



**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, January 25, 2024

**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 January 25, 2024. 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@azcleanelections.gov](mailto:ccec@azcleanelections.gov).

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

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/82627500672>**

**Meeting ID: 826 2750 0672**

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 December 14, 2023.
- III. Discussion and Possible Action on Executive Director’s Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on 2024 Voter Education Plan.
- V. Discussion and Possible Action on Advisory Opinion Requests
  - A. Elias Law Group Request Number 1: Do planned actions by a political organization constitute campaign media spending?
  - B. Elias Law Group Request Number 2: Do specified methods for disclosing original monies satisfy donors obligations under the Voter’s Right to Know Act, and must donors who do not engage in campaign media spending provide opt notices to their own donors?

Copies of the request are available at [azcleaselections.gov/rule-making](https://azcleaselections.gov/rule-making)

- VI. 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

- VII. 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 23rd day of January, 2024  
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  
December 14, 2023  
9:30 a.m.

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



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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN  
2 ELECTIONS COMMISSION convened at 9:30 a.m. on  
3 December 14, 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 Mr. Damien Meyer  
12  
13 OTHERS PRESENT:  
14 Thomas M. Collins, Executive Director  
15 Paula Thomas, Executive Officer  
16 Mike Becker, Policy Director  
17 Gina Roberts, Voter Education Director  
18 Avery Kola, Voter Education Manager  
19 Alec Shaffer, Web Content Manager  
20 Kara Karlson, Assistant Attorney General  
21 Mary O'Grady, Osborn Maledon  
22 Mike Noble, Noble Predictive Insights  
23 Sydney Evenson, Noble Predictive Insights  
24 Cathy Herring, Meeting Planner  
25 Rivko Knox, Member of the Public

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1 P R O C E E D I N G  
2 CHAIRMAN KIMBLE: Agenda Item I is the call  
3 to order. It is 9:30 a.m., December 14th, 2023. I  
4 call this meeting of the Citizens Clean Elections  
5 Commission to order.  
6 And 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 COMMISSIONER MEYER: Damien Meyer.  
12 CHAIRMAN KIMBLE: And I'm Mark Kimble. We  
13 have four out of five of us here, so we have a quorum.  
14 I apologize for not being there in person,  
15 but I don't think you'd want to be around me right now.  
16 Item II, discussion and possible action on  
17 minutes for the November 16th, 2023 meeting.  
18 Commissioners, you have the minutes from our November  
19 meeting in the packet. Is there any discussion?  
20 (No response.)  
21 CHAIRMAN KIMBLE: Hearing none, do I have a  
22 motion to approve the minutes?  
23 COMMISSIONER CHAN: Mr. Chairman, I move we  
24 approve the minutes as written.  
25 CHAIRMAN KIMBLE: Commissioner Chan has moved

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1 that we approve the minutes as written. Is there a  
2 second?  
3 COMMISSIONER PATON: I'll second it.  
4 Galen Paton.  
5 CHAIRMAN KIMBLE: Seconded by  
6 Commissioner Paton.  
7 I will call the roll. Commissioner Chan.  
8 COMMISSIONER CHAN: Aye.  
9 CHAIRMAN KIMBLE: Commissioner Paton.  
10 COMMISSIONER PATON: Aye.  
11 CHAIRMAN KIMBLE: Commissioner Meyer.  
12 Commissioner Meyer, you're muted.  
13 COMMISSIONER MEYER: I said, I'll abstain.  
14 Because I wasn't there, I can't verify they're  
15 accurate. I have no reason to doubt them, I just  
16 wasn't there.  
17 CHAIRMAN KIMBLE: Okay. And I vote aye, so  
18 the minutes are approved 3-to-nothing.  
19 Item III is discussion and possible action on  
20 the Executive Director's Report. Tom.  
21 MR. COLLINS: Thank you, Mr. Chairman,  
22 Commissioners. I wanted to really quickly say, you  
23 know, it's -- I guess this should be, unless -- barring  
24 some unforeseen circumstance, the last meeting of the  
25 year, so I wanted to really quickly run through a lot

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1 of -- a number of things that we accomplished this  
2 year.  
3 I think it was a pretty -- pretty exciting  
4 year by Clean Elections off-year standards. We had a  
5 -- we had a full look at our debate process, you may  
6 recall, in the spring running through June, when our  
7 final Debate Task Force report was presented to the  
8 Commission, and so we've been going through  
9 implementing that since then.  
10 We have run through and reviewed the  
11 Proposition 211 over the course of several meetings in  
12 the spring. And then we went into our regulatory  
13 agenda there and we passed a -- I think a solid set of  
14 rules that provide the -- where the statute requires us  
15 to pass rules, we did that. And then in those cases  
16 where the -- in the interest of the regulated community  
17 and the public, passed rules that provide some guidance  
18 and, in effect, cabin the Commission's decision making  
19 through a transparent process that guarantees that  
20 folks who are operating under this Act -- or, seeks to  
21 guarantee that folks who are operating under this Act  
22 have the assurances that they ought to that the  
23 Commission will proceed in a -- in a deliberate and  
24 stepwise manner.  
25 I think that, in addition, you know, we

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1 transitioned back to having our meetings, you know, as  
2 a hybrid meeting. I think that was a successful thing  
3 and I think that's been good for the -- for us as staff  
4 members, bringing us back together.  
5         And then additionally, we -- you know, we had  
6 a full -- you know, we'll see -- this was previewed in  
7 the early -- first quarter, second quarter, you know,  
8 our new website, but we got, I think, some due credit  
9 for the work that Alec and Gina have done on the  
10 website in the Governor's Task Force Report.  
11         And then additionally, you know, we had a  
12 full -- Avery, sort of in the post-COVID era, was able  
13 to return to full-time outreach efforts, and I think  
14 that throughout, especially going through the fall, was  
15 able to be available at -- you know, for numerous  
16 members of our community around the state and  
17 throughout the Valley.  
18         So I think that -- you know, and then -- and  
19 then obviously we've continued to -- Mike has started  
20 up our efforts on the public financing part of the --  
21 of the Act.  
22         So I just wanted to say that that is about as  
23 comprehensive a year of touching every part of the Act  
24 as we could, every part of our mission that we could as  
25 staff, and so I am very proud of the work that, you

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1 know, that my colleagues here on staff have done. So I  
2 wanted to start with that.  
3         And, you know, on -- sort of just to return  
4 to the regular report for a moment, I wanted to  
5 highlight -- and I think we're going to have a video to  
6 show one of the projects we did do this year. But as  
7 we look at the voter education and outreach portion of  
8 the report, Avery was -- presented at a Secretary of  
9 State's town hall at Northern Arizona University, which  
10 was, I think, very exciting. And he was there with not  
11 just the Secretary of State himself, but the Election  
12 Director for Coconino County.  
13         Gina was recently a judge at We the -- for We  
14 the People, a regional essay competition. Is it essay?  
15         MS. ROBERTS: They debate the Constitution.  
16         MR. COLLINS: Debate, debate the  
17 Constitution.  
18         And then tomorrow we will all -- most of us  
19 will be at the security tabletop exercise, which is  
20 sort of a scenario, it's operated by the Secretary of  
21 State's Office, where we go through and work through  
22 real life security problems that can arise in  
23 elections.  
24         I wanted to -- here I wanted to highlight, if  
25 we can, the Clean Elections and Cronkite Agency --

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1 Cronkite Agency is a student-driven public relations  
2 agency inside the ASU's journalism school. And the  
3 voter education team has been working with them on  
4 highlighting the 26th Amendment, which lowered the  
5 voting age nationwide to 18, and so we have a video  
6 from that that we were going to show.  
7         (Video plays.)  
8         MR. COLLINS: So that was our 26th  
9 Amendment --  
10         COMMISSIONER CHAN: That was fantastic.  
11 Mr. Chairman, I just got such a kick out of that and  
12 that was amazing. I loved it.  
13         CHAIRMAN KIMBLE: It was. It was very good.  
14         MR. COLLINS: The one kid had a vote hat,  
15 which, you know, those are -- that's our trademark.  
16 We'll fight anybody who starts their own vote hat.  
17         If I may, Mr. Chairman, I just wanted to  
18 close out the report with highlighting a couple of  
19 administrative things. The Election Procedures Manual  
20 is pending with the Governor and the Attorney General,  
21 so, you know, we anticipate that will probably get  
22 approved at some point between now and the end of the  
23 year.  
24         We have received two additional requests for  
25 advisory opinions, so these will be Advisory Opinion

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1 Request 2 and 3. We are in the public comment phase of  
2 those requests.  
3         We are talking about -- as we go forward in  
4 the next year, one of the things we're going to look at  
5 on Prop 211 is talking -- is doing a little more  
6 outreach around what it covers. We've gotten some  
7 reports that are -- you know, that are a little  
8 concerning around folks who have the perception or are  
9 propagating the perception that Prop 211 is far broader  
10 and more -- and requires more disclosure from more  
11 entities than it really does.  
12         Prop 211 is focused directly on campaign  
13 media spending. Nevertheless, there are some folks in  
14 -- who run sort of what you might call service  
15 nonprofits, that is to say, nonprofits that are not  
16 principally engaged in policy action or lobbying or  
17 grassroots lobbying, but actually are involved in  
18 providing services to the community, you know, and  
19 typically those kind of entities are not substantial  
20 campaign media spenders. And in order to be  
21 substantial campaign media spenders under the Act,  
22 they'd have to spend, you know, something around -- on  
23 the order of \$25,000 in a non-state race.  
24         And so we think we need to do a little bit  
25 more to sort of talk to those -- that community and

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1 others to make sure they understand that the -- that  
2 Prop 211 is targeted narrowly at a specific -- at big  
3 campaign spenders and their major donors and not at  
4 ordinary service providing 501(c)(4)s and also maybe to  
5 try to explain to those entities that there is a -- you  
6 know, that there are other concerns that they would  
7 have that they would want to deal with, in terms of  
8 their nonprofit status, long before they'd ever get to  
9 a place where Prop 211 implicates anything they would  
10 be doing. So we'll be working on that.  
11 COMMISSIONER PATON: I have a question.  
12 MR. COLLINS: Sure.  
13 CHAIRMAN KIMBLE: Tom, can I just ask you one  
14 question about that?  
15 MR. COLLINS: Sure.  
16 CHAIRMAN KIMBLE: Is this a good faith lack  
17 of understanding or is this an effort by someone to sow  
18 confusion for their own needs or their own desires?  
19 MR. COLLINS: Mr. Chairman, I would answer  
20 that in this way. I think there is a  
21 less-than-good-faith effort to propagate doubt, but the  
22 doubt is good faith, because the people who are hearing  
23 the message are not in a position yet where they -- you  
24 know, their concerns are good faith. Some of the folks  
25 propagating this may not be doing it in as good of

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1 faith as I would hope.  
2 COMMISSIONER PATON: I have a question.  
3 COMMISSIONER CHAN: Mr. Chairman and Tom.  
4 CHAIRMAN KIMBLE: Commissioner Chan.  
5 COMMISSIONER CHAN: I think it sounds like  
6 your thoughts on this and doing some education are  
7 probably -- is a good issue to address. I think what  
8 concerns me is that nonprofits that are just, as you  
9 mentioned, just almost pure service organizations, you  
10 know, doing their mission, rather than engaging in  
11 political speech, are concerned that just by virtue of  
12 that somehow they're going to be, you know, subject to  
13 this campaign regulatory framework. So I think that's  
14 the key, to my mind, is making sure that nonprofits  
15 that aren't engaging in political speech are  
16 comfortable with the fact that they don't -- they're  
17 not subject to this kind of reporting.  
18 COMMISSIONER PATON: I have a question.  
19 CHAIRMAN KIMBLE: Commissioner Paton.  
20 COMMISSIONER PATON: So by -- oh, I'm sorry.  
21 By taking all that, maybe you could do like a newspaper  
22 interview or something on the TV news or something and  
23 maybe that will help get the word out, because that's a  
24 lot of ill will that gets churned up. And if we can  
25 kind of nip that in the bud, then --

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1 MR. COLLINS: Sure.  
2 COMMISSIONER PATON: It's hard enough to deal  
3 with all these different aspects of it alone, stuff  
4 that's not true, you know.  
5 MR. COLLINS: Mr. Chairman, Commissioner  
6 Paton, I think that's -- I think that's right. So what  
7 I think -- what we anticipate doing in the first part  
8 of -- and we have done this on a one-on-one basis or  
9 small-group basis with groups already and lawyers  
10 already, but what we anticipate doing, starting in the  
11 first quarter, is we're going to -- we're going to do a  
12 form -- some form of sort of what we call a continuing  
13 legal education thing, which is really a seminar for  
14 folks who are in the industry, lawyers, but also more  
15 broadly I think we'll do outreach to different  
16 community organizations.  
17 We've talked, in our public affairs  
18 legislative meeting, about identifying organizations  
19 that we know are concerned or may be concerned or, you  
20 know, should hear from us first rather than hearing  
21 from folks who might -- might be more interested in  
22 raising concerns.  
23 And then I do think, you're right, that there  
24 will come a time here, once we're past -- and I want to  
25 -- and this kind of allows me to transition, if I

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1 might, into the legal issues that we're still dealing  
2 with. But I think that as the -- as we move past the  
3 initial phase of litigation, as the Secretary of  
4 State's -- we anticipate their filing system coming  
5 online sometime here in the near future, as those  
6 things happen, I think we'll be in a stronger position  
7 to do the kind of media outreach about this that --  
8 that we ought to and have some -- some things -- a news  
9 hook, for lack of a better way of putting it, for that  
10 kind of outreach as well.  
11 Mr. Chairman, I just have one other thing I  
12 wanted to highlight. Yesterday we had -- this is the  
13 second PI hearing we've had on a challenge to Prop 211.  
14 This is the PI hearing in the legislative leadership's  
15 lawsuit against the Act. And so we had that hearing  
16 yesterday in Maricopa Superior -- Maricopa County  
17 Superior Court. The judge presiding said that he would  
18 have a ruling to -- anticipated having a ruling on --  
19 there was a motion to dismiss filed by the Commission,  
20 the Attorney General, the campaign committee for the --  
21 for the Proposition, and there's also the PI filed --  
22 preliminary injunction motion filed by the -- by the  
23 legislative leadership. The judge told us that he  
24 anticipates ruling on those by the end of this year.  
25 So that really brings us to the end of my

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1 report. And so if anyone has any other questions,  
2 obviously --  
3 COMMISSIONER PATON: I have another question.  
4 MR. COLLINS: Sure.  
5 CHAIRMAN KIMBLE: Commissioner Paton.  
6 COMMISSIONER PATON: Okay. So it says that  
7 there's -- 29 candidates have attended the workshops.  
8 Is that normal, average, or...  
9 MR. COLLINS: I mean, I would say --  
10 Mr. Chairman, Commissioner Paton, I would say that's  
11 about -- about normal at this point. You know, we  
12 anticipate -- you know, for the -- in a year like this,  
13 we're going to anticipate at least, counting both  
14 parties, both parties that are likely to have  
15 candidates in state races, I should say, six -- I think  
16 six Corporation Commission candidates, maybe more. We  
17 will have some legislative candidates. We've had  
18 inquires from candidates running for Legislature; those  
19 folks attending is a good sign.  
20 You know, I don't think it's any secret at  
21 this point that the campaign -- you know, that the --  
22 you know, the public campaign finance program, as  
23 effective as it can be, you know, is one that folks are  
24 especially -- even ones -- even folks who used it, got  
25 elected, and then in their next election are less

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1 likely to use it again, and there's lots of different  
2 reasons why that's so.  
3 A major one is -- that's developed over time  
4 is, candidates now see, in a sort of permanent 24/7,  
5 365 campaign, the need to have their campaign  
6 committees available for them to fund stuff, to have  
7 money on hand. And Clean Elections is really -- you  
8 know, because it's a system that sort of limits -- you  
9 agree to campaign spending and fundraising limits, you  
10 know, can put a crimp in your style if you're moving  
11 your way up through leadership and you want to have  
12 flexibility financially to do that. That's the  
13 reality. So, you know, and obviously -- and  
14 legislative changes about 10 years ago make it more  
15 difficult for us to advertise and promote participation  
16 in the public financing program itself.  
17 So, you know -- so, you know, so given all  
18 that, I mean, this is about where we are. It's not a  
19 precipitous decline, but we have sort of ended up with  
20 a consistent set of candidates. And, you know, so  
21 we'll probably have -- we'll probably have more  
22 interest maybe than candidates who actually run, but --  
23 I think the other important thing is that,  
24 even if you go through the training and you don't run  
25 clean, I think it's -- I think it's the fact that we

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1 have proactive training available, so folks get at  
2 least a rundown on campaign finance, on what goes into  
3 running a campaign early on in the -- earlier on in the  
4 cycle than they might get it from -- otherwise. I  
5 think that's a solid -- solid part of the program as  
6 well.  
7 COMMISSIONER PATON: So it's effectively  
8 turning into getting your foot in the door; and then  
9 after that, it's not so necessary for you.  
10 And by what you were saying, is it -- it's  
11 hard for us to publicize the availability of this, of  
12 the campaign financing?  
13 MR. COLLINS: Yes. I mean, we had a -- we  
14 have had a -- we had a litigation that resulted in some  
15 legislative changes in 2012. So, you know, at the same  
16 time that the -- that the Legislature made the decision  
17 to take out two thirds of the funding voters intended  
18 to be available to publicly financed candidates, they  
19 -- in that same bill they curbed -- they put a  
20 prohibition on the Commission being able to advertise  
21 the benefits of the -- of the Clean Elections Act.  
22 COMMISSIONER PATON: Well, maybe we need to  
23 think outside the box and figure out other ways to get  
24 that information out so we'll get more candidates like  
25 this.

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1 MR. COLLINS: Sure. I think -- I think, you  
2 know, in the long haul, that may be -- that may be  
3 something. I think the other thing that's working in  
4 our advantage in the long haul is, changes that the  
5 Legislature made in a subsequent bill actually create a  
6 situation where clean candidates are in a better  
7 position, one might say an optimal position, going into  
8 a general election because -- if they're not able to --  
9 not able to compete in fundraising, because the general  
10 grant comes without additional fundraising time. And  
11 as candidates, under Arizona's campaign finance law,  
12 they are -- it's not a campaign contribution to work  
13 with the political parties.  
14 One of the things we've tried to communicate  
15 with folks who are involved in political campaigns is  
16 exactly that principle. For example, there was a  
17 candidate -- a losing candidate for a statewide office  
18 who raised -- raised, so that -- not -- before even  
19 accounting for his costs in that -- basically the exact  
20 amount of money he would have gotten from Clean  
21 Elections. And what is that an indicator of? It's an  
22 indicator of the fact that the person made, I think,  
23 probably an incorrect choice in terms of allocating  
24 their resources. I think that -- I think that's a  
25 message we have been trying to work on communicating.

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1 It is -- the difficult problem is that the --  
2 that the -- the people who make money on fundraising  
3 and on the mailhouse pieces are the campaign  
4 consultants and the campaign -- you know, people  
5 operating the campaigns. And Clean Elections does not  
6 have the -- allow for the kind of pure overhead where  
7 campaign consultants who work with candidates are going  
8 to make enough money to make it worth their time, yeah.  
9 And that's really a big -- a big -- a big problem.  
10 You know, there's also always going to be a  
11 headwind of why would you want to do something  
12 regulated -- more regulated --  
13 COMMISSIONER PATON: Yeah.  
14 MR. COLLINS: -- when you can do something  
15 that is -- that is less regulated. Our point of view  
16 is more along the lines of, look, if you're the  
17 candidate, you've got to take control of your own  
18 destiny. The campaign consultant that you think is  
19 your friend -- your campaign consultant is your -- is  
20 your -- is your -- you're a client and that's about it.  
21 I don't mean to be cynical about campaign consultants,  
22 God forbid.  
23 But when you're trying to go to a person and  
24 say, look, you know, this is your future, this is your  
25 campaign, this is -- what's your best way to get

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1 dollars in front of -- for you to get in front of  
2 voters in an effective way without having to compromise  
3 yourself. And then, you know -- but the -- but a more  
4 sophisticated person shows up and says, look, this  
5 is -- this is naive, this is pie in the sky stuff.  
6 But when you look at the numbers -- when you  
7 look at the numbers and the way -- there's two numbers  
8 that matter. One, inflation matters, right. So as  
9 inflation impacts people's spending and ability to,  
10 especially at the small dollar level, to give  
11 donations, that hurts small dollar donors and -- but,  
12 on the other hand, the Clean Elections funding is tied  
13 to inflation. So there is a -- not ever going to be a  
14 catch-up to what the Legislature got rid of, but there  
15 is a little bit of a catch-up there.  
16 And then the other key, I think,  
17 number related to that is that there was a belief, in  
18 the -- post President Obama's 2008 election, that small  
19 donors were going to take care of every candidate, that  
20 small donors and your list -- you know, you were going  
21 to send out your e-mail blast and everybody was going  
22 to send you \$5 a month for the rest of your life. That  
23 -- those dollars are not getting distributed evenly.  
24 So if you talk to political consultants, especially who  
25 work in the area of online fundraising, the control of

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1 the lists, control of the donors who are actually  
2 inclined to give you that \$5-, \$10-, \$20-a-month  
3 donation, that's not evenly distributed.  
4 And so what that means is that it's -- if  
5 you're a below -- lower-level state candidate or a  
6 legislative candidate, your ability -- you really  
7 need -- what we encourage people to do, and we've tried  
8 to run some numbers for folks on this, is look at the  
9 delta between how much they're actually going to get  
10 from Clean Elections versus how much they have to spend  
11 to raise what they're going to get and where they're  
12 putting their time. And if you -- and if you take  
13 those things together, it becomes much more of a wash  
14 for the candidate, but that -- but it still requires  
15 that candidate to do something that in politics is hard  
16 and in life is hard, which is to -- because there's  
17 pressure on people to be -- I don't know. To put it  
18 bluntly, in politics the rule is, it is worse to be  
19 different than to be wrong and --  
20 COMMISSIONER PATON: Well, I would just say  
21 that, I mean, the real -- the main reason we're here --  
22 MR. COLLINS: Yeah.  
23 COMMISSIONER PATON: -- is to fund Clean  
24 Elections.  
25 MR. COLLINS: Sure.

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1 COMMISSIONER PATON: And there's got to be  
2 some way we can get some of this information to people  
3 that don't even really know that we exist, basically.  
4 MR. COLLINS: Sure.  
5 COMMISSIONER PATON: And, I don't know, maybe  
6 when Avery goes and does his stuff he can really push  
7 that part of it or -- I'm sure there's other ways we  
8 can do this --  
9 MR. COLLINS: Sure. Sure.  
10 COMMISSIONER PATON: -- that -- these laws  
11 have boxed us in somehow.  
12 MR. COLLINS: No, I -- Mr. Chairman, if I  
13 may, I just --  
14 COMMISSIONER PATON: We have enough brain  
15 power, I think, on the staff. I think we could figure  
16 out some way we could increase that.  
17 MR. COLLINS: And I can tell you, just as --  
18 to use your example, if I may, Mr. Chairman, Avery and  
19 I have gone out to events and that has been -- that is  
20 part of -- definitely part of Avery's presentation.  
21 And we had an opportunity at a Tempe event just this  
22 fall to really have some pretty good conversations,  
23 initial conversations with a couple of different  
24 candidates, not all of whom are looking at this cycle,  
25 but are looking at the future. And I think that those

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1 kind of -- that one-on-one-type outreach absolutely  
2 makes a difference and that is definitely part of  
3 what -- every time Avery does go out to talk to folks,  
4 that's part of the process. So I agree with you.  
5 COMMISSIONER PATON: Well, I just know, just  
6 meeting people day in, day out, and the subject will  
7 come up and they have no clue what Clean Elections is.  
8 And so usually I'm around people my age group or  
9 whatever, my interests. And just think of the other  
10 people, the younger people, they probably don't know  
11 much about it. So I've gone off on a tangent.  
12 MR. COLLINS: No. No. No. No. No.  
13 CHAIRMAN KIMBLE: Commissioner Paton, I  
14 appreciate your focusing on this issue. And I agree  
15 with you, the trend that we're seeing is troubling of  
16 fewer candidates willing to participate in what was our  
17 signature program, why we were created. And it seems  
18 reasonable that maybe sometime next year we ought to  
19 devote some serious time to looking at a comprehensive  
20 list of the problems and what we ought to do about it  
21 instead of -- in the past it seems like we've kind of  
22 taken a whack-a-mole thing that here's a problem, let's  
23 deal with this problem.  
24 But I agree with you, Commissioner Paton,  
25 that we've got to get more people to come on board as

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1 clean candidates and get the word out there within the  
2 limitations that we have. And I think that's something  
3 that we ought to devote some time to in an upcoming  
4 meeting to look comprehensively at the problem and what  
5 we ought to be doing.  
6 Are there any other -- Tom, were you done  
7 with your presentation on your Executive Director's  
8 Report?  
9 MR. COLLINS: Yes. Yes.  
10 CHAIRMAN KIMBLE: Are there any other  
11 questions or comments from Commissioners?  
12 (No response.)  
13 CHAIRMAN KIMBLE: Hearing none -- thank you,  
14 Tom -- Item IV, discussion and possible action on Clean  
15 Elections voter education survey.  
16 Beginning in 2022, the Commission performed  
17 an issues survey of Arizona voters as part of our voter  
18 education program. The purpose of the survey is to  
19 enhance participation by voters, moderators,  
20 candidates, and campaigns in our debate program by  
21 providing a common set of data about the issues most  
22 important to Arizonans. This will ultimately lead to a  
23 meaningful, issue-oriented, and informative dialogue  
24 between the candidates and voters, as intended by the  
25 Clean Elections Act. The survey results will be posted

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1 on our website and available to all of the stakeholders  
2 in our election process.  
3 Today, as our preview of our voter education  
4 efforts, we have with us Mike Noble of Noble Predictive  
5 Insights. Mike Noble is the founder and CEO of NPI,  
6 the leading nonpartisan public opinion polling, market  
7 research, and data analytics firm based in the  
8 southwest. Mike is the thought leader in public  
9 opinion tracking and analysis. Mike found a passion  
10 for politics while working for an Arizona congressman  
11 before starting NPI. Since then, he's been deemed a  
12 preeminent pollster in the southwest by NBC News by  
13 regularly conducting public and voter sentiment  
14 throughout the region.  
15 Mike, thank you for being with us today.  
16 MR. NOBLE: Well, thank you for having me.  
17 Is this thing on? Thank you for having me. Is this  
18 thing on?  
19 And normally -- if you're not here  
20 physically, I'm 5'8", and normally I don't have an  
21 issue of things not being tall enough for me, but I  
22 might have to crouch a little bit --  
23 COMMISSIONER PATON: No, we can hear you.  
24 MR. NOBLE: -- during this presentation. Is  
25 this fine up here?

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1 COMMISSIONER PATON: Yeah.  
2 MR. NOBLE: Okay. All right. Well, thanks  
3 so much for having me, Mr. Chairman and the Board and  
4 Gina and Tom. Thank you. And, yeah, so this is our  
5 second time doing a survey and --  
6 Well, one other quick thing besides -- when I  
7 founded the company seven years ago, one of the things  
8 that -- Arizona didn't have really public opinion  
9 research, I'd say, here in Arizona. They always kept  
10 going out of state. And I think, you know, us folks  
11 here in the southwest, I think we have a pretty unique  
12 skill set and I think we can do pretty good work. And  
13 so in founding it seven years ago, we actually ranked  
14 Number 11 in the country for accuracy last year and  
15 actually Number 1 in accuracy in the southwest region.  
16 So we take a lot of pride in what we do, but --  
17 representing Arizona on the national stage.  
18 So we did this project so -- and you had a  
19 good summary overview, which was getting a pulse on  
20 the -- Arizona's electorate, but really to help fuel  
21 the debates. Because when the debates are going on,  
22 especially when you have them -- more regional  
23 localities, issues are different. I mean, issues  
24 overall with the statewide electorate compared to maybe  
25 south Phoenix, for example, different.

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1 And so basically we wanted to go through and  
2 dig into what were their key issues. I think we had a  
3 really unique approach of how we did it, but I have a  
4 nice little presentation put together for you all  
5 today.  
6 Going to the next slide. Oh, yeah,  
7 commanding the slide changings, right? Are you doing  
8 the -- what was your name?  
9 MS. HERRING: I'm Cathy.  
10 MR. NOBLE: Cathy?  
11 MS. HERRING: It's just a little delayed,  
12 so --  
13 MR. NOBLE: Okay. Cathy, well, I'm going to  
14 thank you in advance --  
15 MS. HERRING: Sure.  
16 MR. NOBLE: -- for the 50 times I'm going to  
17 mention to switch slides. So thank you.  
18 Anyways, so appreciate that. So these are  
19 going to be our topics today. We did -- if you want  
20 the research for it, it's probably over a thousand  
21 pages of numbers. Feel free, if you want to go through  
22 that. But we went through -- after going through all  
23 the research, myself and our team of expert analysts  
24 went through and basically put together the key  
25 insights for you all and visually did it, so -- and we

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1 broke it up, and I find it made it more digestible  
2 putting it into topics.  
3 So, first, we're going to start off with our  
4 big picture, that voters are restless and conflicted;  
5 and then we'll talk about the key issues among  
6 registered and likely voters; then key issues setting  
7 local -- with the locals speaking in their own words;  
8 and then look at some regional breakdowns; and then the  
9 right channels, you know, where people are watching  
10 news and hearing about debates. So those are our  
11 topics today. And I'm Mike, and you're going to hear  
12 the sweet sound of my voice for the next hour, so bear  
13 with me here.  
14 Briefly, now we have our project goals,  
15 before we get into it, is that -- so with us it's  
16 incredibly important, like when we go out and do this  
17 research, okay, what is our objective, what are we  
18 trying to accomplish, because that will guide how we  
19 collect the sample, how we will write the survey, how  
20 many minutes are the survey, then also, of course, what  
21 the results -- or, in the analysis what are the type of  
22 findings that we're looking for based on our  
23 objectives. So we wanted to gauge those perceptions of  
24 Arizona registered and likely voters on their  
25 top issues, and then also learn a little bit more about

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1 their issues in debate topics, which ones resonate with  
2 Arizona voters, especially regionally and by party.  
3 Because things that are important among, let's say,  
4 Democrats may be a little bit different among  
5 Republicans. And that's important, especially when  
6 you're looking at our primaries.  
7 And then finally, looking at discover the  
8 specific issues on broader categories, so not just  
9 maybe some of the most common ones people are talking  
10 about. I mean, are there some more underlying issues  
11 out there that maybe haven't been uncovered. And then  
12 also, provide some actual recommendations for  
13 consideration that will enhance strategic planning for  
14 voter education and debate discussions. So that's what  
15 we were sent out to do, or the premise of our research,  
16 and here we'll jump into the findings.  
17 So, next slide.  
18 COMMISSIONER PATON: And the sample size is?  
19 MR. NOBLE: Sample size is large, very large.  
20 One second. It is 1,000 -- we run like 12 surveys a  
21 week, so I wish I could have them all memorized. It  
22 was 1,665 respondents, so incredibly large survey.  
23 I mean, to put that in context, I know  
24 there's probably not a lot of staff folks in here, is  
25 that -- I would put it into context here is that --

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1 okay, 1,665 respondents we had in this panel that were  
2 qualified as Arizona registered voters. What is that,  
3 is that big? Is that small? Is that about right?  
4 Well, if you wanted to do a statewide sample, so just  
5 get an overall look at the state of Arizona, you could  
6 easily do a 400-sample survey and be confident in those  
7 results. So we're about three, four times that size,  
8 so I think we're in good shape.  
9 So basically we have a very large sample  
10 size, and we specifically did that for a couple  
11 reasons. One, we really want to be able to look deeper  
12 into our, you know, subgroups, so those subgroups,  
13 making sure that they are bigger so you can see some  
14 bigger changes; but also, regionally, so making sure we  
15 have statistical significance when we're looking at the  
16 regions is the other important factor. So that's what  
17 we have regarding our sample.  
18 And we broke this survey -- when we get to  
19 the regions, besides a statewide look, you're going to  
20 see several looks from us today. One is a statewide  
21 look, and then the second is a regional look, which we  
22 had six regions we broke it into.  
23 So let's get into the fun stuff, the results.  
24 Next slide, please.  
25 So -- but when we look at the big picture,

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1 voters are restless and conflicted, which probably  
2 about sums up the electorate these days. So Arizona's  
3 -- so Arizona voters are restless, disconnected with  
4 their current leaders, but they're also open to change.  
5 So just looking at just some generic numbers  
6 first, before we get into more specific items, the  
7 chart on the left is our generic ballot, so asking  
8 folks what political party that runs the state best, in  
9 their opinion. So this is kind of generically, you  
10 know, who do they think is kind of doing a better job,  
11 the red team or the blue team. I like to call it red  
12 team and blue team because -- I'm trying to think of an  
13 independent third -- independent candidate that's  
14 currently elected in Arizona. I don't think we have  
15 one. So it's red team and blue team, sadly.  
16 COMMISSIONER PATON: Sinema.  
17 MR. NOBLE: Sinema, but she was already  
18 elected --  
19 COMMISSIONER PATON: Right.  
20 MR. NOBLE: -- and switched teams. But, you  
21 know, one actually elected at the ballot box. I can't  
22 recall any in the last few decades. But also, I was  
23 born in 1984, so --  
24 COMMISSIONER PATON: I started voting before  
25 that.

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1 MR. NOBLE: I just gave away a little too  
2 much right there.  
3 And so what's interesting is -- so, first  
4 off -- so it's kind of like, hey, who do you think is  
5 running better -- and you hear a lot -- especially from  
6 nationals they'll say, hey, Arizona is purple or  
7 turning blue. They're right in one sense of with the  
8 elected officials, but where the overall electorate,  
9 where they're leaning, Arizona still has a lean to the  
10 right. So if you were to color code Arizona, I would  
11 say it's not purple. I would say it's magenta, the  
12 lightest shade of red.  
13 So it is -- so Republicans are doing a little  
14 bit better with the state. And then the 20 percent  
15 that are -- that said neither, those are really your  
16 people that aren't party loyal, which is so fascinating  
17 about Arizona's electorate is that, you know, eight in  
18 10 are party loyal, but really that 20 percent, they're  
19 not a small group, but those are the ones that  
20 ultimately really decide the general elections.  
21 And if you notice, Arizona has been quite  
22 popular these last four years in the national dynamics,  
23 because we went from kind of a ruby red state to now a  
24 bit more of a battleground state. And you can see that  
25 actually in those numbers, so -- but, again, leans

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1 still slightly to the right.  
2 And then trajectory of Arizona, we've seen  
3 this in our other surveys, but then we also see it  
4 here, that Arizonans overall -- you know, asking them  
5 whether the state is going -- is on the right track or  
6 it's going in the wrong direction. So this question  
7 was asked almost on like every survey, and it's really  
8 just gauging optimism and pessimism among your  
9 audience. So overall, hey, do you think things are  
10 going in the right direction or wrong. They could be  
11 viewing that from an economic lens, they could be  
12 viewing it from an abortion lens, they could be viewing  
13 it from a myriad of ways, but overall, what's that  
14 general sense or feeling.  
15 Currently, underwater by about 10 points. A  
16 majority actually think things are going in the wrong  
17 direction right now. So voters are a little  
18 pessimistic, a little anxious right now.  
19 Next slide.  
20 COMMISSIONER PATON: So was that question  
21 about Arizona itself or just things in general?  
22 MR. NOBLE: Arizona itself, not the country.  
23 The number would be worse.  
24 COMMISSIONER PATON: Okay. Thank you.  
25 MR. NOBLE: Yes, absolutely. In actuality,

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1 yes, it's worse when you ask -- and when you ask --  
2 when we ask, you know, how do you think that things are  
3 going on the national level, it will usually be about  
4 at least 5 to 10 points less compared to when asking  
5 about the state of Arizona. So Arizonans actually see  
6 us doing better than the nation as a whole.  
7 COMMISSIONER PATON: Okay. Thank you.  
8 MR. NOBLE: Which is a -- which is a good  
9 sign.  
10 So, all right, next is --  
11 COMMISSIONER MEYER: Mr. Chairman, I had a  
12 quick question on that last slide, if I could.  
13 MR. NOBLE: Yeah. Oh, sorry.  
14 COMMISSIONER MEYER: On the -- Commissioner  
15 Kimble, is that okay?  
16 CHAIRMAN KIMBLE: Of course. Yes,  
17 Commissioner Meyer.  
18 COMMISSIONER MEYER: If you could go back the  
19 one slide on the 55/45 or 50 -- do you know how the  
20 answer to that question compares to a year ago, two  
21 years ago, five years ago, by chance?  
22 MR. NOBLE: I do. I actually have -- and I  
23 actually can send it to you all after this. We have  
24 our Arizona Public Opinion Pulse, so it's our quarterly  
25 statewide tracker. I think we've been running it for

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1 five years now. And we polled Arizona more than anyone  
2 else in the country. I actually have that whole trend  
3 line for you.  
4 But where it was a decade ago -- or, not a  
5 decade ago -- a year ago was actually worse. It was  
6 actually minus 20 in disagreement. So actually things  
7 are trending upwards, so -- and probably three years  
8 ago it was actually positive.  
9 COMMISSIONER MEYER: Interesting. Okay.  
10 Thank you.  
11 MR. NOBLE: So it was positive, it hit a big  
12 negative, and it's on the upswing right now.  
13 COMMISSIONER PATON: That was during COVID --  
14 MR. NOBLE: Correct.  
15 COMMISSIONER PATON: -- it was positive.  
16 MR. NOBLE: It was, well, just before COVID.  
17 And when COVID hit, then, yes, everything went bad.  
18 But I actually have a trend line. I could  
19 send you the deck after that. It also has like Biden  
20 job approval, other things that we tracked over time.  
21 So I would be happy to share that trend line with you  
22 after this little --  
23 Next slide.  
24 All right. So likely to vote in the upcoming  
25 election. So we asked respondents --

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1 And just note on our -- these slides here,  
2 we'll sometimes abbreviate. If, you know, the question  
3 is, okay, how did you ask the question, who was this  
4 among, we always have our methodology notes in the  
5 bottom middle of the slide so you can actually see the  
6 exact question verbiage of what we asked, how we asked  
7 it. So if it may not be clear to you, maybe some of  
8 the -- you know, with some of the titling or some of  
9 the abbreviations, just know that you can always read  
10 the exact question verbiage below.  
11 But so asking folks whether -- you know, how  
12 likely they'll vote in the upcoming primary election in  
13 August, it was interesting is that 70 percent of voters  
14 said that they were likely to vote in -- or,  
15 respondents, 70 percent said they were likely to vote  
16 in the primary election in 2024, then 78 percent said  
17 they were likely to vote in the November 2024 general  
18 election, which is interesting.  
19 Last -- so we're in a presidential year  
20 and -- compared to a midterm. And in a presidential  
21 year -- last presidential election our turnout was  
22 actually, I think, 79.8 percent. And right here in the  
23 self-identification we have it at about 78 percent of  
24 respondents, so pretty much in line. But you notice  
25 that even with primaries we're going to see probably a

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1 pretty good turnout, but, again, it's a presidential  
2 year. There's just a lot more awareness compared to a  
3 midterm year where turnout can very much vary depending  
4 on the type of midterm.  
5 But not -- and not all the respondents will  
6 vote, but with the candidate field in flux it's  
7 impossible to determine exact turnout levels. But this  
8 is what it currently suggests, that enthusiasm is high  
9 for both -- not only the primary and general elections  
10 among Arizona's electorate.  
11 Next slide.  
12 COMMISSIONER PATON: And what did the  
13 independents vote --  
14 COMMISSIONER MEYER: So, Mr. Chairman, can I  
15 ask another quick question on that last slide?  
16 CHAIRMAN KIMBLE: Commissioner Meyer, yes.  
17 COMMISSIONER MEYER: Mr. Noble, do you ask  
18 independents if they're aware that they have the  
19 ability to vote in the -- in the primaries?  
20 MR. NOBLE: I don't know if we had that in  
21 this particular survey, so, no, we did not here. I've  
22 asked it, just not on this particular instrument.  
23 COMMISSIONER MEYER: Just curious. Thank  
24 you.  
25 MR. NOBLE: No worries.

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1 COMMISSIONER PATON: What was the answer to  
2 that?  
3 MR. NOBLE: Well, all right. Well, I do have  
4 the answer. So this is the curse of doing so many  
5 different public opinion polls is that -- and knowing  
6 the data.  
7 So it's interesting. So independents, with  
8 them voting in primaries, right, the thing -- at least  
9 right now -- I mean, and there's a couple things on  
10 the ballot this year that may change how the primary  
11 process works, but we'll see how that is at that point.  
12 But as of now, the process is -- is that independents  
13 can vote in a primary, but they have to take one extra  
14 step compared to, you know, Democrats or Republicans,  
15 which is they have to request the ballot.  
16 Even though it's one step -- and yet, my  
17 experience has been, you add more steps for voters,  
18 you're just -- it's harder to get participation, you're  
19 just going to see a drop in activity level. And just  
20 even with that one step in there -- I would say for  
21 Republicans, on average, they'll have about 15 percent  
22 of independents. So of, let's say, a total vote in,  
23 let's say, I don't know, a state ledge race or a  
24 congressional -- or, any type of partisan race going on  
25 in the primary, you would have about, I don't know, 12

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1 to 17 percent of that total primary vote for  
2 Republicans will be independents.  
3 And then Democrats, it will probably be  
4 closer to around like 10 percent, just less, mainly  
5 because the breakdown -- the difference between the two  
6 respective parties, why independents are a bit more  
7 involved in Republican primaries than Democratic, is  
8 really because, at least historically, Republicans have  
9 way more competitive primaries than Democrats.  
10 That's actually starting to change a little  
11 bit since Arizona has been a battleground. Look at  
12 Arizona's First Congressional District with incumbent  
13 Republican Congressman David Schweikert. There's like,  
14 I don't know, five, six Democrats lined up in that  
15 primary, which you normally don't see very often here  
16 in the state.  
17 So it's mainly due to that Republicans almost  
18 always have competitive primaries, and it's kind of  
19 more of the -- I'd say the -- I'd say the cultural  
20 differences between the red team and blue team. Red  
21 team is just a lot more competitive with each other,  
22 compared to the blue team is much better about getting  
23 behind one candidate and saying, hey, this is our  
24 person and let them go ahead. So they're more  
25 consensus compared to Republicans being more

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1 competitive.  
2 So that's roughly the percentage of  
3 independents' -- their ability. So they have a big  
4 ability to impact it, but as a percentage-wise they're  
5 about one tenth, roughly.  
6 COMMISSIONER PATON: Thank you.  
7 MR. NOBLE: Yeah. Hopefully that helps.  
8 All right. Voter preferences. All right.  
9 Fun. Sorry, I've got a lot of slides to go through, so  
10 I'm hoping to -- I want you all to make sure you get to  
11 lunch on time.  
12 COMMISSIONER MEYER: I'll try to be quiet.  
13 MR. NOBLE: No, it's okay.  
14 COMMISSIONER PATON: No, this is interesting.  
15 MR. NOBLE: Okay. Joking aside, I'm here at  
16 your behest. So as long as you need me here, I will be  
17 here, as long as you order me lunch.  
18 And so -- so what we're looking at next is  
19 the voter preferences for candidates. So this is one  
20 of the ones -- most people, of these respondents we  
21 asked is that -- most people report that they would  
22 vote for a candidate who agrees with them on specific  
23 issues they care about than someone from a specific  
24 party. Which is interesting, right, because, you know,  
25 this whole party loyalty, this hyperpolarization that

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1 we're seeing out here.  
2 It was actually only 10 percent said that, a  
3 respondent -- hey, a candidate that is a member of the  
4 same political party as me, so you have 10 percent that  
5 are just hardliners, they're voting red team, blue team  
6 no matter what. They don't care. But yet 54 percent,  
7 or a majority of respondents, said that actually a  
8 candidate that agrees with me on the issues that I care  
9 about. So, again -- so the issues matter more than  
10 partisanship. You'd have -- 26 percent said those  
11 first two options both equally. But overall, a  
12 majority of Arizona's electorate, you know, issues  
13 matter more than partisanship. And 5 percent neither,  
14 5 percent unsure, but a lot of people had an opinion on  
15 this, so I think that's interesting.  
16 Next slide.  
17 All right. Next is for compromise, so a  
18 voter's desire for compromise amongst -- amongst the  
19 parties. And the question was phrased, I want both  
20 political parties to work together even if it means  
21 compromising on some -- some important issues. Which I  
22 don't know if we've all watched TV lately, I don't know  
23 if you just look at Congress in the last few months,  
24 they seem to not be able to compromise on anything  
25 these days.

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1 But yet, when you ask voters what's their  
2 desire -- so you're seeing these partisans be  
3 partisans, right. But when you're looking at the  
4 voters -- and that's where you're seeing there's a lot  
5 of this angst in the electorate these days is because  
6 they're feeling very disconnected because these parties  
7 are playing their politics is that, you know, overall  
8 the majority -- 77 percent of Arizonans agree, with 48  
9 percent of that being strongly agree, that, you know,  
10 these parties should compromise on important issues,  
11 you know, let's say, immigration and healthcare, some  
12 of these more hot button issues, education. They want  
13 them to do it.  
14 And it's funny, it even goes across party  
15 lines. A majority of Democrats, 81 percent of them,  
16 Republicans, 73 percent, and then 78 percent of  
17 independents want to see compromise between the  
18 parties. And even the groups least in favor of seeing  
19 compromise, which are actually 18- to 34-year-olds and  
20 high school graduates, they were actually  
21 overwhelmingly in favor of it too.  
22 And it's interesting because all these folks  
23 that are elected, they all represent these people, and  
24 these people are overwhelmingly saying like, hey, they  
25 should really be compromising and working together on

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1 these issues. So the electorate is hungry to see not  
2 only some debating on issues, but also, I would say  
3 that to actually see folks, you know, talking about  
4 these issues and finding results and not just kicking  
5 the can down the road.  
6 Next slide.  
7 So -- and it's also -- what's also  
8 interesting is how -- saying that, however, Arizonans  
9 are not interested in seeing compromise on issues they  
10 care about. Hey, there's always a catch, right.  
11 COMMISSIONER PATON: That's the delusional  
12 part about all of that.  
13 MR. NOBLE: Correct. On one hand it sounds  
14 great. It seems like a no-brainer. Then you're like,  
15 all right, what if it's about a specific issue that,  
16 you know, you really -- let's say, I don't know, you're  
17 pro-choice or pro-life, you know, take whatever side of  
18 the issue you want. So if you're picking either of  
19 those two, you know, it's like, wait. When you see  
20 it's more evergreen, obviously very positive. But then  
21 when you get kind of more to the reality, that's when  
22 things get a little bit more interesting. So they're  
23 just not as interested in seeing compromises on issues  
24 that they care about. And it was interesting that  
25 41 percent of Democrats and 52 percent of Republicans

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1 are in favor of having representatives stand firm on  
2 their issues.  
3 So we saw that the folks that were really  
4 driving that agreement overall was really driven by the  
5 partisans, by the Democrats and Republicans, because  
6 they have certain issues that they're a little bit dug  
7 in on, like immigration is a perfect example. They  
8 both have very different views of how they would tackle  
9 that particular issue and they're very dug in on those  
10 issues. But independents are obviously much more open  
11 to it compared to the two parties.  
12 And the net agreement for this question is  
13 plus 17, which is notably low, despite respondents'  
14 earlier desire to see compromise between the parties.  
15 So, again, there's the devil in the details.  
16 Next slide. And I'll wrap this all up at the  
17 end.  
18 The next is that -- voters' preferences --  
19 preference for politicians' relationships with other  
20 politicians. So the question was phrased, a politician  
21 should work to maintain good relationships with their  
22 fellow elected officials. There is no point in being  
23 rude and hard to work with. Which we have seen, I  
24 think, an uptick in fellow elected officials of -- the  
25 decorum between each -- them and their colleagues has

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1 probably degraded a little bit over the last few years.  
2 So, anyways, asking, hey, how should these be -- these  
3 electeds be working with each other, should there be  
4 maybe a little higher level of decorum.  
5 Three fourths of Arizona voters agreed with  
6 that, 75 percent. Democrats, Republicans actually are  
7 both heavily in favor of that. So as much as you're  
8 seeing out there where these kind of -- these little  
9 clips or these little buzzy zingers of these folks kind  
10 of burning each other, yeah, they make the news, but  
11 when you look at the electorate, you know, that's not  
12 what they're looking for. They're looking for a little  
13 higher level of -- you know, them to be better with  
14 their relationships with other elected officials. And  
15 so that was interesting.  
16 Next slide.  
17 So importance of candidates' attitudes to  
18 voters. So the question, a candidate's attitude and  
19 temperament matters as much to me as their stance on  
20 policy issues. And they very much overwhelmingly  
21 agreed with that, that respondents are as interested in  
22 candidate temperament as policy. 70 percent of  
23 Democrats -- it was interesting. There was a  
24 difference, though, between Republicans and Democrats.  
25 Seven in 10 Democrats agreed that the candidate's

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1 temperament was just as important as their policy.  
2 Interestingly enough, Republicans, not as high.  
3 They're about actually 20 -- 12 points less, at  
4 58 percent of Republicans answered believing that. So  
5 actually, Democrats hold that as actually a little bit  
6 higher of a standard compared to Republicans.  
7 And then other than Democrats, Hispanic  
8 voters are the most interested in candidate temperament  
9 at 68 percent. Which Hispanic voters, by the way, is  
10 our largest demographic group outside of white or  
11 Caucasian here in this state. And not only that, the  
12 fastest growing not only in population size, but also  
13 in their participation in the election. We actually  
14 have seen their rate increase -- or, actually double  
15 from their previous standards in the last few  
16 elections, so they've become bigger and a more  
17 important part of the electorate, so -- but Hispanics  
18 especially, the candidate temperament matters very  
19 much.  
20 Next.  
21 All right. This is fun. So this is some  
22 information. I'm sure I'll get questions on this one.  
23 Is that more people have changed their views about  
24 Republicans than Democrats since 2022. So we have in  
25 here -- so this is actually -- so a question that we

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1 asked this time, but then also we asked in the 2022  
2 survey, so we have a little tracking time. So we asked  
3 voters, you know -- you know, the statement, you know,  
4 Republicans are a danger to democracy. I cannot see  
5 myself voting for a Republican. And then the same  
6 question was asked of, you know, Democrats are a danger  
7 to democracy. I couldn't see myself voting for a  
8 Democrat. So not biasing it, asking it fairly both  
9 ways to see folks --

10 But back in 2022 it was -- you know,  
11 Republicans are dangerous, they didn't really agree  
12 with that statement. It was actually a negative 26 for  
13 disagreement.

14 By the way, that net on the right side, I  
15 don't think I mentioned it yet, the net on the side is  
16 basically among those that have an opinion, so among  
17 those greens and reds, so the agreement or  
18 disagreement, it's among those that have an opinion is  
19 that overall positive or negative.

20 So negative -- so of those that have an  
21 opinion, it was negative 26. So back in 2022, and this  
22 was pre January 6th, mind you, they did not see  
23 Republicans -- they very much disagreed Republicans  
24 were dangerous. Well, that swung about 21 points after  
25 January 6th, so recently it's actually at a net

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1 negative 5 of total disagreement. So you saw a pretty  
2 decent uptick among the electorate seeing Republicans  
3 or viewing them as a little more dangerous. But, of  
4 course, that big event happened that I don't think any  
5 of us had on our bingo card for that year.

6 But then Democrats dangerous, what was  
7 interesting, even for Democrats you see them -- they've  
8 actually -- the electorate overall disagree a little  
9 bit more -- or, disagree more with that statement of --  
10 actually Democrats too have moved actually 10 points to  
11 the right as well. So it's interesting, both parties  
12 are kind of being viewed as more extreme as we become  
13 more hyperpolarized, which, frankly, is a concerning  
14 sign.

15 Next slide.

16 COMMISSIONER MEYER: Mr. Chairman, a question  
17 on this Slide 12.

18 CHAIRMAN KIMBLE: Sure.

19 COMMISSIONER MEYER: I didn't want to let  
20 Mr. Noble down. So this slide here, 12, is the data  
21 for all people that you polled, right?

22 MR. NOBLE: Correct.

23 COMMISSIONER MEYER: Democrats, Republicans,  
24 and independents?

25 MR. NOBLE: Yes.

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1 COMMISSIONER MEYER: Do you have this  
2 information for just independents?

3 MR. NOBLE: Yes, I can do that. Sydney, my  
4 colleague from the research company, is here and she is  
5 taking a copious note right now to grab that and we can  
6 send that to you after the presentation.

7 COMMISSIONER MEYER: I think that would be  
8 really interesting data.

9 MR. NOBLE: Yeah, absolutely. And I suspect  
10 you'll see that move more so --

11 COMMISSIONER MEYER: Thank you.

12 MR. NOBLE: -- will be my suspicion.

13 Oh, thank you. Yeah. I'm going to be here  
14 for a bit.

15 Great question. Appreciate it. Yes, we have  
16 that. And if there's any other stuff too as we go,  
17 we'll just make notes of it and we can circle back with  
18 that extra data or extra analysis.

19 But anyway, so that last section of what we  
20 went through, just looking at some of the overall  
21 items -- okay, key takeaways. I went through a bunch  
22 of data. What does this all digestively mean is that  
23 Arizonans are restless and they're also ready to vote,  
24 so that's good, but voters have conflicting emotions.  
25 They're hungry for compromise in value ideas over

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1 party, but they distrust -- the distrust for the other  
2 side of the aisle is high. Again, that's that  
3 hyperpartisanship. And they want leaders who will  
4 confront opponents, but not go too far. And a debate  
5 that lets candidates contrast their ideas and showcase  
6 their character would benefit the electorate.

7 And I thought that was interesting. It was  
8 kind of fortuitous, the results. Based on all those  
9 answers, the -- kind of the conclusions was like, well,  
10 it's like they want to see a debate, but a debate done  
11 that's not a bunch of like mudslinging and zippy  
12 one-liners, where they're actually talking about the  
13 issues and actually trying to find solutions. So I  
14 thought that was fortuitous.

15 COMMISSIONER PATON: But they've -- they've  
16 not voted in any moderates on either side, so you're  
17 not going to get much compromise.

18 CHAIRMAN KIMBLE: Excuse me. Someone is  
19 speaking without a microphone on? I don't know who it  
20 is.

21 COMMISSIONER PATON: That was me, Paton.

22 CHAIRMAN KIMBLE: Okay. Commissioner Paton.

23 COMMISSIONER PATON: I was just saying that  
24 there's -- the electorate has eliminated moderates on  
25 the right and the -- Republicans and Democrats, and

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1 those are the ones that would compromise. So I think  
2 the public is delusional, because they want something  
3 but then they don't want that, you know.  
4 MR. NOBLE: Yep.  
5 COMMISSIONER PATON: So that's the -- that's  
6 the conundrum that we're all facing.  
7 MR. NOBLE: That's the current issue,  
8 frankly, right now is the primary process. But that's  
9 why you're going to have on the ballot this year the --  
10 not only -- one option will be for open primaries,  
11 there will also be another one for closed primaries.  
12 One goes one direction, one goes very much the other  
13 direction, but that's the current systemic issue.  
14 To give you a good idea why that is, frankly,  
15 is that -- so like, for example, the Republican  
16 electorate in the state, it's probably about 70 percent  
17 of them are conservative, kind of more harder right  
18 Republicans. And then about 30 percent of them are  
19 moderate, so these are kind of more your  
20 business-minded Republicans, your McCain Republicans,  
21 kind of more that -- you know, more higher educated  
22 affluent wing of the party, but they're only about  
23 30 percent of them. And kind of -- it's not as  
24 drastic, but on the Democratic side that's why -- at  
25 least in the current primary system that's why you're

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1 seeing more hard right candidates come out, because on  
2 a one-to-one basis the moderate candidate has a tougher  
3 time to get elected unless there's like two or three  
4 conservatives or two or three liberals and then there's  
5 enough of a lane for a moderate to run through. That's  
6 the issue I was seeing with the primaries.  
7 COMMISSIONER PATON: Thank you.  
8 MR. NOBLE: Yeah, if anyone was curious.  
9 All right. Key issues, this is going to be  
10 fun. So this is great. Arizona Clean Elections, I  
11 think, has the most robust and actually interesting  
12 issue breakdown among Arizona voters than actually  
13 anybody else in the state. And I'm on record right now  
14 saying that, so you can take that to the bank. So key  
15 issues, let's go into basically why -- why that's the  
16 case. So that's just not fluffery over here. This is  
17 a fact.  
18 So we did this really interesting way --  
19 because, again, one of the objectives was like, okay,  
20 we really want to understand the issues among voters,  
21 right. But, okay, here is the thing about issues.  
22 It's really tough because there's a lot of issues out  
23 there. And another thing is, what issues are prevalent  
24 at that time.  
25 Perfect example, Roe v. Wade. Abortion

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1 wasn't an issue for four decades. And if you look  
2 at -- if you look at Gallup's tracking of the issue  
3 over the decades, pro-choice, pro-life people, their  
4 opinions basically don't change. You'll see people  
5 change on the economy, immigration, these other ones.  
6 Pro-choice, pro-life didn't change because that was  
7 just kind of the law of the land, it was accepted. And  
8 then Roe v. Wade came out of nowhere and goes, oh, by  
9 the way, we're throwing this out. It's all going to go  
10 down to the states to go decide this. All of a sudden  
11 abortion, which wasn't an issue for four decades,  
12 became an issue.  
13 So all these different issues, everything  
14 else. So how we went about our multi-layered approach,  
15 we wanted to allow people to select from 50 each -- 50  
16 issues, each of which were slotted into larger  
17 categories. For example, someone could select jobs and  
18 the economy, taxes, or jobs and economy, gas prices.  
19 Because when we say jobs and economy, that's pretty  
20 broad, and you'll see that on surveys. So, again, not  
21 just their overall bucket, so where they are, but then,  
22 you know, that next tier down or that sublevel down to  
23 see where that is to kind of get more granular into the  
24 specific issues. Because, again, jobs and economy,  
25 incredibly broad area.

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1 So that multi-stage question we used, it  
2 was -- allowed people to select as many issues as they  
3 want at first. So we first started off with, all  
4 right, what are all the things that you want to know  
5 about, like what are they overall just curious about.  
6 And then we require them to pick their top three issues  
7 of what they want to know more about. So like, hey,  
8 pick your top three. And then lastly, what's your  
9 single most important issue, and this is kind of your  
10 need to know. So want to know, want to know more, and  
11 then, all right, this is my number one. And this one  
12 I've got to know it, I've got to have it, I want to  
13 hear about it.  
14 So this allowed us to get a sense of what  
15 people want to know about in general, so for -- when  
16 picking your topics, everything else, we know about in  
17 general, but then also what they want to know about  
18 most. And we also broke this data down by likely  
19 voters and likely primary voters from each party. And  
20 this is truly unique, most surveys do not get this much  
21 in detail, and we even took it one step further.  
22 Besides the 50 buckets -- I'm like, okay, I  
23 think we covered it all, but we even added an  
24 open-ended section as well. So let's say there -- of  
25 the 50, there was an issue that maybe we didn't grab or

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1 put on there that would bubble up. You know, we'd put  
2 that in there as well to make sure we captured it.  
3 All right. Next slide.  
4 So these were the -- so this next section  
5 we're about to go through, these were the 12 categories  
6 a respondent could choose issues from. Remember, these  
7 are the 12 categories; each of them have subcategories.  
8 Remember that previous example, like jobs and economy,  
9 you have taxes, gas prices, inflation, et cetera. But  
10 anyways, these are the 12 overall categories besides  
11 their subcategories.  
12 Next.  
13 All right. So we'll start from the top of  
14 the cone, we'll work our way down. When asked to  
15 select any that apply, the top issue selected for  
16 registered voters and likely voters were actually jobs  
17 and economy, education, and healthcare were your top  
18 three. When they're asking, hey, select all that apply  
19 among these issues, where they ranked, but the top  
20 three were jobs and economy, education, healthcare.  
21 And you could probably even say at tier two there's  
22 immigration and abortion, followed not too far away by  
23 housing, government corruption and waste, and gun  
24 policies and elections, elections is up there as well.  
25 And the blue and yellow line basically

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1 delineate between blue is for likely voters, yellow is  
2 for registered voters. And you're probably saying,  
3 hey, there's not like a massive difference between the  
4 red and blue. Well, you're right because -- if this  
5 was a midterm, I think you would see more of a change,  
6 because with this election right now it's going to be  
7 high turnout kind of no matter what we're seeing  
8 because, again, it's a presidential year. So your  
9 difference between your overall population and your  
10 likely voters, remember, overall population, eight in  
11 10 are going to be voting likely in this election. So  
12 anyways, so you'll see some nuanced differences there.  
13 Next.  
14 All right. So top three. So when asked to  
15 select your top three of these, registered voters  
16 and -- registered voters and likely voters push  
17 abortion to the top. So a good example of this -- of  
18 why asking this and how the question is asked -- okay,  
19 select all that apply. Yes, they're going to select a  
20 lot of stuff. Okay. What are your top three, now,  
21 respondents were asked. Abortion just pushed its  
22 way -- it went from, what, fourth to now first.  
23 Interesting. And primarily driven by females, by the  
24 way, female demographics. And while jobs and economy  
25 drops to second for registered voters and for the --

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1 and third for likely voters.  
2 So it's interesting. When we're talking  
3 about some of these driving issues, abortion is going  
4 to be a pretty important issue and a very talked about  
5 issue. It was already important last election, but  
6 it's even more so now. And you notice there's a --  
7 kind of a big drop with healthcare and education and  
8 gun policies, housing compared to some of these --  
9 those top three that we found.  
10 Next slide.  
11 So when we asked people about their single  
12 most important issue, all right, what is the one that  
13 you want to know about, and then -- and then the  
14 question was phrased, finally, which is the most  
15 important issue for you to know a candidate's position  
16 when you are deciding how you will vote. Abortion and  
17 immigration were actually tied in first, interesting,  
18 because I would say those are kind of more social  
19 issues, compared to jobs and economy, more fiscal  
20 issues. Interesting how abortion and immigration, but  
21 abortion kind of being driven a little bit more from  
22 blue team side, where immigration kind of driven a  
23 little bit more from the red team side. But then jobs  
24 and economy, number three.  
25 But you notice there some of these really

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1 dropped off the list. Like, you know, when you have to  
2 say, hey, pick one, like infrastructure, that drops  
3 really far down on the list. Environment or public  
4 safety, you know, when you're having to actually pick  
5 with your -- you know, what's your main one, it's  
6 usually -- right now the two social issues are right up  
7 there and then kind of your -- kind of more your needs  
8 of jobs and economy and healthcare. So interesting.  
9 But next slide. This gets fun.  
10 All right. So registered voters and likely  
11 voters have similar top issues; however, there's slight  
12 variation in specifics. So I was showing kind of those  
13 broad overall categories. Remember, we have those  
14 subcategories. Well, interestingly, what were the top  
15 five amongst registered voters and likely voters. So  
16 among registered voters it was immigration, but  
17 specifically border security was number one. For  
18 infrastructure, it was actually number two, but that's  
19 broadband accessibility and cybersecurity. That was  
20 number two. And then abortion, but whether the  
21 candidate calls themselves pro-life or pro-choice. So  
22 a candidate's position on abortion, very important to  
23 Arizona's voting electorate. And then healthcare, but  
24 more specific to drug addiction treatment programs.  
25 And then jobs and economy, more specifically to taxes

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1 than anything else. And that's among the registered  
2 population.  
3 But then when we look over at the likely  
4 voters, you see a little bit of differencing in order  
5 of prioritization. Yes, the top two are the same, but  
6 for abortion it was laws regarding abortion access  
7 compared to the candidate's stance. So, remember,  
8 those folks that are potentially voting compared to the  
9 ones that are definitely voting, you notice one wanted  
10 to know more specifically regarding the policy compared  
11 to, hey, probably more so of like, you know, maybe  
12 overall where they're at on the issue, so they wanted  
13 to know more pointedly where that was at. And then  
14 jobs and economy among likely voters, state regulations  
15 was actually a more important one. And then whether  
16 the candidate calls themselves pro-life or pro-choice,  
17 that actually was fifth in the numbers.  
18 All right. Next slide.  
19 COMMISSIONER MEYER: So, Mr. Chair, I have  
20 another question.  
21 CHAIRMAN KIMBLE: Yes, Commissioner Meyer.  
22 COMMISSIONER MEYER: So I'm trying to make  
23 this data make sense. If I look at Slide 20, I see  
24 infrastructure as the number two issue among these  
25 voters. But if I go back to Slide 19, infrastructure

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1 is at 2 percent and if I go back to Slide 18  
2 infrastructure is at the bottom, although it looks like  
3 it should maybe be second from the bottom at 7 percent.  
4 So how does that data -- how does that shake out where  
5 it polls so low on 18 and 19 and then it becomes the  
6 second -- second-most-popular issue.  
7 MR. NOBLE: That's a great question. I don't  
8 have my sheets in front of me right now to deduce the  
9 problem right there, but what I can do is look into it  
10 and circle back with you all with an answer after this,  
11 if that's all right.  
12 COMMISSIONER MEYER: Sure.  
13 MR. NOBLE: Yeah, but great question. And we  
14 have a lot of data on these charts, but, yeah, I'll  
15 look into that and come back to an answer with you,  
16 because if not, I'd be -- I want to make sure I get you  
17 the facts on it.  
18 COMMISSIONER MEYER: Yeah. And like the next  
19 two slides as well I sort of have the same question.  
20 MR. NOBLE: Yeah. No, definitely.  
21 Absolutely.  
22 And there was one that -- so first off, this  
23 next slide over here -- sorry, next. That one. All  
24 right.  
25 So Democrats are -- so looking at top issue

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1 by category for Democrats, and this is that -- their  
2 most important issue, so them selecting one, Democrats  
3 are concerned with abortion generally, but state  
4 regulation, fraud/corruption are the next two, but then  
5 a candidate calling themselves pro-life, pro-choice are  
6 important individually to them as well.  
7 So looking at just the 12 buckets that are  
8 there -- remember, these are the 12 aggregated  
9 buckets -- these are where they rank up. So abortion,  
10 very much the most important issue among Democratic  
11 voters in the state, and then healthcare, jobs and  
12 economy, gun policies, number four, and then housing  
13 and education, and then followed by environment.  
14 And then when we look at their top ranking of  
15 their top five, so what they're selecting individually,  
16 so of the 50 options, jobs and economy or state  
17 regulations was the highest individual one selected  
18 among registered voters, and then government fraud and  
19 corruption, abortion, whether a candidate calls  
20 themselves pro-life, jobs and economy, so encouraging  
21 businesses to come to Arizona, and then healthcare on  
22 the behavioral and mental health programs were more  
23 specific.  
24 The next slide.  
25 And this is one that -- and this is one that

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1 I have to look at afterwards, just a quick call out.  
2 On the Rank 1, I'm almost positive that number is not a  
3 hundred percent, because the highest of any one  
4 selected was 70 percent between the three respective  
5 parties. And so I just want to flag that. I wish I  
6 would have caught that sooner. But I will be looking  
7 at that one and make sure to get that updated, besides  
8 looking at those previous slides.  
9 So Republicans are concerned most with  
10 immigration as a main topic; however,  
11 broadband/accessibility/cybersecurity, border security,  
12 and electric vehicle issues are important individually.  
13 And so immigration, though, hands down number one.  
14 Immigration we've seen last time, this time.  
15 Immigration is the number one issue for Republicans.  
16 Basically in the Republican primaries it's almost like  
17 going to be a requirement that they have a border ad or  
18 some border-type -- you know, tough on border security  
19 issue or marketing material, because that is the  
20 number one issue among Republicans driving them,  
21 especially in the primaries, is immigration.  
22 Number two is jobs and economy and then three is  
23 abortion and then four is government waste --  
24 corruption and waste. But you will predominantly hear  
25 Republicans talk about immigration probably and then

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1 mostly about jobs and the economy will probably be the  
2 top two.  
3 COMMISSIONER PATON: I have a question.  
4 MR. NOBLE: Yes.  
5 COMMISSIONER PATON: I have a question.  
6 CHAIRMAN KIMBLE: Oh, yes,  
7 Commissioner Paton.  
8 COMMISSIONER PATON: So this is about state  
9 elections, correct?  
10 MR. NOBLE: This is about -- for primary  
11 statewide, yeah.  
12 COMMISSIONER PATON: So it's not really a  
13 state -- it's a federal thing, immigration.  
14 MR. NOBLE: Yeah, it's federal.  
15 COMMISSIONER PATON: I mean, so what do they  
16 want from these candidates? There's not much they can  
17 do about immigration, I guess.  
18 MR. NOBLE: Yeah. I mean, on the U.S. Senate  
19 level, absolutely.  
20 COMMISSIONER PATON: Well, but I -- okay. So  
21 it's about feds as well?  
22 MR. NOBLE: Yeah.  
23 COMMISSIONER PATON: Okay.  
24 MR. NOBLE: Well, everything that's going to  
25 be on the ballot -- by the way, Arizona is arguably the

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1 most important state of the 50 states this year when it  
2 comes to our elections coming up and what the national  
3 implications are. Arizona is actually projected to be  
4 number two in the country for most amount of political  
5 broadcast dollars spent in the country, about  
6 \$820 million, just behind California. And the only  
7 reason California is ahead of us, their median market  
8 is three times the price of our market to buy ads, and  
9 they also have a U.S. Senate race. And given they're  
10 one of the largest economies in the world, it's  
11 basically like running a presidential race, and so  
12 incredibly expensive.  
13 But Arizona is actually number two for  
14 broadcast spend. Why? We're incredibly competitive.  
15 Not only is the road to 270 likely to run through  
16 Arizona, the map, Arizona is only one of four tossup  
17 states on the presidential map since Florida has moved  
18 a little bit to the right in recent years, and that has  
19 moved that map to 270. Arizona may, in well fact,  
20 actually decide who sits in the White House. Even with  
21 as few electoral votes as we have, our 11, we actually  
22 will -- could actually decide who sits in that White  
23 House.  
24 And for U.S. Senate, with the balance of  
25 power of the U.S. Senate 50/50 right now, it's tied,

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1 and where the map is for Democrats, they don't have a  
2 lot of pickup opportunities and they need to hold the  
3 current seats that they have, so Arizona is ground zero  
4 for national. So the stuff we do in Arizona not only  
5 affects us here directly, but I would argue that  
6 Arizona has never been more important, their vote on  
7 these federal races.  
8 Sorry, that's my -- I've looked at this stuff  
9 a few times and, you know -- but it's crazy, yeah,  
10 Arizona is at its apex. So like the stuff we do -- so,  
11 yeah, you're right, we have the statewides, sure, but,  
12 you know -- okay, your statewides suffer, who's sitting  
13 in the Oval Office or who's controlling the upper  
14 chamber in Washington, I think that's a pretty big  
15 deal. It's a pretty big responsibility.  
16 So this next one, so on -- oh, lastly on the  
17 Republican one, just because of that one, because I  
18 caught it on the way here, was basically -- the  
19 number one issue for them was immigration, border  
20 security, it was like 70 percent of people,  
21 infrastructure, such as electric vehicles, charging  
22 stations, tax incentives was number two, abortion,  
23 whether the candidate calls himself pro-life,  
24 pro-choice, education was teacher pay, and  
25 infrastructure, improving roads, bridges, utilities.

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1 But I will look at those and update the deck and send  
2 it back to you all with all the other stuff that I owe  
3 you.  
4 And then with independents now, so -- and by  
5 the way, I'm going to say, independents, big air quotes  
6 for independents, all right. Independents are -- they  
7 are not truly independent. I would say that, based on  
8 all the research we've done, it's about 32 percent of  
9 Arizona's independent electorate are actually leaning  
10 Republican and then there's about 27 percent that lean  
11 Democrat. So roughly half of independents are actually  
12 not really independents, they're actually a Republican  
13 or a Democrat that just don't have the designation, but  
14 they still lean to those respective parties.  
15 So when you look at independents, or true  
16 independents, I like to call them, it's basically  
17 50 percent of that independent voting universe, or  
18 roughly one sixth of the electorate. So true  
19 independents, about 16, 18 percent of the total  
20 electorate. But anyways, independents as a whole --  
21 just know that independents as a whole, they're not all  
22 truly independent, so know that you have a quarter of  
23 partisans and then actually half that are actually in  
24 there.  
25 Anyways, abortion is the most important issue

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1 category for independents; however, taxes and the  
2 results of the 2020 election and drug addiction  
3 treatment programs are topics of specific interest to  
4 them. So that's pretty interesting. But you notice  
5 that abortion, jobs and economy, much higher;  
6 immigration lower among independents, but obviously  
7 higher among the likely voting class. But when you  
8 look at those direct more specific issues, results of  
9 the 2020 election, that's important to voters. They  
10 want to know about that, where people sit on that  
11 issue. And then drug addiction treatment programs,  
12 electric vehicle charging incentives, and then public  
13 safety, body cameras for all departments of public  
14 safety officers, and then taxes.  
15 Next.  
16 All right. There's a lot of data there, got  
17 to make it easier, right, so put it in here for ranking  
18 of the items is that -- just to make it easier, so from  
19 your left to right you've got your registered voters,  
20 likely voters -- remember, not a big deviation between  
21 the two -- and then you have your red team, blue team,  
22 and then your, quote, unquote, independent team.  
23 And so abortion and immigration may vary  
24 between the first and second of their positioning;  
25 however, jobs and economy remains third, and healthcare

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1 is also a consistent issue, with gun policies,  
2 government corruption, and housing varying between  
3 demographic groups. So when you look at, hey, let's  
4 list up our top five, this is where we're at with some  
5 of the top issues.  
6 All right. Next slide.  
7 All right. Key takeaways here was that  
8 abortion, jobs and economy, and immigration matter the  
9 most to Arizona voters. So if you're going to pick  
10 your three, those appear to be your top three, but the  
11 top issue for each party varies. Immigration is the  
12 most important to Republicans and abortion is the most  
13 important to Democrats and independents, actually. And  
14 so candidates who push messaging on the specific issues  
15 selected with its broader category will fare well with  
16 their respective electorates.  
17 All right. Key issues.  
18 Is it lunch yet? What are you ordering me,  
19 Tommy?  
20 MR. COLLINS: Well, I do want to -- do you --  
21 THE COURT REPORTER: I'm okay. Thank you.  
22 MR. COLLINS: I do want to make sure our  
23 court reporter doesn't -- and if you do need to take a  
24 break, with the Chairman's indulgence, we could do  
25 that.

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1 MR. NOBLE: I could -- I need to zip through  
2 this. I have a -- I have a whole coordinated -- I have  
3 a whole planning thing from noon to 5:00 today.  
4 MR. COLLINS: Okay. Whatever you need to do,  
5 is what I'm trying to say.  
6 MR. NOBLE: I need to get through this.  
7 And so -- sorry. Key issues. So this one,  
8 policies in their own words, so we asked open-ended to  
9 folks. And that Arizonans care most -- care about  
10 water almost as much as other key issues. That just  
11 wasn't one we had in our bucket, but, again, that's why  
12 we have the open-ended question, for people to put it  
13 into their own words.  
14 And so when we did the count up of the values  
15 -- so when asking them open-endedly, without giving  
16 them 50 options and all this stuff to go through,  
17 housing and rent was number one, economy, inflation  
18 number two, border, immigration number three,  
19 homelessness is number four, and then water, which is  
20 crazy, water was right next there to taxes.  
21 Interesting. Taxes is usually a more prevalent issue.  
22 But when prompted to mention their primary concerns in  
23 their own words, Arizonans predominantly mentioned  
24 housing and economic issues, with border and  
25 immigration being almost as important. But notably,

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1 the common issue Arizonans mentioned that was not  
2 included as an option in the key issues question is  
3 water, with 78 mentions. And we do live in a desert,  
4 so it makes sense.  
5 Next slide, please.  
6 So I was trying to show them, like water  
7 issues, what were they saying in their own words, kind  
8 of give a little demographic breakdown of their group  
9 as well, so kind of give you a little -- so not just  
10 hearing the words or the voice, seeing that, you know,  
11 demographic persona to try to get an idea where this  
12 person --  
13 So a Maricopa County voter that was an  
14 independent female, 65 years of age or older, said,  
15 water shortage for the -- this area -- for this area in  
16 the future. Can't afford all these big companies that  
17 need lots of water when they don't have enough for  
18 people to use themselves. Her opinion.  
19 In Yuma County, Democrat, male, younger age,  
20 18 to 34, my area is an extremely hot climate, so it  
21 will be one of the first hit and hardest by water  
22 shortages. And then several others, yeah. One just,  
23 water, water, water with it. So, anyways, water is an  
24 important issue.  
25 Next slide.

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1 Immigration issues in respondents' own words,  
2 probably stuff you expect. Immigration is out of  
3 control and needs to be addressed immediately, that's  
4 from a Republican, older male Republican down in Pima  
5 County.  
6 And then more of a middle-aged independent  
7 male in Maricopa County, immigration is the most  
8 important thing in this country. It decides exactly  
9 how we're going to live in the future.  
10 And then a Mohave County Republican female  
11 that's older mentioned that I want to know that they're  
12 going to address border immigration for the safety of  
13 our country.  
14 Next slide.  
15 All right. Housing and homelessness issues  
16 in their own words is that housing costs are out of  
17 control, forcing many people in the homeless category.  
18 We hear more about homeless encampments and then about  
19 the costs or affordability of, you know, whether it's  
20 for an apartment or a home, and college graduates can't  
21 afford to move out of their parents' homes.  
22 Homelessness is increasing due to gap in pay versus  
23 home costs. Home costs have risen well above normal  
24 inflation. Again, that person reads their news.  
25 And so economy and inflation in their own

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1 words. Consumer/food prices being rather high, as well  
2 as -- which is fueling higher inflation. So food cost  
3 increase.  
4 Wages, you know, wages not keeping up with  
5 inflation, another one from a Democrat female,  
6 middle-aged, from Pima County said that.  
7 And then gas prices are too high and hurting  
8 everyone financially. Inflation is hurting everyone.  
9 I ran this about a month or so ago. I hear  
10 that we're about to hopefully cross and go under the \$3  
11 threshold for gas.  
12 COMMISSIONER PATON: In Tucson it is.  
13 MR. NOBLE: Really?  
14 COMMISSIONER PATON: Yeah.  
15 MR. NOBLE: See, it's getting better.  
16 So key takeaways on the open-ended portion is  
17 that, when given a chance to write in a top issue,  
18 Arizonans, for the most part, responded with issues  
19 that were already included in the key issues questions,  
20 so things we already kind of knew about; however,  
21 again, that's the reason we ask it, we don't know  
22 unequivocally or emphatically. So we caught one that  
23 wasn't in that range of numbers -- or, range of options  
24 given, so we wanted to make sure that we didn't miss  
25 anything. So with water, which, again, was mentioned,

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1 you know, just as much as taxes, frankly, so pretty  
2 important. So water, important issue to voters. And  
3 then housing, rent, economic issues, and homelessness  
4 matters to voters. And then national issues, such as  
5 immigration, abortion, have a distinct local dimension  
6 to Arizonans.  
7 Next. We have two sections left and then  
8 you're free.  
9 All right. So we've got -- first we'll just  
10 go through the regional breakdown and then we're going  
11 to just chat about the -- finally, the right channels,  
12 so like messaging and where voters are getting their  
13 information, the best way to kind of communicate with  
14 them with that, and then we'll be wrapped up. But this  
15 is the bulkier of this section.  
16 So regional breakdown, we have six regions.  
17 And I'm going to go a little quicker through this for  
18 time sake. If you need me to slow down or go back, let  
19 know. And so we broke Arizona down into six regions  
20 using ZIP Code tabulation areas from the U.S. Census,  
21 and here is what each region looked like and what key  
22 issues came up in each.  
23 So when we're talking about these, just kind  
24 of give you a visualization, so we're talking north  
25 Phoenix, the area that is encompassing that, so you

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1 kind of have your Fountain Hills, Cave Creek, north  
2 Scottsdale, part of your northeast urban -- suburban,  
3 urban area of Phoenix.  
4 And then south Phoenix, southeast Phoenix, so  
5 kind of like -- basically took the Valley, broke it  
6 into four parts. And again, making sure where you cut  
7 some of those lines, because there's some affluency and  
8 also demographic differences between, let's say, ethnic  
9 populations as well. So I think we cut it probably  
10 the -- probably the best way you can for four. So  
11 north Phoenix, south Phoenix -- or, southeast or East  
12 Valley, and then your west Phoenix. And then you've  
13 got your Pima/Tucson area.  
14 And frankly, rural, people ask me all the  
15 time, well, what about northern rural, southern rural.  
16 In my experience, rural is kind of -- I don't really  
17 see much of a difference between northern and southern  
18 rural. Geographic density matters most, not so much if  
19 you're in the northern or southern part of the state.  
20 If you're rural, that's what matters more, frankly.  
21 So, anyways, our six regions, and they're all very  
22 different.  
23 All right. So top issue regarding them, so  
24 starting from the top of the cone, what was their --  
25 the most important issue for these candidates there.

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<p>1 So on these charts we're going to put that region, what 2 that number was on the region, so if that number is -- 3 and this one in particular is in red for north Phoenix. 4 The yellow is registered voters, so that just gives 5 you, then, a comparison point so you can see like, 6 okay, is this above importance compared to the overall 7 electorate of the state or is it below importance, so 8 you can see which issues are driving outside the norm 9 of the electorate.</p> <p>10 So abortion, more important here compared to 11 the overall electorate as a whole, but also 12 immigration. Jobs and economy, a little bit less 13 important compared to the electorate as a whole, and 14 followed by healthcare, education, and elections. But 15 mainly abortion, immigration, jobs and economy are the 16 top ones there.</p> <p>17 Next slide.</p> <p>18 You'll notice public safety is only 1 percent 19 over there.</p> <p>20 So looking at this north Phoenix, the top 21 three needed. So when they picked their top three it 22 was abortion, whether the candidate calls himself 23 pro-life or pro-choice is going to be important for 24 debates in that region. This is what the population 25 wanted to know about. Immigration, border security,</p>	<p>1 south of the Valley. And then abortion, not as 2 important, a little less important than the electorate 3 as a whole. But also, education and housing, much more 4 important than the electorate as a whole, which -- 5 again, these demographic or geographic differences, 6 again, very different compared to, let's say, north 7 Phoenix that we just looked at. So, again, very much 8 different issues that are driving them. These are more 9 pocketbook issues, less on the social issues.</p> <p>10 Next.</p> <p>11 Top three -- so back in 2022, gas prices was 12 number one. This time it's taxes, but still jobs and 13 economy. And then healthcare, that was number two back 14 in 2022, that's been replaced by abortion. And then in 15 south -- the folks in -- the voters in south Phoenix, 16 actually more curious about the laws regarding abortion 17 access, so more of the specifics on that. And 18 number three back in 2022 was education, more funding 19 for supplies and technology. It's still education, but 20 they're a little more concerned about teacher pay this 21 time around compared to the supplies and technology.</p> <p>22 Next slide.</p> <p>23 All right. Southeast Phoenix is a big area. 24 So southeast is kind of your Mesa, Chandler, Gilbert, 25 East Valley portion. It's pretty large. And so</p>
<p>Page 75</p> <p>1 and jobs and economy more so on taxes. 2 And then compared -- how that compared to 3 2022, well, it changed a little bit. And this is why 4 it's important we do this. It's not like these issues 5 stay monolithic in voters' minds is that -- remember, 6 jobs and economy was actually number one, and that was 7 gas prices. Remember, gas prices were going crazy at 8 that time. But now, you know, gas prices have gotten 9 better, but also abortion is still an outstanding 10 issue, right. So you notice where that -- where that 11 changed up. So abortion, very interesting, changing 12 that. Immigration is still number two, though, there, 13 but then you also see that 2022 healthcare was higher 14 up, and so, of course, affordability of prescription 15 drugs, which was talked about a lot during that 16 election, I think still talked about, because I still 17 don't think they've fixed it. They're close.</p> <p>18 Next slide.</p> <p>19 So, again, you see a little bit of a change. 20 So southeast Phoenix -- or, southeast -- south 21 Phoenix -- so south Phoenix, so this group, jobs and 22 economy is the most dominant or most important one. 23 You see it greatly outperforms the electorate as a 24 whole by about 4 whole percentage points. So jobs and 25 economy, much more important to the south Phoenix or</p>	<p>Page 77</p> <p>1 basically what we have here is that -- immigration, 2 number one. So with this southeast Phoenix metro area, 3 immigration, number one, about 6 points higher than the 4 electorate as a whole. Abortion, about on par with the 5 state's electorate. Jobs and economy, same thing, and 6 not many changes there. Actually, housing was less of 7 an issue for the southeast Phoenix folks compared to 8 the electorate as a whole, so they're not feeling that 9 pain point as much or it's not as much of a concern to 10 them. But you can kind of see social issues really 11 driving that southeast Phoenix region, which is 12 interesting.</p> <p>13 Next slide.</p> <p>14 All right. Top three of needed topics. Last 15 time it was jobs and economy, gas prices; this time, 16 immigration, border security. Last time it was 17 education at number two for teacher pay; this time it's 18 abortion, whether the candidate calls him or herself 19 pro-life or pro-choice. And then finally, healthcare 20 was number three back in 2022, affordability of 21 prescription drugs; this time replaced with jobs and 22 economy and gas price. So a bit of changing of the 23 issues, a little bit of ordering of -- difference in 24 priorities.</p> <p>25 Next.</p>

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1 West Phoenix. All right. This is our third  
2 or fourth one. We're almost there. And top issue with  
3 west Phoenix, so this is the whole West Valley area, so  
4 you've got your Glendale, Peoria, you know, Surprise,  
5 Sun City, Avondale, Glendale, so your whole West Valley  
6 area. And basically, immigration, number one there, a  
7 little bit higher than the electorate as a whole.  
8 Abortion, but a little less than the electorate as a  
9 whole, a few points under. But jobs and economy, a  
10 little bit higher up. But healthcare and, what I  
11 thought was very interesting, gun policies. I thought,  
12 of the specific regions, the West Valley actually  
13 scored the highest of gun policies compared to the  
14 other regions. I know it's very suburban over there in  
15 that West Valley, so interesting. Education, again,  
16 not many other big differences from the electorate as a  
17 whole.

18 Top three, next slide.

19 So last time it was jobs and economy and gas  
20 prices was the top issue; this time, move over jobs and  
21 economy, gas prices, say hello to immigration and  
22 border security. And then last time it was healthcare,  
23 affordability of prescription drugs; this time it was  
24 abortion, whether the candidate calls himself pro-life,  
25 pro-choice. And then last time it was education,

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1 teacher pay; this time, jobs and economy and taxes.  
2 So, again, kind of a swapping out of the  
3 things that were really important during COVID. You  
4 know, COVID, you had a, what, a hundred-year pandemic  
5 going on, and then you also had, oh, wait, we shut down  
6 the economy, which I can't -- I don't -- that hasn't  
7 happened in my lifetime. I didn't know you could do  
8 that. And so when you had those two things going,  
9 those were obviously very much driving those issues at  
10 that point. It's been a few years since that's  
11 happened, and people are kind of normalizing. So when  
12 things get normal on certain ones, other issues take  
13 their place, as we're seeing.

14 Next slide.

15 So, all right, Pima and Tucson area. As you  
16 can expect -- and by the way, Pima/Tucson, of the  
17 regions -- of all the regions we have, that's the most,  
18 I'd say, Democrat or left-leaning of the six regions,  
19 and knowing that composition a little bit explains a  
20 little bit more why they picked their issue choice they  
21 did. They had abortion, actually, as number one for  
22 their issues. Immigration, number two. Jobs and  
23 economy, number three. And then healthcare,  
24 number four, with gun policies and then environment at  
25 six, which, by the way, I think that is the highest

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1 that environment clocks in at is actually this region  
2 compared to the other five regions. Probably not as  
3 big of a surprise.

4 Next slide.

5 Again, just demographics, you know, how old a  
6 population is, what's their ethnicity, what's their  
7 country of origin, education level, you know, how --  
8 you know, college educated, non-college educated. I  
9 mean, it makes a difference with these demographic  
10 groups that -- they will have different priorities.

11 So, looking at their top three, last time it  
12 was jobs and economy, gas prices was number one for  
13 them; this time, move over, hello abortion, and they're  
14 more specifically interested in the laws regarding  
15 abortion access. Number two was healthcare back in  
16 2022, but now it's immigration, specifically border  
17 security. And then this time, education -- or, last  
18 time was education, teacher pay; this time was more  
19 jobs and economy specific to unemployment, taxes,  
20 minimum wage, and gas prices.

21 So next slide.

22 Rural. So rural is 13 of our 15 counties in  
23 the state, but they make up roughly 24, 25 percent of  
24 our total electorate and like 80 percent of our  
25 geographic area. They're about 25 percent of the size

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1 of the group. But this group typically leans a little  
2 different. And so basically abortion was actually --  
3 they were right on par with the state as a whole with  
4 abortion. Immigration, a little more important. Jobs  
5 and economy, more important to this group, but also  
6 healthcare did strong. But what was interesting,  
7 compared to some of the others, government corruption  
8 and waste clocked in stronger here compared to the  
9 other regions. And then also housing, a bit of an  
10 issue as well.

11 Next slide.

12 All right. Top three. Last time in that  
13 area, jobs and economy, gas prices; this time, abortion  
14 still leading the charge. And again, when that -- when  
15 they select that option, whether the candidate calls  
16 himself pro-life or pro-choice. Again, they could  
17 lean either way on that issue, but, again, that's  
18 something these voters really want to know about, about  
19 where these candidates stand. And then healthcare,  
20 last time it was affordability of prescription drugs;  
21 this time, immigration, border security. And then last  
22 time, immigration, border security, swapped out with  
23 jobs and economy, gas prices. So, again, you see a bit  
24 of a reordering there, basically the dropoff of the  
25 COVID items, and you see these social issues,

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1 immigration and abortion, but still economy remains  
2 present.  
3           Next slide.  
4           So we went through a ton of stuff. All  
5 right. Just to show it kind of more easily with the  
6 rankings. Voters across Arizona are generally on the  
7 same page when it comes to the top issues, probably no  
8 surprise there, but abortion and immigration are  
9 interchangeable for the top two, while jobs and economy  
10 remain third among all regions. So jobs and economy  
11 very much so, but that's where it kind of gets  
12 interesting or changes is, again, especially when we  
13 look at the fourth or fifth issues of the stuff that is  
14 more nuanced to these regional localities.  
15           So I think it gives the Commission a great  
16 capability to customize their debate formats, to have  
17 relevant questions to their audiences, to really get to  
18 what these voters want to know about from these  
19 candidates, and then for you all to be able to deliver  
20 those answers to basically make sure we have a very  
21 educated electorate and they know what they want to  
22 know.  
23           Next.  
24           All right. Key takeaways. Voters across  
25 Arizona are, broadly speaking, interested in the same

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1 set of issues, abortion, immigration, jobs and economy,  
2 but again, there's some nuanced differences there, but  
3 immigration has become a top issue for Arizona voters  
4 in 2023 compared to 2022.  
5           Side note on that. So that's what we saw.  
6 When like COVID made landfall, we saw -- like  
7 immigration, before COVID made landfall in Arizona, one  
8 out of every three Arizona voters said that was their  
9 most important issue in the state, one out of every  
10 three. COVID made landfall, you saw that number drop  
11 like a rock and you saw healthcare come up as more  
12 important because, again, we were dealing with a  
13 hundred-year pandemic, so healthcare became, obviously,  
14 much more of a priority. So, but as -- once we'd  
15 gotten through the COVID portion, you notice that the  
16 immigration issue not only has risen up, but is  
17 currently one of the most important issues in the  
18 state.  
19           So targeting regions with messaging on their  
20 respective specific issues, especially when we get into  
21 the nuances within its category, would be advantageous  
22 not only for candidates, but also for debates because,  
23 last I checked, right message, right audience, that  
24 will put you in a really good position.  
25           Next slide.

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1           My favorite section, right channels. Who  
2 here thinks that broadcast television is dead? Oh,  
3 dang it, there's the result. It's okay. Who all  
4 thinks that broadcast is dead or people don't watch TV  
5 anymore? Anyone? At least three of you in this room  
6 probably believe that, statistically speaking. Okay.  
7 We won't put any on the record. All right. Fine.  
8 Anyways, right channels, where people are watching the  
9 news and hearing debate.  
10           Next slide.  
11           So there's a lot of this stuff you'll hear,  
12 people -- okay, hey, I got -- I got TiVo or whatever,  
13 so I can just -- you know, I just, you know, zoom  
14 through the ads and this, this, that, and the other.  
15 Okay. Debate all you want. So the top news sources  
16 where Arizona voters are getting their information, the  
17 majority of Arizona voters, six in 10, still get their  
18 news from television. So broadcast -- there's all  
19 these other communication forms, right, they're all  
20 effective. Still the number -- the strongest right now  
21 or most effective is still television. So when it  
22 comes to moving the needle, broadcast is still king.  
23 So television, number one, six in 10, so most voters  
24 get it from television. But then you see that social  
25 media and other online sources and official election

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1 materials come the closest to television.  
2           So if you basically look at it, television is  
3 tier one, tier two would be your social media, your  
4 Facebook, Twitter, you TikTokkers in this room, and  
5 then other online sources. Again, online sources are  
6 all the myriad of news outlets and everything else that  
7 folks are able to get to online. But what's also  
8 interesting in that tier two is, official election  
9 materials in the mail or online, so such as voter  
10 guides, state or county websites, so important places  
11 where voters seek that news.  
12           And then kind of your tier three is your  
13 friends and family, so a bit of your word of mouth or  
14 your social circles, and then streaming services like  
15 Hulu or YouTube, and then radio, newspapers, and then  
16 2 percent apparently get it somewhere else.  
17           COMMISSIONER PATON: Osmosis.  
18           MR. NOBLE: Yeah, it just comes to them.  
19           So anyways, so there's that, but it gets more  
20 interesting. Next slide.  
21           So news media consumption by party. As much  
22 as these parties like are at each other's throat,  
23 they're not that different overall when it comes to  
24 news media consumption, their behaviors. So news media  
25 consumption does not vary much by party, but the

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1 ordering of the options remain the same, there's just a  
2 couple small nuanced differences. Arizonans, broken  
3 down by party, get their news mostly from the same  
4 sources, but deviate only in the radio and newspaper  
5 category. You notice in the radio category Republicans  
6 are more apt to consume their news or media through  
7 radio than Democrats. And then it's the inverse of  
8 that for newspapers, where Democrats are more likely to  
9 get their information from a newspaper than  
10 Republicans. But overall they're very much the same as  
11 it comes to their -- where they consume their media.  
12 So they've been pretty hyperpolarized on a lot of  
13 stuff, but not too much on their news consumption  
14 outside of the newspaper and radio deviation.  
15 Next slide.  
16 All right. I guess the million-dollar  
17 question here, how should -- what are the various ways  
18 that campaigns can communicate with voters, please  
19 indicate which of the methods you most often use to  
20 learn more about candidates. So these are all these  
21 ways that candidates go and want to hear about voters,  
22 right. Well, so we asked them -- we were asking these  
23 voters like, okay, so instead of you just being -- you  
24 know, all this stuff coming to you like, hey, how do  
25 you -- how do you indicate that -- what methods you

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1 prefer to learn about these candidates.  
2 Well, the top two were being on television,  
3 57 percent, basically tied with that or statistically  
4 tied with that is watching a candidate debate, hands  
5 down the two. So imagine if they were watching a  
6 candidate debate on television, that would be like the  
7 ultimate. And I feel like you guys might be doing  
8 something like that coming up here this year. And  
9 again, we didn't know the data results prior to this,  
10 right, so that decision -- that stuff was already, you  
11 know, done and in the rearview mirror. So to see these  
12 results, to see that decision, I think -- what, the  
13 broadcasters, right. And so anyways, not bad. So  
14 anyways, a debate on television? Oh, my gosh. That  
15 would be almost like the thing voters would love to  
16 know and probably the most educational thing for them.  
17 Anyways, and then next down on the list is  
18 like conversations with family, conversations with  
19 friends, but also a physical piece of mail. You know  
20 all those people that talk about, oh, the mail. Yeah,  
21 no one reads those. They just go right in the trash.  
22 Okay. Well, I don't know, we hear from voters,  
23 25 percent, it actually ranks number five on the more  
24 effective ways they want to be communicated with. And  
25 then you have newspaper, radio, some of these others on

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1 down.  
2 Apparently, and this might be a sign of our  
3 current society, the last way they want to be contacted  
4 is via telephone call. I know, things have changed. I  
5 love talking to people, as you can hear. And so via  
6 telephone call, look at that, last one is speaking to  
7 the volunteer, poor volunteer, 6 percent. Anyways, so  
8 we look through that -- around that.  
9 So anyways, so how they want to be contacted,  
10 we were able to find out the best modes or ways that  
11 are more effective than others.  
12 Next.  
13 And then the top 10 campaign contact methods  
14 broken down by party, so this is just looking at the  
15 same thing, we're just looking at it by Ds and Rs is  
16 that -- it remains pretty consistent with the greater  
17 electorate. Partisans receive messaging from campaigns  
18 similar to the broader electorate. Conversations with  
19 friends dropped down in ordering when broken down by  
20 party. And the magnitudes of television and debate  
21 remain as strong for partisans as they are for the  
22 general electorate.  
23 But this was a question we kind of had going  
24 into it is that, you know, hey, the communication app,  
25 does that differ between the partisans, you know, like

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1 what impacts does being a partisan -- what does that  
2 have and is there a bigger difference in the  
3 communication. Again, not so much, overall pretty  
4 similar, just some small nuanced differences.  
5 Next slide.  
6 All right. Key takeaways. I don't care what  
7 people tell you, television still dominates, not only  
8 through this data, but plenty of other data out there.  
9 Also, the majority of spending in Arizona will be on  
10 broadcast, and broadcast still is very dominant and TV  
11 is very dominant, you know, for news and campaigns  
12 alike. So this trend remains true for Republicans and  
13 independents alike as well.  
14 And then other mediums are on the rise,  
15 particularly online sources, word of mouth and print,  
16 but it's increasingly important to create debates that  
17 can work on TV, but also are going to reach people on  
18 social media, streaming services, and other online  
19 sources. You know, if they're not able to tune in at  
20 that time, you know, being able to, you know, let's say  
21 have it on YouTube. Having a live stream or something  
22 where they can go pull it up after the fact I think  
23 will help increase reach and penetration and overall  
24 impact for your objectives.  
25 Last slide.

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1 Sorry. I'm good now, but I just had a -- you  
2 know, there was a cold going around a few weeks ago, so  
3 I just have the residuals. I have identical twin boys  
4 that are 4 and a 1-year-old, so that could be something  
5 to do it with it as well.  
6 But key takeaways and actionable insights,  
7 based off everything we went through, it was a lot of  
8 information, I know I'm going to have some follow-up  
9 with you all after this, and I'll be available to  
10 answer any of that, but our big key takeaways and  
11 actionable insights are Arizonans are restless and  
12 ready to vote. So get ready, they're chomping at the  
13 bit, they're hungry for information, and they're going  
14 to be coming out in droves, so let's meet that demand.  
15 And abortion, jobs and economy, and immigration matter  
16 the most to Arizona voters. And then national issues,  
17 such as immigration and abortion, have a distinct local  
18 dimension to Arizonans.  
19 But a debate that lets candidates contrast  
20 their ideas and showcase their character would benefit  
21 the electorate, especially if it was on TV. But  
22 candidates who push messaging on specific issues  
23 selected within its broader category will fare well  
24 with their respective electorates, you know, by party  
25 and region. And it's increasingly important to create

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1 debates that can work on TV, but also can reach people  
2 on social media, streaming services, and other online  
3 sources.  
4 And most importantly, next slide, it's the  
5 most important slide, thank you.  
6 And then there's methodology, stuff like  
7 that, if you guys are interested in that. Anyways, how  
8 did we do?  
9 CHAIRMAN KIMBLE: Very good. Thank you,  
10 Mike. Very comprehensive. I know that you're going to  
11 get back to us with several questions that  
12 Commissioners asked.  
13 Are there any other questions that Members of  
14 the Commission have?  
15 COMMISSIONER CHAN: Mr. Chairman.  
16 COMMISSIONER MEYER: Mr. Chairman.  
17 CHAIRMAN KIMBLE: Go ahead,  
18 Commissioner Meyer.  
19 COMMISSIONER MEYER: No further questions,  
20 but thank you. Really fascinating information. Much  
21 appreciated. Really great job. Thank you.  
22 CHAIRMAN KIMBLE: Yeah, I agree.  
23 Commissioner Chan.  
24 COMMISSIONER CHAN: That was what I was going  
25 to say as well is just thank you to Mr. Noble for the

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1 incredibly detailed and really fascinating insights  
2 into Arizona voters. I think it's going to be helpful  
3 with the debates. I think the way you framed it was  
4 important for us, so thank you.  
5 CHAIRMAN KIMBLE: Yeah, it's going to be very  
6 useful for us.  
7 Any other questions or comments from  
8 Commissioners?  
9 (No response.)  
10 CHAIRMAN KIMBLE: Mike, thank you very much.  
11 We appreciate your time and all the work you've put  
12 into this --  
13 COMMISSIONER PATON: I have a question.  
14 CHAIRMAN KIMBLE: -- and I'm sure we'll have  
15 some more feedback for you.  
16 COMMISSIONER PATON: I have a question.  
17 MR. COLLINS: We have one more question.  
18 CHAIRMAN KIMBLE: Oh, we do? Who?  
19 COMMISSIONER PATON: I have a question.  
20 CHAIRMAN KIMBLE: Who is that,  
21 Commissioner Paton?  
22 COMMISSIONER PATON: Yes.  
23 CHAIRMAN KIMBLE: Okay.  
24 COMMISSIONER PATON: So you said half the  
25 independents don't really lean one way or the other.

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1 MR. NOBLE: Yes.  
2 COMMISSIONER PATON: What really -- is there  
3 something in general that scratches their itch, I  
4 guess?  
5 MR. NOBLE: Gotcha. You know what? That's a  
6 great question. I think I will put that down on one of  
7 my follow-up items to grab it. Because that's the  
8 thing is that when we go through, let's not kid  
9 ourself, it's a lot of data. We had a lot of  
10 information that we had to concise down for you all.  
11 And I think we can go and actually just give -- we'll  
12 actually get a couple slides broken out and probably  
13 just do -- probably just in a grid format, just make it  
14 easier. We can just do that where we have true  
15 independents, as I like to call it, so basically show,  
16 you know, yes, you have your independents, the data  
17 you've already seen, but I think you could have one  
18 specifically among that 50 percent, right, or the ones  
19 that don't lean ideologically to the left or to the  
20 right. So we can break that down for you.  
21 COMMISSIONER PATON: Like maybe they're  
22 socially a little bit liberal, but conservative  
23 economic-wise, you know, like is that a big majority of  
24 those 50 percent?  
25 MR. NOBLE: My experience has been -- I mean,

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1 I'll get you results. But my experience has been, with  
2 that group, true independents, they're a mix between --  
3 I'd say overall they're usually more like bottom line  
4 driven, like things that affect them directly, so I  
5 would say like housing affordability or, you know,  
6 economic issues, things that kind of more directly  
7 affect their livelihood. They're usually not as  
8 concerned about social issues because they're, again,  
9 not as caught up in the partisan sides. You know,  
10 partisans are pretty -- they'll die on the hill for  
11 their issues.

12 And also, they seem to just be a little bit  
13 more moderate in general, like -- how do I say this a  
14 nice way? They just seem much more sane compared to  
15 the red team or blue team, basically, is the difference  
16 between the two. They seem -- like I guess a better  
17 word, they seem very normal. I don't know another way  
18 to say it. But, yeah, they just seem a little bit more  
19 normal on there.

20 And I will say that too is that we have two  
21 more of these surveys coming up, and so we have  
22 stuff -- again, doing this is that -- we're huge on  
23 feedback, stuff like that. So, again, any input or  
24 items. So, again, I know there was a question asked  
25 earlier today, if we asked a specific question, I think

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1 it was regarding -- it was voting, I know it was  
2 regarding voting, whether it was like they cast  
3 their ballot -- it happened in the beginning of the --

4 COMMISSIONER PATON: The primaries.

5 MR. NOBLE: The primaries, correct,  
6 independents voting in the primaries, right. So but  
7 like certain questions like -- if there's certain  
8 specific issues, when asked about like maybe particular  
9 things, like drilling down more on abortion or some of  
10 these other issues -- anyways, we still have two more,  
11 and we could easily adjust, as long as it makes sense  
12 in the script logic and survey format. Anyways, great,  
13 because, again, we want to tailor this as we go and not  
14 just make this model --

15 COMMISSIONER PATON: And I have a question  
16 also --

17 MR. NOBLE: Yes.

18 COMMISSIONER PATON: -- about the people that  
19 are coming here from out of state.

20 MR. NOBLE: Oh, yeah.

21 COMMISSIONER PATON: What -- do we have an  
22 idea of what they generally think when they come here?  
23 Are they bringing -- are conservatives coming here,  
24 fleeing the coast, or are they people that are, you  
25 know, not ideological or what do you think?

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1 MR. NOBLE: Great question. I get that one a  
2 lot in the last few years, which is good. That means  
3 it's at the top of mind, it's important. And so -- all  
4 right. Well, two answers to that.

5 First answer is, on the next survey all we've  
6 got to do is ask one simple question, how long have you  
7 resided in Arizona, have you been here less than a  
8 year, less than two years, three years, you know, has  
9 it been five, 10 years, or you could be like my wife,  
10 an Arizona native, right. You know, so like that  
11 length of residency, literally we could just ask one  
12 question on the next survey and you could actually --  
13 you could actually get a glimpse into that.

14 But what I could tell you based on data,  
15 other surveys -- all right. There's two things. One,  
16 it's a common question asked because -- you're not  
17 wrong, there are a lot of Californians moving here. So  
18 the census -- the census only gets down to what states  
19 they're either exiting or entering, right, but they  
20 don't get down to like from where in the state you're  
21 coming from.

22 So we saw the biggest exodus from California.  
23 The main states they're going to are Texas, Nevada,  
24 Arizona, Utah, and, interestingly, Oregon, number five,  
25 are the main states they're going to. But Arizona has

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1 just as much intake in the last, you know, like five  
2 years or whatever from the West Coast and East Coast as  
3 they have from the Midwest, which I'm from Wisconsin  
4 originally, so I'm one of those Midwesterners. So  
5 anyway, so we actually have just as much from each.

6 And so the things we don't know is that --  
7 people know that, yes, we are getting a lot of intake.  
8 There's a lot of folks that, because of cost of living,  
9 also with COVID, this whole remote working, especially  
10 among white collar jobs where you can remote in,  
11 compared to jobs you have to show up for -- and so,  
12 yes, we have those folks here, and I think that's a  
13 sense among a lot of Arizonans, and the fact is we  
14 don't -- no one can tell you yes or no unequivocally  
15 because we don't know where they're coming from in  
16 California.

17 Because people go, oh, there's Californians  
18 coming in. And I go, okay, are they coming from urban,  
19 are they coming from L.A., or are they coming from, you  
20 know, the rural part of California. Because I would  
21 bet you, if they're coming from the rural part, they're  
22 probably Republican. I bet you if they're coming from  
23 an urban part, they're more likely to be Democrat.

24 So the reality is, we don't frankly -- the  
25 data is not there. It's not granular enough to know

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1 that. We get just as much from each -- but what I can  
2 tell you, everyone keeps saying Arizona is -- you know,  
3 because of all these Californians, Arizona is now very  
4 blue. Well, if that's the case, in our public opinion  
5 polling and stuff we do, why does Arizona still lean to  
6 the right? Like if all these Californians and all this  
7 stuff was happening, right, like wouldn't -- why would  
8 the electorate be leaning towards Republicans and not  
9 Democrats?

10 You know, and so -- and so based on the  
11 information that I've seen or know, basically I think  
12 it's fear or a feeling, but I just don't think it's  
13 substantiated. And I think it's actually more likely  
14 there's actually a little bit more -- it's not as  
15 overblown. If it is, it's like maybe a slight more  
16 folks on the left, compared to the right, moving in.  
17 But I honestly don't think --

18 And frankly, also too what you see from the  
19 research is that these folks that now have the option  
20 to work in whatever states that they want to, right,  
21 they're not going -- moving to states that they  
22 don't -- you know, a lot of them are moving to states  
23 they ideologically agree with. Like, for example,  
24 these Californians -- okay. I get Texas, I get Nevada,  
25 I get Utah, I get Arizona, I get why they're moving

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1 there, but why the heck are they moving to Oregon?  
2 Oregon is very different. Oregon, policy-wise, for  
3 folks that maybe like those type of policies, Oregon  
4 probably seems like a really great state that you'd  
5 want to live in.

6 So anyways, that's my long answer to that,  
7 but it's a fascinating topic, but I think we can get a  
8 little insight on it on the next survey by just adding  
9 that one question, because I think that would tease  
10 some of that out.

11 COMMISSIONER PATON: Thanks.

12 MR. NOBLE: Yep.

13 CHAIRMAN KIMBLE: Any other questions or  
14 comments from Commissioners?  
15 (No response.)

16 CHAIRMAN KIMBLE: Thanks again, Mike.

17 If we have no further discussion, we'll move  
18 on to the next item on our Agenda, Item V, discussion  
19 and possible action on the annual budgetary  
20 calculations and 2024 spending plan.

21 Every year the Commission considers a  
22 calendar year budget and must approve certain  
23 calculations required by law. The memo in your  
24 materials in Item VII outlines those calculations and  
25 the staff's plan for 2023. Mike Becker is going to

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1 highlight some key points, and he'll be available to  
2 answer any questions that we have.

3 Mike.

4 MR. BECKER: Mr. Chairman, Commissioners,  
5 thank you. I won't take a lot of your time. As you  
6 said, before you is the proposed 2024 calendar year  
7 budget. Couple areas I do want to make sure you're  
8 aware of.

9 One, the funding cap has increased for 2024.  
10 It's gone up roughly \$140,000, so that's a good sign  
11 for us. Secondly, in terms of revenue for the  
12 Commission, compared to where we were last year, we are  
13 down a slight tick in revenue; however, I do anticipate  
14 December being a good month in terms of revenue, so I  
15 see us hitting our marks that we actually put in the  
16 budget for 2023. So I think we're in a good stance  
17 there.

18 However, as you can see in the proposal, we  
19 do have the revenue projections low, roughly \$5 million  
20 from the 10 percent surcharge. The trend has been for  
21 the revenue to be going down every year, so I wanted to  
22 make sure we were conservative in that area. Hopefully  
23 we will hit that and exceed it, as we are doing this  
24 year. But, again, I wanted to make sure we were  
25 conservative in that area.

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1 Lastly, I want to point out, as you can see  
2 on the memo on the second page, we do have an area  
3 referencing the Prop 211, the Voters' Right to Know  
4 Act. That -- passage of that Act created a 1 percent  
5 surcharge on civil and criminal penalties. That  
6 1 percent surcharge has gone into effect at the  
7 beginning of 2023, and as of November 1st we do have  
8 \$238,472 in that fund that would be -- that will be  
9 available to use going into 2024 to offset any costs we  
10 have for, whether it's with the Secretary of State's  
11 creation of the -- their campaign finance site to allow  
12 those using Prop 211 and have to -- required by law to  
13 post their information, or whether it's going to be  
14 used for lawsuits or whatever. We do have that funding  
15 available.

16 Those are the areas that I really wanted to  
17 point out and make sure you're aware of and I'm happy  
18 to answer any questions.

19 CHAIRMAN KIMBLE: Thank you, Mike.

20 Any questions from Members of the Commission?  
21 (No response.)

22 CHAIRMAN KIMBLE: Hearing none, is there a  
23 motion to approve the memorandum in Item VII?

24 COMMISSIONER CHAN: Mr. Chairman, I move that  
25 we approve the memorandum in Item VII.

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<p>1 CHAIRMAN KIMBLE: Thank you, 2 Commissioner Chan. 3 Is there a second? 4 COMMISSIONER PATON: I second. 5 COMMISSIONER MEYER: I'll second. 6 CHAIRMAN KIMBLE: I think that was 7 Commissioner Paton, second. 8 It's been moved and seconded that we approve 9 the memorandum in Item VII. I'll call the roll. 10 Commissioner Chan. 11 COMMISSIONER CHAN: Aye. 12 CHAIRMAN KIMBLE: Commissioner Meyer. 13 COMMISSIONER MEYER: Aye. 14 CHAIRMAN KIMBLE: Commissioner Paton. 15 COMMISSIONER PATON: Aye. 16 CHAIRMAN KIMBLE: Chair votes aye. 17 It's approved 4-to-nothing. 18 Thank you, Mike. 19 MR. BECKER: Thank you. 20 CHAIRMAN KIMBLE: Item VI, discussion and 21 possible action on proposed meeting dates for January 22 through March 2024. Commissioners, you all should have 23 had a chance to review the dates Paula has proposed. 24 Unless there's any discussion, I will entertain a 25 motion and a second to approve the meeting dates of</p>	<p>1 public. Action taken as a result of public comment 2 will be limited to directing staff to study the matter 3 or rescheduling the matter for further consideration 4 and decision at a later date or responding to 5 criticism. Please limit your comment to no more than 6 two minutes. 7 Does any member of the public wish to make 8 comments at this time? 9 (No response.) 10 CHAIRMAN KIMBLE: Cathy and Paula, does 11 anyone on Zoom want to make a comment? I don't see 12 anyone. 13 MS. HERRING: There are no more members of 14 the public on the Zoom. 15 CHAIRMAN KIMBLE: Okay. Thank you. 16 The public may also send comments to the 17 Commission by e-mail at ccec@azcleelections.gov. 18 Item IX -- I think Item VIII, actually. At 19 this time I would entertain a motion to adjourn. 20 COMMISSIONER PATON: I would make a motion to 21 adjourn. This is Paton. 22 COMMISSIONER MEYER: I'll second. 23 CHAIRMAN KIMBLE: Thank you. Motion to 24 adjourn made by Commissioner Paton, seconded by 25 Commissioner Meyer.</p>
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<p>1 January 25th, February 29th, and March 29th -- excuse 2 me -- March 28th. Is there a motion to approve those 3 three meeting dates? 4 COMMISSIONER CHAN: Mr. Chairman, I move we 5 approve the three meeting dates. 6 CHAIRMAN KIMBLE: Thank you. 7 Is there a second? 8 COMMISSIONER PATON: This is Paton. I'll 9 second. 10 COMMISSIONER MEYER: I'll second. 11 CHAIRMAN KIMBLE: Okay. I think I heard 12 Commissioner Meyer second. So it's been moved by 13 Commissioner Chan, seconded by Commissioner Meyer that 14 we approve the meeting dates of January 25th, 15 February 29th, and March 28th. 16 I'll call the roll. Commissioner Chan. 17 COMMISSIONER CHAN: Aye. 18 CHAIRMAN KIMBLE: Commissioner Meyer. 19 COMMISSIONER MEYER: Aye. 20 CHAIRMAN KIMBLE: Commissioner Paton. 21 COMMISSIONER PATON: Aye. 22 CHAIRMAN KIMBLE: Chair votes aye. 23 The meeting dates are approved 4-to-nothing. 24 Item VII, public comment. This is the time 25 for consideration of comments and suggestions from the</p>	<p>1 I will call the roll. Commissioner Chan. 2 COMMISSIONER CHAN: Aye. 3 CHAIRMAN KIMBLE: Commissioner Meyer. 4 COMMISSIONER MEYER: Aye. 5 CHAIRMAN KIMBLE: Commissioner Paton. 6 COMMISSIONER PATON: Aye. 7 CHAIRMAN KIMBLE: Chair votes aye. 8 We are adjourned. Thank you very much and 9 happy seasons to all of you. 10 (The meeting adjourned at 11:36 a.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</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  
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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 December, 2023.  
20

21   
22

23 Kathryn A. Blackwelder, RPR  
24 Certified Reporter #50666  
25

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**CITIZENS CLEAN ELECTIONS COMMISSION  
EXECUTIVE DIRECTOR REPORT  
January 25, 2024**

**Announcements:**

- The March local elections will be held on March 12, 2024.
  - Tempe and Litchfield Park are holding ballot by mail elections.
    - Voter Registration Deadline: February 12<sup>th</sup>
    - Ballots mailed: February 14<sup>th</sup>
- The Presidential Preference Election (PPE) will be held on March 19, 2024.
  - Voter Registration Deadline: February 20<sup>th</sup>
  - Early Voting Begins: February 21<sup>st</sup>
  - Only registered Democrats and Republicans can vote. Independents cannot vote as the PPE is not a primary subject to the open primary provision.
- Voter's Right to Know Act rules are available in the Arizona Administrative Register:
  - R2-20-801 to R2-20-808, [https://apps.azsos.gov/public\\_services/register/2023/45/contents.pdf](https://apps.azsos.gov/public_services/register/2023/45/contents.pdf).
  - R2-20-809 to R2-20-813, [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 partnered with the Secretary of State's office to present on the topics of Voter Registration Information outreach for local fraternity and sorority organizations.
- Avery worked with the Arizona African American Legislative Counsel to create a program for Youth Day at the Capitol.
- Avery is working with Grand Canyon University to provide PPE information on campus,
- Avery participates in Arizona Commission of African American Affairs committee meetings, Arizona African American Legislative Council and the Mesa Community College Civic Action Council and the AZSOS Engagement Advisory Board Meetings
- Avery met with Dani Duarte of Vote Riders to discuss potential collaborations for the public on voting information.
- Avery discussed Clean Elections resources and opportunities to collaborate on student civic engagement with AZ Students Association's co executive director, Kyle Nitschke
- Avery was invited to and attended the Re-launch of AZ Leg Black Caucus to represent Clean Elections.
- Gina attended the Joint Election Official Liaison Conference hosted by the Election Center. A few highlights are:
  - Gina met with the staff of Arizona's U.S. Senators and Congressional members to inform and update on Clean Elections voter education and outreach efforts for 2024.

- Gina attended a subcommittee meeting on Communications, along with other conference sessions.
- U.S. EAC Commissioner Ben Hovland gave remarks highlighting the important and critical need of voter education efforts, which serve as a foundation for combating misinformation and promoting participation.
- Gina and Tom met with the Governor's Office and subsequently the Secretary of State's Office on the Elections Task Force recommendation to further utilize the Clean Elections website.
- Gina spoke with the City of Portland Elections on how Clean Elections conducts voter outreach and education through partnerships with community based organizations.

### **Administration:**

- 13 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. 36 candidates have attended the workshops.
- Filing for the Voter's Right to Know Act is available via the Secretary of State's Beacon system.
- The 2023-24 Election Procedures Manual was approved by the Governor.
- County election officials are continuing to push for a package of laws to mitigate the effects of certain amendments they say will create difficulties. For more details contact Tom.

### **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 for January 31. Please contact Tom if you would like to attend.
- 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.
  - The Court turned down both Plaintiffs' Motion for Preliminary Injunction and Defendant's Motions to Dismiss. A notice of appeal and opening brief from the Plaintiffs have been filed. Briefing ongoing.
- 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. No new developments.

## Others

- Richer v. Lake, CV2023-009417, Superior Court for Maricopa. Suit by Stephen Richer for libel over statements by Kari Lake. Stayed pending petition for review from Kari Lake on motion to dismiss.
- 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. Argument on motion for summary judgment was held last week.
- 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.) The Court granted Plaintiff’s Motion for Preliminary Injunction 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.
- The Attorney General’s Office Government Accountability Unit rejected a complaint filed by a legislator alleging that a website used to promote the gubernatorial inauguration in 2023 was an illegal use of public resources. The AGO report is here: <https://www.azag.gov/sites/default/files/2024-01/2023-12-26%20PM2023-018%20Disposition%20Letter%20with%20exhibits%20%281%29.pdf>.

## Appointments:

- Governor Hobbs filed a request for an Attorney General Opinion that is pending. The request concerns the order of selecting Commissioners. More details are available at this link, including the request, and letters between the Governor and Treasurer are available. <https://www.azag.gov/opinions/r23-022>. The AGO has stated that they expect to provide an opinion around February 1.

## Enforcement:

- MUR 21-01, TPOF, pending.

## 2024 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: **None.**
- Notice of Proposed Rulemaking: **None.**
- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **None pending**
- Notice of Final Rulemaking: **None.**
- Rulemakings terminated: **None.**

- Privatization option or nontraditional regulatory approach considered: **None Applicable.**

# 2024 Legislative Bills

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## HB2065 - Early ballots; Friday deadline

### Sponsor

Rep. Selina Bliss (R)

### Summary

Repeals the expectation of having ballots tabulated at a designated polling place as criteria affecting the decision to consolidate polling places and precinct boards for the election. Repeals considering the number of early voting ballots that were tabulated at a prior election when considering ways to reduce voter wait time at the polls in primary and general elections. Defines the verbiage to be included in early voting instructions to include exceptions and a instructions on who to deliver early ballots to and the deadline for filing them. Requires early ballots sent by mail to be received by 7 p.m. on election day at the County Recorder's office or other officer in charge of elections in the political subdivision the elector is registered. Repeals the 7 p.m. the Friday before election day deadline for ballots received on site or at an early voting location. Establishes the new deadline for ballots received on site or at an early voting location to be 5 p.m. the Friday before election day. Establishes the signature comparison criteria for early ballots. Mandates that the County Recorder or other officer in charge of elections be present and open to receive mailed early ballots on election day until 7 p.m. and prohibits said officials from accepting hand delivered ballots. Mandates that ballots received in the mail be entered into the County's ballot tracking system, starting the day after the election. Repeals any notices necessary for compliance with early ballot on-site tabulation procedures and Sections 16-579.01 and .02 ARS.

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## HB2080 - Elections; municipal vacancies; primary

### Sponsor

Rep. Laurin Hendrix (R)

### Summary

Provides that if the person holding an office is appointed at the time of the primary, their term of office ends when an elected candidate takes the oath of office and that the candidate that receives a majority of votes at the primary election shall be declared elected to that office upon canvass and certification of results and on taking the oath of office.

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## HB2145 - Candidate challenges; primary residence

### Sponsor

Rep. David L. Cook (R)

### Summary

Requires the assumption that the county and location of a candidate's listed residence and record of taxation is the candidate's primary residence if their nomination petition is challenged on the basis of residency.

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## **HB2153 - Mail ballot elections; technical correction**

### **Sponsor**

Rep. Alexander Kolodin (R)

### **Summary**

Minor change in Title 16 (Elections and Electors) related to streamlining and standardizing the bill's language. Apparent striker bus.

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## **HB2154 - Certificate of election; technical correction**

### **Sponsor**

Rep. Alexander Kolodin (R)

### **Summary**

Minor change in Title 16 (Elections and Electors) related to streamlining the bill's language. Apparent striker bus.

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## **HB2336 - Early ballot collection; limitations; repeal**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Removes the requirement that notification of ballot handling requirements be included in Board of Supervisors' voter and election guidance materials, specifically, verbiage that states that a person may only handle their own ballot or the ballot of "family member" (defined) or "household member" (defined) or persons they are a "caregiver" (defined.) Removes the designation of a Class 6 felony for and individual that collects voted or unvoted early ballots and the exclusion covering an election official or US mail carrier and the exclusion of elections held by special taxing districts, family or household members or caregivers.

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## **HB2338 - Early voting; weekend hours**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Requires early voting locations, including Recorder Office locations, to be open until 7:00 PM on the Saturday, Sunday, and Monday immediately preceding Election Day.

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## **HB2339 - Campaign finance; corporate recipients; registration**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Requires a corporation, limited liability company or labor union that contributes an aggregate of in excess of \$5,000 in one or more statewide races, or \$2,500 in legislative races, or \$1,000 in a “local election” (defined) in any county, city, town or other local jurisdiction, to register with the Secretary of State (SoS) and notify the appropriate filing officer within one day of making the contribution, excluding Saturdays, Sundays and holidays. Designates the SoS as the filing officer for registration and notifications for all registration and notification pertaining to the above campaign contribution thresholds. Stipulates that once registered for exceeding the limits set forth, the entity that registered does not have to do it again in a campaign cycle. Requires the SoS to develop the mechanisms for compliant filing and notifications and make that information available on its public website. Requires registrations to include the name and address of the entity filing, and the name, title, email address and telephone number of the person authorizing the contribution, and that each notification include the name and address of the entity, the amount of the contribution, the name of the candidate and race that will receive the contribution and the date of the contribution. Requires a covered contributor to file with the SoS or appropriate filing officer within five days after an initial threshold contribution a notarized, sworn statement that the person, agent of officer filing the registration and notice is authorized to make the contribution in question and until that is done, the notification is considered unverified and if it is not done in the prescribed timeframe, the notification will be deemed unverified and delinquent and the filing entity will be liable in a civil action brought by the Attorney General, county attorney or city or town attorney for up to three times the amount of the contribution. Designates that a person that makes knowingly false filings pursuant to the contributions covered in this bill is guilty of a Class 1 misdemeanor. Stipulates that no civil or criminal enforcement action may be filed until after the filing officer issues a reasonable cause determination.

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## **HB2340 - Campaign finance; caregiving expenditures**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Permits a candidate’s committee to pay for direct care, protection and supervision of a child or another individual the candidate has direct caregiving responsibilities for, and for the cost of that care to be counted as a lawful expenditure of candidate committee monies.

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## **HB2341 - Independent expenditures; corporations; funding disclosure**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Requires an individual, corporation, limited liability company, or labor organization not required to register per state law that makes an expenditure for advertising or a fundraising solicitation to use the words “paid for by” followed by the name of the person making expenditures for the advertisement for solicitation and to state whether the expenditure was authorized by any candidate, followed by the

identity of the authorizing candidate, if any. Requires a person making an expenditure for an advertisement to include the names of the top four funding sources making the largest aggregate contribution to the person making the expenditure. Designates an out-of-state contributor or group of out-of-state contributors that are a “major funding source” (defined) and a corporation, limited liability company, or labor organization as an out of state contributor. Requires a corporation, limited liability company, or labor organization making an independent expenditure, that also accepts donations or contributions to file a campaign Finance Report pursuant the state law.

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## **HB2350 - Voting centers; board of supervisors**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Permits a County Recorder or other officer in charge of elections to use additional types of voting and determine alternative voting locations under a specific resolution of the Board of Supervisors (BOS,) including “voting centers” (defined) constituting, on election day, polling places, early voting locations, and ballot replacement locations, and early voting drop-off locations provided each is managed per state law. Requires the BOS to appoint a Voting Center Election Board for each voting center and outlines the criteria to be a member of those Boards, to serve as a reappointment to the board, and for removal from the board. Permits the BOS to appoint a person ineligible to vote to a Voting Center Election Board and provides the criteria for that person to serve. Prohibits requiring a school district or charter school to reduce its average daily membership for an absent pupil who is serving on a Voting Center Election Board, or the school district or charter school to count that pupil’s absence against any mandatory attendance policies. Allows the County Recorder or other officer in charge of elections to operate an on-site early voting location during the three-day period immediately preceding an election day provided either is able to update precinct registers and other election materials for use during that period.

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## **HB2351 - Election procedures; registrations; campaign finance**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Numerous changes to statutes relating to elections. For every person who provides proof of U.S. citizenship when applying for, renewing or replacing a driver license or nonoperating identification license, or updating the person's existing residence address or name on file with the Arizona Department of Transportation (ADOT), ADOT is required to electronically collect and transmit voter registration information to the Secretary of State for the purpose of registering the person to vote or updating an existing voter registration record. The Secretary of State and ADOT Director, after consulting with all county recorders, are required to adopt rules to implement a secure automatic electronic voter registration system that collects and transmits voter registration information. The Secretary of State is required to evaluate implementation of a secure automatic electronic voter registration system at other agencies, including the Arizona Health Care Cost Containment System (AHCCCS). By December 31, 2022, any agency that allows a person to affirmatively register to vote or to update the person's registration through the internet must allow the person to complete the registration without a driver license or nonoperating identification license and with any proof of citizenship that is valid under Arizona law. Eliminates the requirement for a voter to live in the boundaries of an election district for 29 days prior to an election to be eligible to vote in that election. By the 2024 primary election and for each election thereafter, each county recorder is required to

designate at least one election official at each polling place, voting center or early voting location in the county to serve as a registration clerk to facilitate and enable eligible persons to register to vote on-site on election day or during early voting. A registration clerk must be present for all hours during which a polling place, voting center or early voting location is open. Every qualified voter in Arizona has the right, after registering to vote, to vote a secret ballot in all elections for which that voter is eligible to vote. By December 31, 2026, the Secretary of State, county recorders and other officers in charge of elections are required to evaluate incorporating "risk-limiting audit" (defined) protocols into ballot hand count procedures. Reduces individual and political action committee contributions limits to \$1,000 to candidates for legislative, county, municipal or district office, from \$6,250, and to \$2,500 for candidates for statewide office, from \$6,250. Much more. Due to voter protection, several sections of this legislation require the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

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## **HB2352 - Ballot measure amendments**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Allows a political committee that intends to file an application for initiative petition or referendum petition to request the Attorney General determine whether the description is lawful and sufficient. Requires the Attorney General to approve or reject the description within 10 days after submittal, and, if rejected define the reasons for the rejection. If approved, requires that any challenge to the description be filed in the Superior Court within 10 days after the Attorney General's approval. Allows a court to enforce a subpoena against a registered circulator as provided by law and if evidence is provided that shows that circulator is ineligible to circulate petitions or engaged in fraud with respect to some or all signatures obtained, and if so, the court may order those signatures collected by that circulator as invalid. Requires the Secretary of State and the Attorney General to prominently post the approved the impartial summary of any ballot measure on their respective websites, at least thirty days before the earliest date that the official ballots and publicity pamphlet are sent to be printed, and the Secretary of State shall provide a copy of the impartial summary to the committee that filed the ballot measure.

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## **HB2353 - Ballot measures; descriptive title; summary**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Requires the Secretary of State and the Attorney General to prominently post the approved impartial summary of the official ballot on their respective websites at least 30 days before the earliest date that the official ballots and publicity pamphlet are sent to be printed. Requires the Secretary of State to provide an impartial summary of the ballot measure to the committee that filed the ballot measure.

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## **HB2354 - Election laws; revisions; appropriation**

### **Sponsor**

Rep. Stephanie Stahl Hamilton (D)

### **Summary**

Numerous changes to statutes relating to election law. A conviction for a felony no longer suspends the person's right to vote. The hours for on-site early voting are extended through 5:00PM on the Monday preceding the election, instead of 5:00PM on the Friday preceding the election, and emergency voting during that time period is eliminated. If a county recorder determines that a provisional ballot voter is not properly registered to vote, the county recorder is required to use the information from the provisional ballot to register the person to vote for subsequent elections. An electronic pollbook used in Arizona is required to comply with the requirements in the election instructions and procedures manual adopted by the Secretary of State. Appropriates \$100,000 from the general fund in FY2024-25 and 2025-26 to the Secretary of State to provide risk-limiting audit grants to officers in charge of elections to conduct risk-limiting audits for the 2024 general election instead of a hand count audit. The Secretary of State is required to report any findings and recommendations related to the use of risk-limiting audits to the Legislature by March 31, 2026.

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## **HB2423 - Automatic voter registration.**

### **Sponsor**

Rep. Laura Terech (D)

### **Summary**

Every person who is applying for a driver license or renewal, including a nonoperating identification license or renewal, or who is making changes to drive license information and who is otherwise qualified to register to vote must be registered to vote automatically on completion of the license application unless the applicant declines to register. A person who is not qualified to register to vote and who unknowingly registers under this provision is not guilty of false registration or false swearing. Effective January 1, 2025.

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## **HCR2001 - Voting; qualifications; methods**

### **Sponsor**

Rep. Alexander Kolodin (R)

### **Summary**

The 2024 general election ballot is to carry the question of whether to amend the state constitution to require that anyone voting in an Arizona election be a citizen of the United States, 18 years or older and a qualified, registered voter, prohibit a person from voting for more candidates for an office than number of offices to be filled, and requires that a person's vote be the sole means of determining the outcome of an election for public office that is required by federal or state law.

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## **SB1003 - Prohibition; photo radar**

### **Sponsor**

Sen. Wendy Rogers (R)

### **Summary**

Prohibits the use of "photo enforcement systems" (defined) by law enforcement and local authorities to enforce traffic laws. Contains a legislative intent clause.

### **Action Taken**

Passed Senate Transportation, Technology and Missing Children 4-3

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## **SB1060 - Federal candidates; observers; elections**

### **Sponsor**

Sen. J.D. Mesnard (R)

### **Summary**

Limits ballot challenges to one per party if an agreed upon number cannot be reached between the Chairs of each political party represented on the ballot. Requires that representatives for each party represented may not approach an election official's table or equipment any closer than is necessary to perform their stated function. Allows each representative to observe election officials and requires each representative to provide their own materials and necessities. Prohibits any representatives from obstructing the administration of an election, election board procedures, or ballot processing. Requires representatives to present any questions regarding procedures to the Supervisor of the Early Election Board of Resolution. Requires that representatives for each party be registered voters in Arizona. Prohibits anyone on the ballot from serving in the role of ballot challenger.

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## **SB1063 - Political signs; removal; elections**

### **Sponsor**

Sen. John Kavanagh (R)

### **Summary**

Removes reference to a specific primary election and adds a reference to a first election and extends the period it is a misdemeanor to remove, alter, deface or cover a political sign of a winner of a primary or first election until 15 days after the general or runoff election. Adds signs that support or oppose a "question or issue" to the prohibition of cities, towns and counties removing, altering, defacing or covering a political sign and stipulates that the prohibition only applies to 45 days before any election and 15 days after an election, except for candidates that advance to a general or runoff election, provided there are no more than 45 days between those elections and a general election. Adds that the prohibition of removing, altering, defacing or covering a political sign applies to any election held by a city, state, county, school district, special taxing district or other governing entity including the state of Arizona.

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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).

**Katie Hobbs**  
Governor

**Thomas M. Collins**  
Executive Director



**Mark S. Kimble**  
Chair

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

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

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

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January 25, 2024  
Advisory Opinion 2024-01

Jonathan S. Berkon  
G. Meredith Parnell  
Elias Law Group LLP  
10 G St. NE, Suite 600  
Washington, D.C. 20002

We are responding to your advisory opinion request on behalf of the Democratic Legislative Campaign Committee concerning whether certain actions the Committee intends to take in support of legislative candidates in Arizona constitute campaign media spending under the Voter's Right Know Act (the "Act" or the "VRKA"), A.R.S. §§ 16-971 to 16-979.

***Questions Presented***<sup>1</sup>

- 1) Does a monetary donation by an organization to a political party in Arizona constitute campaign media spending under the Act?
- 2) When an organization spends money researching, polling, or on data analytics does that constitute campaign media spending if it is done solely for "internal" projects?
- 3) Does making an in-kind donation of research, polling or data analytics constitute campaign media spending if the recipient of the in-kind donation engages in campaign media spending?

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<sup>1</sup> The questions presented have been rephrased from the request to better reflect the issues raised by the Advisory Opinion Request.

## ***Commission Response***

### **Question 1**

A donation of money to a political party is not itself campaign media spending. The party has reporting requirements under the Act if it is a covered person.

### **Question 2**

Research, polling and data analytics done only for an organization's internal use are not campaign media spending if those actions are not taken in preparation or conjunction with other campaign media spending.

### **Question 3**

Spending money on an in-kind donation in preparation or in conjunction with another entity's campaign media spending is not campaign media spending, but is traceable money that must be reported by the covered person if used to enable campaign media spending, including the donor and the original source of funds.

## ***Background***

The facts presented in this advisory opinion are based on your letter received November 27, 2023 (Advisory Opinion Request or "AOR") and publicly available information.

The Democratic Legislative Campaign Committee (DLCC or Committee) is "organized under section 527 of the Internal Revenue Code." AOR at 1. It is a "political organization" for tax purposes. *See* 26 U.S.C. § 527 (e)(1) ("The term 'political organization' means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function."). Such organizations are generally exempt from income taxes. 26 U.S.C. § 527(a).<sup>2</sup>

In order "[t]o effectuate its purpose of electing Democrats to state legislative offices," the Committee states that it intends to take three actions. AOR at 1. First, it intends to make financial contributions to the Arizona Democratic Party ("ADP"). *Id.* Second, it intends to spend money to hire one or more consultants to

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<sup>2</sup> In its AOR, the Committee asserts that it is not subject to political committee registration in Arizona. *See* A.R.S. § 16-905. While this opinion acknowledges this assertion, the Committee may not rely on that acknowledgment for any other purpose or with any Arizona filing officer or enforcement officer.

perform research, polling, and data analytics related to legislative elections to be used for its own “internal planning purposes.” *Id.* at 1-2. Finally, the Committee plans to make in-kind donations for research, polling, and data analytics to other persons engaged in campaign media spending. *Id.* at 3. The value of its cash, spending and in-kind donations will “exceed \$25,000 per legislative election that the DLCC seeks to influence during the 2023-2024 cycle.” *Id.* at 2.

The Committee represents that it will neither spend money on nor accept in-kind donations to pay for any activities defined under the Act as campaign media spending. *Id.*

### ***Legal analysis***

Voters passed the VRKA as Proposition 211 at the 2022 General Election and it was certified by Governor Doug Ducey in December 2022. The Act provides for reports by covered persons, that is, “any person whose total campaign media spending or acceptance of in-kind contributions to enable campaign media spending, or a combination of both, in an election cycle is more than \$50,000 in statewide campaigns or more than \$25,000 in any other type of campaigns.” A.R.S. § 16-971(7)(a). “For the purposes of [the VRKA], the amount of a person's campaign media spending includes campaign media spending made by entities established, financed, maintained or controlled by that person.” *Id.*

When those spending thresholds are reached, covered persons must file reports that disclose the original sources of their funding as well other information. Reports include the identity of each donor of original monies who contributed, directly or indirectly, more than \$5,000 of traceable monies or in-kind contributions for campaign media spending during the election cycle to the covered person and the date and amount of each of the donor’s contributions, the identity of each person that acted as an intermediary and that transferred, in whole or in part, traceable monies of more than \$5,000 from original sources to the covered person and the date, amount and source, both original and intermediate, of the transferred monies, and the identity of each person that received from the covered person disbursements totaling \$10,000 or more of traceable monies during the election cycle and the date and purpose of each disbursement. A.R.S. § 16-973(A)(6), (7), (8). Traceable monies under the Act includes “[m]onies used to pay for in-kind contributions to a covered person to enable campaign media spending.” A.R.S. § 16-971(18)(b).

## **Question 1**

The first question presented by the AOR concerns whether a donation of money by the Committee to a state political party is itself campaign media spending. Merely donating money to a political party is not campaign media spending. The party is subject to reporting requirements under the Act if it is a covered person that engages in campaign media spending.

## **Question 2**

The next question presented by the AOR is whether the Committee's plan to spend money on research, polling and data analytics only for internal use is campaign media spending.

Campaign media spending is a defined term under the Act that “[m]eans spending monies or accepting in-kind contributions to pay for any of the following”:

- (i) A public communication that expressly advocates for or against the nomination, or election of a candidate.
- (ii) A public communication that promotes, supports, attacks or opposes a candidate within six months preceding an election involving that candidate.
- (iii) 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.
- (iv) A public communication that promotes, supports, attacks or opposes the qualification or approval of any state or local initiative or referendum.
- (v) A public communication that promotes, supports, attacks or opposes the recall of a public officer.
- (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.
- (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.

A.R.S. § 16-971(2)(a).

Section 16-971(2)(a)(vii) specifically addresses research, polling and data analytics. It provides that these actions are campaign media spending if they are “conducted in preparation for or in conjunction with any of the activities described in items (i) through (vi) of this subdivision.” *See also* Ariz. Admin. Code § R2-20-801(B) (addressing requirement that expenses under 16-972(a)(7)(vii) are not campaign media spending unless conducted “in preparation for or in conjunction with” other activities listed in the definition of campaign media spending).

As is apparent from the language in this definition, most campaign media spending involves “public communication.” Public communication “[m]eans a paid communication to the public by means of broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing or another mass distribution, telephone bank or any other form of general public political advertising or marketing, regardless of medium.” A.R.S. § 16-971(17)(a).

Campaign media spending also includes “activit[ies] . . . that support[] 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” are “campaign media spending.” A.R.S. § 16-971(2)(a)(vi).

The Committee, by the terms of its AOR request, states that the spending it contemplates for research, polling and data analytics is to “effectuate its purpose of electing Democrats to state legislative offices” although it also asserts that such spending is for “internal planning purposes.” AOR at 1-2. The Act does not contemplate that purely internal planning by an organization is campaign media spending. However, where the organization’s express reason for being (including its chosen tax status) is electing partisan candidates to office, the organization may face additional concerns and should ensure such spending is actually for internal planning purposes and not used to prepare, or in conjunction with, other campaign media spending. However, provided that the Committee’s activities are in fact “internal” and not in preparation for or in conjunction with public communications under the act or “activity. . . that supports the election or defeat of candidates of an identified political party or the electoral prospects of an identified political party,” A.R.S. § 16-971(2)(a)(vi), these actions would not be campaign media spending.

### **Question 3**

Finally, the Committee asks the Commission to confirm that an in-kind donation of research, polling or data analytics to another person who does engage in campaign media spending is not campaign media spending itself.

As explained above, [r]esearch . . . polling, [and] data analytics . . . conducted in preparation for or in conjunction with any of the activities [defining campaign media spending]” is campaign media spending. A.R.S. § 16-971(2)(a)(vii). While it is true, as the AOR notes (at 5) that the statute makes *acceptance* of such services by another person campaign media spending by the other person, the definition also states that the spending itself can be campaign media spending. A.R.S. § 16-971(2)(a). The statute resolves this tension by the way it defines this specific transaction. “Monies used to pay for in-kind contributions to a covered person to enable campaign media spending[,]” are “[t]raceable monies.” A.R.S. § 16-971(18)(b). Consequently, spending of this kind is not campaign media spending, but the in-kind donation, the donor and the original sources of funds must be disclosed by the donor to the covered person on request and reported by the covered person if the in-kind donation of research, polling, or data analytics is used for campaign media spending and the thresholds in the Act are met. A.R.S. § 16-973(A)(6)-(7).

### **Conclusion**

A Commission advisory opinion “may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.” Ariz. Admin. Code § R2-20-808(C)(3). A “person who relies upon an advisory opinion and who acts in good faith in accordance with that advisory opinion shall not, as a result of any such act, be subject to any sanction provided in Chapter 6.1 of Title 16.” *Id.* at (C)(4). Advisory opinions may be affected by later events, including changes in law.

Sincerely,

Mark S. Kimble  
Chair



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://cfrlite.cfb.mn.gov/pdf/forms/cf\\_reports/2022\\_IEPCF\\_Underlying\\_Disclosure.pdf](https://cfrlite.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).

**Katie Hobbs**  
Governor

**Thomas M. Collins**  
Executive Director



**Mark S. Kimble**  
Chair

**Steve M. Titla**  
**Damien R. Meyer**  
**Amy B. Chan**  
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January 25, 2024  
Advisory Opinion 2024-02

Jonathan S. Berkon  
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We are responding to your advisory opinion request on behalf of the Democratic Legislative Campaign Committee and the PAC for America's Future concerning the application of accounting methods to a particular donor's response to requests for information from covered persons under the Voter's Right Know Act (the "Act" or the "VRKA"), A.R.S. §§ 16-971 to 16-979, and whether donors who are not covered persons are required to provide opt out notices to their own donors under the Act.

***Question Presented***<sup>1</sup>

- 1) Are particular methods of recordkeeping by a donor kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information?
- 2) Must donors who are not covered persons provide notice to their own donors of the opportunity to opt out of having their funds used for campaign media spending pursuant to A.R.S. § 16-972?

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<sup>1</sup> These questions have been rephrased to reflect the substance of the questions presented by the AOR.

## *Commission Response*

1) The Act provides that the Citizens Clean Elections Commission (“the Commission”) may “[e]stablish the records persons must maintain to support their disclosures.” A.R.S § 16-974(A)(7). The Commission promulgated Ariz. Admin. Code § R2-20-807(A), which provides that “All records required to be retained by Chapter 6.1 of Title 16 shall be kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information.” The Commission has not adopted any particular accounting method or required a particular accounting method of persons subject to the Act. Generally, a method of maintaining records will be reasonable where it:

- A) allows a reasonable person to confirm the accuracy of the transactions the person had engaged in,
- B) requires a written record of transactions that is replicable by the appropriate personnel,
- C) is determined prior to engaging in a set of transactions by the person responsible for the transactions, set forth in writing and distributed to appropriate agents and employees, and adhered to by the responsible person, their agents and employees,
- D) includes appropriate records retention policies that are determined in advance of engaging in a set of transactions by the person responsible for the transactions, set forth in writing, distributed and adhered to by the appropriate agents and employees of the responsible person,
- E) remains consistent with respect to transactions in Arizona over time,
- F) does not create false reports or double count disclosures in any jurisdiction or otherwise invalidate the information,
- G) is not adopted, used or attempted to be used to evade the reporting requirements of the Act or the Commission’s rules promulgated pursuant to the Act.

2) The Act provides that “[b]efore 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.” A.R.S. § 16-972(B). This language does not mandate that a donor who is not a covered person provide the opt out to their own donors before a covered person may use or transfer a donor’s money for campaign media spending, nor does other language in the Act and Rules impose such a requirement.

## ***Background***

The facts presented in this advisory opinion are based on your letter received November 27, 2023 (Advisory Opinion Request or “AOR”) and publicly available information.

The Democratic Legislative Campaign Committee (DLCC) and The PAC for America’s Future (TPFAF) are “organized under section 527 of the Internal Revenue Code.” AOR at 1. As such, they are “political organizations” for tax purposes. *See* 26 U.S.C. § 527 (e)(1)(“The term ‘political organization’ means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.”). Such organizations are generally exempt from income taxes. *Id.* § 527(a).

These organizations have registered political committees in various states to comply with state laws. They maintain funds in a variety of different bank accounts in order to differentiate funds separated for legal and other reasons. The organizations plan to make contributions greater than \$25,000 in legislative elections and intend to use funds from several of these separate accounts. Both organizations DLCC and TPFAF will have opted in to having their funds used for campaign media spending. AOR at 1.

The AOR sets out three “methods” for undertaking a response to a request for records by a covered person (more details on this process are outlined below). Specifically, the AOR includes the following:

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.

AOR at 2-3.

## *Legal analysis*

### Question 1

Voters passed the VRKA as Proposition 211 at the 2022 General Election and it was certified by Governor Doug Ducey in December 2022. The Act provides for reports by covered persons who spend large amounts of money on campaign media that disclose, among other information, “[t]he identity of each donor of original monies who contributed, directly or indirectly, more than \$5,000 of traceable monies or in-kind contributions for campaign media spending during the election cycle to the covered person and the date and amount of each of the donor's contributions.” A.R.S. § 16-973(A)(6).<sup>2</sup> Thus, covered persons are obligated to report information about the donor who actually earned the money as business income or who, as an individual, owned, earned or received the underlying funds.<sup>3</sup> In short, the original sources of funds are subject to reporting.

In order to facilitate this reporting, covered persons make written requests to those who have donated more than \$5,000 in traceable monies (that is monies that have not been opted out of campaign media spending) for “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.” A.R.S. § 16-972(D). The Commission adopted Ariz. Admin.

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<sup>2</sup> The initial reporting thresholds for covered persons are more than \$50,000 for statewide elections and more than \$25,000 for other elections. A.R.S. § 16-973(A).

<sup>3</sup> The Act defines original monies as “business income or an individual’s personal monies,” while traceable monies means “[m]onies that have been given, loaned or promised to be given to a covered person and for which no donor has opted out of their use or transfer for campaign media spending pursuant to section 16-972 [or] [m]onies used to pay for in-kind contributions to a covered person to enable campaign media spending.” A.R.S. § 16-971(12), (18). The Act also defines personal monies as

[A]ny of the following:

(i) Any asset of an individual that, at the time the individual engaged in campaign media spending or transferred monies to another person for such spending, the individual had legal control over and rightful title to.

(ii) Income received by an individual or the individual's spouse, including salary and other earned income from bona fide employment, dividends and proceeds from the individual's personal investments or bequests to the individual, including income from trusts established by bequests.

(iii) A portion of assets that are jointly owned by the individual and the individual's spouse equal to the individual's share of the asset under the instrument of conveyance or ownership. If no specific share is indicated by an instrument of conveyance or ownership, the value is one-half the value of the property or asset.

A.R.S. § 16-971(14).

Code § R2-20-801(C) which provides that “[i]n response to a request pursuant to A.R.S. § 16-972(D), a person must inform that covered person in writing, 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 up to the amount of money being transferred to the requesting person.” Additionally, “[i]f the original monies were previously transferred, the donor must disclose all such previous transfers of more than \$2,500 and identify the intermediaries.” A.R.S. § 16-972(D)

To ensure that information related to transactions subject to the Act are accurate, the Commission is authorized to “[e]stablish the records persons must maintain to support their disclosures.” A.R.S. § 16-974(A)(7). The Commission adopted Ariz. Admin. Code § R2-20-807(A) to accomplish this objective. That section provides that “[a]ll records required to be retained by Chapter 6.1 of Title 16 shall be kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information.” It also provides that a person subject to Act may keep these records in any commonly available media and that the Commission may take an adverse inference against the person if the person fails to keep reasonable records. Ariz. Admin. Code § R2-20-807(B)-(C).

In the AOR, the organizations note that Commission Staff recommended against adopting a rule for transfer records requiring the transferor to use “any reasonable accounting system” in determining which of donors should be disclosed. *See* Executive Director’s August 22, 2023 Memorandum on proposed rules.<sup>4</sup> Staff made this recommendation because, in its view, the statute and the adopted rules make plain both what must be disclosed in response to a transfer record request and the recordkeeping requirements. The organizations now seek this opinion to assure them that three specific types of transfer records would accord with “Arizona law.” AOR at 3.<sup>5</sup>

The goal of the Act is to ensure that voters learn the original source of funds used to influence their vote and fight against corruption. *See* Voter’s Right to Know Act § 2 Purpose and Intent, [https://apps.azsos.gov/election/BallotMeasures/2022/azsos\\_2022\\_publicity\\_pamphlet\\_standard\\_english\\_web\\_version.pdf](https://apps.azsos.gov/election/BallotMeasures/2022/azsos_2022_publicity_pamphlet_standard_english_web_version.pdf) at 227.

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<sup>4</sup> The public comment to which the AOR refers used both the terms accounting system and accounting method without defining them. The AOR uses the term method.

<sup>5</sup> This Advisory Opinion only addresses the Act and Rules, not other Arizona legal requirements.

To that end, the statute and rule provide certain flexibility to those providing information to covered persons, while maintaining an objective standard to support the reliability of that information. This is consistent with how some supporters of the Act have interpreted the Act to the Commission. For example, in a presentation to the Commission, Campaign Legal Center Action's David Kolker explained:

[I]f [the donor] got the money from somebody else and you didn't earn it yourself, then you're not the original source and you have to tell the covered person where that money came from and how it was passed along. So that if you're an interest group -- say you're an interest group that got a hundred thousand dollars from another interest group or from some rich person. You're not the original source, and when you pass money along to the covered person you need to reveal who the original source is.

[T]hat gives the donor a lot of flexibility, some may argue too much flexibility. And I would just point out that if that interest group is sitting on a hundred thousand dollars, if it wants to give away all[,] . . . a hundred thousand dollars to covered persons, like super PACs, it will eventually have to reveal the original source of all 100,000. But if it's only giving away a subset of that money, say, the first 25,000, it seems fair that they should get to choose, among the funds that they, have who is the most appropriately tagged as the original source of that money.

*See* Citizens Clean Elections Commission Minutes, December 15, 2022 at 20:11-20, 19:22-25, 21:1-8 (statement of David Kolker).

The rule the Commission adopted requires that those with obligations under the Act keep records reasonably. Naturally, objective factors bear on whether or not recordkeeping is reasonable. For example, a reasonable recordkeeping method for any going concern would include:

- A) requiring a written record of transactions that is replicable by the appropriate personnel, including auditors and investigators;
- B) requiring that the person providing information would do so in a writing to the covered person and that was distributed to appropriate agents and employees prior to the covered person engaging in a set of transactions, and the writing would be adhered to by the person to the covered persons, agents, and employees;
- C) having appropriate records retention policies determined in writing by the person providing the transfer record and distributed to appropriate agents

and employees prior to engaging in a set of transactions, and adhered to by the person providing the information to the covered person, their agents and employees. (Transfer records must be kept for five years. A.R.S. § 16-972(D));

- D) remaining consistent with respect to transactions in Arizona regardless of transferee throughout at least the election cycle and provide a business reason for changes in methods of identifying sources;
- E) not creating false reports or double count disclosures in any jurisdiction or otherwise invalidate the information; and
- F) not being adopted, used or attempted to be used to evade the reporting requirements of the Act or the Commission's rules promulgated pursuant to the Act.

Within these parameters, we do not believe the three methods identified in the AOR are unreasonable.<sup>6</sup> They are consistent with permitted practices recognized by the FEC as well as the terms of the Act and Rules. However, donors may not alternate between methods on an ad hoc basis; rather they must follow reasonable business and accounting practices for the duration of an election cycle and should exercise prudence in ensuring recordkeeping policies are developed, maintained and adhered to.

## Question 2

Section 16-972(B) provides that “[b]efore 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.” The section then identifies the contents of the notice and provides for Commission rulemaking. Although “[t]he notice . . . may be provided to the donor before or after the covered person receives a donor's monies, but the donor's monies may not be used or transferred for campaign media spending until at least twenty-one days after the notice is provided or until the donor provides written consent pursuant to this section, whichever is earlier.” A.R.S. § 16-972(C). The Commission adopted Ariz. Admin. Code § R2-20-803 to facilitate donors receiving the notice required by the Act.

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<sup>6</sup> We do not read the questions' reference that donors “would *not* be disclosed as the source of any subsequent contribution in response to a § 16-972(D) request” as meaning the organizations seek approval to provide information under other laws that would render their disclosures misleading or inconsistent.

The plain text of the Act does not impose on a donor who is not a covered person an obligation to provide the notice to those who may donate to that donor.

*Conclusion*

A Commission advisory opinion “may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.” Ariz. Admin. Code § R2-20-808(C)(3). A “person who relies upon an advisory opinion and who acts in good faith in accordance with that advisory opinion shall not, as a result of any such act, be subject to any sanction provided in Chapter 6.1 of Title 16.” *Id.* at (C)(4). Advisory opinions may be affected by later events, including changes in law.

Sincerely,

Mark S. Kimble  
Chair