the “Key Issues” question is water, with 78 mentions.

## Some Arizonans’ Open-Ended Concerns by Category

*Value is number of mentions*



Q) Are there any local issues that will be especially important for determining your vote?

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## Water Issues in Respondents' Own Words

"Water shortage for this area in the future. Can't afford all these big companies that need lots of water when we don't have enough for people to use themselves."

- Maricopa County Independent female aged 65+

"My area is an extremely hot climate so we will be one of the first hit and hit hardest by in water shortages."

- Yuma County Democratic male aged 18-34

"WATER, WATER, WATER!"

- Democratic Cochise County  
Democratic male aged 65+

"Water is critical to keep the state from turning into a dust bowl."

- Maricopa County Republican male aged 65+

## Immigration Issues in Respondents' Own Words

"Immigration is out of control and needs addressed immediately."

- Pima County Republican male aged 65+

"Immigration is the most important thing to this country. It decides exactly how we're going to live in the future."

- Maricopa County Independent male aged 35-44

"I want to know how they are going to address border immigration for the safety of our country."

- Mohave County Republican female aged 65+

## Housing and Homelessness Issues in Respondents' Own Words

"Housing costs are out of control forcing many people into the homeless category."

- Maricopa County Republican female aged 65+

"The homeless encampments are in my area and there needs to be something done to fix this problem so those people are safe and so our neighborhoods are safe."

- Maricopa County Republican female aged 65+

"The cost of an apartment or home is well above what people can afford. College graduates can't afford to move out of parent's homes. Homelessness is increasing due to the gap in pay vs home cost. Home cost has risen well above normal inflation."

- Maricopa County Democratic male aged 55-64

## Economy and Inflation Issues in Respondents' Own Words

"Consumer/food prices being rather high as well, which is fueling higher inflation."

- Maricopa County Democratic male aged 18-34

"People are really struggling to stay afloat with current wages, the minimum wage has not kept up with inflation ."

- Pima County Democratic female aged 35-44

"Gas prices are way too high and hurting everyone financially. Inflation is hurting everyone."

- Maricopa County Republican male aged 45-54

# Key Takeaways

- When given the chance to write in a top issue, Arizonans, for the most part, responded with issues that were already included in the “Key Issues” question
  - The exception here is Water, mentioned several times
- Housing/Rent, Economic issues, and Homelessness matter to voters

- National issues – such as immigration and abortion – have a distinct local dimension to Arizonans

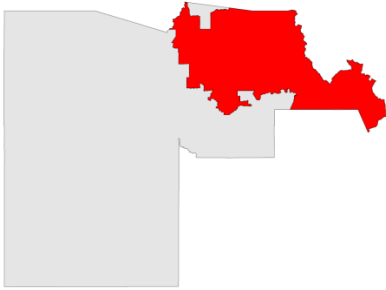


# Regional Breakdown

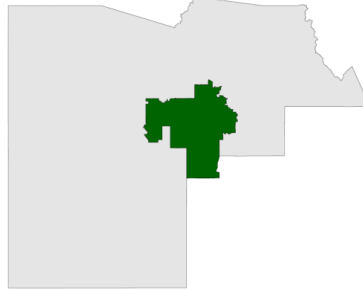
The top issues by Arizona region

# We broke Arizona down into six major regions using Zip Code Tabulation Areas from the U.S. Census. Here's what each region looked like and what key issues came up in each

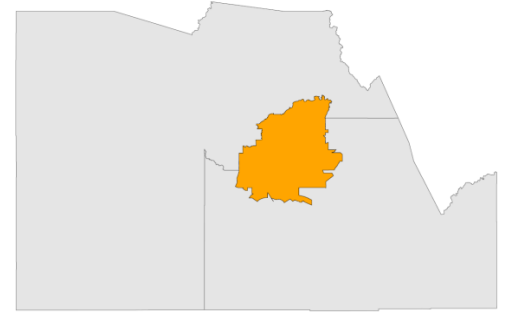
## North Phoenix



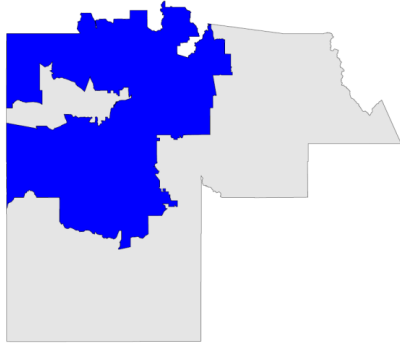
## South Phoenix



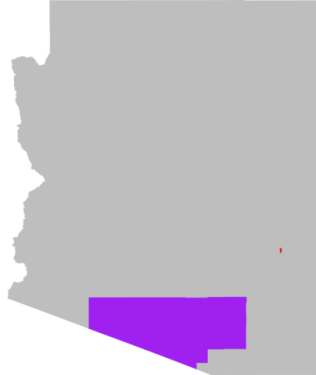
## Southeast Phoenix



## West Phoenix



## Pima/Tucson

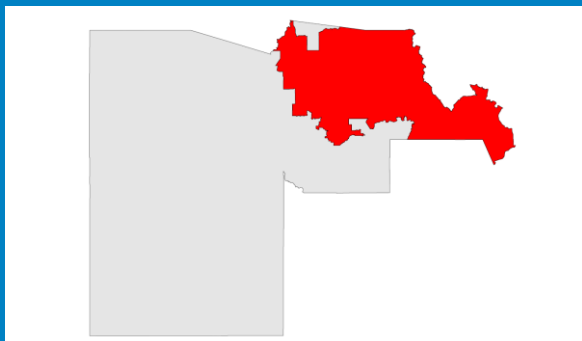


## Rural Arizona

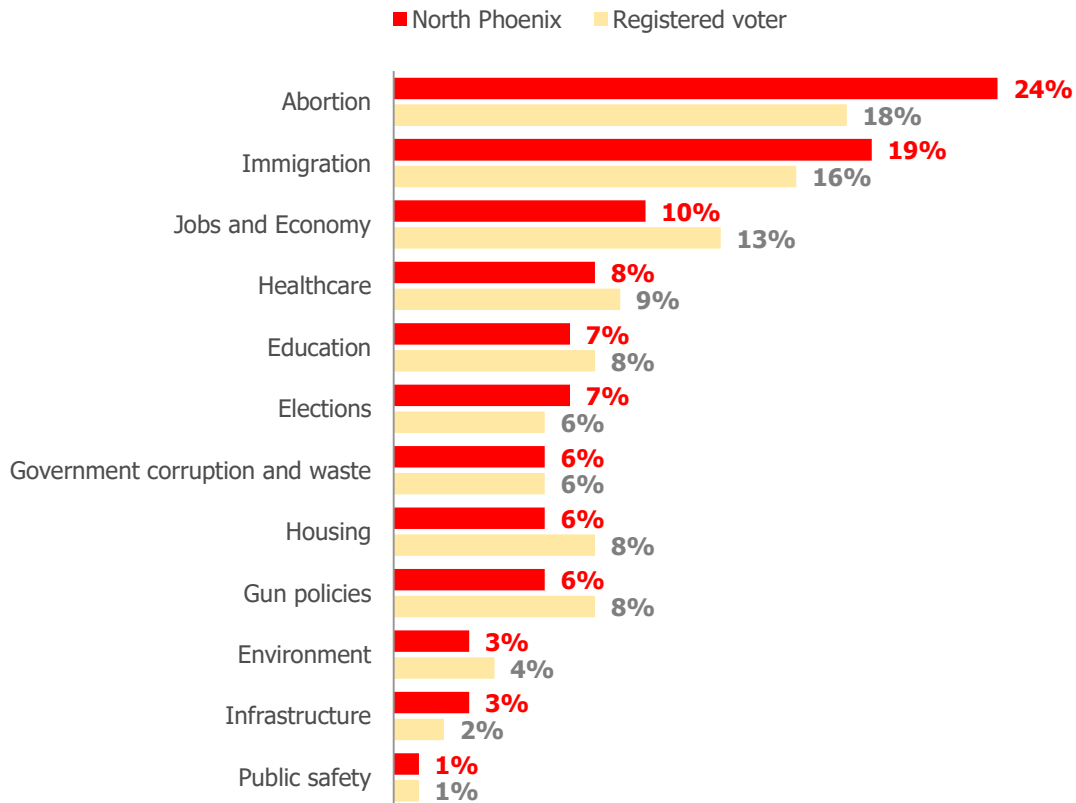




# Regional Analysis: North Phoenix



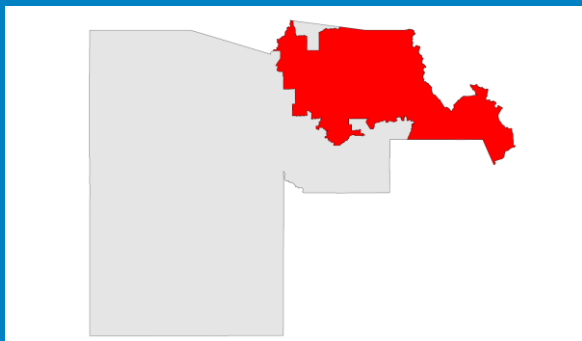
## Top Issue in North Phoenix



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

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# Regional Analysis: North Phoenix



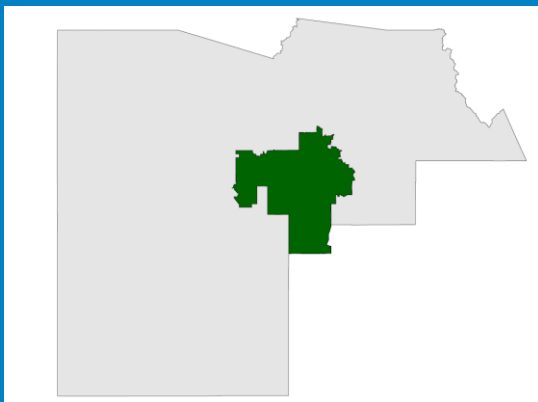
Top 3 Needed Topics (2023)	Top 3 Needed Topics (2022)*
<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Jobs/Economy</b> (Gas prices)
<b>Immigration</b> (Border Security)	<b>Immigration</b> (Border security)
<b>Jobs and Economy</b> (Taxes)	<b>Healthcare</b> (Affordability of prescription drugs)

Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

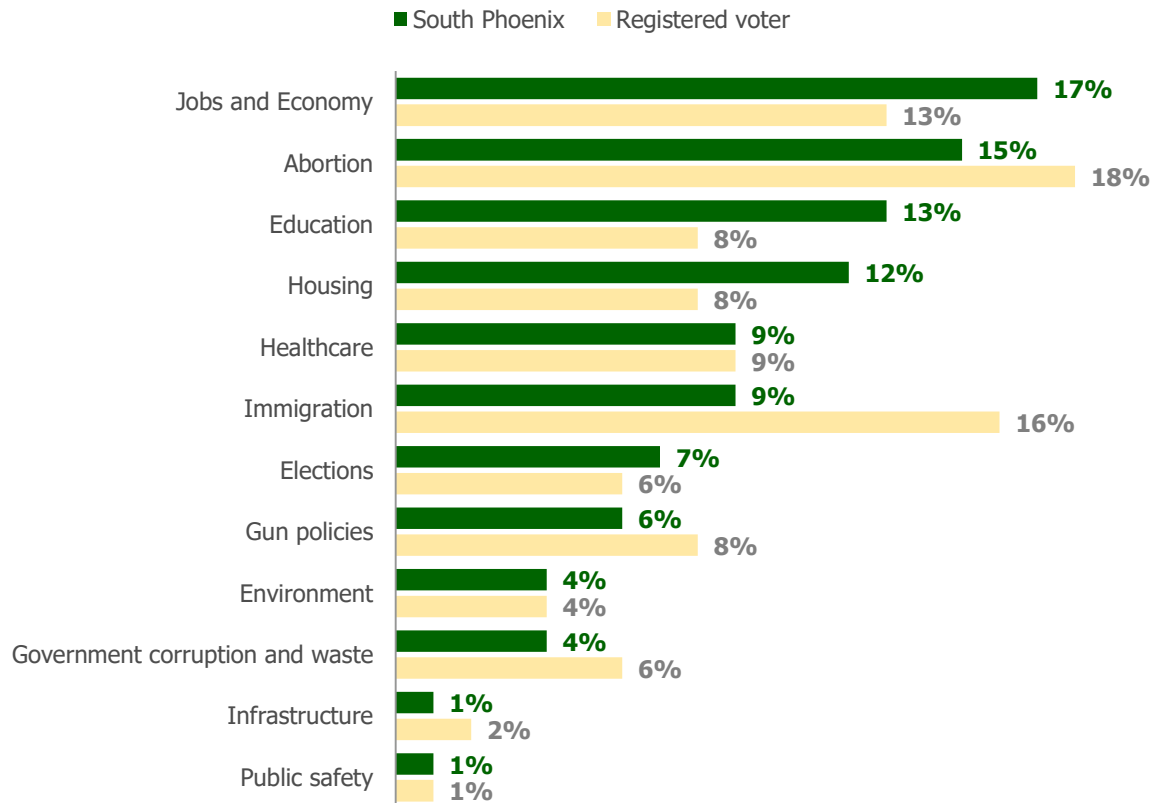
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# Regional Analysis: South Phoenix



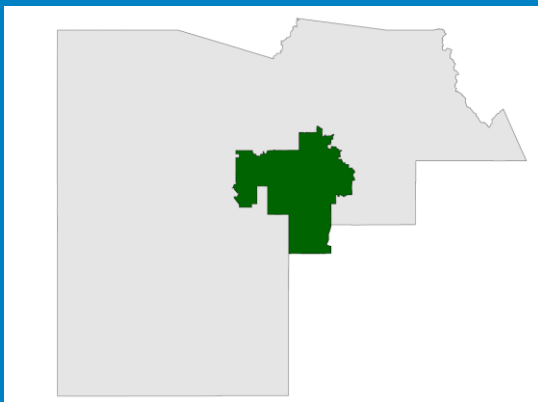
## Top Issue in South Phoenix



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

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# Regional Analysis: South Phoenix



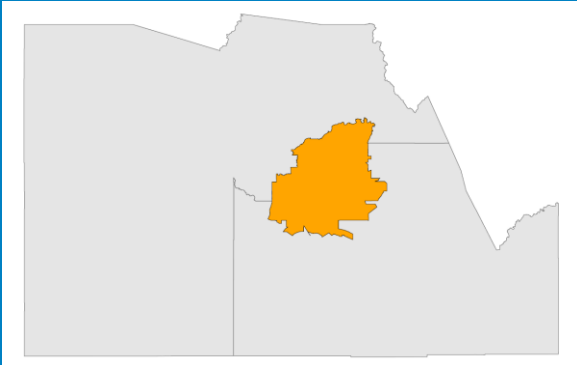
Top 3 Needed Topics (2023)	Top 3 Needed Topics (2022)*
<b>Jobs and Economy</b> (Taxes)	<b>Jobs and Economy</b> (Gas prices)
<b>Abortion</b> (Laws regarding abortion access)	<b>Healthcare</b> (Affordability of prescription drugs)
<b>Education</b> (Teacher Pay)	<b>Education</b> (Funding for supplies/technology))

Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

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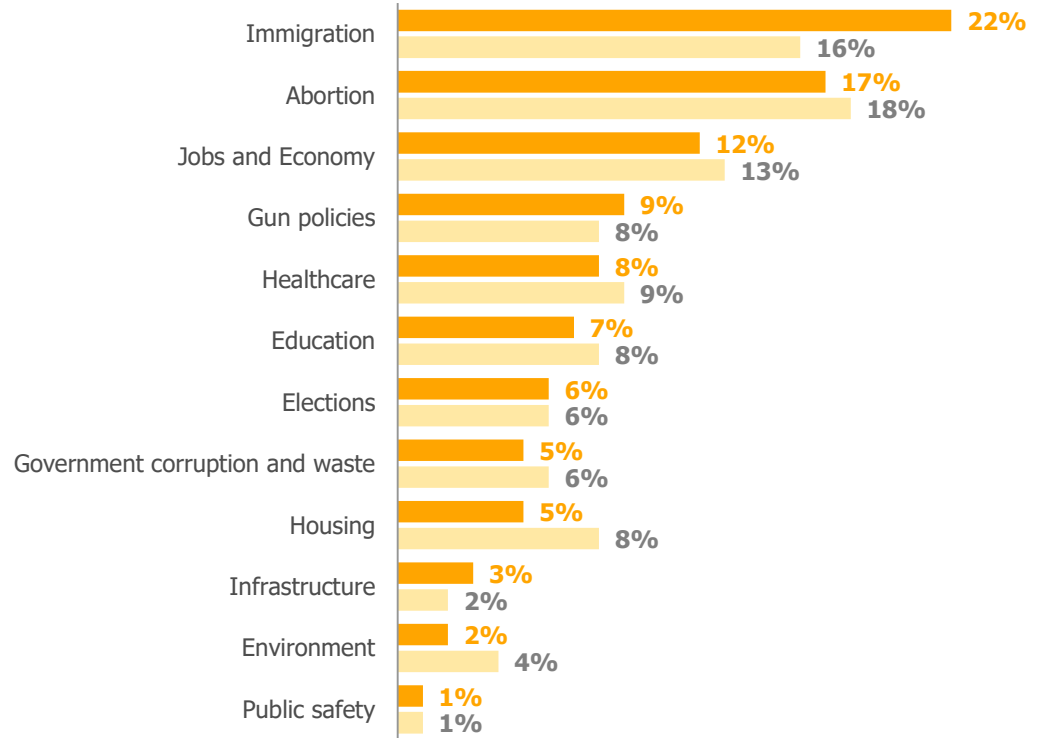
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# Regional Analysis: Southeast Phoenix



## Top Issue in Southeast Phoenix

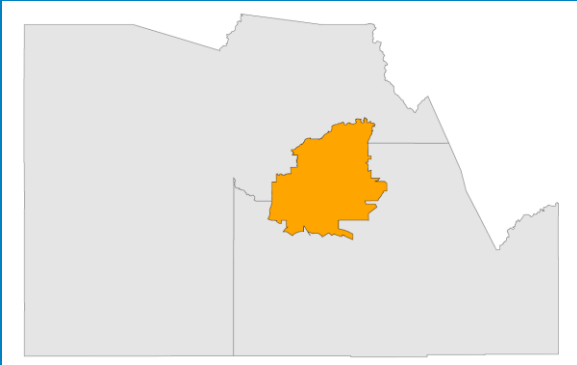
■ Southeast Phoenix Metro ■ Registered voter



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

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# Regional Analysis: Southeast Phoenix



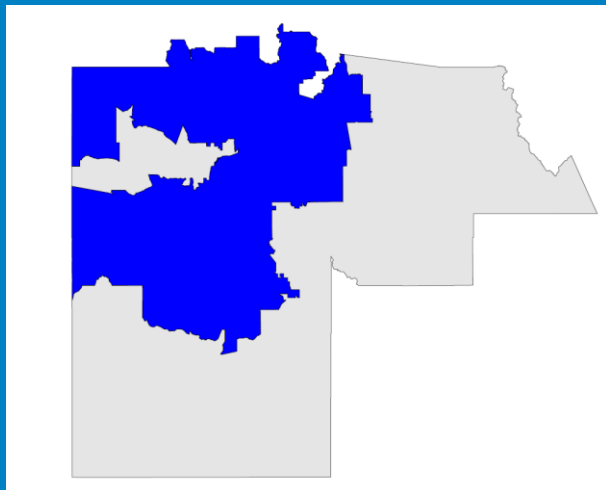
Top 3 Needed Topics (2023)	Top 3 Needed Topics (2022)*
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<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Education</b> (Teacher pay)
<b>Jobs and Economy</b> (Gas Prices)	<b>Healthcare</b> (Affordability of prescription drugs)

Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

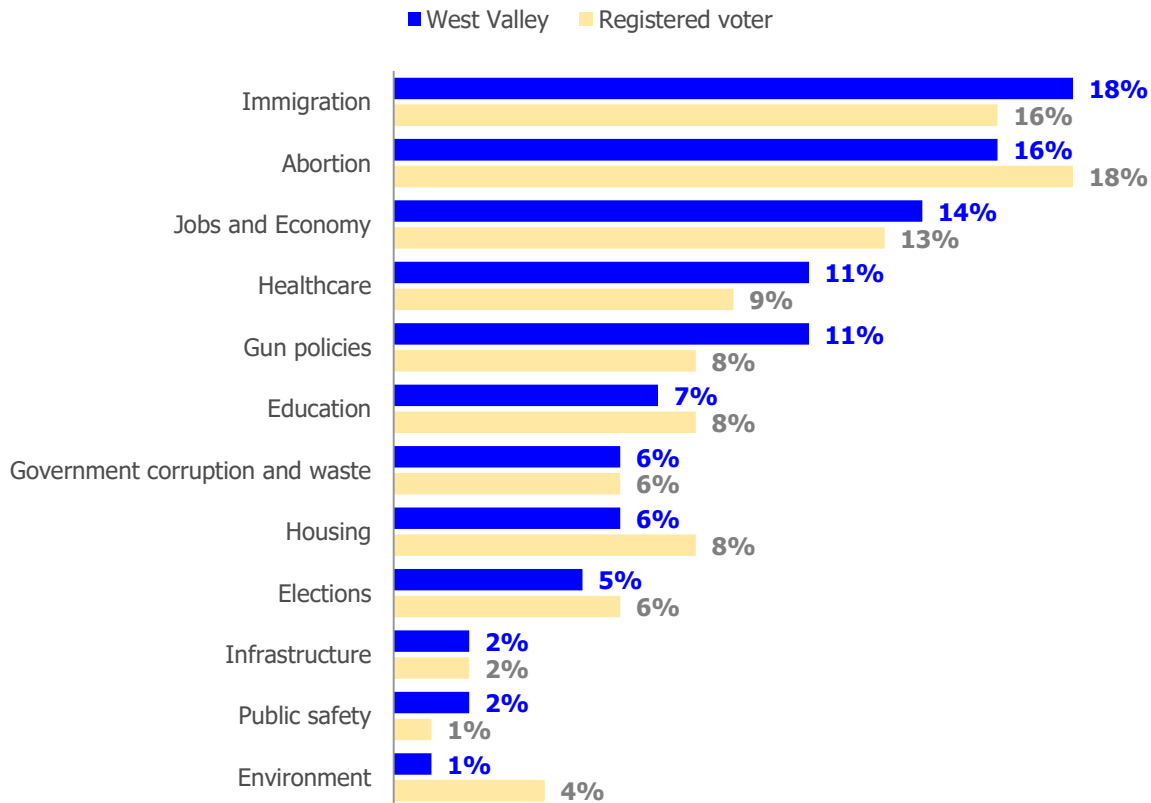
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# Regional Analysis: West Phoenix



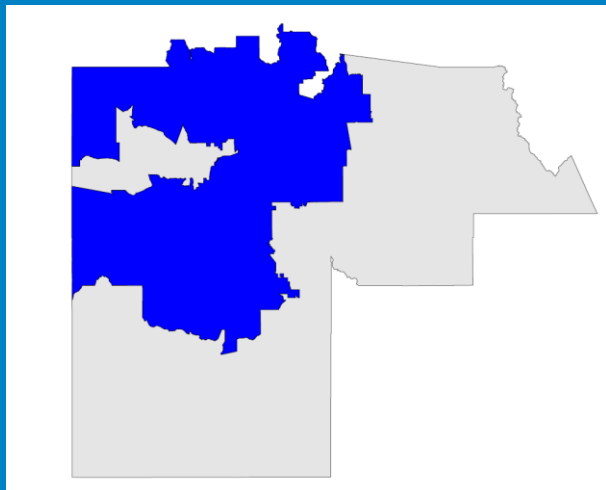
## Top Issue in West Phoenix



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

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# Regional Analysis: West Phoenix



Top 3 Needed Topics (2023)	Top 3 Needed Topics (2022)*
<b>Immigration</b> (Border Security)	<b>Jobs and Economy</b> (Gas prices)
<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Healthcare</b> (Affordability of prescription drugs)
<b>Jobs and Economy</b> (Taxes)	<b>Education</b> (Teacher Pay)

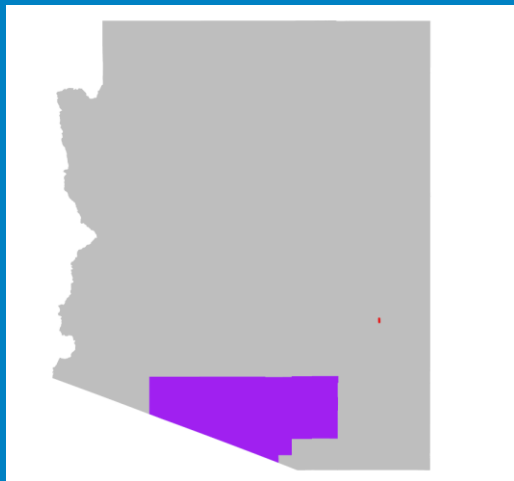
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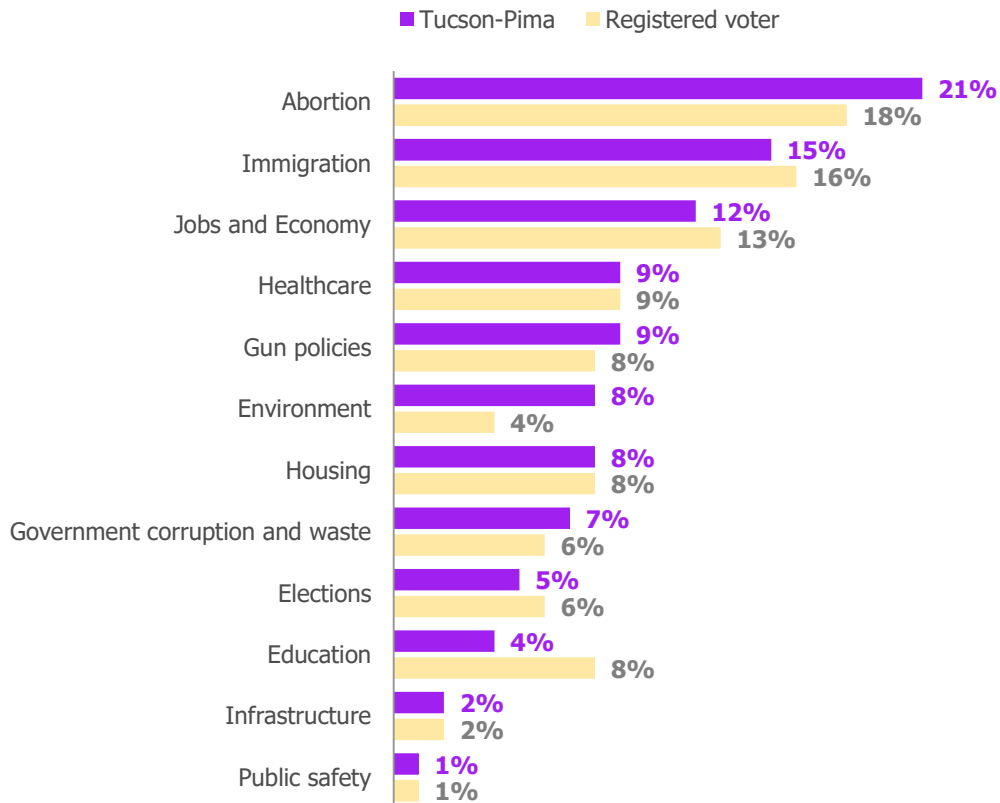
† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.



# Regional Analysis: Pima/Tucson



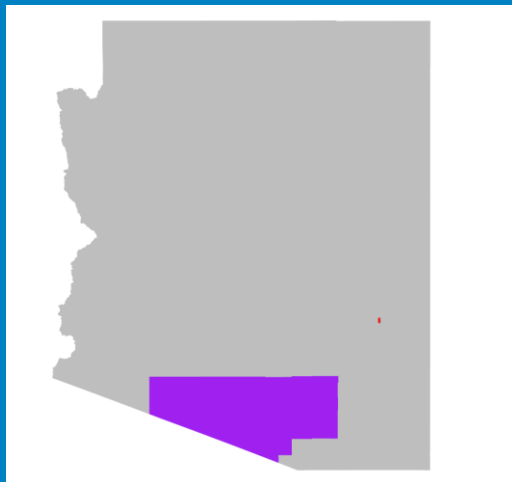
## Top Issue in Tucson-Pima



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Regional Analysis: Pima/Tucson



Top 3 Needed Topics (2023)	Top 3 Needed Topics (2022)*
<b>Abortion</b> (Laws regarding abortion access)	<b>Jobs and Economy</b> (Gas Prices)
<b>Immigration</b> (Border Security)	<b>Healthcare</b> (Affordability of prescription drugs)
<b>Jobs and Economy</b> (Unemployment, Taxes, Minimum Wage, Gas Prices)	<b>Education</b> (Teacher Pay)

Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

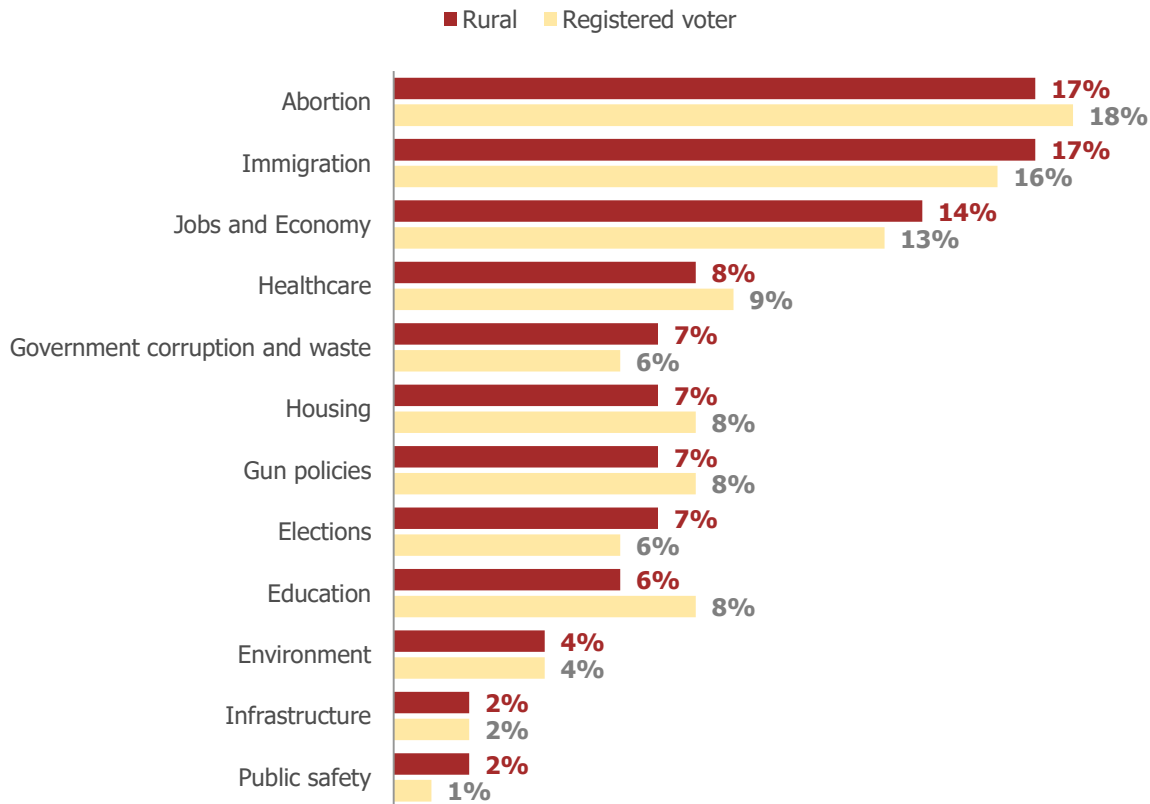
\*Note that there may be slight variation in geographical makeup between 2022 and 2023.

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Regional Analysis: Rural



## Top Issue in Rural Arizona



Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Regional Analysis: Rural



Top 3 Needed Topics (2023)	Top 3 Needed Topics (2022)*
<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Jobs and Economy</b> (Gas prices)
<b>Immigration</b> (Border Security)	<b>Healthcare</b> (Affordability of prescription drugs)
<b>Jobs and Economy</b> (Gas Prices)	<b>Immigration</b> (Border security)

Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

\*Note that there may be slight variation in geographical makeup between 2022 and 2023.

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Voters across Arizona are generally on the same page when it comes to top issues...Abortion and Immigration are interchangeable for the top two, while Jobs and the Economy remain third among all regions

Rank	North Phoenix	South Phoenix	Southeast Phoenix	West Phoenix	Pima/Tucson	Rural Arizona
1	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice/Laws regarding abortion access)	<b>Jobs and Economy</b> (Minimum Wage)	<b>Immigration</b> (Border Security)	<b>Immigration</b> (Border Security)	<b>Abortion</b> (Laws regarding abortion access)	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)
2	<b>Immigration</b> (Border Security)	<b>Abortion</b> (Laws regarding abortion access)	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Abortion</b> (whether the candidate calls him /herself pro life or pro choice)	<b>Immigration</b> (Border Security)	<b>Immigration</b> (Border Security)
3	<b>Jobs and Economy</b> (Taxes)	<b>Education</b> (Teacher Pay)	<b>Jobs and Economy</b> (Gas Prices)	<b>Jobs and Economy</b> (Taxes)	<b>Jobs and Economy</b> (Unemployment, Taxes, Minimum Wage, Gas Prices)	<b>Jobs and Economy</b> (Gas Prices)
4	<b>Healthcare</b> (Affordability of prescription drugs and expanding access to low income)	<b>Housing</b> (Affordable housing)	<b>Gun policies</b> (School safety)	<b>Healthcare</b> (Expanding access to low-income Arizonans )	<b>Healthcare</b> (Expanding access to Arizona's seniors)	<b>Healthcare</b> (Expanding access to low-income Arizonans, Seniors, and behavioral/mental health programs)
5	<b>Education</b> (Teacher Pay)	<b>Healthcare</b> (Expanding to low-income Arizonans)	<b>Healthcare</b> (Affordability and explain behavioral/mental health programs)	<b>Gun policies</b> (School Safety)	<b>Gun policies</b> (School Safety)	<b>Government</b> (Wasteful spending , inefficiencies, etc.)

Q) Finally, which is the most important issue for you to know a candidate's position when you are deciding how you will vote?

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Key Takeaways

- Voters across Arizona are, broadly speaking, interested in the same set of issues – Abortion, Immigration, and Jobs/Economy
- Immigration has become a top issue for Arizona Voters in 2023 compared to 2022

- Targeting regions with messaging on their respective specific issues within its category would be advantageous for candidates



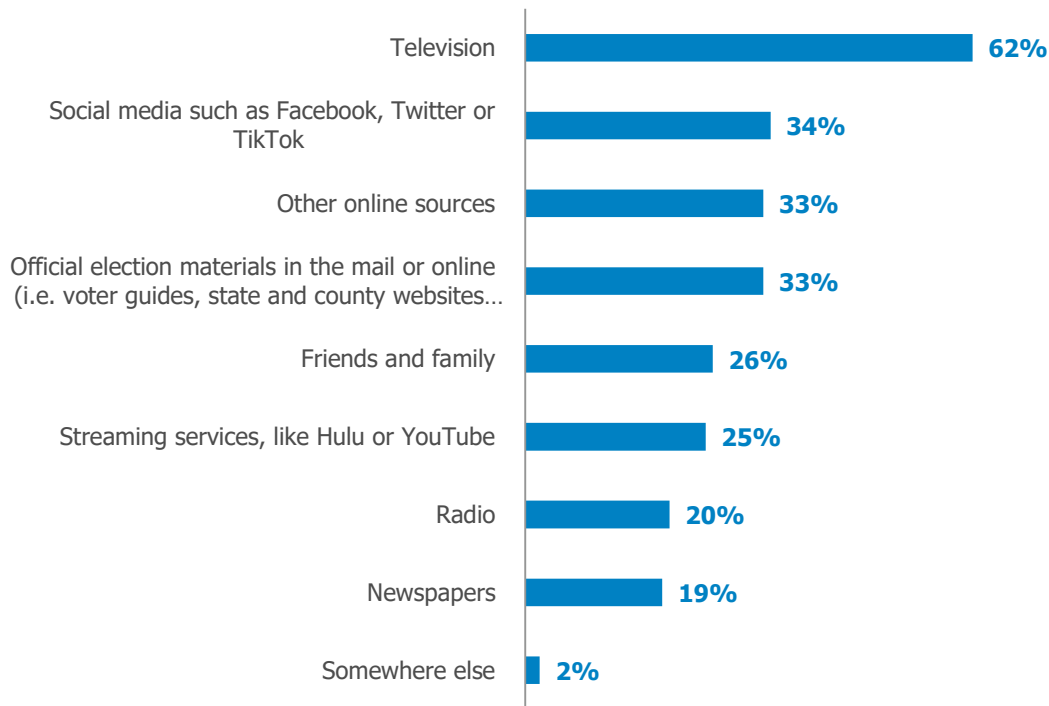
# The Right Channels

Where people are watching the news and hearing debate

## A majority of Arizona likely voters still get their news from television

- The most used news source among registered voters is television, at 60%.
- Social media, other online sources, and official election materials come the closest to television.
- Newspapers are among the least-consulted news sources in Arizona.

## Top News Sources Amongst Likely Voters



Q) From which of the following sources do you get most of your information about upcoming elections?

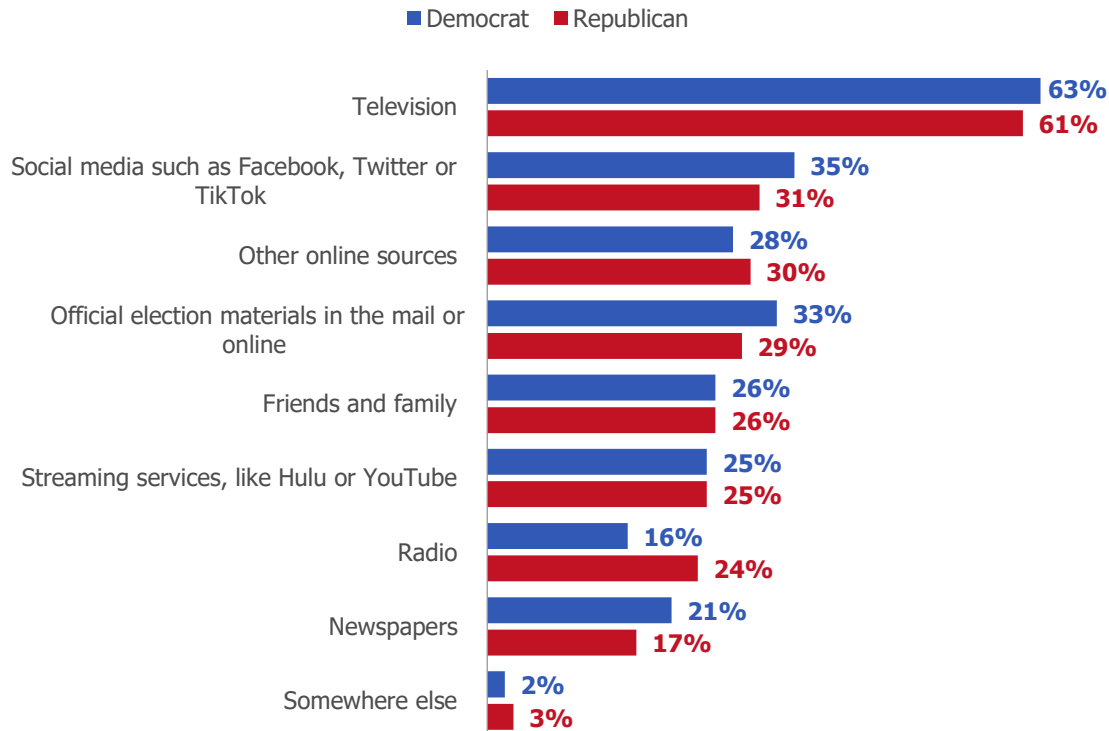
† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.



## News media consumption does not vary much by party

- The ordering of the options remained the same when broken down by partisanship.
- Arizonans broken down by party get their news from mostly similar sources, deviating only in radio and newspaper use.

## News Media Consumption by Party



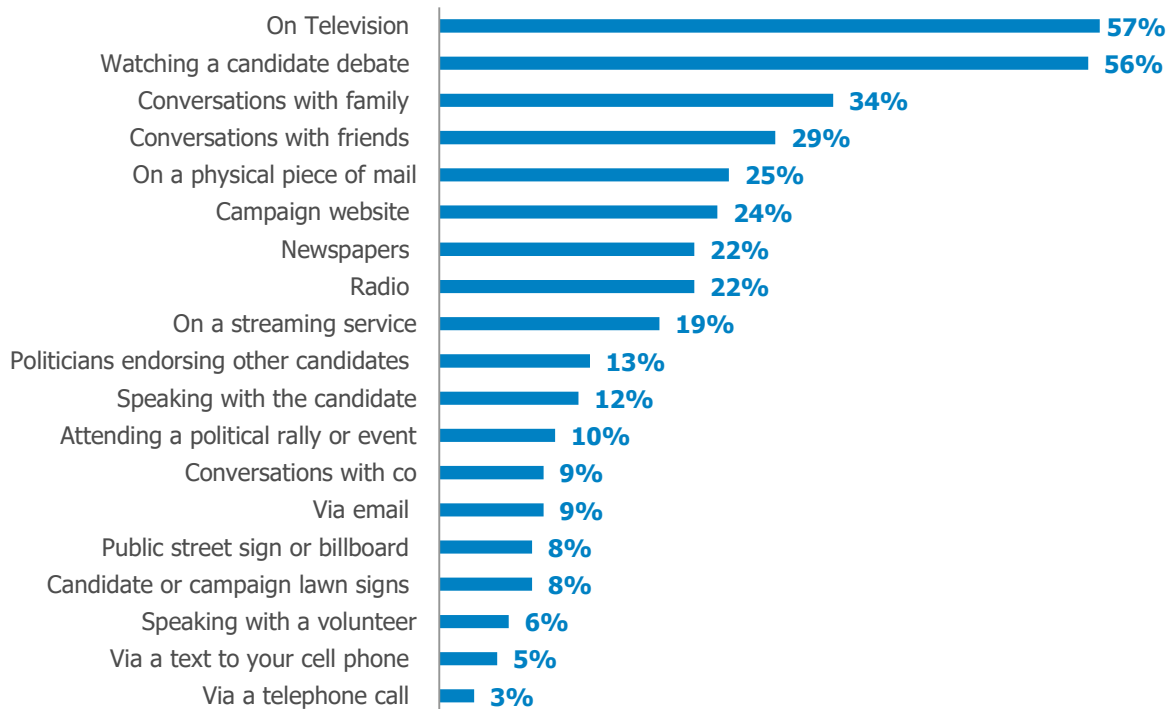
Q) From which of the following sources do you get the most of your information about upcoming elections? (Select all that apply)

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Campaigns predominantly contact people through television and debates

- Campaigns' primary means of reaching likely voters is through television and debate.
- Likely voters' third and fourth most common way of finding out about campaigns is through conversation with those around them.

## Campaigns' Contact with Likely Voters



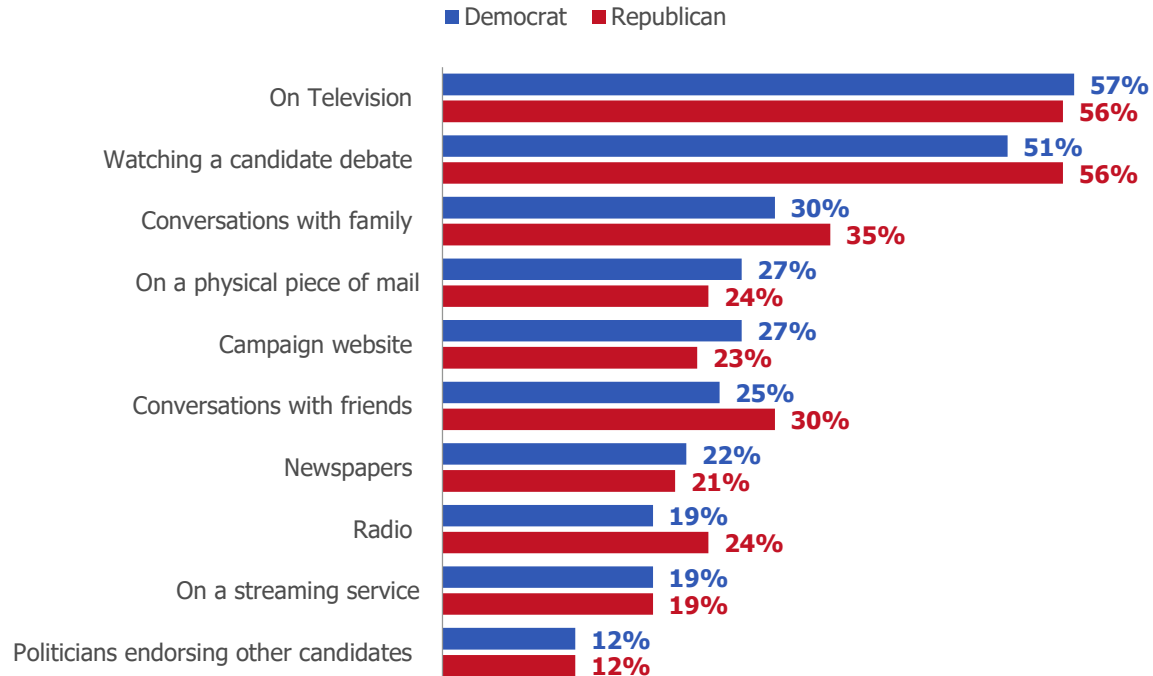
Q) Below is a list of various ways campaigns can communicate with voters. Please indicate which of the methods you most often use to learn about candidates.

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

## Campaign contact by party remains consistent with the greater electorate

- Partisans receive messaging from campaigns similarly to the broader electorate.
- Conversations with friends dropped down in the ordering when broken down by party.
- The magnitudes of television and debate remain as strong for partisans as they are for the general electorate.

## Top Ten Campaign Contact Methods Broken Down by Party

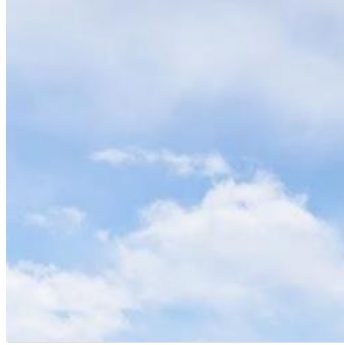


Q) From which of the following sources do you get the most of your information about upcoming elections? (Select all that apply)

† Note: Some numbers (on the chart or elsewhere) may not appear to be totaled correctly. This is due to rounding.

# Key Takeaways

- Television still dominates – for news and campaigns alike
    - This trend remains true for Republicans and Independents alike
  - Other mediums are on the rise, particularly online sources, word of mouth, and print
- It is increasingly important to create debates that can work on TV, but can also reach people on social media, streaming services, and other online sources



# Key Takeaways & Actionable Insights

- Arizonans are restless and ready to vote
- Abortion, Jobs/Economy, and Immigration matter most to Arizona voters
- National issues – such as immigration and abortion – have a distinct local dimension to Arizonans

- A debate that lets candidates contrast their ideas and showcase their character would benefit the electorate
- Candidates who push messaging on the specific issues selected within its broader category will fare well with their respective electorates (by party and region)
- It is increasingly important to create debates that can work on TV, but can also reach people on social media, streaming services, and other online sources



**NOBLE**  
PREDICTIVE INSIGHTS

# Thank You

PHOENIX

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PHOENIX, AZ 85012

# Methodology

# Research Methodology

This poll was conducted via opt-in online survey panel. The survey was completed by Noble Predictive Insights from October 26<sup>th</sup> – November 4<sup>th</sup>, 2023 among Arizona Registered Voters. The sample size was 1,665 with an MoE of  $\pm 2.4\%$ . The sample demographics were weighted to accurately reflect gender, region, age, ethnicity, party affiliation, and educational attainment based on the most recent U.S. Census estimates and the most current Arizona voter file.

\*Numbers may not total 100%, due to rounding.

Education	
High School or Less	30%
Some College	38%
College Graduate	20%
Post-Graduate	12%

Region	
Maricopa	60%
Pima	15%
Rural	25%

Party Affiliation	
Democrat	31%
Independent	34.5%
Republican	34.4%

Ethnicity Combined	
White, non-Hispanic	62.4%
Hispanic/Latino	22.5%
Other	15%

Gender	
Male	47%
Female	53%

Age	
18-34	26.5%
35-44	14%
45-54	16%
55-64	16%
65+	26.5%



Katie Hobbs  
Governor

Thomas M. Collins  
Executive Director



Mark S. Kimble  
Chair

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

State of Arizona  
Citizens Clean Elections Commission

1110 W. Washington - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - [www.azcleanelections.gov](http://www.azcleanelections.gov)

**MEMORANDUM**

**To: Commissioners**

**From: Thomas Collins, Executive Director and Mike Becker, Policy Director**

**Date: December 14, 2023**

**Subject: Proposed 2024 Calendar Year Budget**

The Commission operates under system of caps that operate on a calendar year basis. We are asking the Commission to approve:

1. the 2024 expenditure cap (\$); \$24,087,966
2. the 2024 administration and enforcement expenditure cap (\$); \$2,408,797
3. the 2024 public education (paid media) expenditure cap (\$); \$2,408,797
4. the projection of 2024 candidate funding disbursements (\$); 5,819,115
5. the projection of no excess funds in the Clean Elections Fund in 2024.

**Expenditure Cap on Total Expenses**

In compliance with A.R.S. § 16-949, the Commission projects an expenditure cap for each calendar year for all expenses under the Act, including candidate funding. *Id.* That expenditure cap, in turn, may be exceeded during a four-year period so long as the difference is made up by a cap reduction in a subsequent year. *Id.*

**The Commission's projected expenditure cap for 2024 is \$24,087,966**

**Specific Categories of Expenses**

The Commission categorizes operating expenses using four categories under the expenditure cap: Administration/Enforcement, Public Education, Voter Education and Candidate Funding. Our overhead costs are apportioned by a 50/50 split between Administration/Enforcement and Voter Education. Personal Services and Employee Related Expenses are apportioned by allocated staff-time between administration/enforcement and voter education responsibilities.

**Administrative/Enforcement**

*The Clean Elections Act ("Act") permits the Commission to spend up to 10 percent of the calendar year expenditure cap for administrative and enforcement costs (A.R.S. §16-949 (B)).* Administrative and Enforcement expenditures are projected at % of the expenditure cap at \$1,805,250.

**Public Education**

*The Commission may apply up to ten percent of the yearly expenditure cap for reasonable and necessary expense associated with public education, including participation and the purposes of the Act. A.R.S. §16-949 (C).* Public education expenditures are projected at \$2,000,000.

**Voter Education and Implementation of the Act**

*The Commission may make reasonable and necessary expenditures to implement the Act, including expenditures for voter education pursuant to A.R.S. 16-956(A). A.R.S. § 16-949(D) These expenditures are not subject to any cap. Id.* Voter Education and Implementation Expenditures are projected at \$3,800,000.

### **Candidate Funding**

Section 16-954(c) provides that the Commission annually project the “amount of clean elections funding for which all candidates will have qualified. . . for the following calendar year.”

There will be \$5,819,115 in candidate funding in calendar year 2024.

### **Other Projections**

The Act provides that the Commission make two projections each year relating to the balance of and availability of funds in the Clean Elections Fund.

Section 16-954(B) provides that the Commission shall project the amount of money that will be collected in the fund over the next four years and the availability of those funds. The statute instructs the Commission to compare that projection to projected expenditures “under the assumption that expected expenses will be at the expenditure limit in § 16-949, subsection A” to determine whether there are “excess monies” in the fund.

This year, staff recommends that the Commission determine that there are no excess monies in the fund based on the chart below.

<b>Calendar Year</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>
Projected Revenue	\$5,032,500	\$5,002,000	\$5,055,500	\$5,002,000
Projected Expenses (Assuming at expenditure limit)	\$24,087,966	\$24,087,966	\$24,087,966	\$24,087,966
Difference	\$(19,055,466)	\$(19,085,966)	\$(19,032,466)	\$(19,085,966)

Section 16-954(C) also provides that the Commission shall annually “announce whether the amount that the [C]ommission plans to spend the following year pursuant to § 16-949[A] . . . exceeds the projected amount of clean elections funding.” The statute continues by stating that if the Commission “determines that the fund contains insufficient monies or the spending cap would be exceeded were all candidates’ accounts fully funded,” then the commission may take steps to adjust the funding available to candidates.

Staff believes that the fund contains sufficient monies to fully fund participating candidates in 2024 without exceeding the expenditure cap, as adjusted for carryover funds as described above. Therefore, staff does not recommend that the Commission take steps to adjust candidate funding.

### **Prop 211 – Voters Right to Know Act**

The passage of Proposition 211, Voters Right to Know Act (VRKA), established a 1% surcharge on civil and criminal penalties to help offset costs incurred implementing the VRKA.

As of November 1, 2023, the VRKA fund balance stands at: \$238,472.

In addition, the VRKA requires the Secretary of State to develop a reporting system for the information required under the VRKA. The proposed costs to implement a reporting system is: \$72,000

The VRKA requires the Commission to review the funds available and to determine if it is appropriate to continue with the 1% surcharge. Based on the above-mentioned costs and with the VRKA being implemented for the first time for elections in 2024, it is staff’s recommendation to continue the 1% surcharge.

	2023 Actuals (as of Nov 1)	2024 Projections
<i>Expenses</i>		
Personal Services	\$ 278,385	\$ 500,000
ERE	107,260	190,000
<i>Total Personal &amp; ERE</i>	<u>385,645</u>	<u>690,000</u>
Professional & Outside Services		
Attorney General Legal Services	87,800	85,000
External Legal Services	617,299	150,000
Temporary Agency Services	20,869	40,000
Information and Communication Technology Consulting Services	-	50,000
Other Professional Outside Services	113,346	500,000
<i>Total Professional &amp; Outside Services</i>	<u>839,314</u>	<u>825,000</u>
Travel-In State	1,855	4,500
Travel Out-of-State	0	5,500
<i>Total Travel</i>	<u>1855</u>	<u>10,000</u>
Other Operating Expenditures		
Risk Management Charges	1,150	2,000
DOA Finance Divison	552	15,000
Other External Data Processing	1,026	2,000
External Telecomm Charges	5,727	11,500
Other External Telecom Service	3,250	4,000
AFIS Usage and Development	1,042	2,000
Rent Charges to State Agency	36,750	37,000
Rental of Other Machinery & Equip	-	500
Miscellaneous Rent	1,127	1,500
Internal Acct/Budg/Financial Services	2,783	45,000
Repair & Maintenance - Other Equip	356	2,500
Other Repair & Maintenance	-	2,000
Software Support and Maintenance	-	3,500
Office Supplies	858	3,500
Other Operating Supplies	-	750
Conference, Education & Training Reg.	373	5,000
Advertising	-	1,500
External Printing	-	2,000
Postage & Delivery	174	4,500
Awards	-	3,500
Dues	598	2,000
Books Subscriptions & Publications	6,447	8,000
Other Miscellaneous Operating	-	1,000
<i>Total Other Operating Expenditures</i>	<u>62,213</u>	<u>160,250</u>
Aid to Individual/Organization	-	50,000
Capital Equipment	-	-
Non-Capital Equipment	25,924	50,000
Transfers (other state agencies)	-	50,000
<b>Total Expenses</b>	<b><u>\$ 1,314,951</u></b>	<b><u>1,835,250</u></b>

	2023 Actuals (as of Nov 1)	2024 Projections
<i>Expenses</i>		
Personal Services	\$ 265,339	\$ 500,000
ERE	96,126	190,000
<i>Total Personal &amp; ERE</i>	361,465	690,000
Professional & Outside Services		
Public Ed- Paid Media, Social Media, etc	1,362,859	2,000,000
Debates, VEG	-	2,000,000
Attorney General Legal Services	87,800	95,000
Temporary Agency Services	53,389	40,000
Information and Communication Technology Consulting Services	85	150,000
Other Professional Outside Services	741,451	1,800,000
<i>Total Professional &amp; Outside Services</i>	2,245,584	6,085,000
Travel-In State	977	3,000
Travel Out-of-State	5,045	13,000
<i>Total Travel</i>	6,022	16,000
Other Operating Expenditures		
DOA Financial Division	448	25,000
Risk Management Charges	1,150	3,000
Other External Data Processing	6,717	5,500
AFIS Usage and Development	1,042	2,000
External Telecom Charges	6,595	10,000
Other External Telecom Service	-	6,500
Rent Charges to State Agency	36,750	37,000
Rental of Info Tech Equipment	-	1,100
Rental of Other Machinery and Equipment	-	2,500
Miscellaneous Rent	1,127	10,000
Internal Acct/Budg/Financial Services	2,783	25,000
Repair & Maintenance - Info Tech PCLAN	-	1,000
Repair & Maintenance - Buildings	-	1,000
Repair & Maintenance - Other Equip	345	3,500
Other Repair & Maintenance	-	3,500
Software Support and Maintenance	-	4,500
Uniforms	-	750
Office Supplies	836	3,500
Computer Supplies	67	750
Other Operating Supplies	-	5,000
Conference Education & Training Reg.	3,599	12,000
Advertising	60	4,000
Employee Tuition and Training	-	2,500
External Printing	-	3,000,000
Postage & Delivery	179	4,000,000
Awards	1,309	
Entertainment & Promo Items	21,171	25,000
Other Miscellaneous Operating	-	5,000
Dues	508	2,000
Books, Subscriptions & Publications	54	1,500
<i>Total Other Operating Expenditures</i>	84,740	7,203,100
Capital Equipment	-	
Non-Capital Equipment	26,524	70,000
Transfers (other state agencies)	-	75,000
<b>Total Expenses</b>	<b>\$ 3,908,129</b>	<b>13,994,100</b>

	2023 Actuals	2024	2025	2026	2027
<i>Revenues</i>					
Court Assessments		\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000
Commission Assessments		2,000	1,000	2,000	1,000
\$5 Tax Donations	-	-	-	-	-
\$5 Candidate Qualifying Contributions		27,000	-	50,000	-
Miscellaneous		3,500	1,000	3,500	1,000
<b>Total Revenues</b>	<b>\$ -</b>	<b>\$ 5,032,500</b>	<b>\$ 5,002,000</b>	<b>\$ 5,055,500</b>	<b>\$ 5,002,000</b>

Expenditure Cap	Amount
Total Expenditure Cap	\$24,087,966
Public Ed Paid Media	\$2,408,797
Admin & Enforcement	\$2,408,797

2023 Tax Filers	Spending Limit Coefficient
3,441,138	\$7

Calendar Year	Beginning Fund		Revenues		Expenditure Cap		Ending Fund
	Balance						Balance
2020	\$ 28,447,293	\$	6,368,963	\$	21,704,634	\$	13,111,622
2021	\$ 13,111,622	\$	6,442,703	\$	22,974,427	\$	(3,420,102)
2022	\$ (3,420,102)	\$	5,753,463	\$	23,919,756	\$	(21,586,395)
2023	\$ (21,586,395)	\$	5,099,320		\$23,948,344	\$	(40,435,419)
2024	\$ (40,435,419)		\$5,032,500		\$24,087,966	\$	(59,490,885)

Calendar Year	Beginning Fund Balance	Projected Revenues	Projected Expenditure Cap	Ending Fund Balance
2024	\$28,269,627	\$5,032,500	\$24,087,966	\$9,214,161
2025	\$9,214,161	\$5,002,000	\$24,087,966	(\$9,871,805)
2026	(\$9,871,805)	\$5,055,500	\$24,087,966	(\$28,904,271)
2027	(\$28,904,271)	\$5,002,000	\$24,087,966	(\$47,990,237)



Calendar Year	Beginning Fund Balance	Projected Revenues	Projected Expenditures	Ending Fund Balance
2023	\$28,269,627	\$6,196,000	\$5,185,100	\$29,280,527
2024	\$29,280,527	\$5,032,500	\$8,837,150	\$25,475,877
2025	\$25,475,877	\$5,002,000	\$5,000,000	\$25,477,877
2026	\$25,477,877	\$5,055,500	\$10,000,000	\$20,533,377

<i>Calendar Year</i>	2020	2021	2022	2023	<b>2024 Projection</b>
<i>Candidate Funding</i>	\$2,883,648	\$0	\$2,400,608	0	<b>\$5,819,115</b>

***Proposed Commission Meeting Dates  
January – March 2024***

<b>Month</b>	<b><i>Date</i></b>	<b><i>State Holiday – Office Closed</i></b>
<b>January</b>	<b><i>25<sup>th</sup></i></b>	<b><i>New Year's Day, Jan 1<sup>st</sup> &amp; MLK Day, Jan 15<sup>th</sup></i></b>
<b>February</b>	<b><i>29<sup>th</sup></i></b>	<b><i>President's Day, Feb 19<sup>th</sup></i></b>
<b>March</b>	<b><i>28<sup>th</sup></i></b>	



During the months of January – March 2024, staff estimates commission meetings will be held once a month. All meeting dates are on Thursday and scheduled to begin at 9:30 a.m.

In the event additional meetings are required, Staff will work individually with each Commissioner to determine availability and ensure we have a quorum for the meeting.

*\*Dates Approved  
11-16-17 CEC Mtg.*