Alexander Kolodin (State Bar No. 030826)
KOLODIN LAW GROUP PLLC
4105 North 20th Street, Suite 110
Phoenix, AZ 85016
Telephone: (602) 730-2985
alexander.kolodin@kolodinlaw.com
Analea@kolodinlaw.com (Filed copies)

Attorneys for Plaintiff 1Ten LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

1Ten LLC, a Delaware limited liability company, Plaintiff, v. Thomas M. Collins, in his official capacity as Executive Director of the Arizona Citizens Clean Elections Commission, et al., Defendants.	No. **PLAINTIFF'S MOTION FOR PRELIMINARY AND PERMANENT INJUNCTION AND TO CONSOLIDATE THE HEARING WITH TRIAL ON THE MERITS** (Expedited hearing requested) (Oral argument requested)

Plaintiff 1Ten LLC ("1Ten") moves under Fed. R. Civ. P. 65 for a preliminary and permanent injunction barring Defendants from enforcing the Subpoena Duces Tecum and for Deposition that Defendant Thomas M. Collins, the Executive Director of the Arizona Citizens Clean Elections Commission (the "Commission"), signed on November 3, 2026 and delivered to 1Ten's counsel on November 6, 2026 (the "Subpoena," Ex. A). 1Ten asks the Court to advance the trial on the merits and consolidate it with the hearing on this Motion. Fed. R. Civ. P. 65(a)(2). It asks for an expedited hearing because the Subpoena's return date, as extended, is November 25, 2026. This Motion is supported by the Memorandum below, the Complaint, the Declarations of Analea Castro ("Castro Decl.")

and James Rogers ("Rogers Decl."), and Exhibits A through F to the Castro Declaration ("Ex. A" through "Ex. F").

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Executive Director of the Arizona Citizens Clean Elections Commission has ordered a firm that serves political campaigns to hand over its communications with a candidate and with "any person acting on behalf of" his campaign, everything else it did for that campaign, the identity of those who handled the campaign's signs, and the source of funds for payments on invoices that include other candidates' orders. For "relevant records" it does not have, the firm must identify "who is in possession of such records." The firm, 1Ten, is not the respondent in the agency's matter. Complainants and a rival candidate urged the agency to find out who advised the campaign, and the complainants have said publicly that they wanted the candidate off the ballot; one wants 1Ten's owner "indicted again." The agency has published investigative communications from this matter in its public meeting packets, and the Subpoena promises no confidentiality.

Compelled disclosure of political association must survive exacting scrutiny. *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 607–11 (2021); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460–63 (1958). This demand cannot. The Executive Director already has the sign vendor's file on the one transaction the Commission identified, the Commission has ordered the candidate to produce his own records, and the rest of what the Subpoena seeks is tied to no finding the Commission has made.

This Court may hear the claim now. The Supreme Court held this year that the recipient of a state investigative subpoena that threatens First Amendment protected associations suffers injury when the demand is made, whether or not the subpoena is self-executing, and may sue under 42 U.S.C. § 1983 without first litigating in state court. *First Choice Women's Res. Ctrs., Inc. v. Davenport*, 608 U.S. 174, 196 (2026). The Court rested that holding on its cases protecting the privacy of political association generally, and it described what those cases protect as "private member or donor information." *Id.* at 184–

89. This Circuit applies the same protection to a campaign's private exchanges about strategy and message. *Perry v. Schwarzenegger*, 591 F.3d 1147, 1162 (9th Cir. 2010). 1Ten asks the Court to decide the claim on an expedited schedule and to enjoin enforcement of the Subpoena.

II. BACKGROUND

Citations to "Tr." are to the reporter's transcripts posted as the Commission's meeting minutes. Citations to a "Packet" are to the Commission's posted meeting packets. These cited pages are Ex. F. The Court may take judicial notice of them. Fed. R. Evid. 201(b); *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998–99 (9th Cir. 2010).

A. The matter the Commission opened

MUR 26-06 arises from a complaint that Dr. Ralph Heap, a participating candidate for the Corporation Commission, did not account for the cost of campaign signs on his campaign finance reports. Compliance Order, Background ¶¶ 1, 3 (approved Aug. 27, 2026) (Castro Decl. Ex. E). Dr. Heap is the only respondent. 1Ten is not a party.

On August 14, 2026, the Commission voted 4–0 on this motion: "that the Commission finds there is reason to believe that Dr. Heap has violated a statute or rule of which the Commission has jurisdiction and to proceed with an investigation." Aug. 14, 2026 Tr. 72:23–73:1, 73:14–23 (Ex. F at 6–7).

On August 27, 2026, the Commission issued an order finding reason to believe that Dr. Heap violated A.R.S. §§ 16-941(A), 16-948(A), 16-947, and 16-942(B) and A.A.C. R2-20-104(D)(6) in connection with what it calls "the Mesa Sign Shop transaction": campaign signs "ordered for Dr. Heap's candidacy in April 2026" and completed "in late May 2026." Compliance Order, Violations §§ I–IV. The order is addressed to Dr. Heap alone. *Id.*, Order ("Dr. Heap shall . . . ."). It does not mention 1Ten or its principal, Mr. Hoffman. Before approving it, the Commission amended staff's draft so that a document demand would "only apply to the participating candidate and his campaign committee." Aug. 27, 2026 Tr. 19:9–20:16, 21:9–13 (Ex. F at 9–10); Compliance Order, Order ¶ 4(b). Commissioner Crump first moved to delete that paragraph, which demands documents

reflecting Mesa Sign Shop's decision to extend credit to Dr. Heap. The Commission's counsel asked whether he meant "to strike the entire paragraph or just clarify that the paragraph only applies to the candidate." He chose the second: the paragraph stayed in the order but applies only to the candidate and his campaign committee. The Commission adopted that amendment 4–0. Aug. 27, 2026 Tr. 19:14–22:3 (Ex. F at 9–10).

A second complaint concerning Dr. Heap, MUR 26-09, is pending. Staff "is reviewing that matter separately in the ordinary course." Sept. 2, 2026 Packet (Mem. from T. Collins, Aug. 31, 2026, n.1) (Ex. F at 24); *see* Oct. 29, 2026 Packet (Executive Director's Report) (Ex. F at 30–31) (listing MUR 26-09 with no disposition). The Commission's posted agendas and transcripts reflect no reason-to-believe finding in MUR 26-09.

B. The Subpoena

The Subpoena is signed by the Executive Director and states: "You have been subpoenaed by the Citizens Clean Elections Commission's Executive Director." Subpoena at 5, 7. It cites A.R.S. § 16-956(B) and A.A.C. R2-20-211(A) and (B), and it describes itself as part of "an inquiry authorized pursuant to A.R.S. § 16-956(A)(7) and A.A.C. R2-20-209(A)." *Id.* at 1–2. It identifies no Commission authorization or order.

The Subpoena is directed to 1Ten, which it defines to include "its members, managers, employees, agents, representatives, and persons acting on its behalf, including Jake Hoffman." *Id.* at 2. It defines "Dr. Heap" to include "his candidate committee, and any person acting on behalf of either." *Id.* It makes five document requests, quoted below where relevant. *Id.* at 3–4. No request is limited by date.

Compliance is due at 10:00 a.m. on November 18, 2026, twelve days after service. *Id.* at 4. 1Ten must appear for deposition that morning "through a member, manager, or other person 1Ten designates to testify on its behalf concerning the Requests above and 1Ten's search for responsive Documents," unless it first produces "all responsive Documents together with a declaration, signed under penalty of perjury by a person with knowledge, stating that a reasonable search was made and that the production is complete." *Id.* at 4–5. And "[i]f relevant records are not in your possession," 1Ten is to "provide an

index identifying the records and who is in possession of such records." *Id.* at 5. The Executive Director has since extended that date to November 25, 2026.

C. What the Executive Director already has

The Commission has ordered Dr. Heap himself to produce "[a]ll Documents relating to the Heap Sign Order," his "communications with any other person concerning the Heap Sign Order," and his agreements and records for "any service provided to the campaign." Compliance Order, Order ¶¶ 4(a), 6(b)–(c).

On August 20, 2026, the Executive Director subpoenaed Mesa Sign Shop for "the underlying business records concerning the Heap sign order, including the order, quote or estimate, invoice, production records, dates of completion and availability, pickup or delivery records, account statements, payment terms, and related communications." Sept. 2, 2026 Packet (Mem. from T. Collins, Aug. 31, 2026) (Ex. F at 22). Mesa Sign Shop produced its invoices, a receivables report, a work-order record, and its artwork files, and its counsel reported that the production "exhausts all the documents and materials in Mesa Sign Shop, LLC['s] possession that are responsive to the subpoena." Letter from K. Altman to M. O'Grady & A. Karpurk (Sept. 30, 2026); *see also* Letter from K. Altman to M. O'Grady & A. Karpurk (Sept. 25, 2026). Copies of both letters are Exhibits C and D to the Castro Declaration.

III. LEGAL STANDARD

A plaintiff seeking a preliminary injunction must show that it is likely to succeed on the merits, that it is likely to suffer irreparable harm without preliminary relief, that the balance of equities tips in its favor, and that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). In this Circuit, "serious questions going to the merits" and a balance of hardships that tips sharply toward the plaintiff also support an injunction when the other two factors are met. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). When the government is the opposing party, the balance of the equities and public interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). A permanent injunction requires the same showing, except that the plaintiff

must succeed on the merits rather than show a likelihood of success. *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 546 n.12 (1987). The Court may advance the trial on the merits and consolidate it with the preliminary-injunction hearing. Fed. R. Civ. P. 65(a)(2).

When a subpoena reaches political activity, the usual deference disappears. "[T]he highly deferential attitude which courts usually apply to business related subpoena enforcement requests . . . has no place where political activity and association . . . form the subject matter being investigated." *FEC v. Machinists Non-Partisan Political League*, 655 F.2d 380, 387 (D.C. Cir. 1981); *accord FEC v. LaRouche Campaign*, 817 F.2d 233, 234 (2d Cir. 1987) (per curiam) ("more exacting scrutiny").

IV. ARGUMENT

A. This Court has jurisdiction and should exercise it.

1Ten has standing, and its claim is ripe. A government demand for an organization's private member or donor information deters protected association "not just when a demand is enforced, but when it is made and for as long as it remains outstanding." *First Choice*, 608 U.S. at 189. The same is true of a demand for "disclosure of internal campaign communications" with a firm that produces its messages. *See Perry v. Schwarzenegger*, 591 F.3d 1147, 1162 (9th Cir. 2010). It does not matter that the Executive Director must go to superior court to enforce the Subpoena: an "objectively reasonable recipient of a demand like that would be induced, as well, to trim its protected advocacy knowing it now stands in the government's crosshairs." *First Choice*, 608 U.S. at 193. And § 1983 "guarantees a federal forum for plaintiffs who claim unconstitutional treatment at the hands of state officials," without prior resort to state court. *Id.* at 196. Defendants are state officers sued in their official capacities for prospective relief. *Ex parte Young*, 209 U.S. 123, 159–60 (1908).

Abstention under *Younger v. Harris*, 401 U.S. 37 (1971), does not apply. "[O]nly exceptional circumstances justify a federal court's refusal to decide a case in deference to the States." *New Orleans Pub. Serv., Inc. v. Council of New Orleans*, 491 U.S. 350, 368 (1989). Accordingly, *Younger* reaches only three kinds of state proceedings, and the only

one arguably in view is a civil enforcement proceeding "akin to a criminal prosecution," which is one "initiated to sanction the federal plaintiff." *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 78–79 (2013) (citations omitted). MUR 26-06 was initiated to sanction Dr. Heap. 1Ten is not a respondent, and no proceeding is pending by the Commission. Counsel for the Executive Director has told 1Ten's counsel that "this is not an investigation of your client." Compl. ¶ 16. A federal plaintiff who is a stranger to the state proceeding is not bound by *Younger*. *See Doran v. Salem Inn, Inc.*, 422 U.S. 922, 928–30 (1975). An investigative demand against a non-party is not an enforcement proceeding against its recipient. *See Seattle Pac. Univ. v. Ferguson*, 104 F.4th 50, 63–65 (9th Cir. 2024) (no abstention where the State had investigated but had filed no enforcement action against the federal plaintiff).

B. 1Ten is likely to succeed on the merits: the Subpoena violates the First Amendment right of political association.

1. Compelled disclosure of political association must survive exacting scrutiny.

The Supreme Court "has recognized the vital relationship between freedom to associate and privacy in one's associations." *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958). State action "which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny." *Id.* at 460–61. "[C]ompelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." *Buckley v. Valeo*, 424 U.S. 1, 64 (1976) (per curiam).[1] These freedoms "are protected not only against heavy-handed frontal attack, but also from being stifled by more subtle governmental interference." *Bates v. City of Little Rock*, 361 U.S. 516, 523 (1960).

An investigator who demands such information must "convincingly show a substantial relation between the information sought and a subject of overriding and compelling state interest." *Gibson v. Fla. Legislative Investigation Comm.*, 372 U.S. 539,

[1] Superseded in non-pertinent part by statute. *See McConnell v. FEC*, 540 U.S. 93, 191–94 (2003).

546 (1963). The test is exacting scrutiny: "a substantial relation between the disclosure requirement and a sufficiently important governmental interest," with the demand narrowly tailored to that interest. *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 607–11 (2021) (citation omitted). A legitimate purpose "cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." *Shelton v. Tucker*, 364 U.S. 479, 488 (1960). Disclosure to the government alone chills, "[e]ven if there [is] no disclosure to the general public." *Bonta*, 594 U.S. at 616 (citation omitted). And "[t]he risk of a chilling effect on association is enough." *Id.* at 618–19.

The protection reaches financial disclosures that reveal political association, not only membership lists, because "the invasion of privacy of belief may be as great when the information sought concerns the giving and spending of money as when it concerns the joining of organizations." *Buckley*, 424 U.S. at 66. It reaches a campaign's internal dealings, because "[i]mplicit in the right to associate with others to advance one's shared political beliefs is the right to exchange ideas and formulate strategy and messages, and to do so in private." *Perry v. Schwarzenegger*, 591 F.3d 1147, 1162 (9th Cir. 2010). It governs administrative subpoenas. *Brock v. Local 375, Plumbers Int'l Union*, 860 F.2d 346, 348–50 (9th Cir. 1988). And it applies with special force to an election agency, which regulates the "behavior of individuals and groups only insofar as they act, speak and associate for political purposes" and so "must make some showing of need for the material sought beyond its mere relevance to a proper investigation." *Machinists*, 655 F.2d at 387; *LaRouche Campaign*, 817 F.2d at 234–35.

2. The Subpoena compels disclosure of political association and chills it.

1Ten is a creative agency whose work includes work for political campaigns. A campaign's signs and printed materials are its speech, and its nonpublic deliberations with the firm about campaign strategy and messages are protected political association. *See Perry*, 591 F.3d at 1162–65 & n.12. The Subpoena demands the inside of that relationship: who paid, who helped, what else 1Ten did, and what was said in private.

Who paid. For six invoices addressed to "Jake Hoffman / 1ten.io," Request 1 demands documents showing "each payment made on those invoices," "the payor and source of funds for each payment, and whether any portion was applied to the invoice lines for Dr. Heap." Subpoena at 2–3. That is every payment on those invoices, for anyone's signs; 1Ten cannot say "whether any portion" went to Dr. Heap's lines without accounting for the rest. The invoice the request singles out, No. 2947, also lists the signs of Representative-elect James Rogers, a 1Ten client who ran without public financing and has never been the subject of a complaint before the Commission. Rogers Decl. ¶¶ 2–3, 5–6. Who funds campaign speech is donor information, and "a demand for private donor information '*inevitabl[y]*' deters the exercise of First Amendment rights." *First Choice*, 608 U.S. at 189 (quoting *Buckley*, 424 U.S. at 65) (emphasis supplied). Mr. Rogers would now "think twice before placing an order alongside other candidates." Rogers Decl. ¶ 8.

Who helped. Request 2 demands records showing who picked up the signs and "payments to any person who picked up, transported, placed, or removed the signs." Subpoena at 3. Those are the people who carried a campaign's message into public view, whether paid vendors or supporters whose tie to the campaign is otherwise private. Giving the government "a listing of every official, employee, staff member and volunteer" of a group "carries with it a real potential for chilling the free exercise of political speech and association guarded by the first amendment." *Machinists*, 655 F.2d at 388. Mr. Rogers, a 1Ten client, would now "hesitate to give a consultant the names of supporters and volunteers," some of whom he believes "would be reluctant to help again if they thought their names could end up in the records of a state investigation." Rogers Decl. ¶¶ 8–9.

What else 1Ten did. Request 3 leaves the sign order behind. It demands "any other goods or services that 1Ten paid for, provided, or arranged for Dr. Heap's campaign" and "the cost of each." Subpoena at 3–4. That is an account of everything a campaign did through its consultant, including any help the firm arranged from others, and of what the campaign chose to spend on each. An account of "the giving and spending of money" can invade privacy of belief as much as a membership list. *Buckley*, 424 U.S. at 66.

What was said. Request 4 demands "[a]ll Communications between 1Ten and Dr. Heap," a term that covers "any person acting on behalf of" his campaign, "relating to Heap Materials": every sign, business card, rack card, and palm card bearing his name. Subpoena at 2–4. It draws no line between the published message and the private deliberation that produced it. That deliberation is the private formulation of "strategy and messages" that the First Amendment protects. *Perry*, 591 F.3d at 1162. The agency in *Machinists* likewise demanded a political group's "internal communications." 655 F.2d at 388. Mr. Rogers and 1Ten discussed which messages to put on his signs and where and when the signs should go up; "[a]n opponent who knew those things would have known how [his] campaign planned to win." Rogers Decl. ¶ 4. He would now "put less in writing to a consultant." *Id.* ¶ 8. Request 5 adds 1Ten's exchanges with the vendor about "MUR 26-06" itself and the declaration submitted with Dr. Heap's response. Subpoena at 4.

The purpose is not hidden. AZPIA, the complainant in MUR 26-09, told the Commission that "[s]omeone decided how this purchase would be papered," that AZPIA "does not allege who that was; it asks the Commission to find out," and that the Commission "should compel the campaign to identify *every person who advised it* concerning the sign purchase, the financing or billing arrangement, or the position that the obligation was not reportable." Aug. 14, 2026 Packet at 252 (AZPIA mem., Aug. 12, 2026, pt. V) (Ex. F at 19) (emphasis supplied). At the August 14 meeting, Nick Myers, the sitting chairman of the Arizona Corporation Commission (who Ralph Heap defeated in the primary) and, in his words, "the immediate past candidate in this race," told the Commission that the campaigns' activities were "coordinated presumably by a single consultant" and that "it's reasonable to conclude that Jake Hoffman played a central role," citing his "recruiting of Heap and Marshall" and his role as a consultant to other candidates. Aug. 14, 2026 Tr. 31:10–16, 33:1–11 (Ex. F at 3–4). He compared Dr. Heap's signs to those of "several other campaigns around the Valley," asked, "Was there a coordination between these campaigns?" and told the Commission that "we can't know with certainty

until Clean Elections obtains financial records and invoices." *Id.* at 32:10–18, 33:4–5. That is a request to map who works with whom in Arizona politics. The Subpoena carries it out.

It does so expressly. Under the heading "Your Duties In Responding to This Subpoena," it says: "If relevant records are not in your possession, please provide an index identifying the records and who is in possession of such records." Subpoena at 5. That seeks no document that exists. It makes 1Ten compile, for the State, a list of who else holds records about a campaign and its funding. It is not confined to the five Requests, to Dr. Heap, or to any period, and it does not say relevant to what. AZPIA asked the Commission to "identify every person who advised" the campaign. The Executive Director has told 1Ten to do the identifying.

A compelled list of associates is the classic First Amendment injury. It "may induce members to withdraw from the Association and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations." *NAACP*, 357 U.S. at 462–63. The index is the "listing" the FEC sought in *Machinists*, 655 F.2d at 388, except that here 1Ten must draw it up itself. Each name on it is a lead for the next subpoena. It ties a person to the campaign before the State has any document from that person. And keeping records elsewhere is no answer: 1Ten must still name who has them.

Even worse, the Commission does its work in public. In this matter, staff's emails with a third-party witness were reproduced in a public meeting packet within days of being sent. Sept. 2, 2026 Packet (Aug. 27, 2026 emails between the Executive Director and Mesa Sign Shop's owner) (Ex. F at 26–27). The Subpoena places no limit on what the Commission may do with what 1Ten produces.

Highlighting the chilling effect of the subpoena is the fact that the complainants in this matter are not disinterested members of the public. They are political opponents. Their public statements tie enforcement to removing Heap from the ballot. In a July 2026 post, AZPIA's Tyler Montague called on the Commission to conclude its investigation before ballots were printed and declared: "If Ralph Heap is still on the ballot in November, the

special interests will win and the voters will lose."[2] Lisa Everett, the complainant in MUR 26-06, then threatened: "And if he does not remove himself from the ballot I WILL be submitting a complaint with the Arizona Secretary of State and the fines will be exponentially more."[3] Their hostility also reaches 1Ten's owner. In June 2025, well before this investigation, Montague ranked Hoffman worst among Arizona's "broken, sleazy, nutty, malicious" politicians, declaring that "Hoffman is the worst ever."[4] In a separate discussion, Montague called Hoffman a "lying POS snake" and wrote: "I want Hoffman… to get indicted again, as [he] deserve[s] to be."[5] Everett expressly sought to attach adverse publicity about the Heap controversy to Hoffman. After saying that Hoffman and others did not want the negative press near them, she wrote: "I think it should be plastered on their faces. They are the problem."[6] The hostility is not confined to the complainants. The Commission's order incorporates the sworn statement of Gina Swoboda, who describes herself as a former chair of the Arizona Republican Party. Compliance Order, Background; Ex. B at 110. The day after the Subpoena was delivered, she wrote that "the party is in a hot civil war purging anyone not far enough to the right—witness LD27 and the attacks on Lesko by Hoffman and his merry band of dead-enders," and mocked "paid consultants like AZ FreeDUM caucus leader Jake Hoffman," who "will cry himself to sleep on his giant cash-stuffed pillow." Ex. B at 104–05. Weeks earlier she had written: "I love Arizona and… Hoffman [is] destroying it." *Id.* at 110. Together with the demand to identify campaign advisers and the Commission's publication of investigative communications, these statements support a concrete risk that disclosure will expose private political relationships to adversaries seeking Heap's withdrawal, Hoffman's prosecution, and adverse publicity for those connected with them – invariably deterring others from associating with 1Ten and its principal.

---

[2] Ex. B at 205–06.
[3] Ex. B at 163.
[4] Ex. B at 72.
[5] Ex. B at 36–37.
[6] Ex. B at 8.

These facts "objectively suggest an impact on, or 'chilling' of," associational rights flowing from enforcement of the subpoena and are sufficient for a prima facie showing of First Amendment chilling. *Perry*, 591 F.3d at 1160-61 (citation omitted). A candidate will not speak freely with a consultant, a consultant will not take a client, a supporter will not pick up a candidate's signs, and a vendor, organization, or candidate will not work with a consultant if the price is a state subpoena for their names and messages which will then be displayed to the world at the behest of their political adversaries. 1Ten may assert these rights not just for itself but for the candidates and individuals whose associations the Subpoena would expose. To require them to come forward "would result in nullification of the right at the very moment of its assertion." *NAACP*, 357 U.S. at 459. Mr. Rogers, whose own signs are on an invoice the Subpoena names, and which was divulged pursuant to the Commission's subpoena to Mesa Sign Shop, confirms the effect. He would not have spoken as candidly with 1Ten had he expected the State to obtain what he said, and the Subpoena makes him less willing to speak candidly with it or with any consultant. His concern is not limited to public disclosure: he would be less willing to speak candidly with 1Ten due to the subpoena "even if the information went only to the Commission." He expects to run again. Rogers Decl. ¶¶ 2–5, 8–10. *See Bonta*, 594 U.S. at 616.

3. The Executive Director cannot justify the demand.

The burden therefore shifts. The Executive Director must show that the information is "highly relevant," that the request is "carefully tailored to avoid unnecessary interference with protected activities," and that the information is "otherwise unavailable." *Perry*, 591 F.3d at 1161; *see Gibson*, 372 U.S. at 546. He fails each requirement.

Not highly relevant. The Commission's finding concerns whether a candidate reported and lawfully financed one sign order. Compliance Order, Violations §§ I–IV. That question does not depend on whose money paid for other candidates' signs on a shared invoice (Request 1), who carried the signs (Request 2), what else 1Ten did for the campaign (Request 3), what its palm cards should say (Request 4), or what 1Ten and the vendor said about "MUR 26-06" (Request 5). The order does not mention 1Ten. Nor has the

Commission ever sought 1Ten's records. The recommendation its order incorporates says the Executive Director "may subpoena all of the Respondent's records documenting disbursements, debts, or obligations[.]" The Respondent is Dr. Heap, not 1Ten. Aug. 14, 2026 Packet at 35 (Ex. F at 17); Compliance Order, Background ¶ 6. When the Commission wants witnesses subpoenaed, it says so: the day it approved that order, it authorized "subpoenas to witnesses" in three other candidates' investigations and not in this one. Aug. 27, 2026 Tr. 61:3–10, 63:5–11, 65:4–10 (Ex. F at 12–13). That omission has constitutional weight. When an investigator demands a witness's political associations, "[t]he lack of any indications that the [body he serves] wanted the information" he seeks "must be treated as the absence of authority." *Sweezy v. New Hampshire*, 354 U.S. 234, 254 (1957) (plurality opinion); *see Watkins v. United States*, 354 U.S. 178, 205 (1957) ("Protected freedoms should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need."). Records the Commission has never sought cannot be "highly relevant" to its inquiry. The Executive Director has not shown a "substantial relation" between the Commission's inquiry, "a subject of overriding and compelling state interest[,]" and compelled disclosure of unrelated political affiliations or private campaign strategy. *Gibson*, 372 U.S. at 546. The order says nothing about coordination among campaigns. That theory came from a rival candidate, who offered it as a presumption and conceded that "we can't know with certainty." Aug. 14, 2026 Tr. 33:1–5 (Ex. F at 4). The call for a "subpoena of various records from vendors" came from AZPIA's Tyler Montague. *Id.* at 47:8–16 (Ex. F at 5). The Commission adopted neither. Relevance of transaction records does not justify these undifferentiated demands for the campaign's private associations and deliberations. *LaRouche Campaign*, 817 F.2d at 234–35.

Not tailored. The Subpoena has no limit in time. It reaches "any other goods or services." It reaches communications with "any person acting on behalf of" the campaign. Its payment language is not confined to its express Heap limitation but reaches every payor on shared invoices, including the invoice that lists Mr. Rogers' signs. The index instruction

has no stated subject at all: any "relevant records," held by anyone, must be listed with the holder's name. Such an "unlimited and indiscriminate sweep" falls "within the ban of [the Court's] prior cases." *Shelton*, 364 U.S. at 490. "Broad and sweeping state inquiries into these protected areas . . . discourage citizens from exercising rights protected by the Constitution." *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595, 610 (2021) (quoting *Baird v. State Bar of Arizona*, 401 U.S. 1, 6 (1971) (plurality opinion)). And the demand is the Executive Director's alone. The one time the Commission considered how far its own demands in this matter should reach, it did not leave the question to his discretion. It confined paragraph 4(b) of its order to "the participating candidate and his campaign committee." *See* Part II.A.

Not otherwise unavailable. The Executive Director subpoenaed the vendor's file, including its pickup records (Request 2(a)), account statements (Request 1), and "related communications" (Request 5). The Commission has ordered the Respondent himself to produce his documents and communications about the sign order (Request 4) and his records of "any service provided to the campaign" (Request 3). *See* Part II.C. The Executive Director has thus already sought these records from two sources: from the vendor by subpoena, which the vendor answered, and from the candidate by Commission order. Requests 1, 2(a), 3, 4, and 5 of the Subpoena substantially overlap categories already demanded from the vendor and candidate. The Executive Director has not identified what relevant information remains unavailable from those sources or why obtaining it requires these demands for protected political communications. Nor does he need 1Ten to name who else holds records: staff has already asked the Respondent to identify "the persons involved" in his campaign's undocumented transactions. Sept. 2, 2026 Packet (Mem. from T. Collins, Aug. 31, 2026) (Ex. F at 22).

When an investigator cannot make the required showing, the demand falls. *NAACP*, 357 U.S. at 466; *Bates*, 361 U.S. at 527; *Gibson*, 372 U.S. at 558.

C. 1Ten is suffering irreparable harm now, and more is imminent.

"Irreparable harm is relatively easy to establish in a First Amendment case because the party seeking the injunction need only demonstrate the existence of a colorable First Amendment claim." *Hubbard v. City of San Diego*, 139 F.4th 843, 853 (9th Cir. 2025) (cleaned up). "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion); *Klein v. City of San Clemente*, 584 F.3d 1196, 1207–08 (9th Cir. 2009).

That injury does not wait for a state court to order disclosure. The deterrent effect of a demand like this one occurs "when it is made and for as long as it remains outstanding," and "the pressure" it exerts can "be constant and heavy" even without public disclosure. *First Choice*, 608 U.S. at 189, 199 (citation omitted). The contention that a subpoena harms no one until a court enforces it is the contention the Supreme Court rejected. *Id.* at 192–94. The effect is already being felt. Rogers Decl. ¶ 8.

The return date, as extended, is November 25, 2026. On that date the Subpoena commands 1Ten to produce its records and to testify unless it first swears that its production is complete. Subpoena at 4–5. If 1Ten complies, it makes disclosures that cannot be undone. *See Perry*, 591 F.3d at 1158 ("this injury will not be remediable on appeal"). If it does not, it faces "proceedings in Superior Court to enforce [the Subpoena's] requirements." Subpoena at 6. Money cannot repair either harm, and a party need not be put to that choice. *See Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 381 (1992).

A prompt ruling also protects this Court's ability to decide the case. If the Executive Director files in superior court before this Court acts, 1Ten will be made to litigate its First Amendment defense there, and a loss there would follow it here. *See First Choice*, 608 U.S. at 196 (describing this "preclusion trap"). A federal forum that can be defeated by a race to the state courthouse is not the forum § 1983 guarantees. *Id.*

D. The equities and the public interest favor relief.

An order holding matters in place costs Defendants little. The Subpoena is not self-executing. Subpoena at 6. The election has been held. The Executive Director's office

extended the deadlines it gave the sign vendor and Dr. Heap. Sept. 2, 2026 Packet (Mem. from T. Collins, Aug. 31, 2026) (Ex. F at 23–24). And he already has the vendor's file. *See* Part II.C. Nor would an injunction displace any decision of the Commission, which never voted to subpoena 1Ten. Against that stands the continuing loss of First Amendment freedoms, and "it is always in the public interest to prevent the violation of a party's constitutional rights." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation omitted).

E. No bond should be required.

The Court may dispense with security when there is no realistic likelihood that the injunction will harm the defendant. *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003). There is none here.

F. The relief requested is narrow.

1Ten asks the Court to enjoin Defendants, permanently or, if the Court does not enter final judgment after the hearing, until final judgment, from (1) enforcing or seeking to enforce the Subpoena against 1Ten, including by any application under A.R.S. § 12-2212(B); (2) treating 1Ten's non-compliance with the Subpoena as a default or violation; and (3) issuing further process in MUR 26-06 that seeks the same information from 1Ten or from its members, managers, employees, or agents. The order would not stop the Commission's investigation of Dr. Heap or its use of what it already has. The Court should advance the trial on the merits and consolidate it with the hearing on this Motion. Fed. R. Civ. P. 65(a)(2). The claim turns on the Subpoena, the Commission's public records, two short declarations, and questions of law, and it can be decided without discovery. 1Ten asks for an expedited hearing because the extended return date is November 25, 2026. It does not ask for a temporary restraining order, because the Executive Director cannot enforce the Subpoena without applying to the superior court. If he does so before this Court rules, 1Ten reserves the right to apply for a temporary restraining order at that time.

V. CONCLUSION

The Court should set an expedited hearing, consolidate it with the trial on the merits, and permanently enjoin Defendants from enforcing the Subpoena. In the alternative, it should enjoin them from doing so until final judgment.

RESPECTFULLY SUBMITTED this 18th day of November, 2026.

KOLODIN LAW GROUP PLLC

By: /s/Alexander Kolodin
Alexander Kolodin
4105 North 20th Street, Suite 110
Phoenix, AZ 85016
Attorneys for Plaintiff 1Ten LLC

CERTIFICATE OF SERVICE

I certify that on November 18th, 2026, I electronically filed this document with the Clerk of the Court using the CM/ECF system. No Defendant has appeared. Plaintiff will serve this document, the Complaint, all exhibits and declarations, and the proposed order on each Defendant with the summons and Complaint under Fed. R. Civ. P. 4, and will file proof of service.

I further certify that on the same date, to give Defendants notice of this Motion, I emailed copies of this document, the Complaint, both Declarations and their exhibits, and the proposed order to counsel for the Executive Director in MUR 26-06:

Mary O'Grady
Allie Karpurk
Osborn Maledon, P.A.
2929 North Central Avenue, Suite 2000
Phoenix, AZ 85012
mogrady@omlaw.com
akarpurk@omlaw.com

Counsel for the Executive Director in MUR 26-06

KOLODIN LAW GROUP PLLC

By: /s/Analea Castro

Alexander Kolodin (State Bar No. 030826)
KOLODIN LAW GROUP PLLC
4105 North 20th Street, Suite 110
Phoenix, AZ 85016
Telephone: (602) 730-2985
alexander.kolodin@kolodinlaw.com
Analea@kolodinlaw.com (Filed copies)

Attorneys for Plaintiff 1Ten LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

1Ten LLC, a Delaware limited liability company, Plaintiff, v. Thomas M. Collins, in his official capacity as Executive Director of the Arizona Citizens Clean Elections Commission, et al., Defendants.	No. **DECLARATION OF ANALEA CASTRO IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY AND PERMANENT INJUNCTION**

I, Analea Castro, declare:

1. I am a paralegal at Kolodin Law Group PLLC, counsel for Plaintiff 1Ten LLC. I am over eighteen years old and make this declaration from personal knowledge.

2. Exhibit A to this declaration is a true copy of the Subpoena Duces Tecum and for Deposition that our office received from counsel for the Executive Director on November 6, 2026.

3. Exhibit B to this declaration contains copies of public posts on X by the accounts @patriotnheels, @TylerJMontague, @nickmyersaz, and @GinaSwoboda. On November 13, 2026, I viewed each post at the X address shown beneath it and confirmed that the copy accurately shows the post.

4. The meeting transcripts and meeting packets cited in the Motion are posted on the Commission's website at https://www.azcleanelections.gov/clean-elections-commission-meetings. I reviewed the cited transcripts and packets on that site on November 13, 2026.

5. Exhibits C and D to this declaration are true copies of letters dated September 30 and September 25, 2026 from Kurt Altman, counsel for Mesa Sign Shop, LLC, to counsel for the Executive Director, which our office received from Mr. Altman on November 11, 2026.

6. Exhibit E to this declaration is a true copy of pages 40 through 44 of the Commission's September 2, 2026 meeting packet, which I downloaded from the Commission's website at the address in paragraph 4 on November 13, 2026. Those pages are the Executive Director's August 27, 2026 email transmitting "the order as approved" and the compliance order in MUR 26-06.

7. Exhibit F to this declaration contains copies of pages from the reporter's transcripts of the Commission's August 14 and August 27, 2026, meetings and from its meeting packets for August 14, September 2, and October 29, 2026, as listed in the index on the first page of the exhibit. On November 18, 2026, I compared each page with the transcript or packet posted at the address in paragraph 4 and confirmed that it is a true copy of the page as posted, reduced in size, with an exhibit page number and a source label added at the foot.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 18th, 2026.

By: */s/Analea Castro*
Analea Castro

THE STATE OF ARIZONA
ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

In the Matter of: 26-06 Ralph Heap	**SUBPOENA DUCES TECUM AND FOR DEPOSITION**

TO: 1Ten LLC (d/b/a "1ten.io")
a Delaware limited liability company
c/o Jake Hoffman, Owner
18521 E. Queen Creek Rd.,
Ste. 105-503
Queen Creek, Arizona 85142

YOU ARE HEREBY REQUIRED, pursuant to A.R.S. § 16-956(B) and R2-20-211(A) and (B), to produce and permit inspection and copying of the Documents described below in your possession, custody, or control, or, if you do not produce them as provided below, to appear and testify under oath at a deposition, related to the determination there is reason to believe violations occurred made by the Commission on August 14, 2026 in CCEC MUR 26-06, with the Arizona Citizens Clean Elections Commission. *See* A.R.S. § 16-956(B); A.A.C. R2-20-211. This information is requested in connection with an inquiry authorized pursuant to A.R.S. § 16-956(A)(7) and

A.A.C. R2-20-209(A).

This Subpoena Duces Tecum requires that you produce the following materials:

General Definitions

"1Ten" means 1Ten LLC (including business conducted as "1ten.io"), including its members, managers, employees, agents, representatives, and persons acting on its behalf, including Jake Hoffman.

"Dr. Heap" means Dr. Ralph Heap, his candidate committee, and any person acting on behalf of either.

"Mesa Sign Shop" means Mesa Sign Shop, LLC.

"Mesa Sign Shop Invoices" means Mesa Sign Shop invoice Nos. 2230, 2443, 2463, 2947, 3218, and 3294, each addressed to "Jake Hoffman / 1ten.io."

"Heap Signs" means campaign signs bearing Dr. Heap's name, including signs shared with another candidate (such as "Heap Marshall" signs) and the "Heap 48x48" and "Heap YS" signs listed on Invoice No. 2947.

"Heap Materials" means Heap Signs and any other printed campaign material bearing Dr. Heap's name, including business cards, rack cards, and palm cards.

"Sign-Related Expenses" means any cost of handling or placing Heap Signs other than the printing price, including pickup, transportation, storage, stakes, rebar, and other installation materials, and labor for placement or removal.

"Document" means any written, printed, electronic, or recorded material, including emails, text messages, invoices, receipts, payment records, accounting records and entries, contracts, correspondence, internal notes, and electronically stored information.

"Communication" means any written, electronic, or recorded communication, including email and text messages.

Requests

1) All Documents relating to the Mesa Sign Shop Invoices to the extent they concern Dr. Heap, including Documents sufficient to show each payment made on those invoices (including the $96,500.00 payment reflected on Invoice No. 2947), the payor and source of funds for each payment, and whether any portion was applied to the invoice lines for Dr. Heap.
2) For Heap Signs: (a) all Documents sufficient to show the number of signs picked up from Mesa Sign Shop, the date of each pickup, and who picked them up; (b) all Documents sufficient to show the number of signs placed and the dates of placement; and (c) all invoices, receipts, and payment records for Sign-Related Expenses, including payments for stakes, rebar, and other installation materials and payments to any person who picked up, transported, placed, or removed the signs.
3) Documents sufficient to show any other goods or services that 1Ten paid for, provided, or arranged for Dr. Heap's campaign, the cost of

each, and whether, when, and in what amount Dr. Heap paid or reimbursed 1Ten.

4) All Communications between 1Ten and Dr. Heap relating to Heap Materials, Sign-Related Expenses, the Mesa Sign Shop Invoices, or payment or reimbursement for any of them.

5) All Communications between 1Ten and Mesa Sign Shop relating to Heap Materials, payment or collection of any amount owed for goods provided for Dr. Heap, or MUR 26-06, including any Communication about the declaration that James E. "Jim" Torgeson signed on August 7, 2026 and that was submitted with Dr. Heap's response in MUR 26-06.

TIME AND DATE OF PRODUCTION: 10:00 a.m., Wednesday, November 18, 2026

PLACE OF PRODUCTION: Osborn Maledon, P.A.
2929 North Central Avenue, Suite 2000
Phoenix, Arizona 85012
or electronically to counsel listed below

TIME AND DATE OF DEPOSITION: 10:00 a.m., Wednesday, November 18, 2026

PLACE OF DEPOSITION: Osborn Maledon, P.A.
2929 North Central Avenue, Suite 2000
Phoenix, Arizona 85012

You need not appear for the deposition if, on or before the time and date of production, you produce all responsive Documents together with a declaration, signed under penalty of perjury by a person with knowledge,

stating that a reasonable search was made and that the production is complete (or identifying any Request for which no Documents exist). Otherwise, 1Ten shall appear for deposition at the time, date, and place stated above through a member, manager, or other person 1Ten designates to testify on its behalf concerning the Requests above and 1Ten's search for responsive Documents. All testimony will be under oath. A.A.C. R2-20-211(B). The deponent will have the opportunity to review and sign the deposition. A.A.C. R2-20-211(C).

Note:

You have been subpoenaed by the Citizens Clean Elections Commission's Executive Director, whose attorney's name, address and telephone number is: Mary O'Grady, 2929 North Central Ave, Suite 2000 Phoenix, AZ 85012, 602-640-9000

Your Duties In Responding to This Subpoena

You have a duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them with the categories set forth in this subpoena.

If a claim of privilege is asserted with respect to any Document or you refuse to disclose any Document requested herein on any other ground, state separately for each Document withheld the basis for your claim that such Document need not be disclosed with such specificity as will permit the Commission or a Court of Law to determine the legal sufficiency of your objection or position.

If this subpoena asks you to produce or permit inspection of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states you must appear. If relevant records are not in your possession, please provide an index identifying the records and who is in possession of such records.

Your Right to Object

You may object if you feel that you should not be required to respond to the request made. Under A.A.C. R2-20-213, you have a right, prior to the time specified herein for compliance, but in no event more than five days

after the receipt of this subpoena, to apply to the Citizens Clean Elections Commission to quash or modify it. Such application must include the reasons therefor. The Commission may deny the application, quash the subpoena, or modify the subpoena.

Failure to comply with this subpoena may subject you to proceedings in Superior Court to enforce its requirements.

ADA Notification

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COMMISSION AT LEAST THREE DAYS IN ADVANCE OF A SCHEDULED PROCEEDING.

SIGNED AND SEALED this 3rd day of November, 2026.

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

ORIGINAL of this Subpoena served by personal delivery this 6th day of November, 2026 on:
1Ten LLC, through its counsel, who has agreed to accept service on its behalf:
Alexander Kolodin
alexander.kolodin@kolodinlaw.com

Attorney for 1Ten LLC

COPY sent by email this same date to:
Linley Wilson
lwilson@holtzmanvogel.com
Erica Leavitt
eleavitt@holtzmanvogel.com

Attorneys for Dr. Ralph Heap, MUR 26-06

EXHIBIT B

Posts, replies, and reposts on X by Lisa Everett, Tyler Montague, Nick Myers, and Gina Swoboda

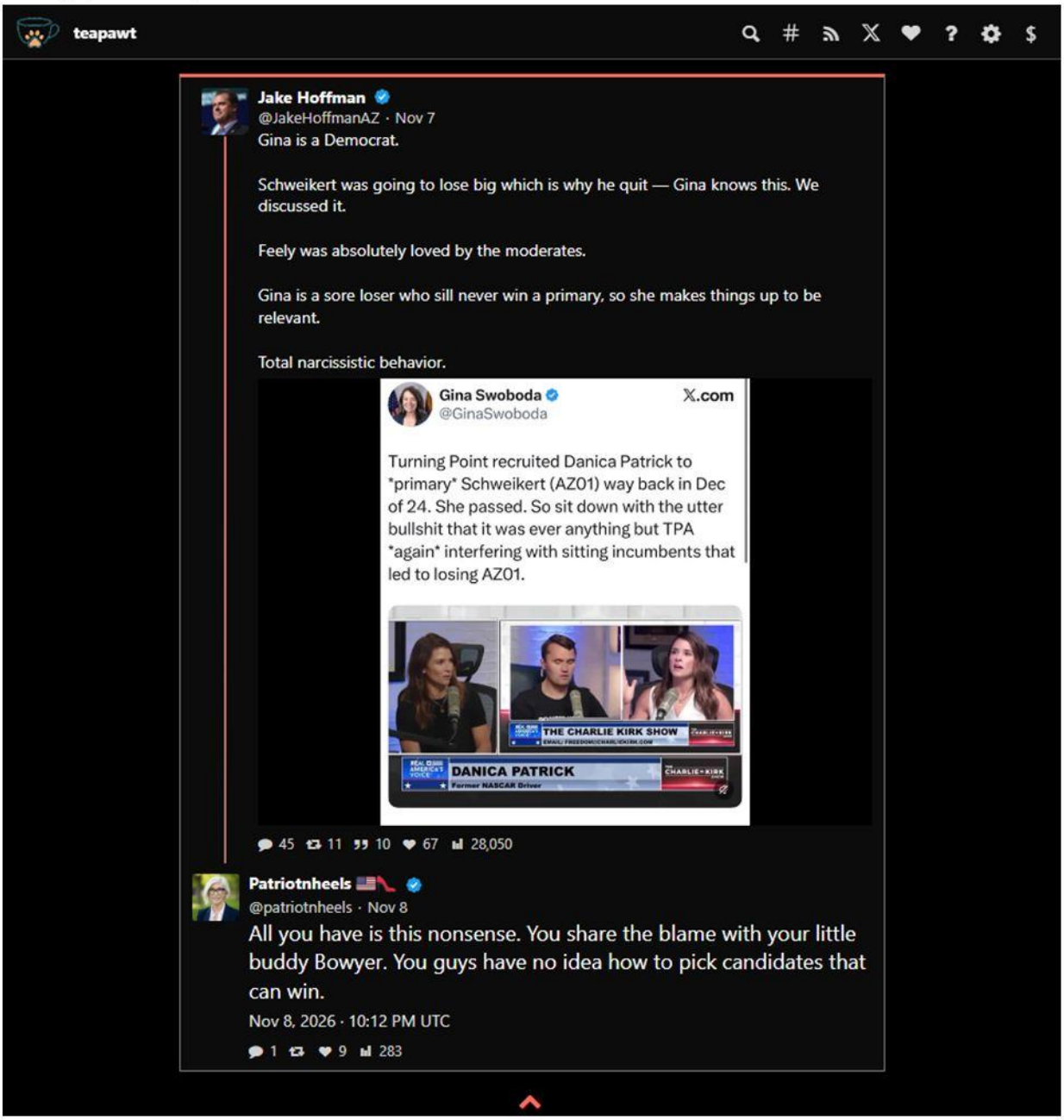
Pages 1–110: posts concerning Jake Hoffman

Pages 111–221: posts concerning Ralph Heap

Lisa Everett

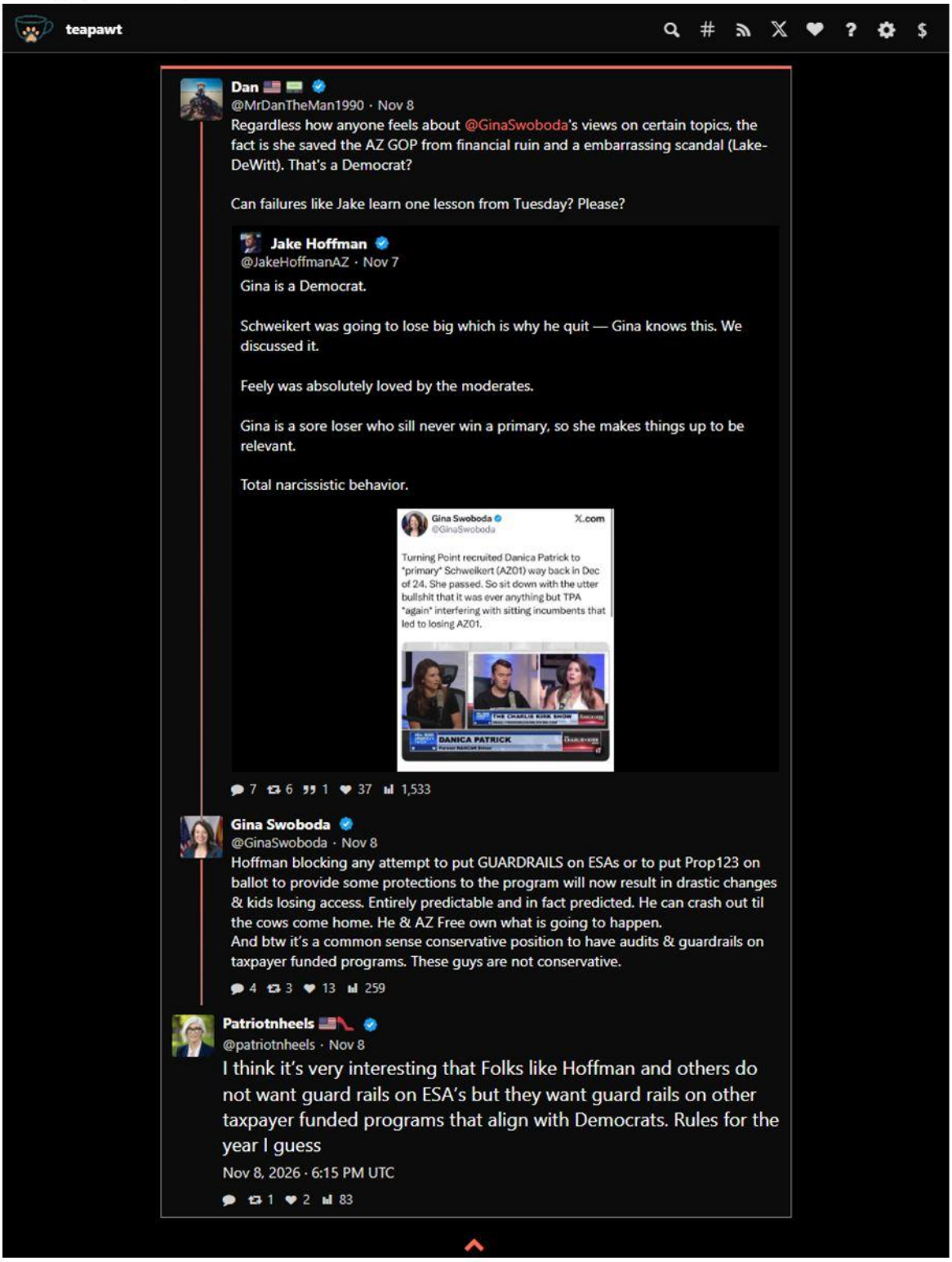
@patriotnheels. 21 post(s), newest first.

1. Reply · Nov 8, 2026 · 10:12 PM UTC



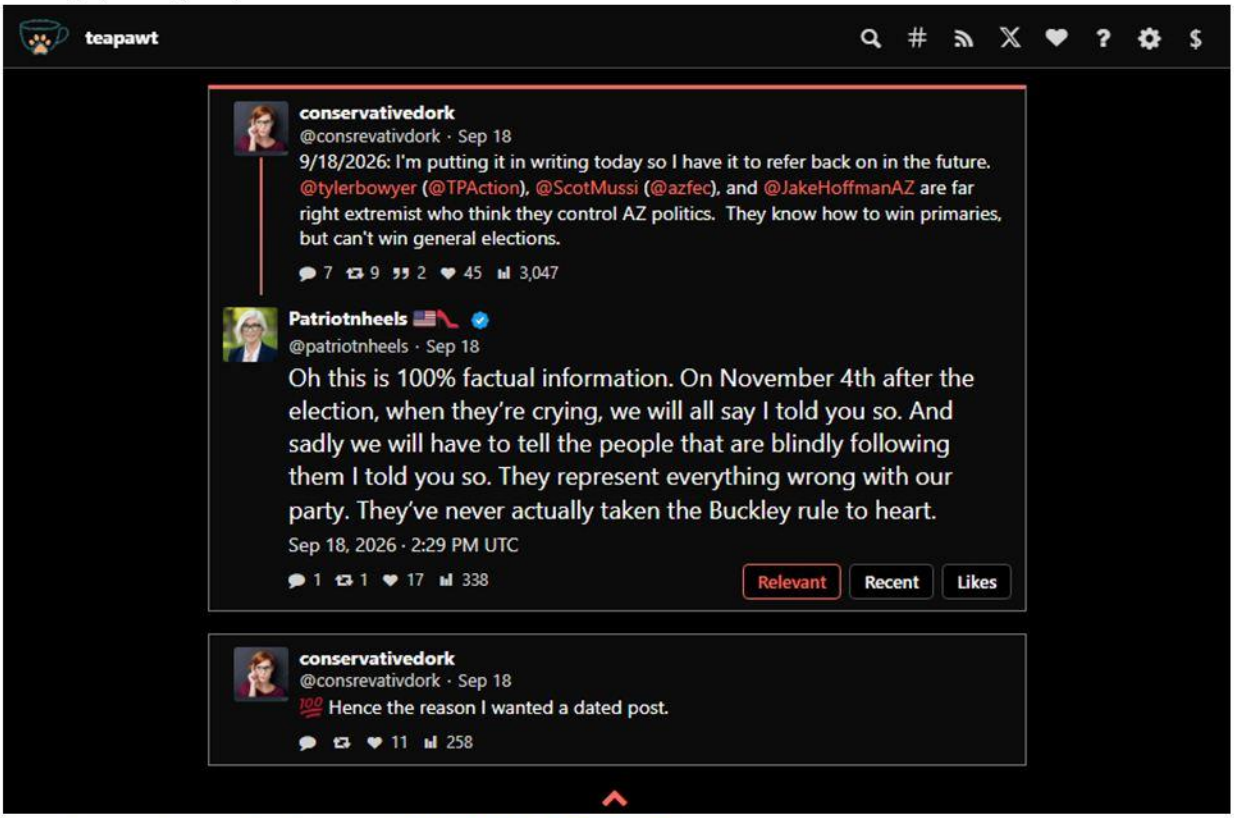
https://x.com/patriotnheels/status/2119553615551721591

2. Reply · Nov 8, 2026 · 6:15 PM UTC



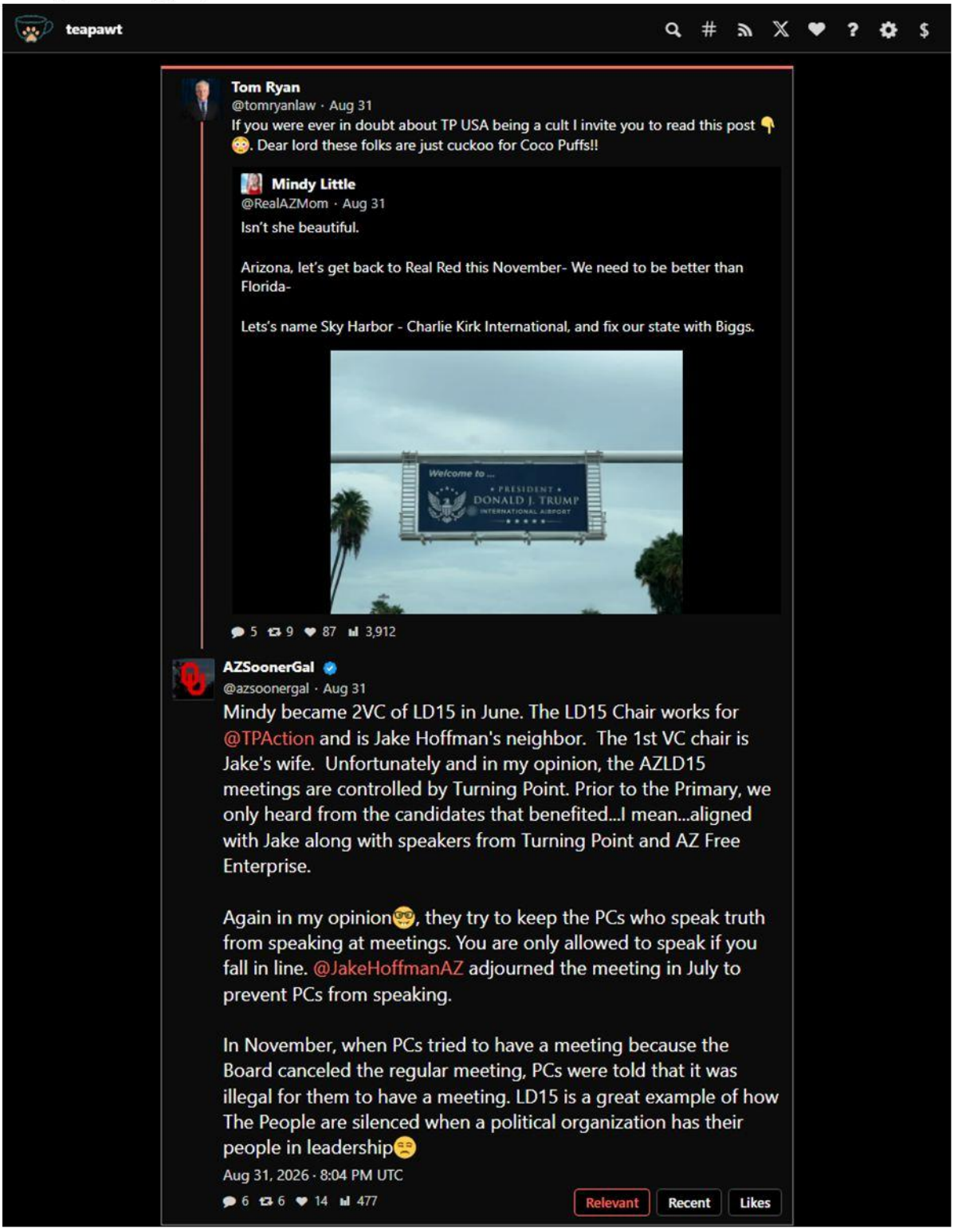
https://x.com/patriotnheels/status/2119493974557933904

3. Reply · Sep 18, 2026 · 2:29 PM UTC

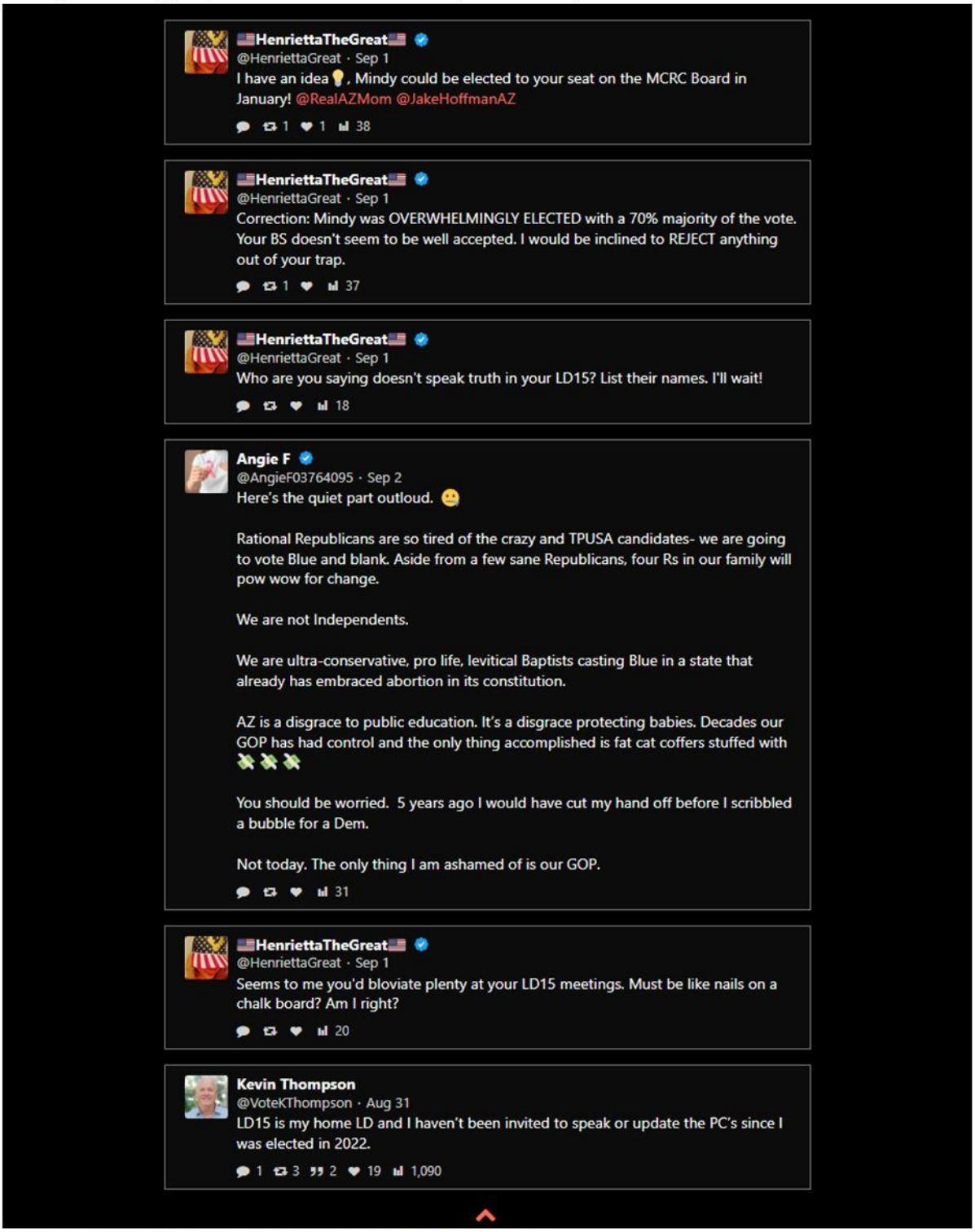


https://x.com/patriotnheels/status/2100955391077093473

4. Repost · Aug 31, 2026 · 8:04 PM UTC

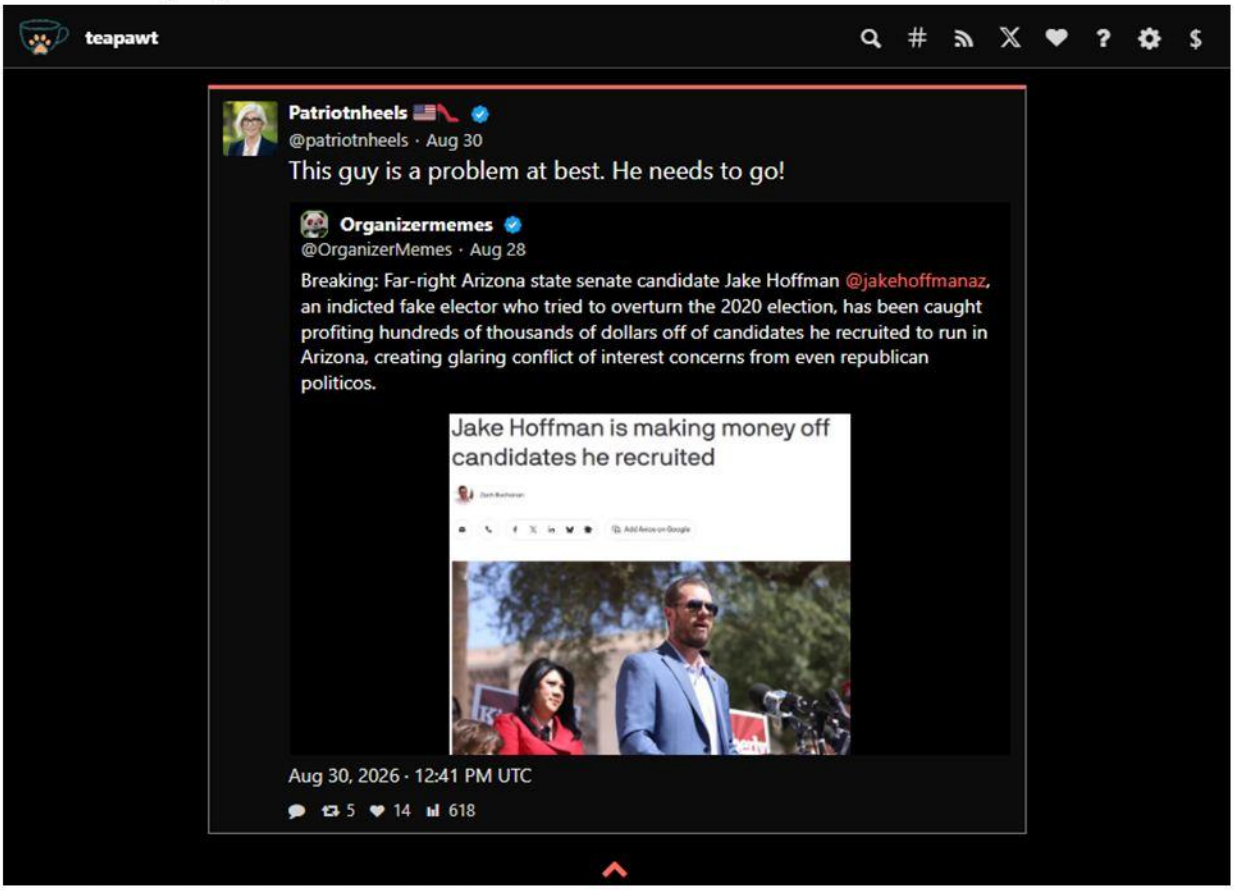


4. Repost · Aug 31, 2026 · 8:04 PM UTC (continued)



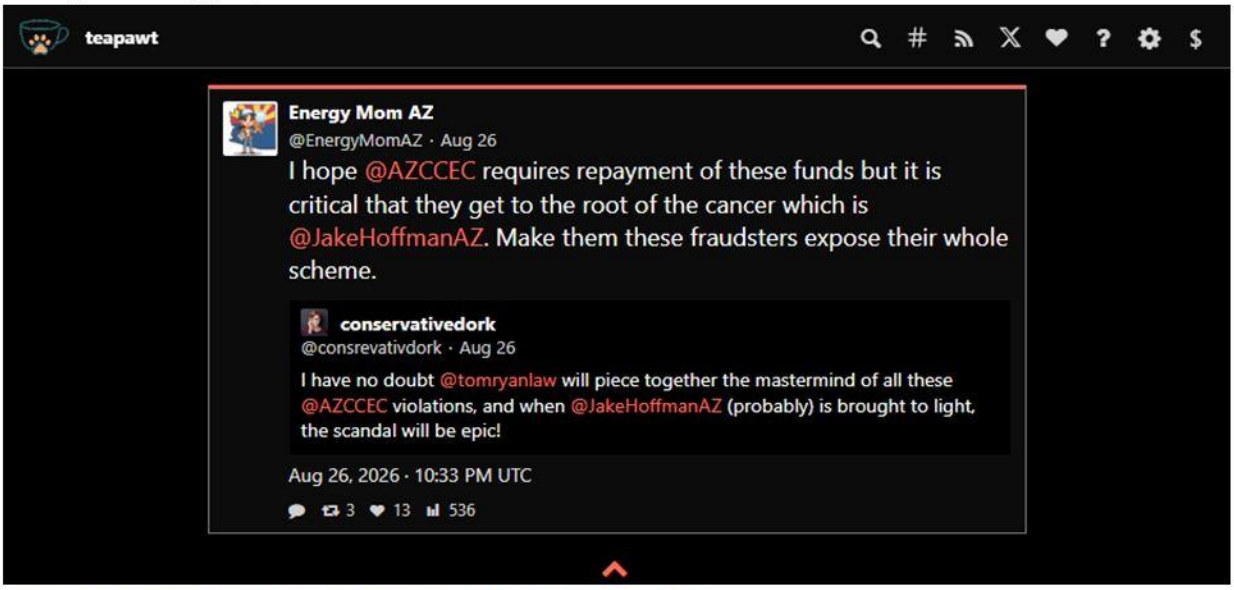
https://x.com/azsoonergal/status/2094516644676768023

5. Post · Aug 30, 2026 · 12:41 PM UTC



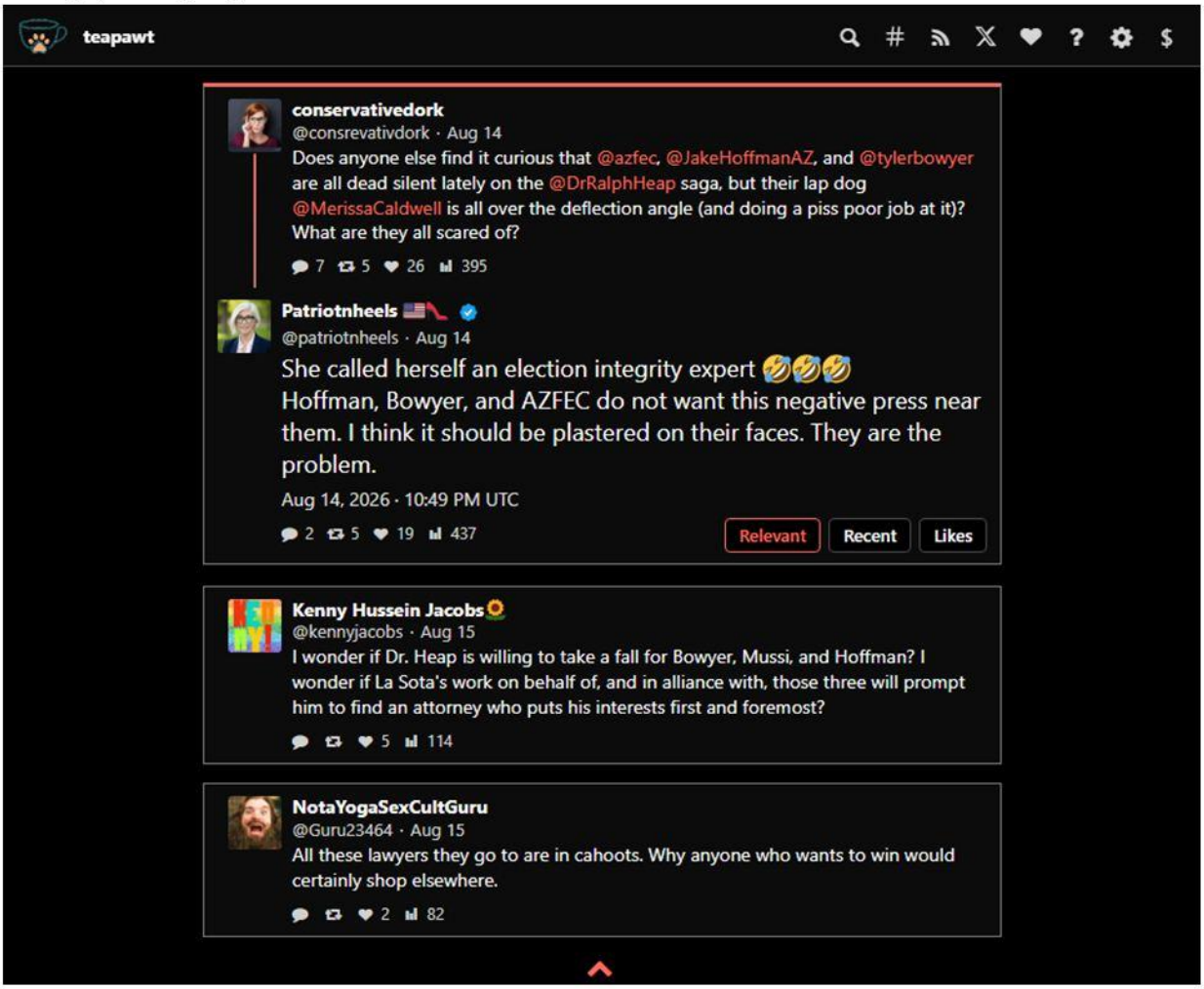
https://x.com/patriotnheels/status/2094042768519967085

6. Repost · Aug 26, 2026 · 10:33 PM UTC



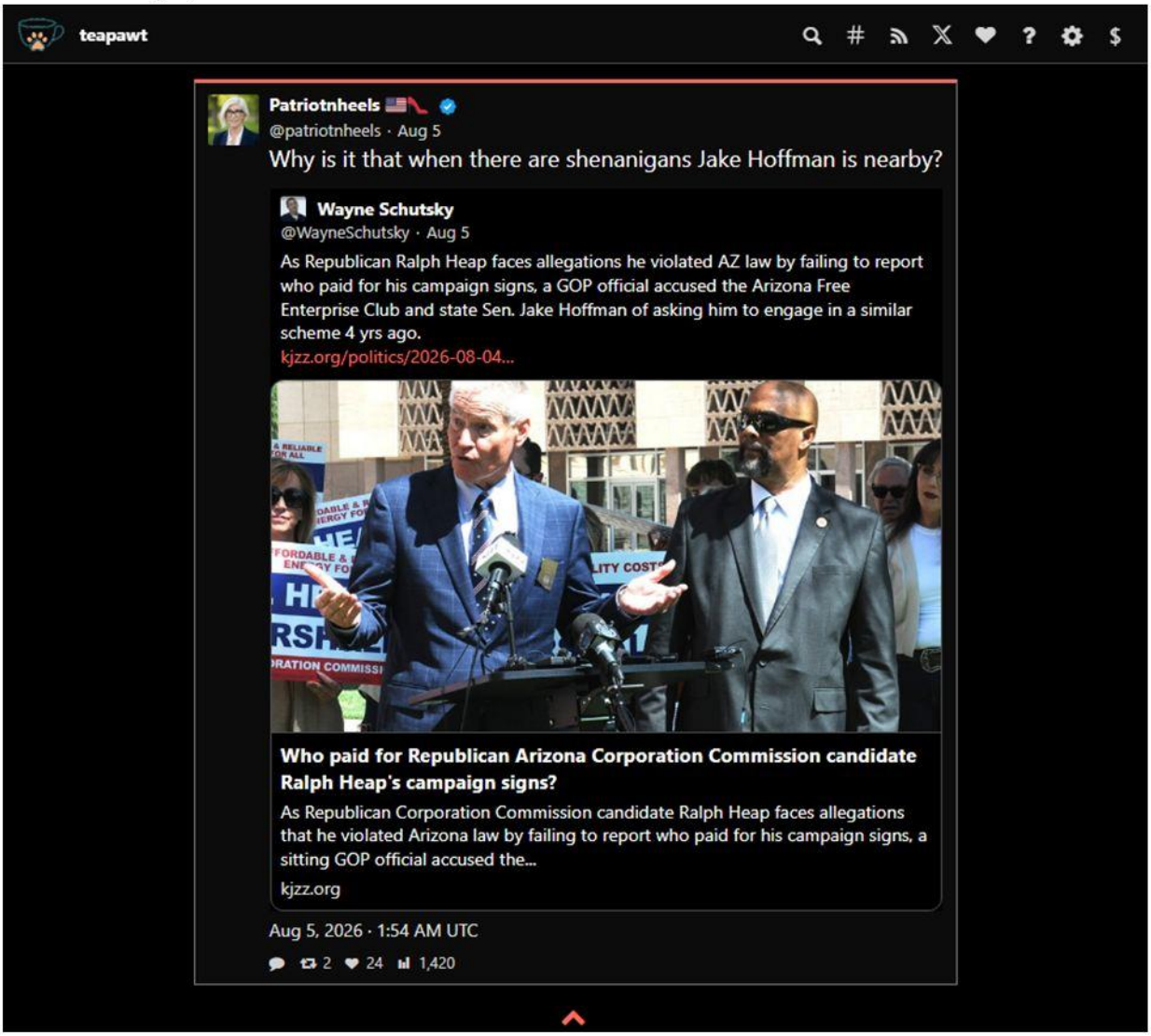
https://x.com/EnergyMomAZ/status/2092742201256329267

7. Reply · Aug 14, 2026 · 10:49 PM UTC



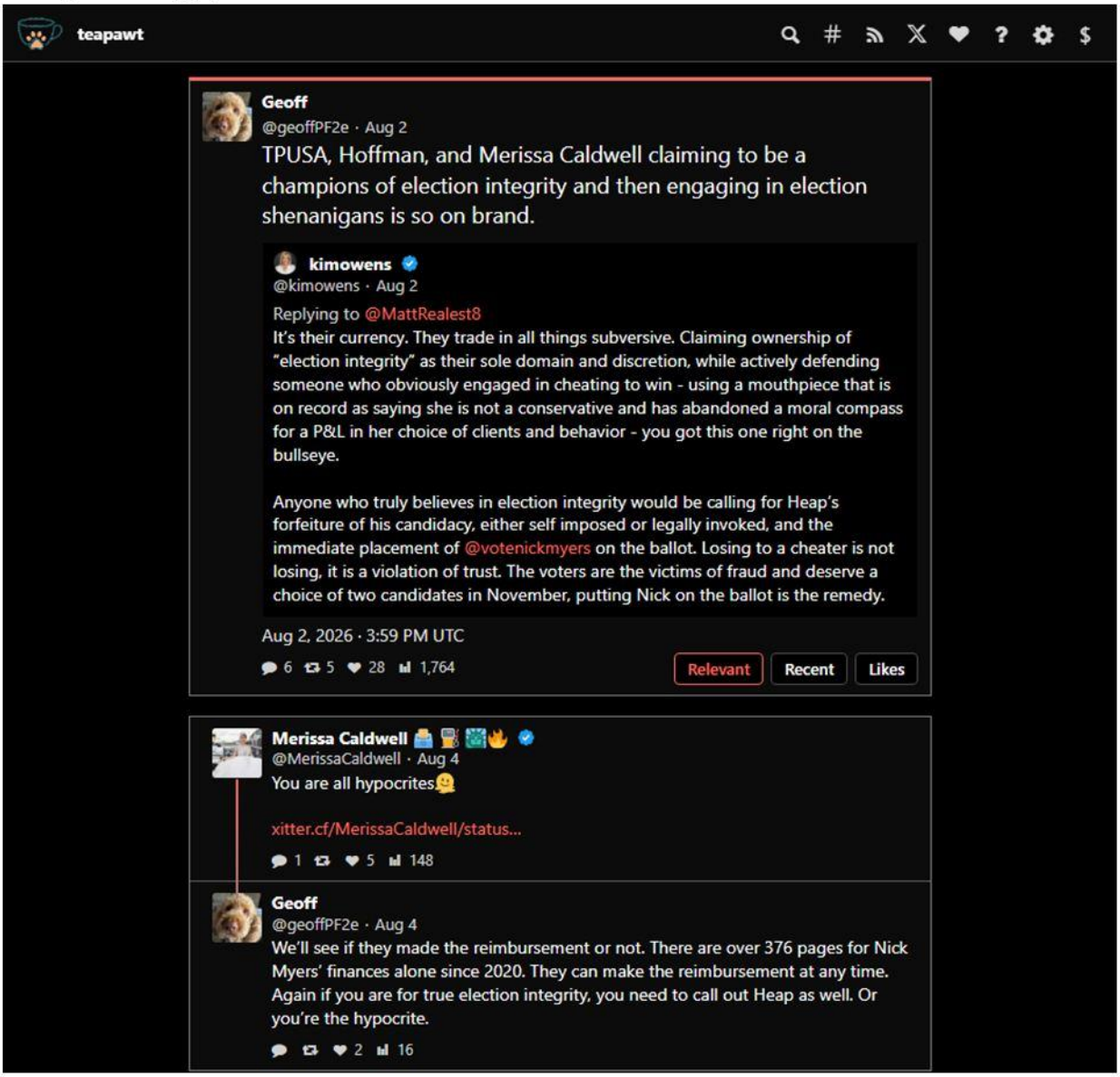
https://x.com/patriotnheels/status/2088397542824521741

8. Post · Aug 5, 2026 · 1:54 AM UTC

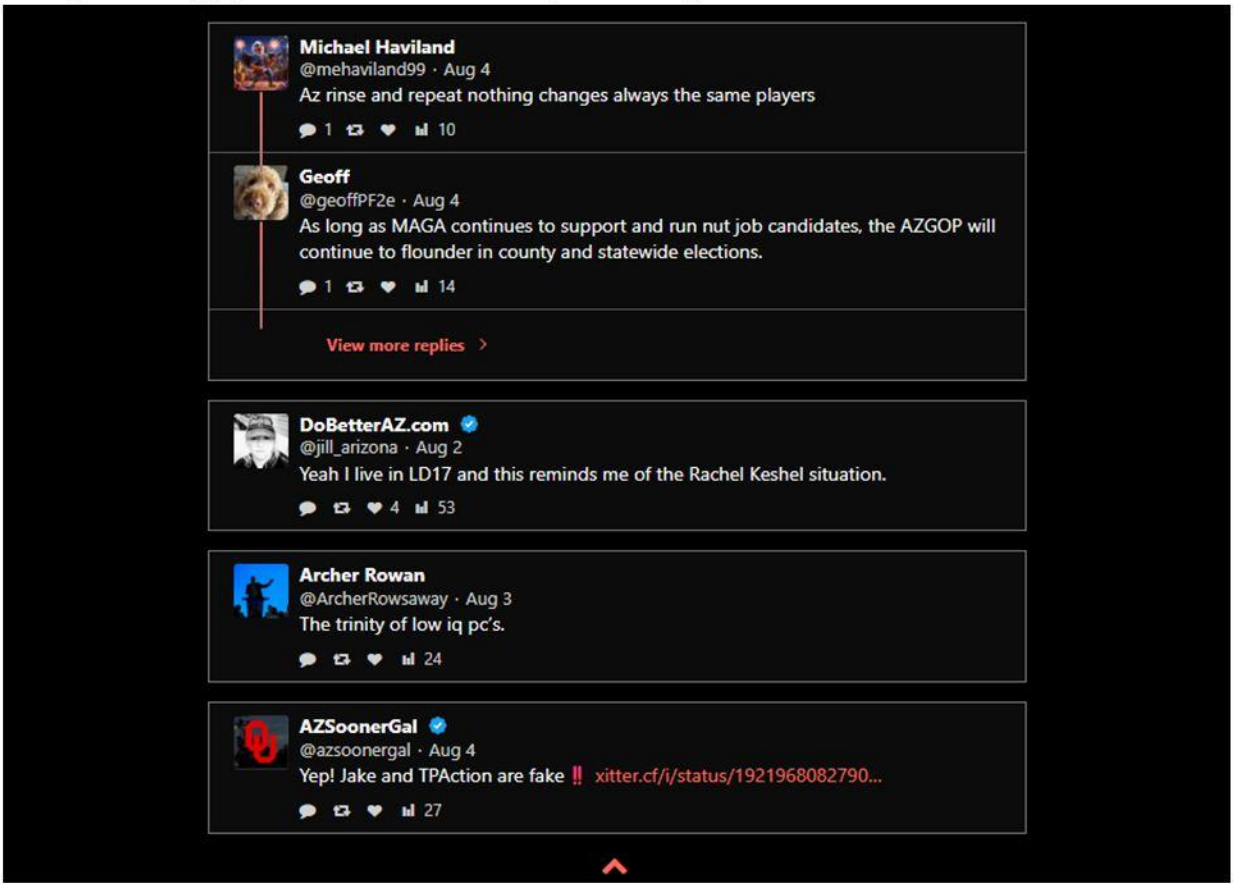


https://x.com/patriotnheels/status/2084820326291255563

9. Repost · Aug 2, 2026 · 3:59 PM UTC

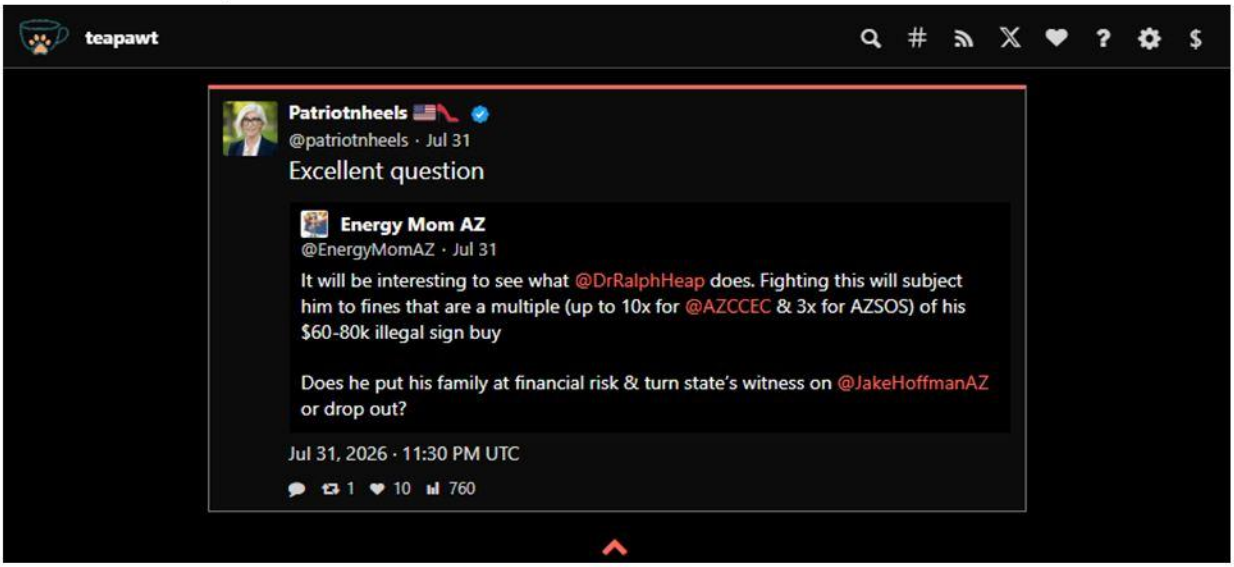


9. Repost · Aug 2, 2026 · 3:59 PM UTC (continued)



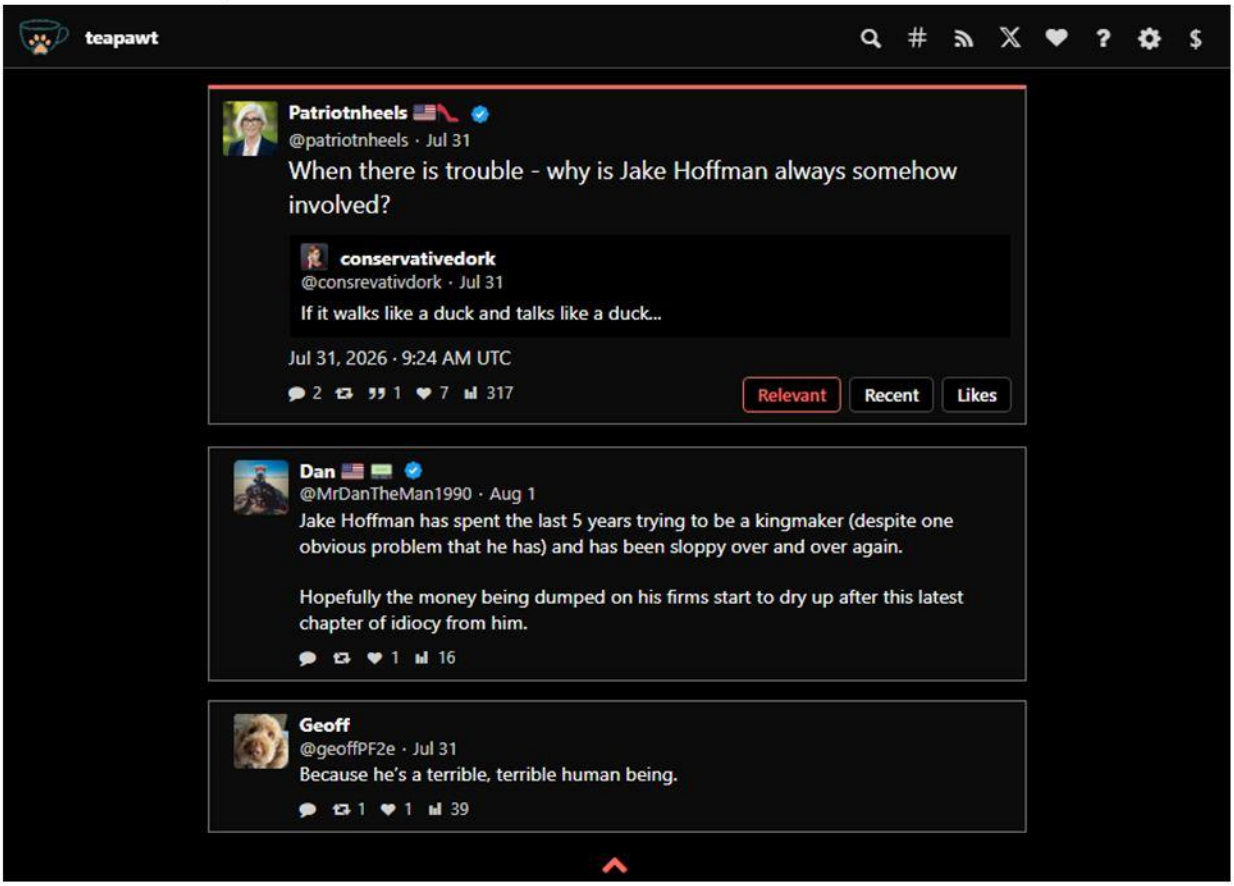
https://x.com/geoffPF2e/status/2083945781917274304

10. Post · Jul 31, 2026 · 11:30 PM UTC



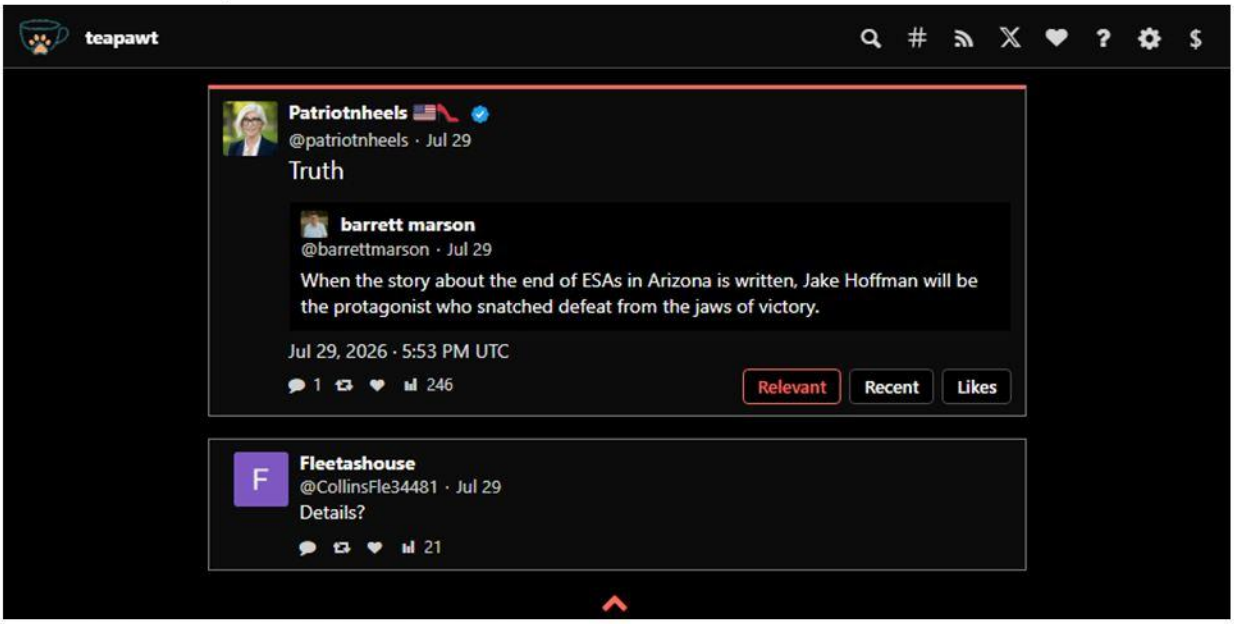
https://x.com/patriotnheels/status/2083334594854826193

11. Post · Jul 31, 2026 · 9:24 AM UTC



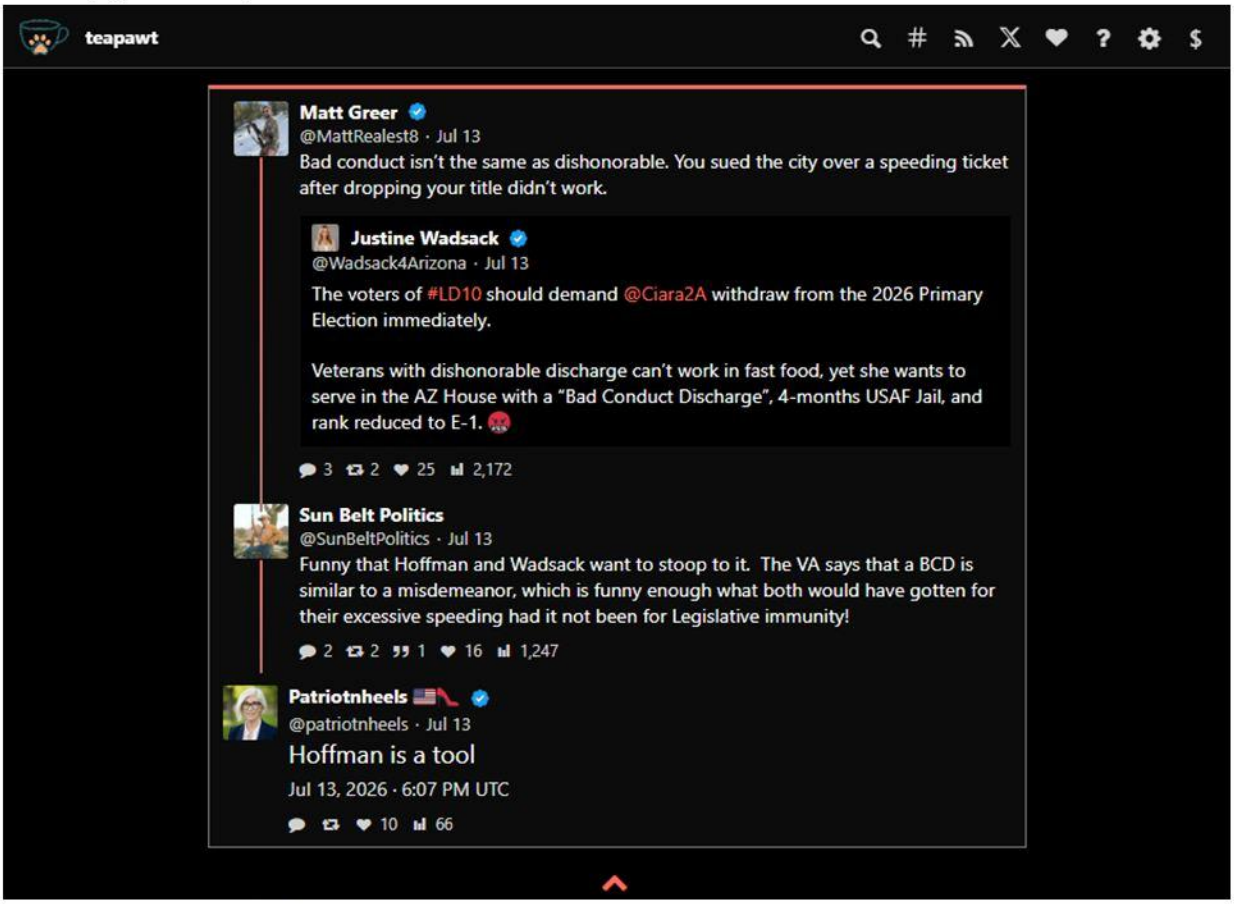
https://x.com/patriotnheels/status/2083121530461204885

12. Post · Jul 29, 2026 · 5:53 PM UTC



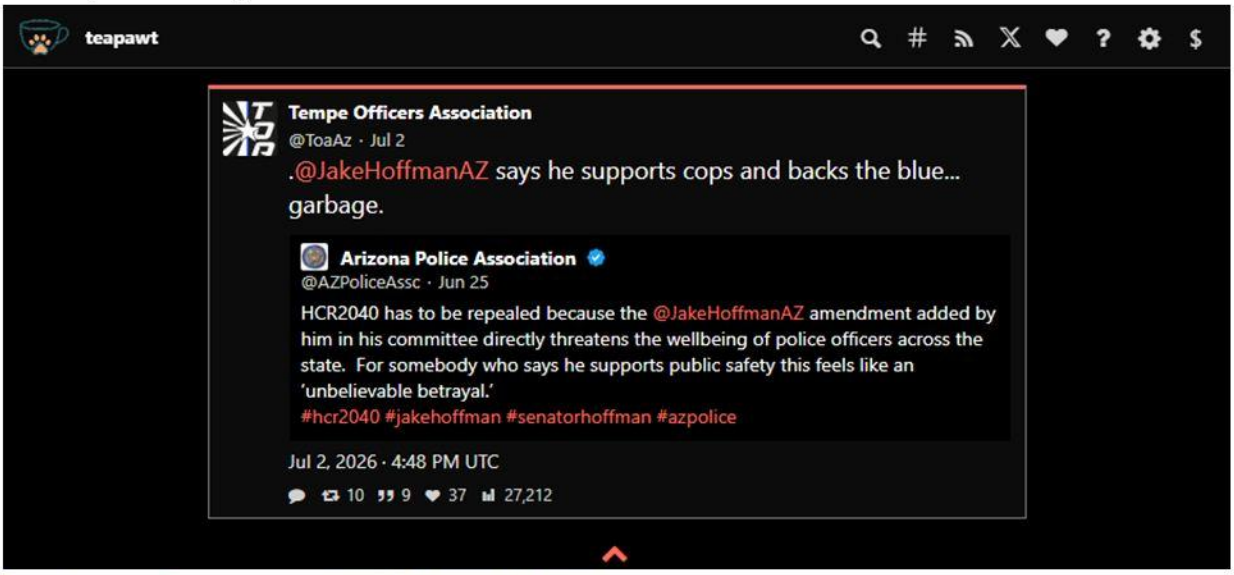
https://x.com/patriotnheels/status/2082524860337811852

13. Reply · Jul 13, 2026 · 6:07 PM UTC



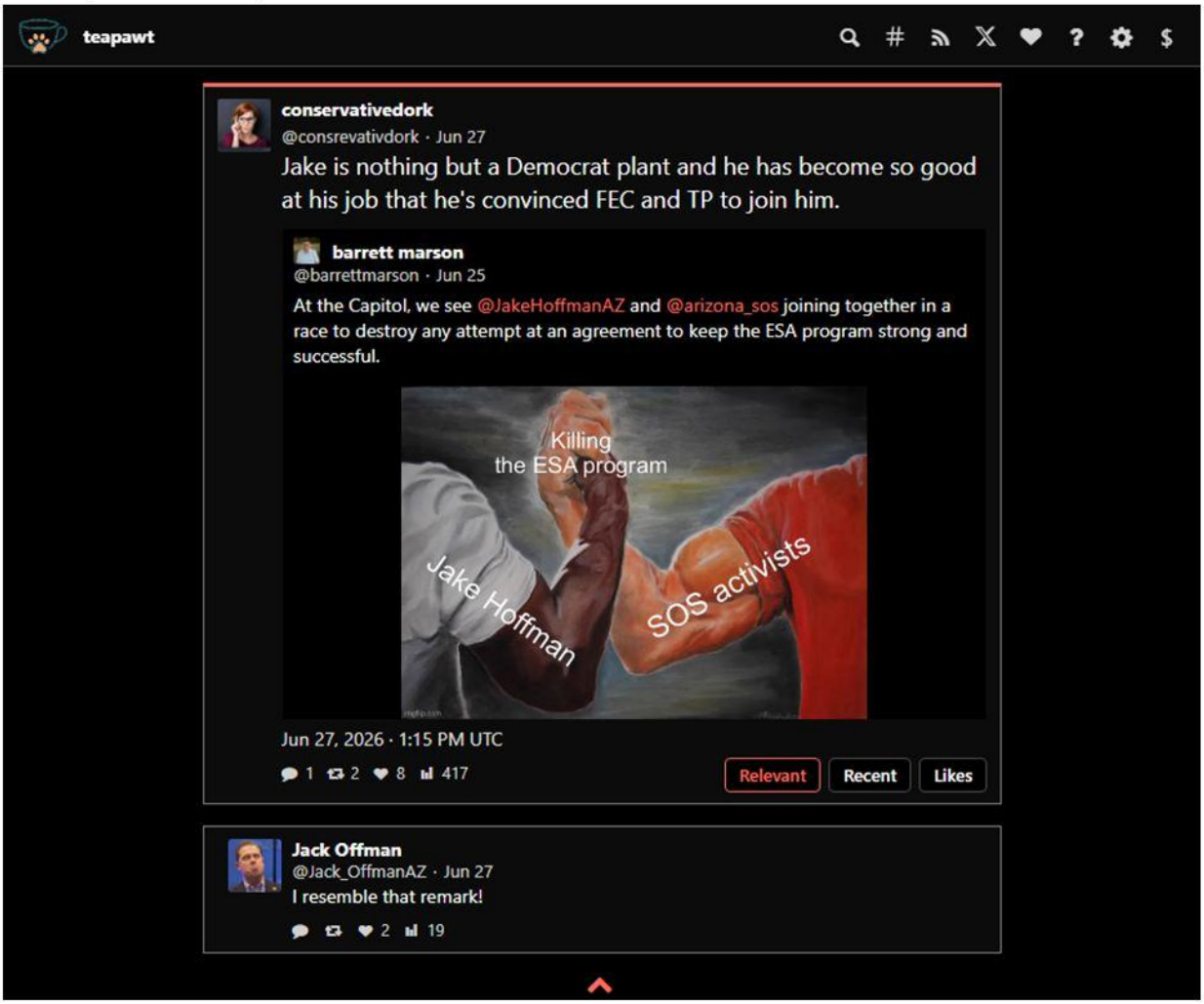
https://x.com/patriotnheels/status/2076730202143772961

14. Repost · Jul 2, 2026 · 4:48 PM UTC



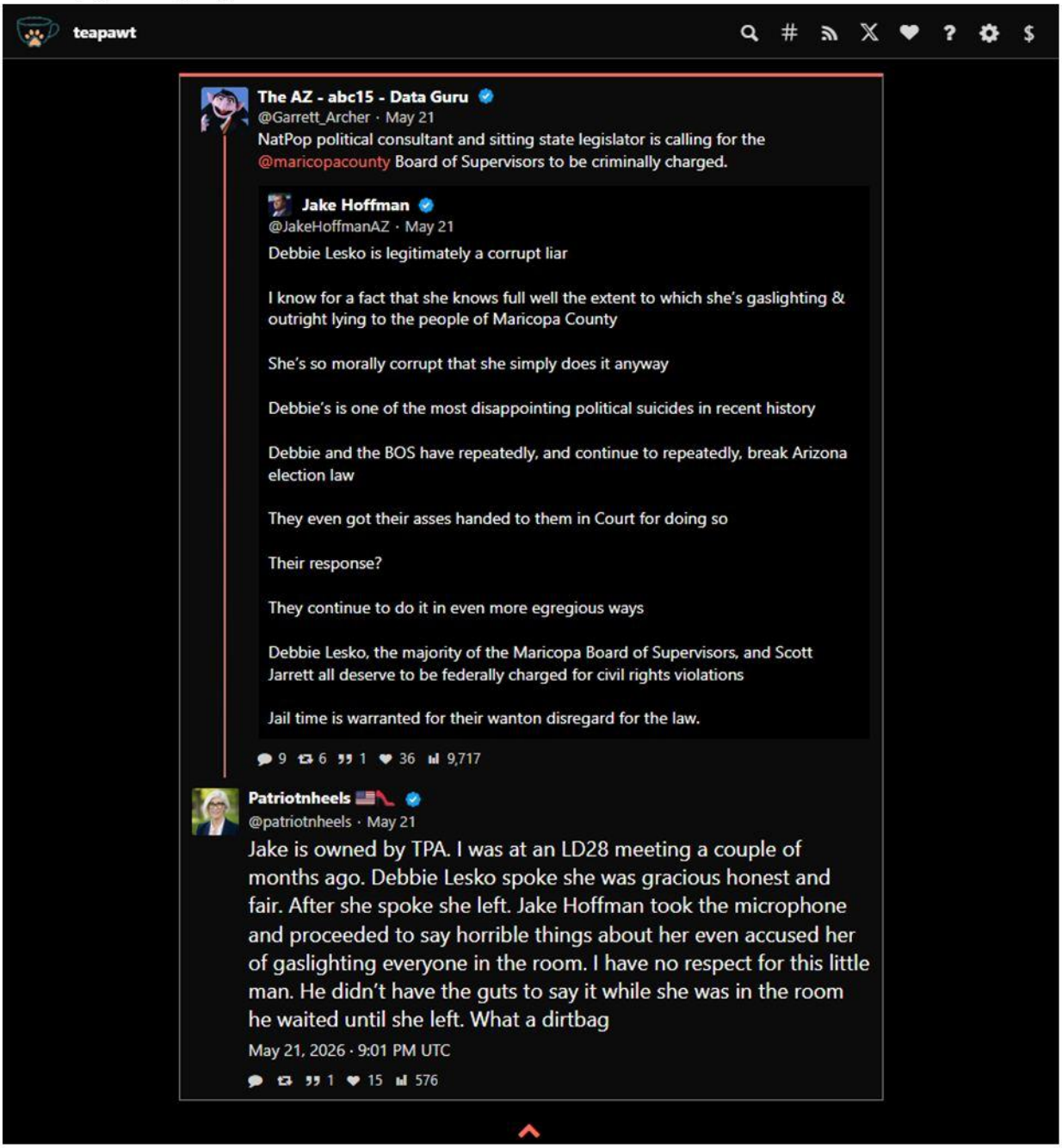
https://x.com/ToaAz/status/2072724222192021996

15. Repost · Jun 27, 2026 · 1:15 PM UTC



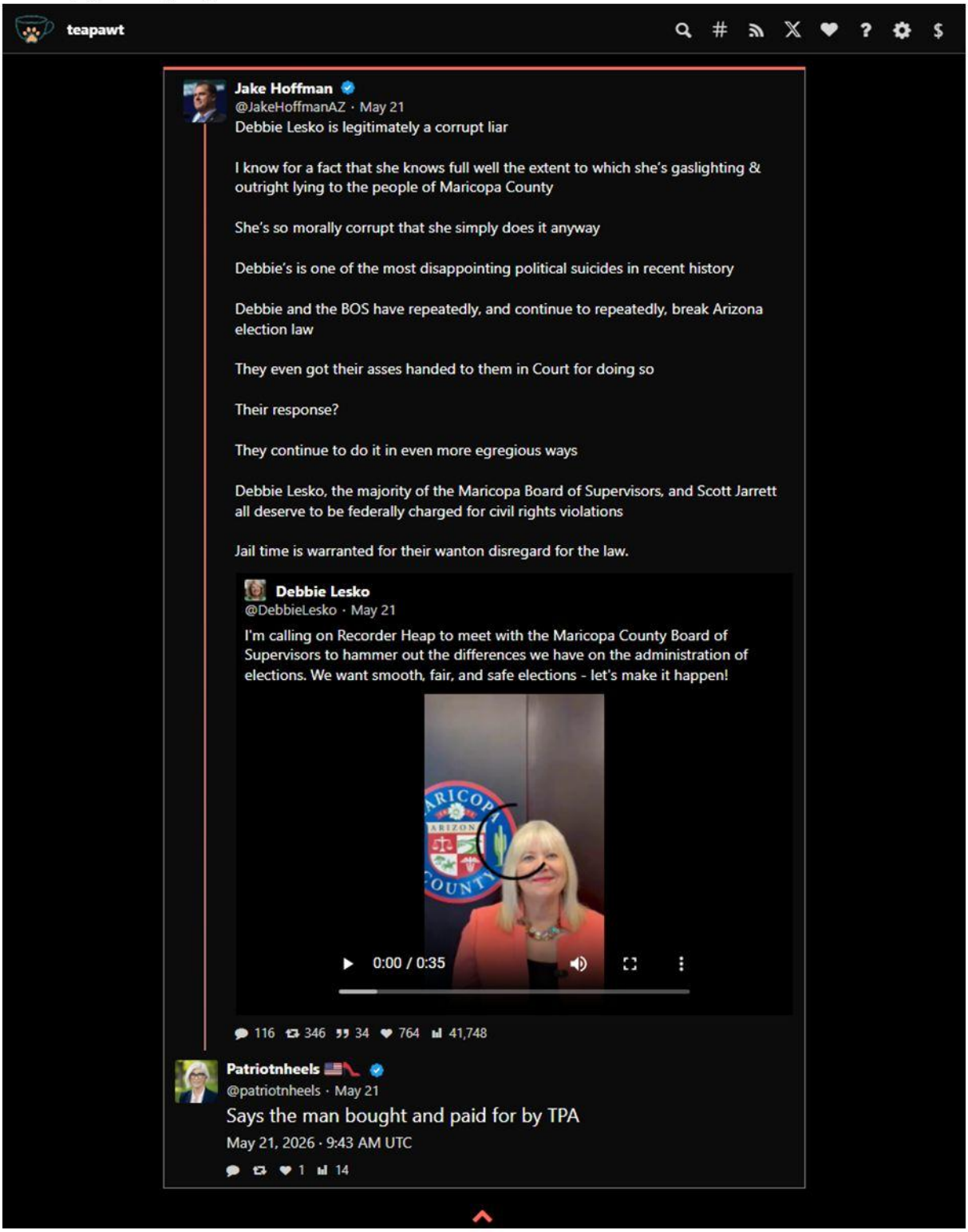
https://x.com/consrevativdork/status/2070858647660576928

16. Reply · May 21, 2026 · 9:01 PM UTC



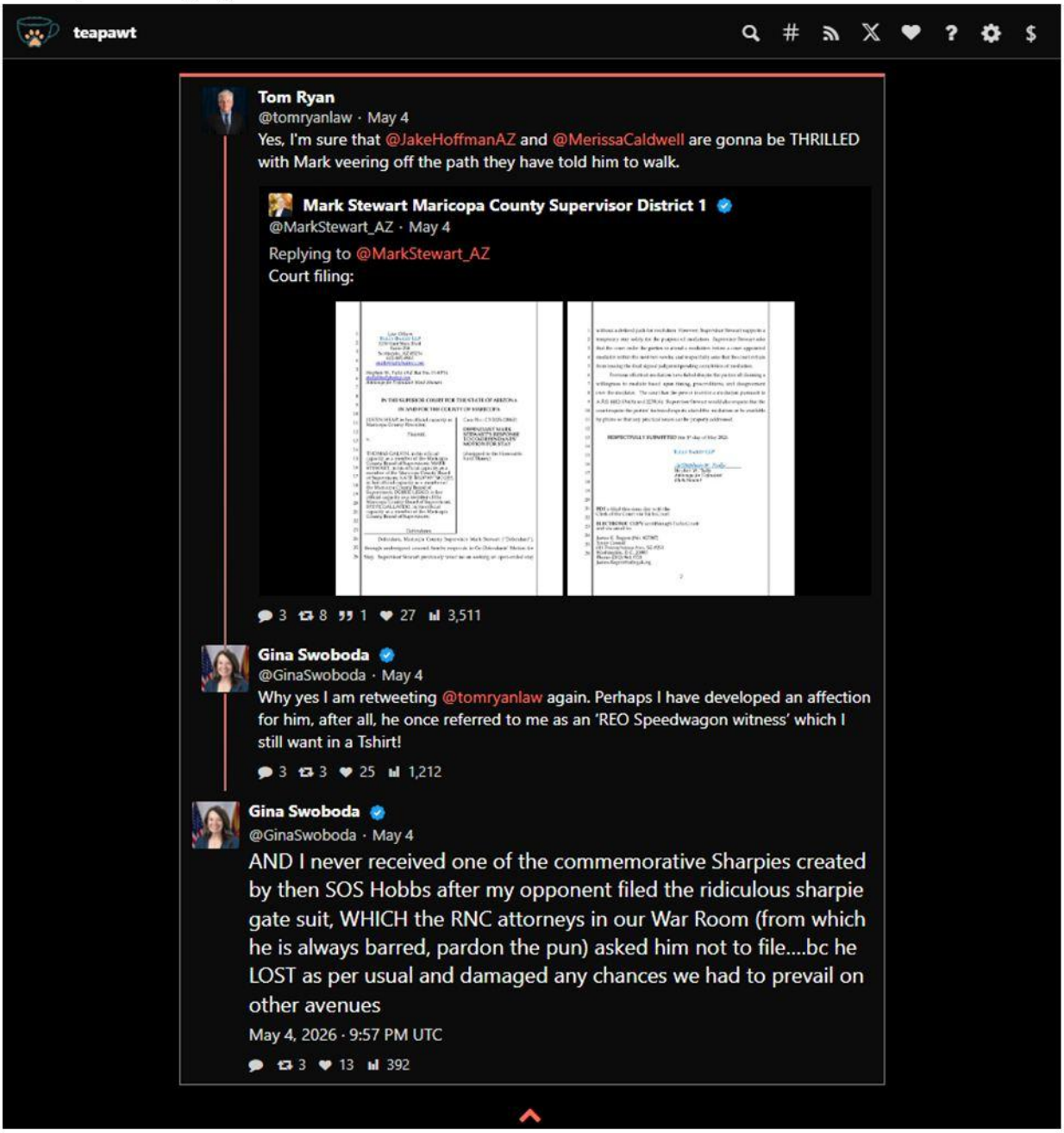
https://x.com/patriotnheels/status/2057567389609582601

17. Reply · May 21, 2026 · 9:43 AM UTC



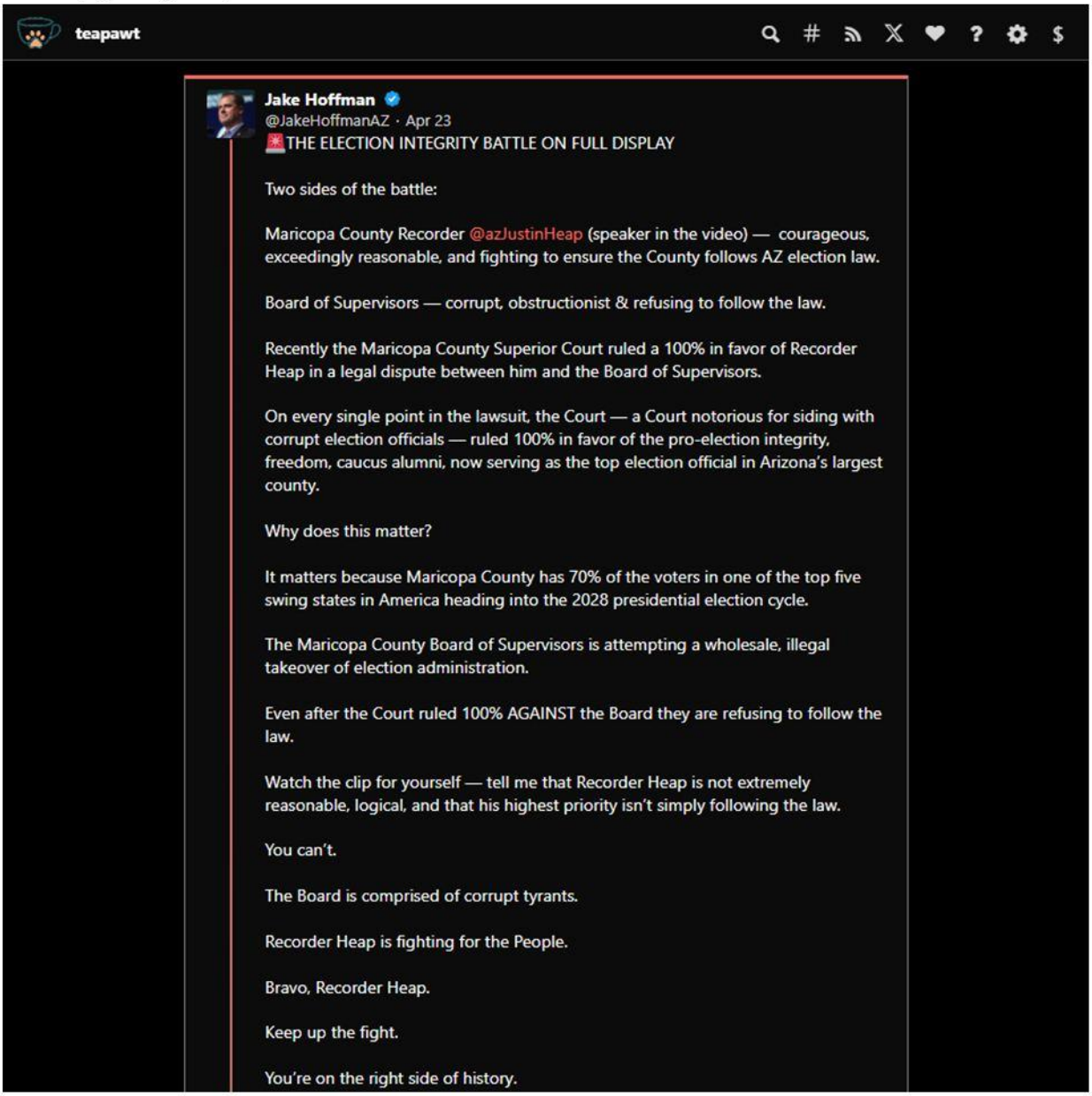
https://x.com/patriotnheels/status/2057396877897949695

18. Repost · May 4, 2026 · 9:57 PM UTC

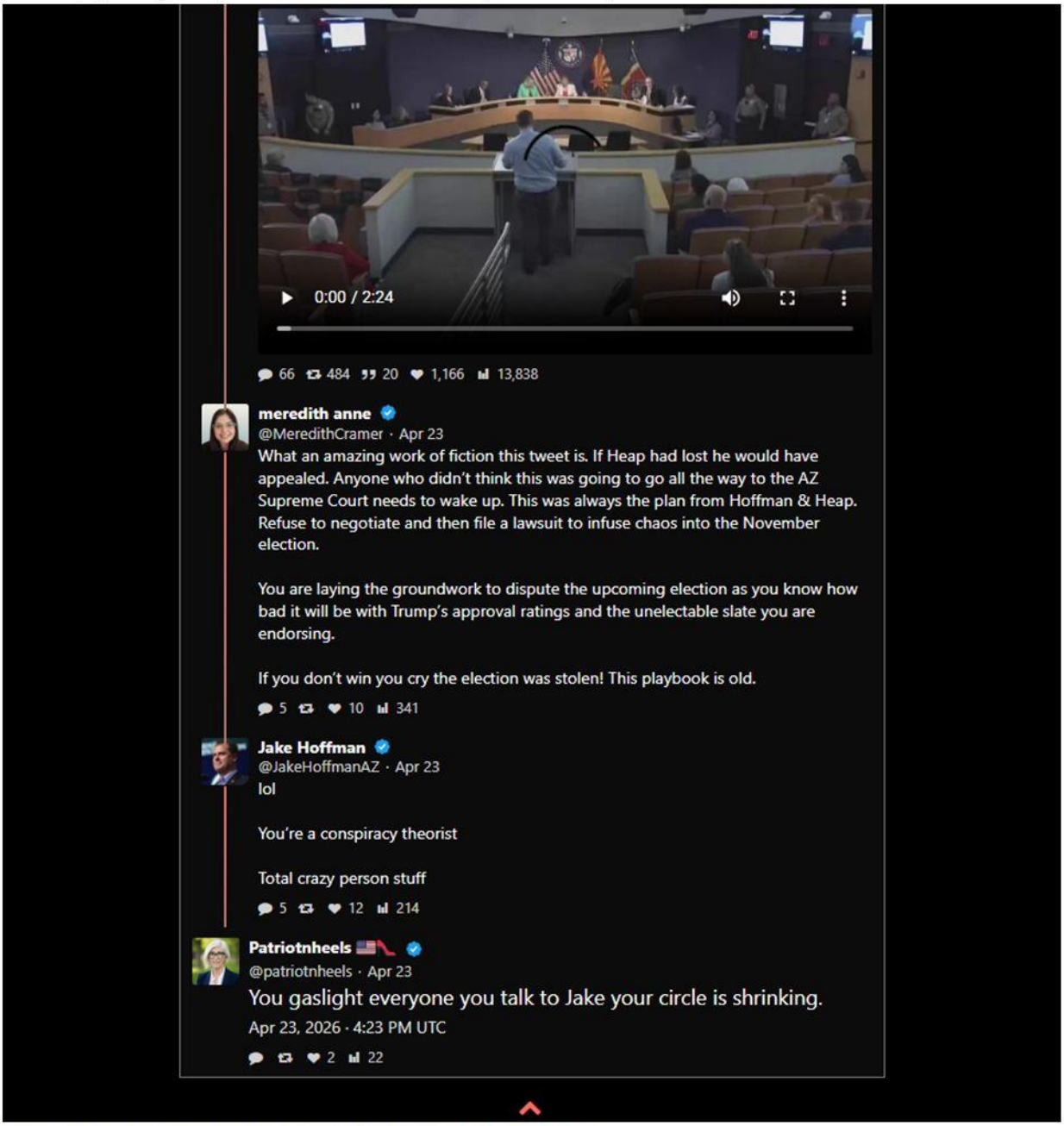


https://x.com/GinaSwoboda/status/2051421090589917520

19. Reply · Apr 23, 2026 · 4:23 PM UTC

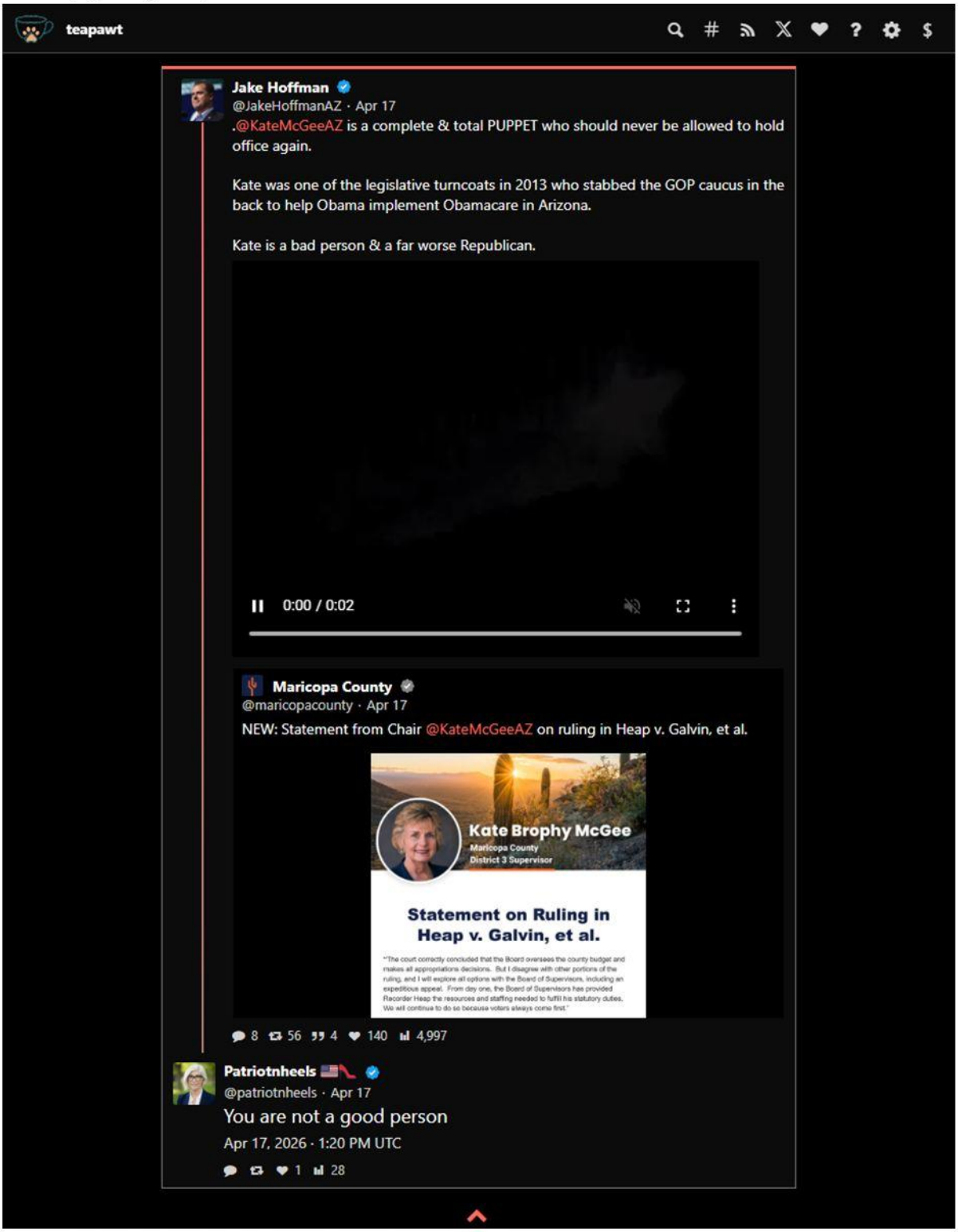


19. Reply · Apr 23, 2026 · 4:23 PM UTC (continued)



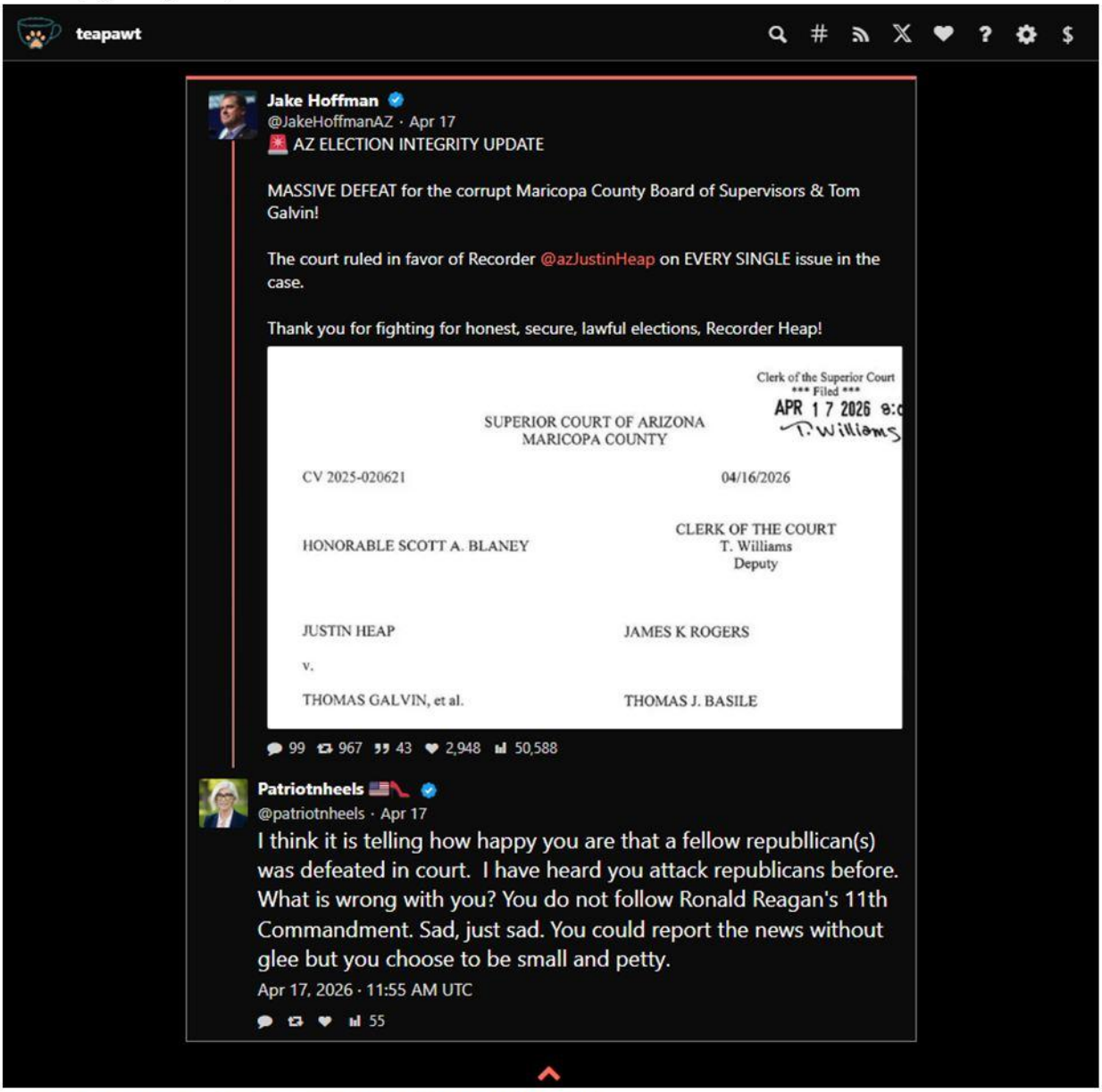
https://x.com/patriotnheels/status/2047350693510656283

20. Reply · Apr 17, 2026 · 1:20 PM UTC



https://x.com/patriotnheels/status/2045130356752609524

21. Reply · Apr 17, 2026 · 11:55 AM UTC

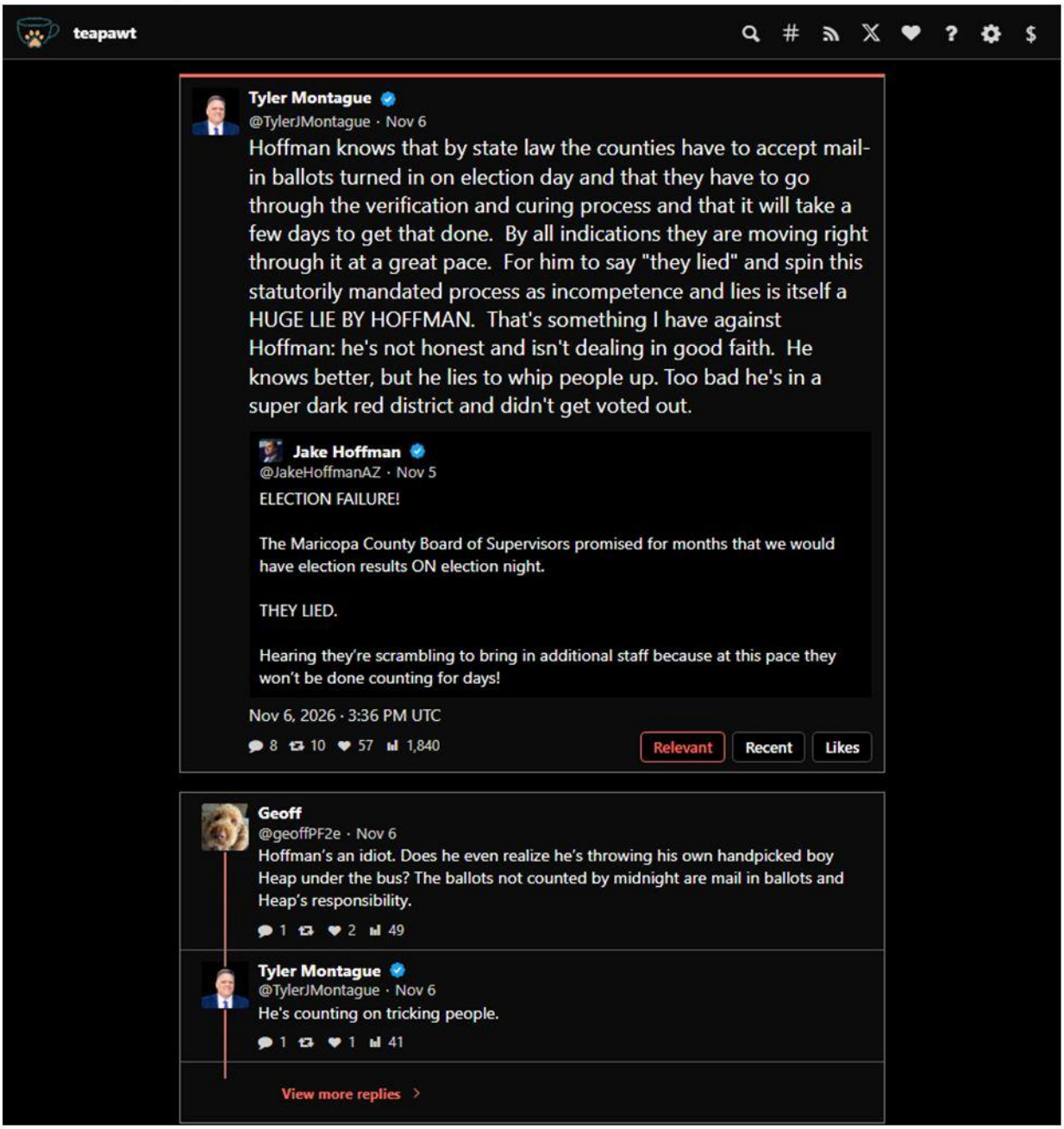


https://x.com/patriotnheels/status/2045108947166822418

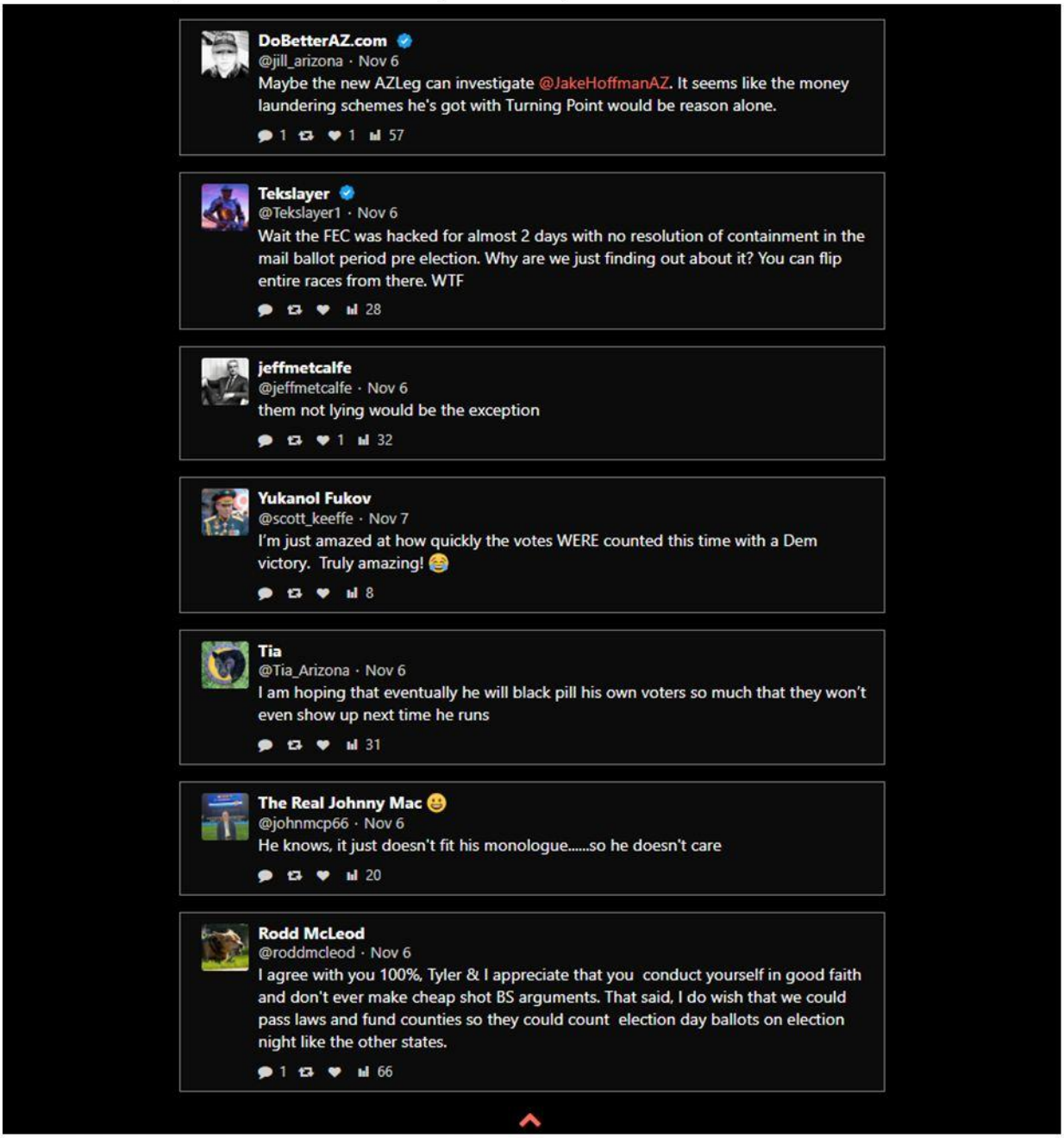
Tyler Montague

@TylerJMontague. 35 post(s), newest first.

1. Post · Nov 6, 2026 · 3:36 PM UTC

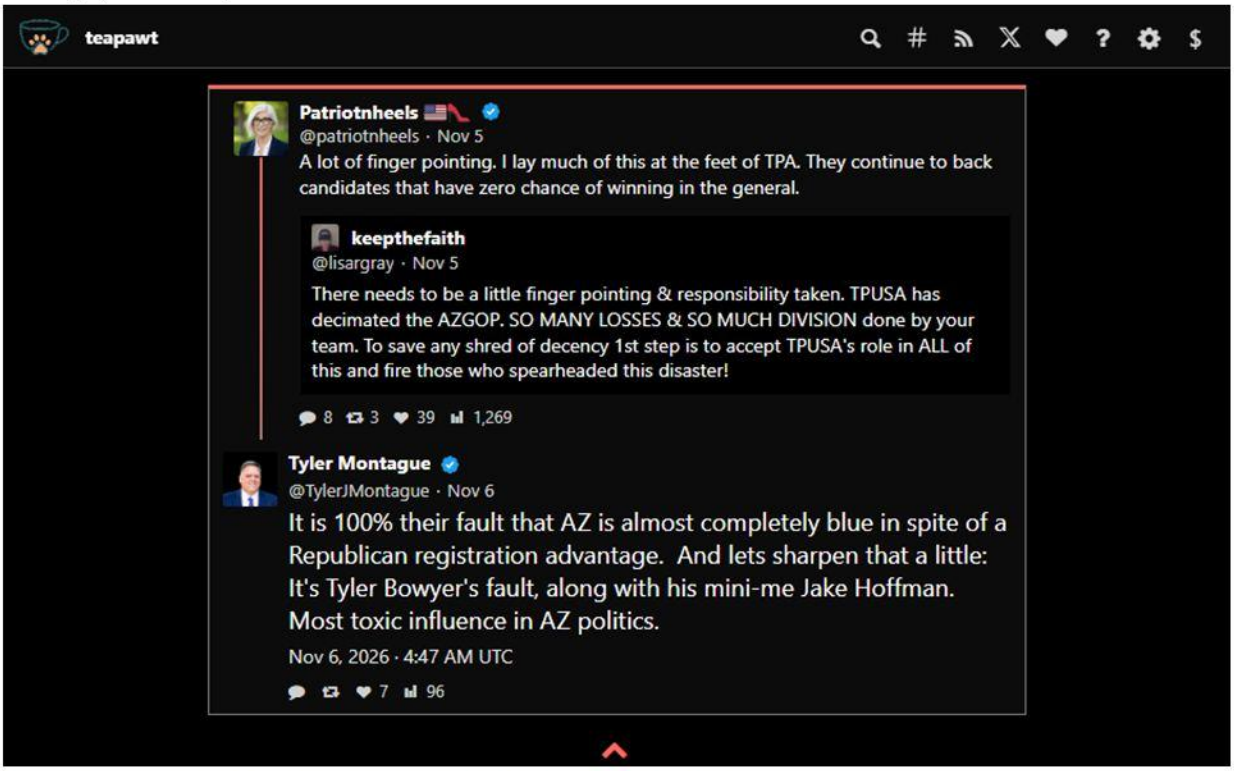


1. Post · Nov 6, 2026 · 3:36 PM UTC (continued)



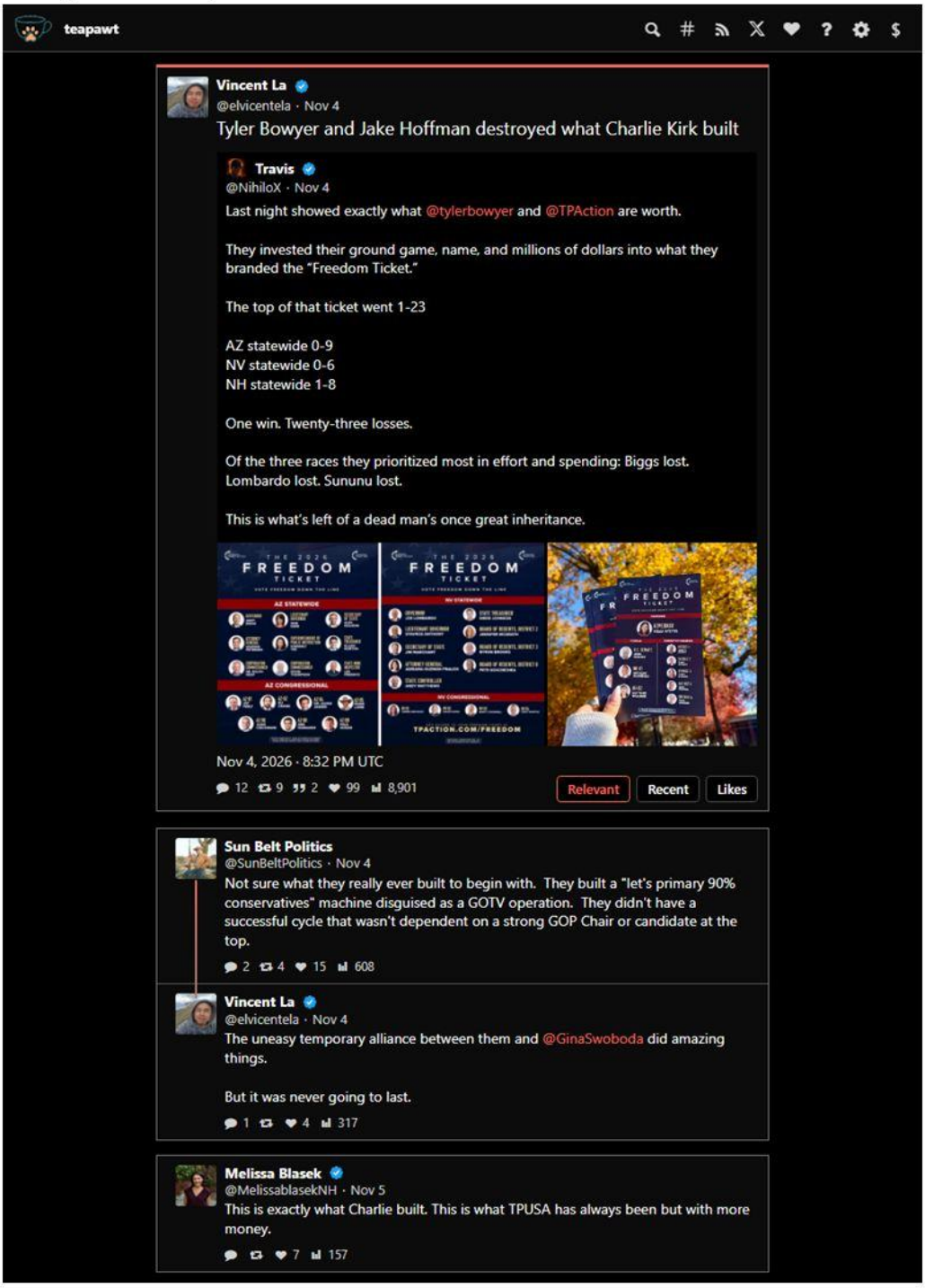
https://x.com/TylerJMontague/status/2118729260060004820

2. Reply · Nov 6, 2026 · 4:47 AM UTC

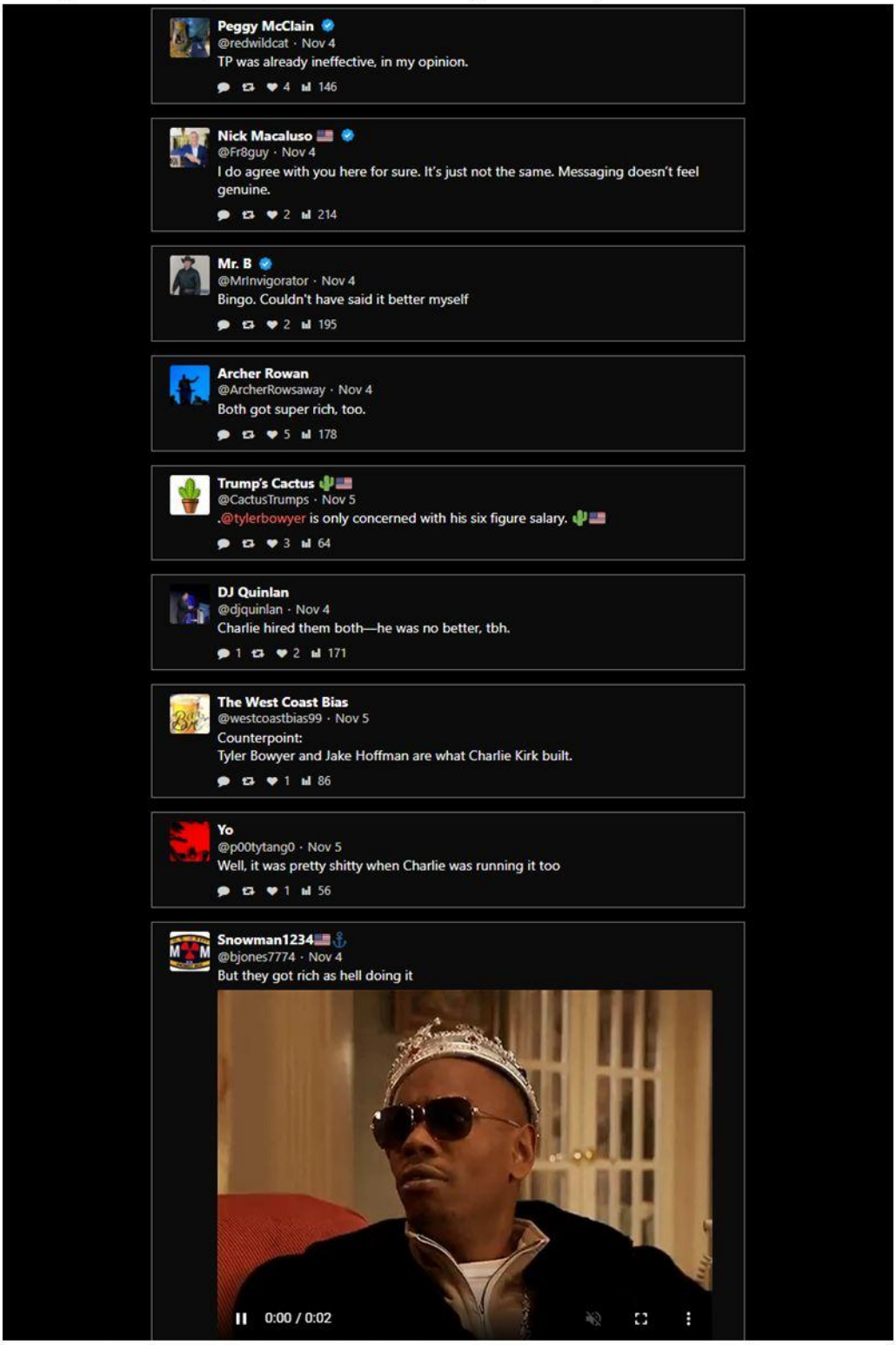


https://x.com/TylerJMontague/status/2118565866782834965

3. Repost · Nov 4, 2026 · 8:32 PM UTC

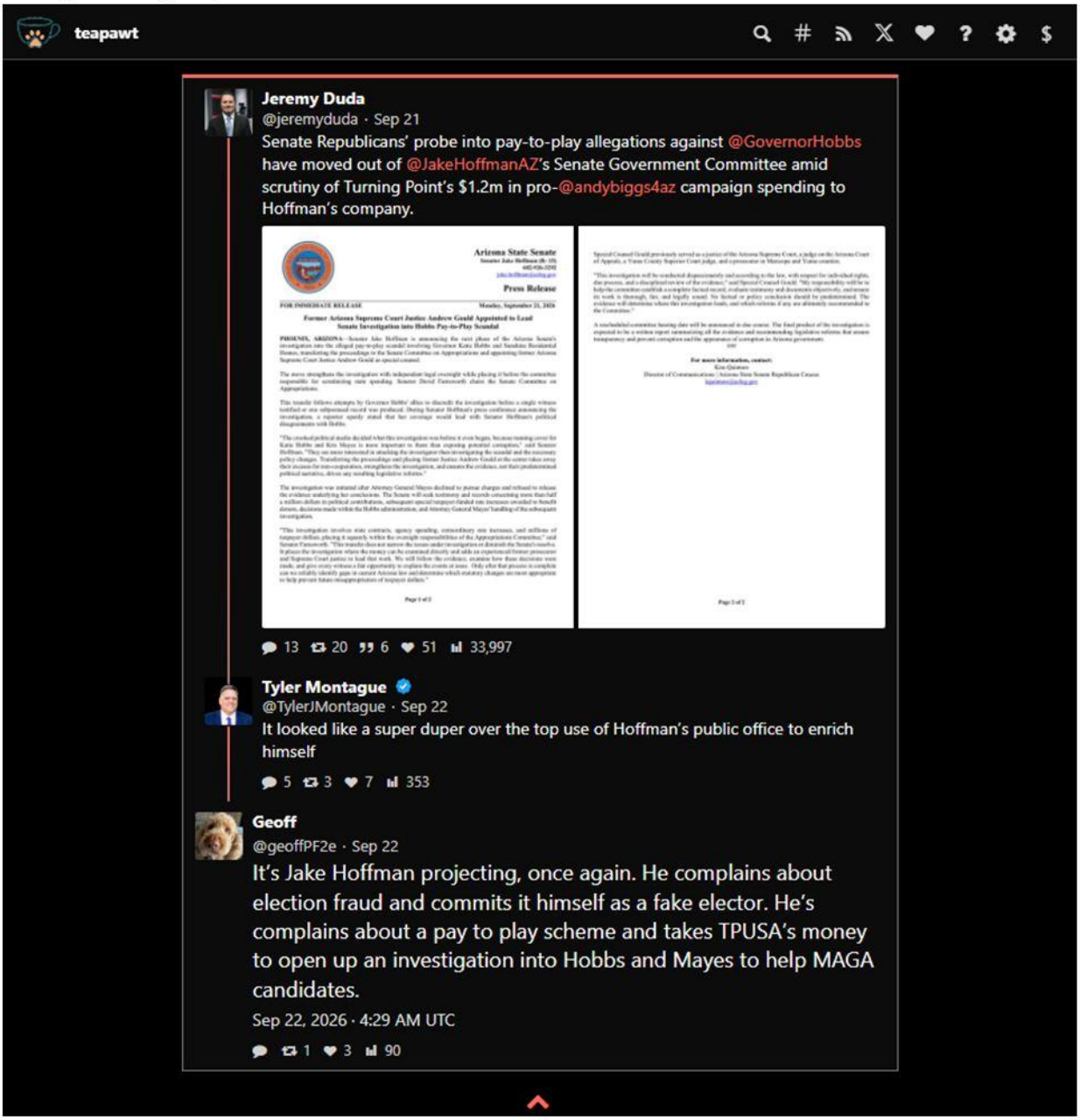


3. Repost · Nov 4, 2026 · 8:32 PM UTC (continued)



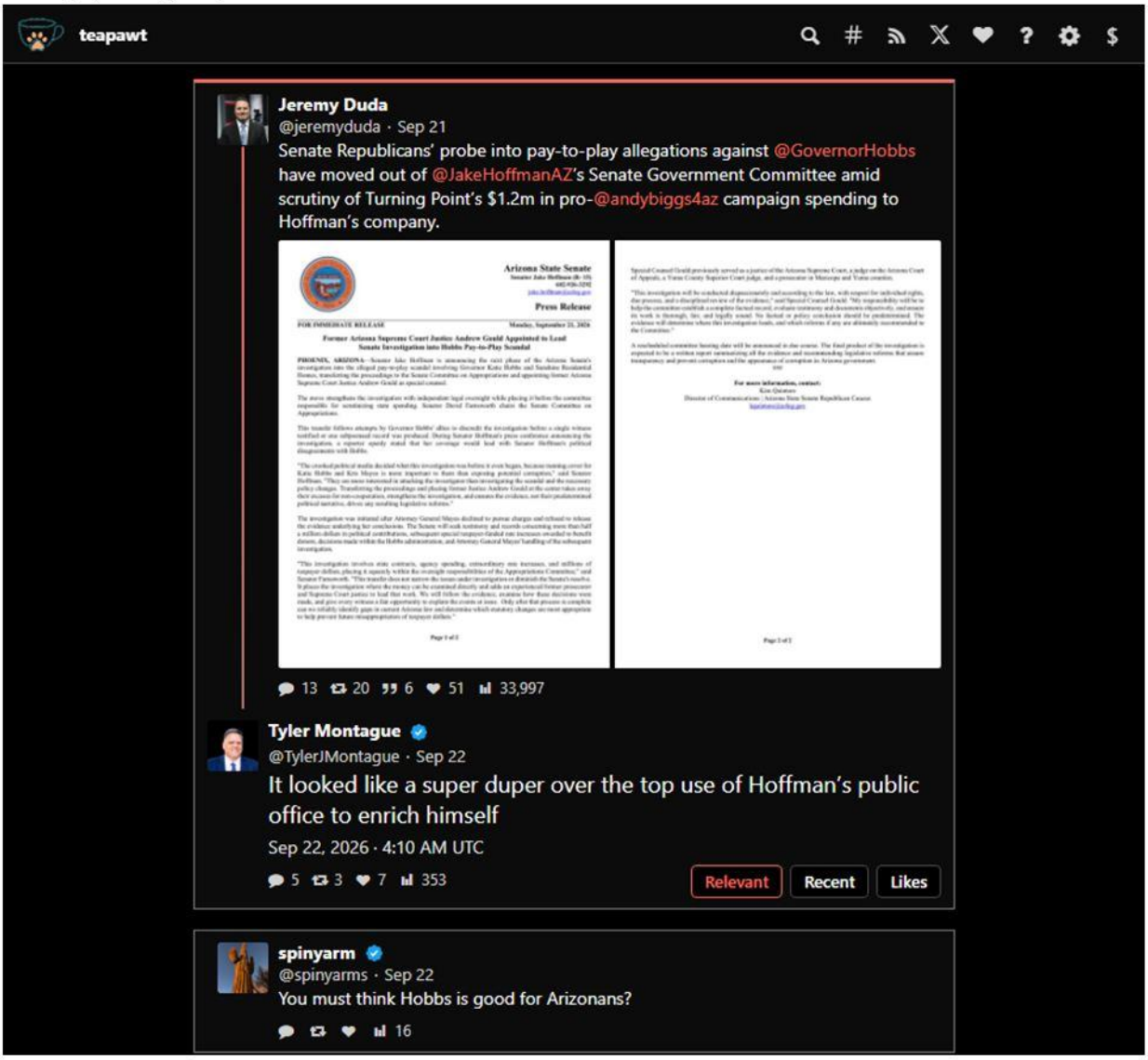
https://x.com/elvicentela/status/2118079030138458593

4. Repost · Sep 22, 2026 · 4:29 AM UTC

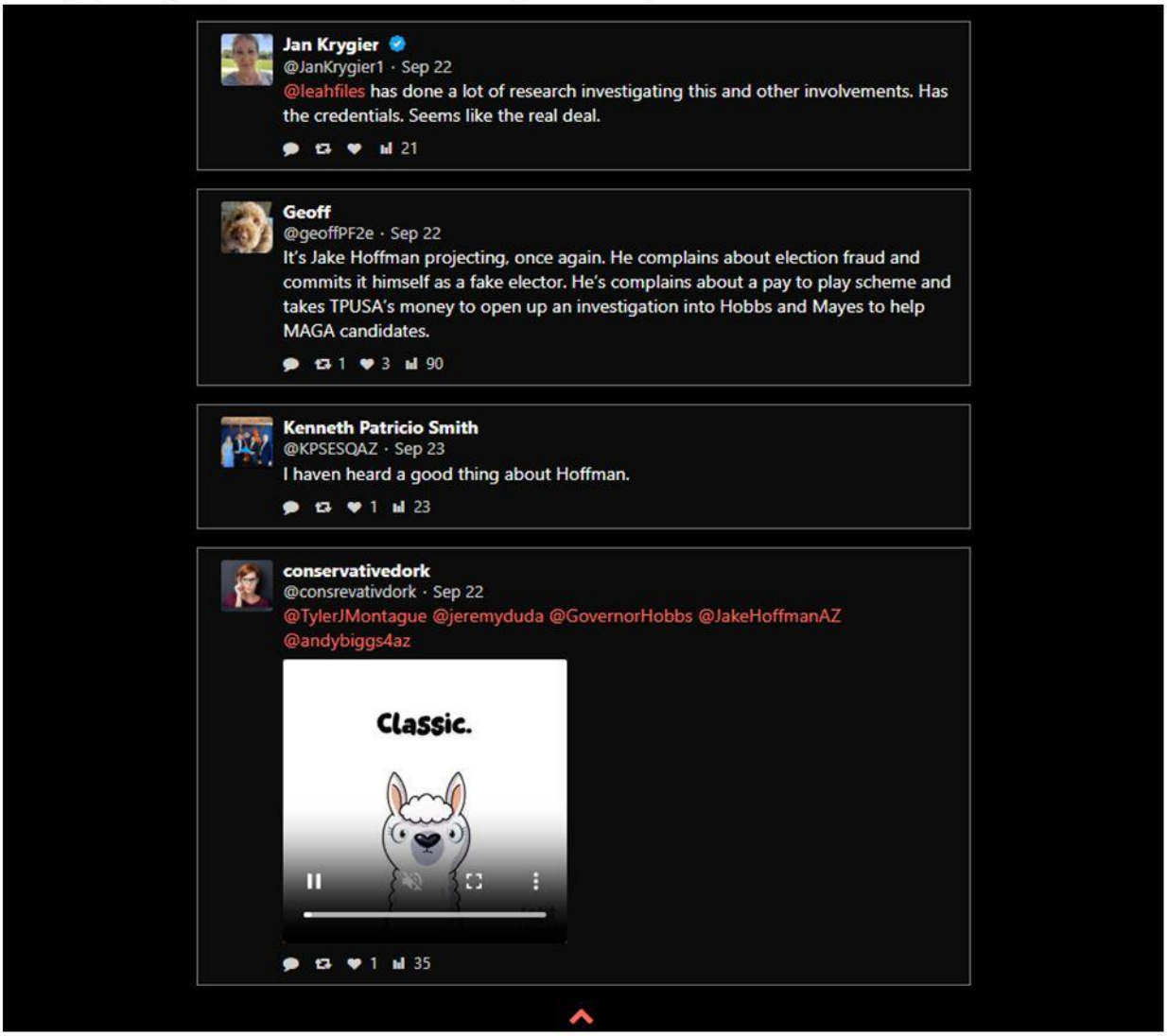


https://x.com/geoffPF2e/status/2102253815525425445

5. Reply · Sep 22, 2026 · 4:10 AM UTC

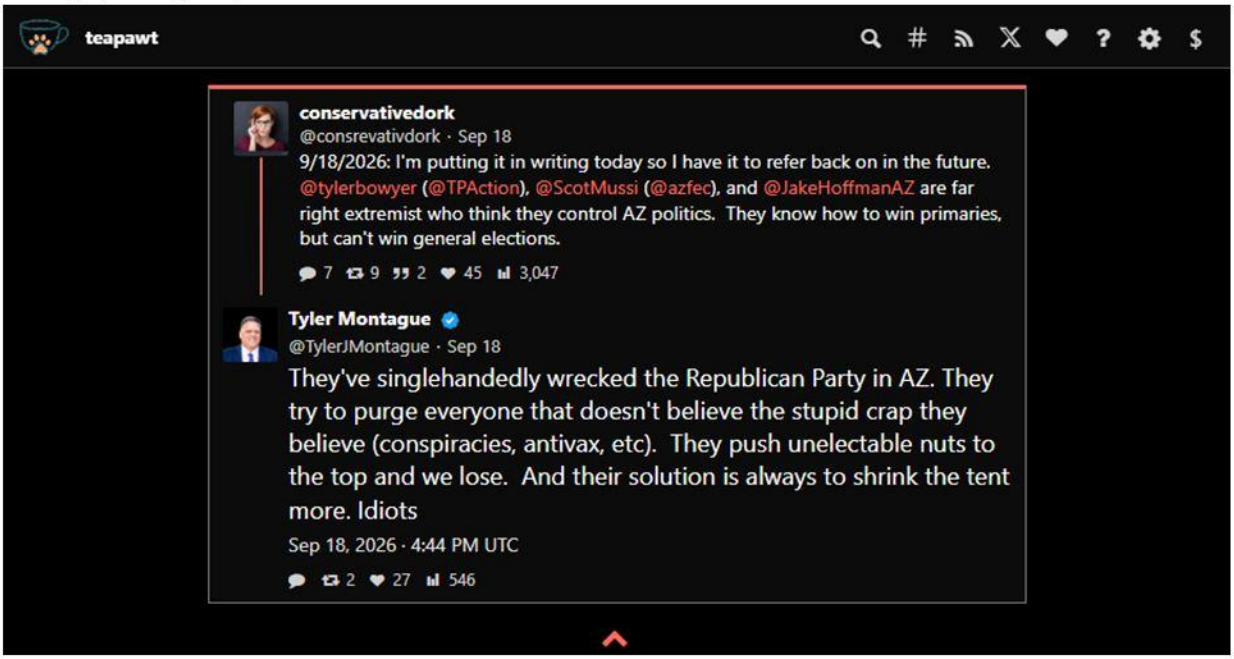


5. Reply · Sep 22, 2026 · 4:10 AM UTC (continued)



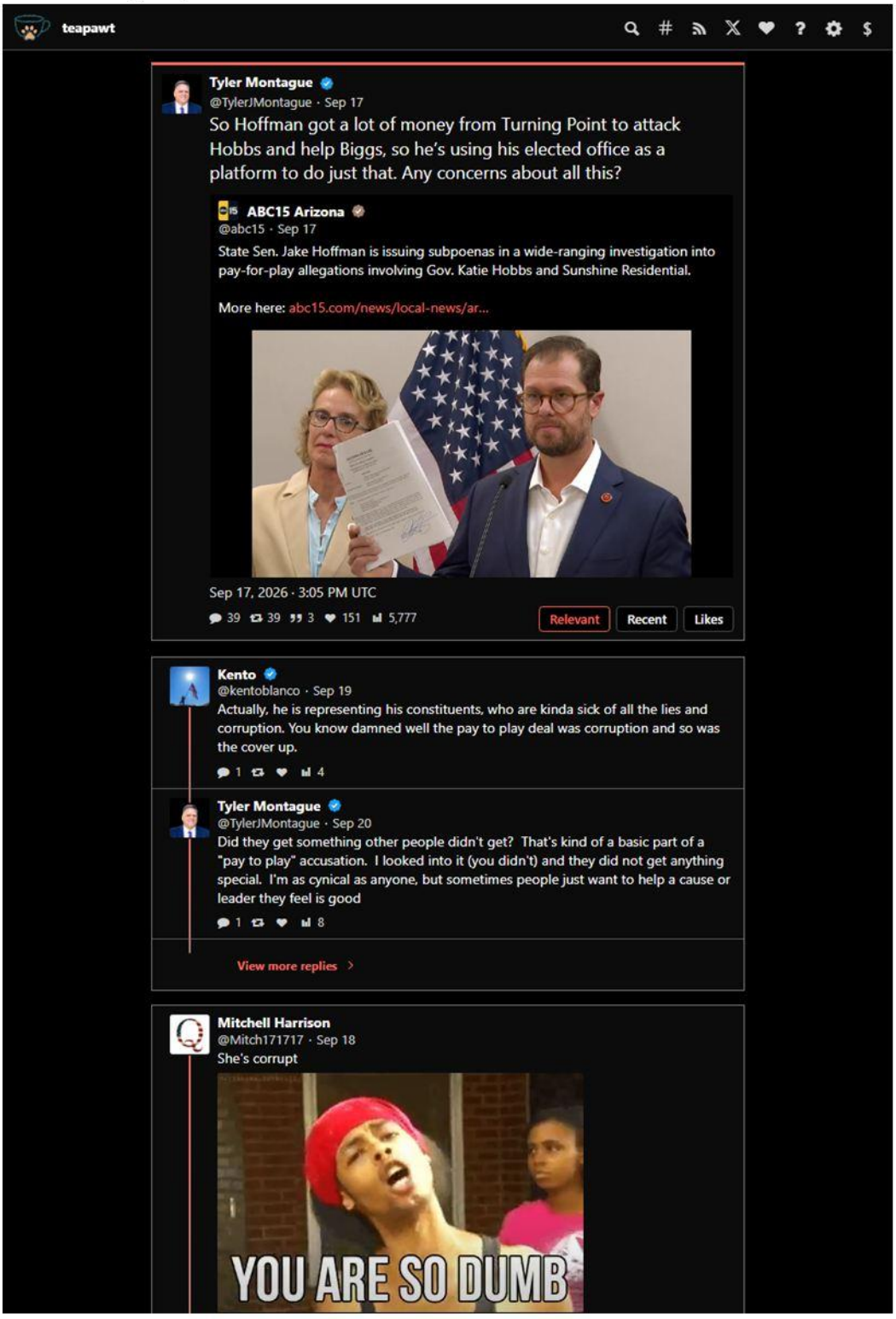
https://x.com/TylerJMontague/status/2102249056647188519

6. Reply · Sep 18, 2026 · 4:44 PM UTC

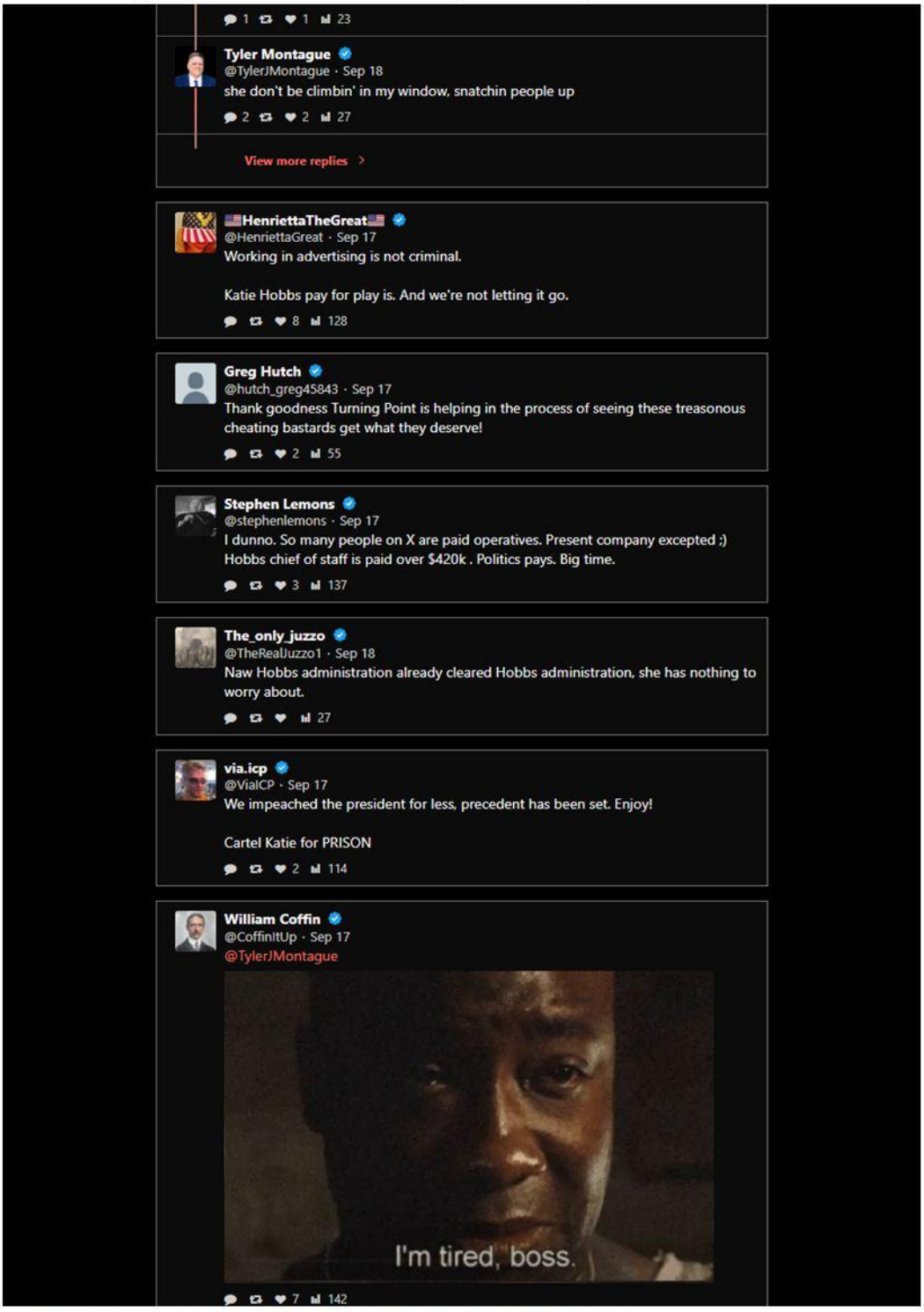


https://x.com/TylerJMontague/status/2100989460360081765

7. Post · Sep 17, 2026 · 3:05 PM UTC

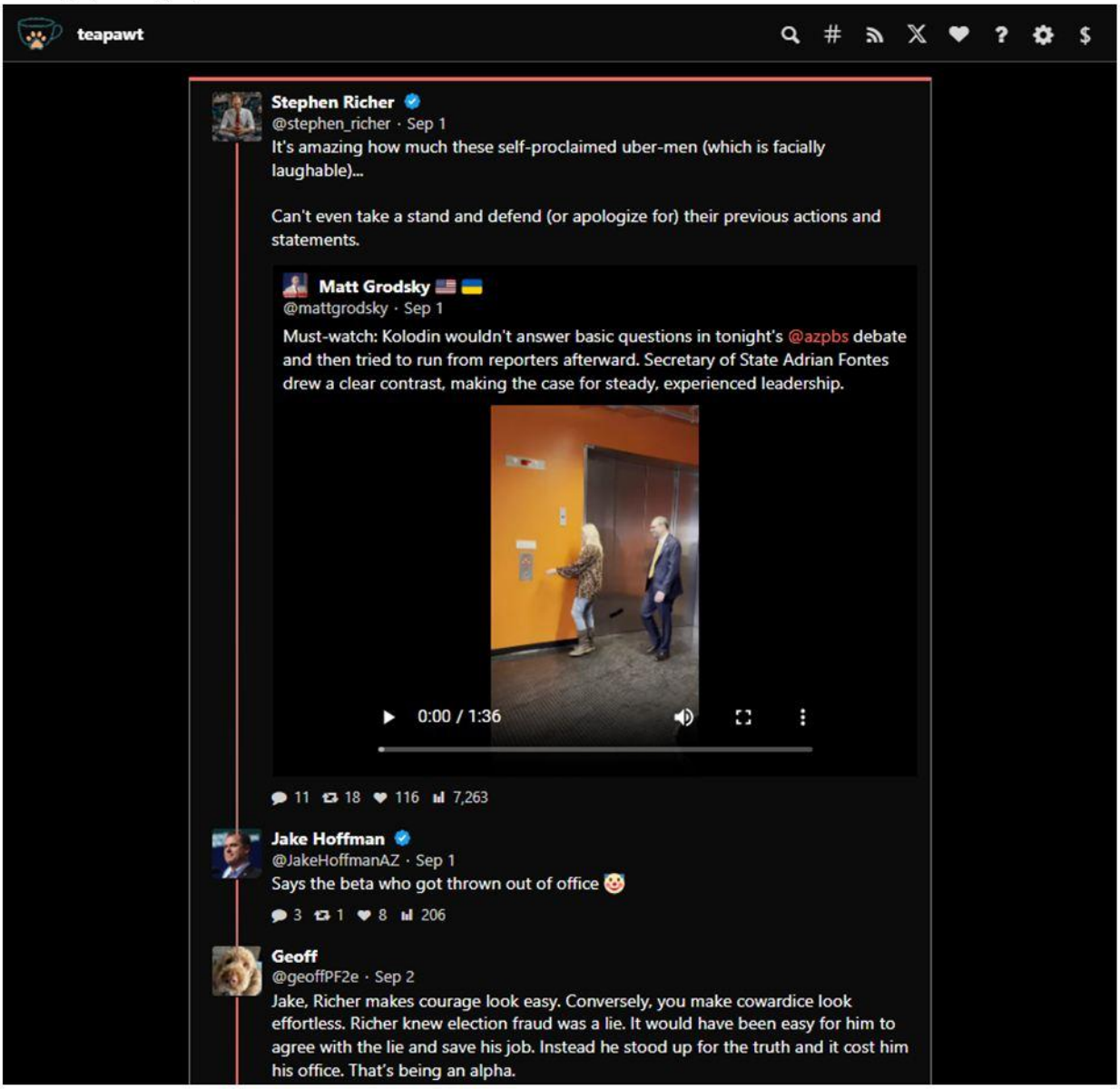


7. Post · Sep 17, 2026 · 3:05 PM UTC (continued)

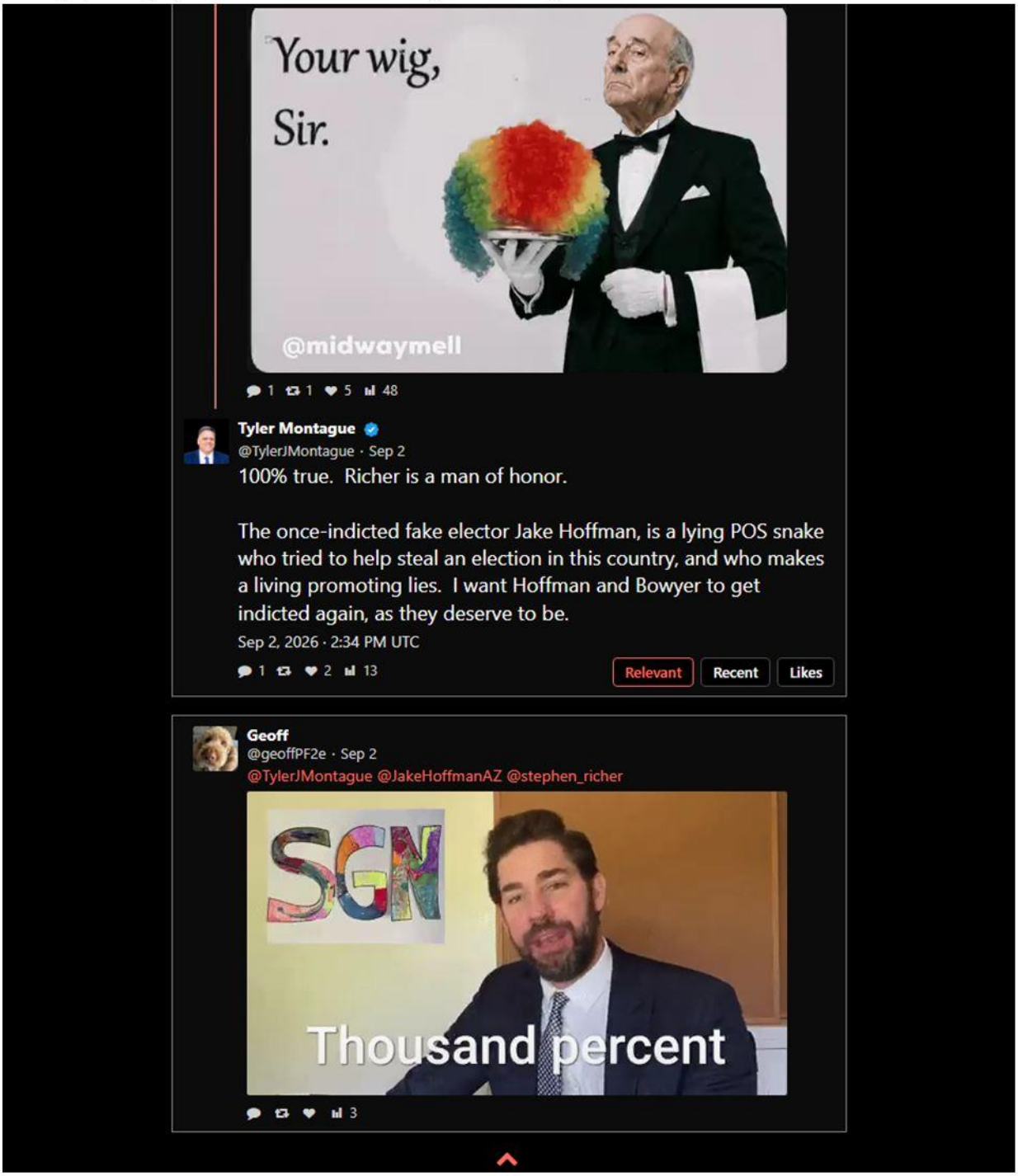


https://x.com/TylerJMontague/status/2100601940359172560

8. Reply · Sep 2, 2026 · 2:34 PM UTC

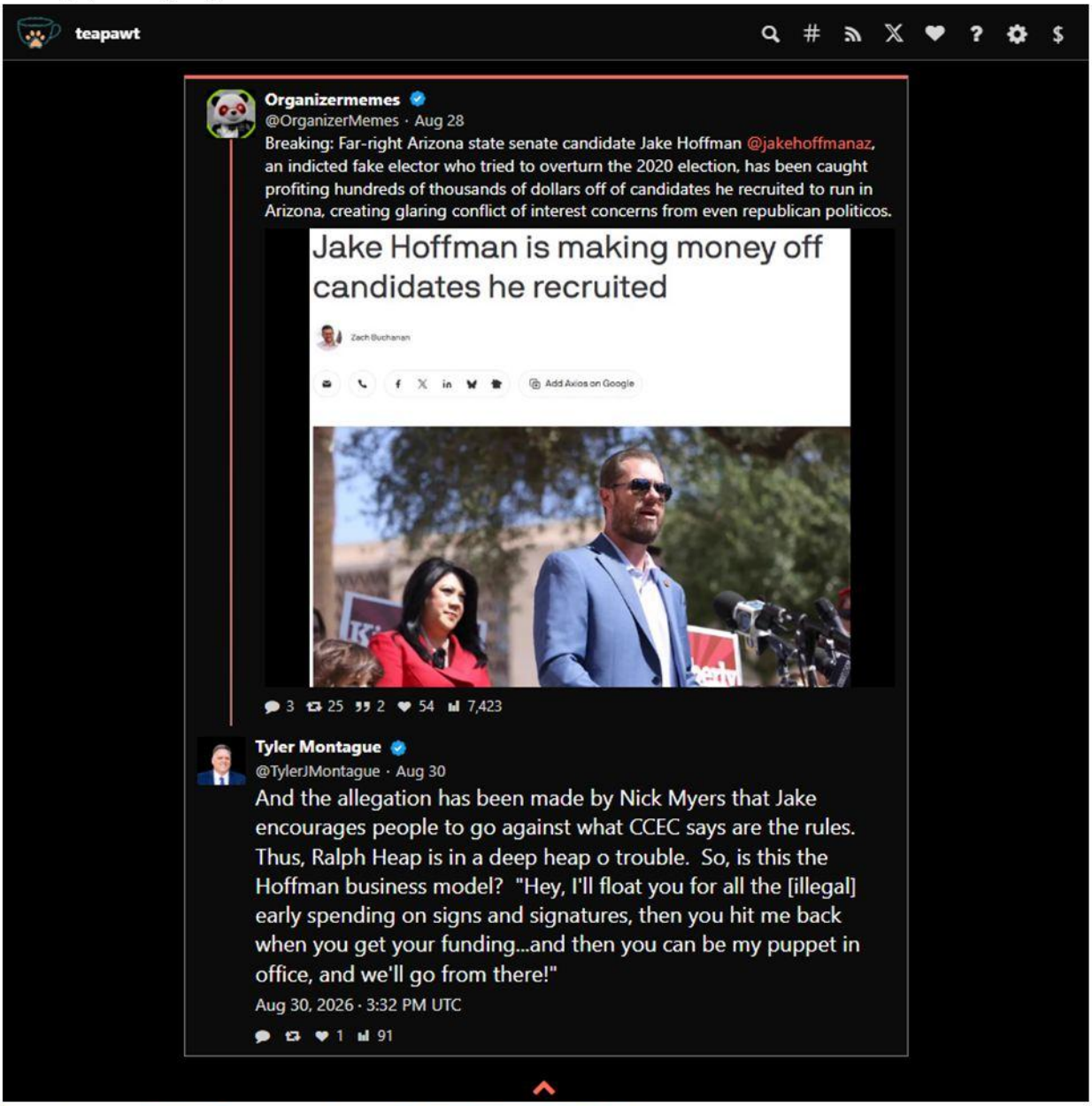


8. Reply · Sep 2, 2026 · 2:34 PM UTC (continued)



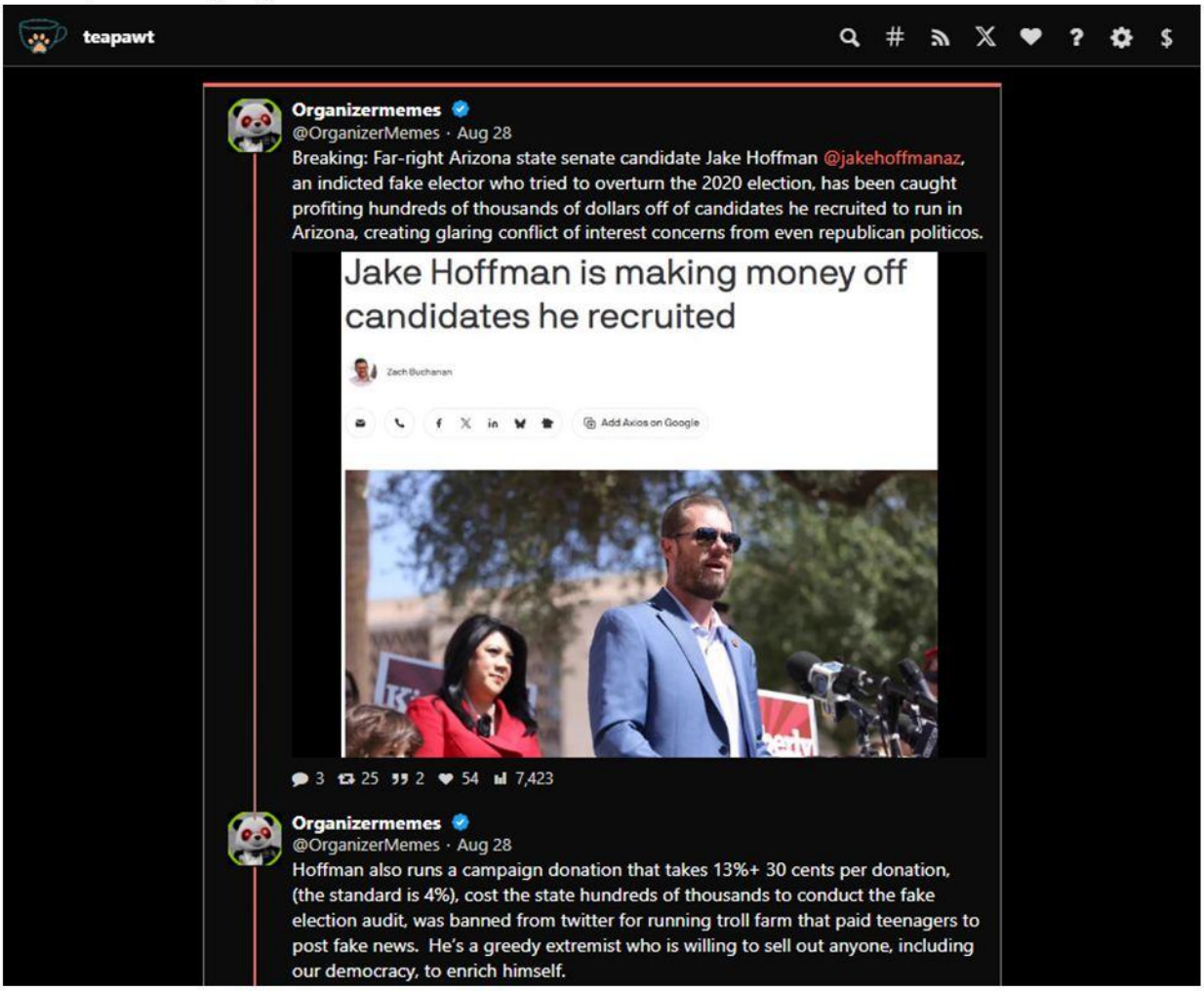
https://x.com/TylerJMontague/status/2095158413911318969

9. Reply · Aug 30, 2026 · 3:32 PM UTC

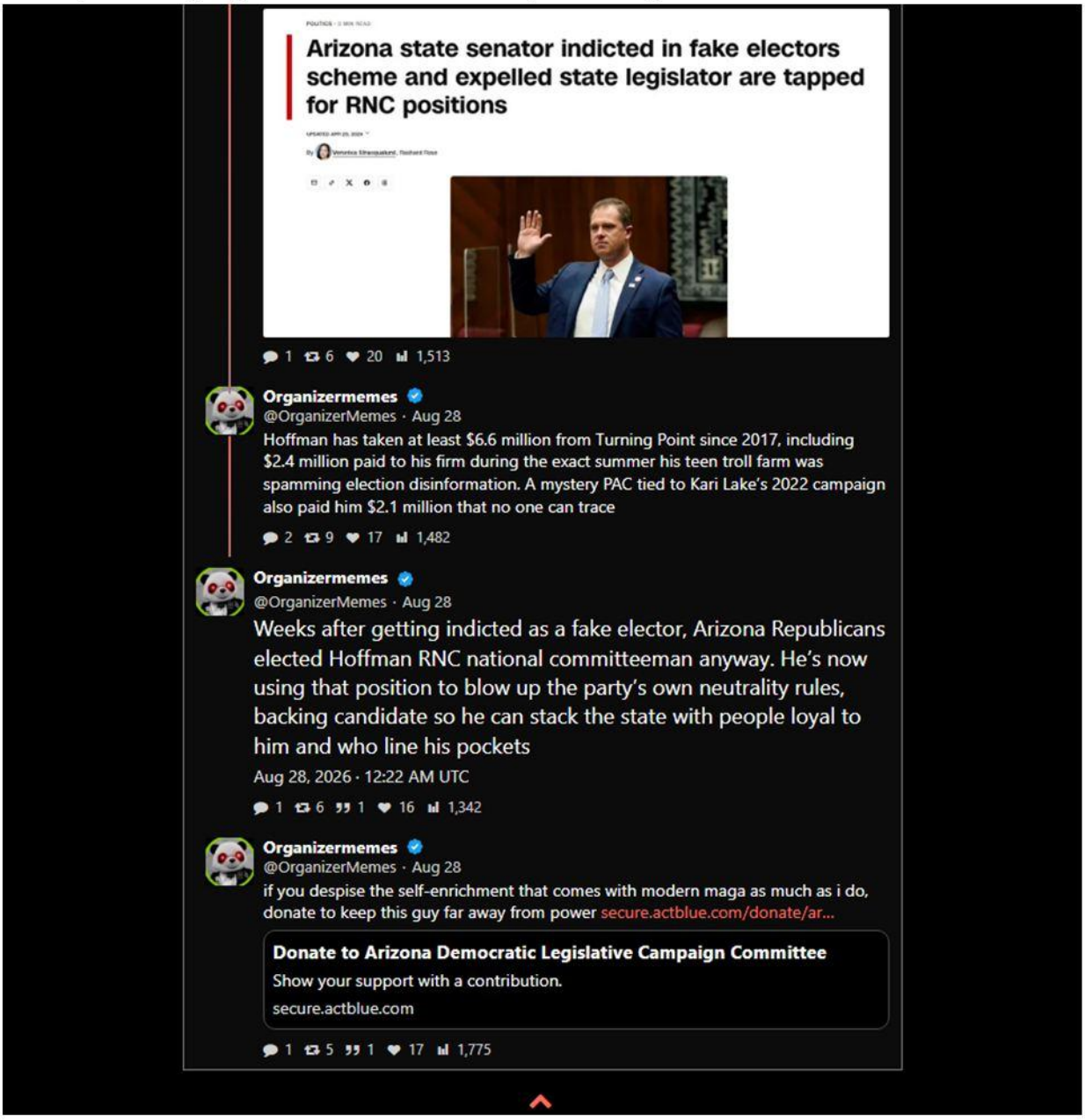


https://x.com/TylerJMontague/status/2094085784995537315

10. Repost · Aug 28, 2026 · 12:22 AM UTC

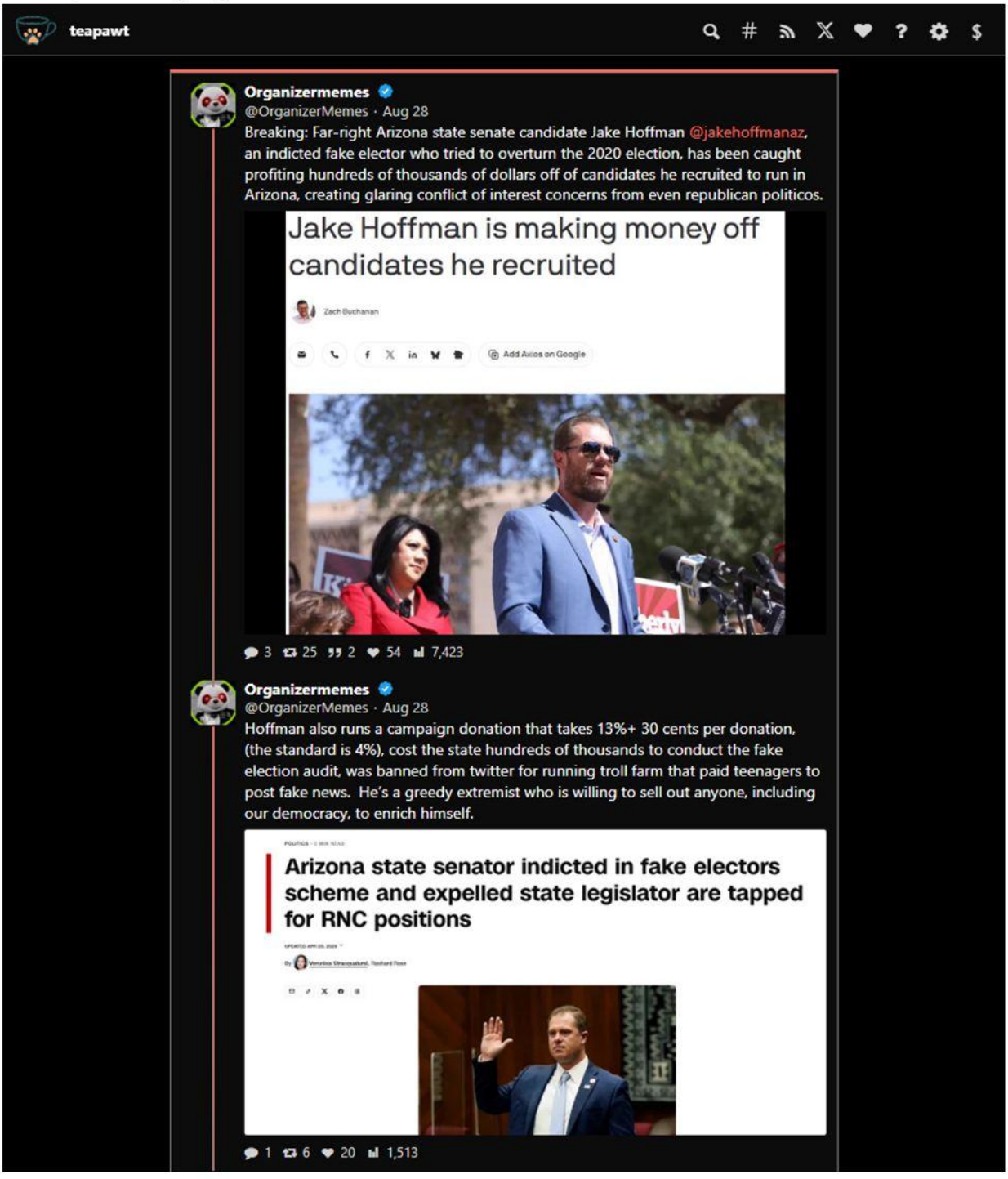


10. Repost · Aug 28, 2026 · 12:22 AM UTC (continued)

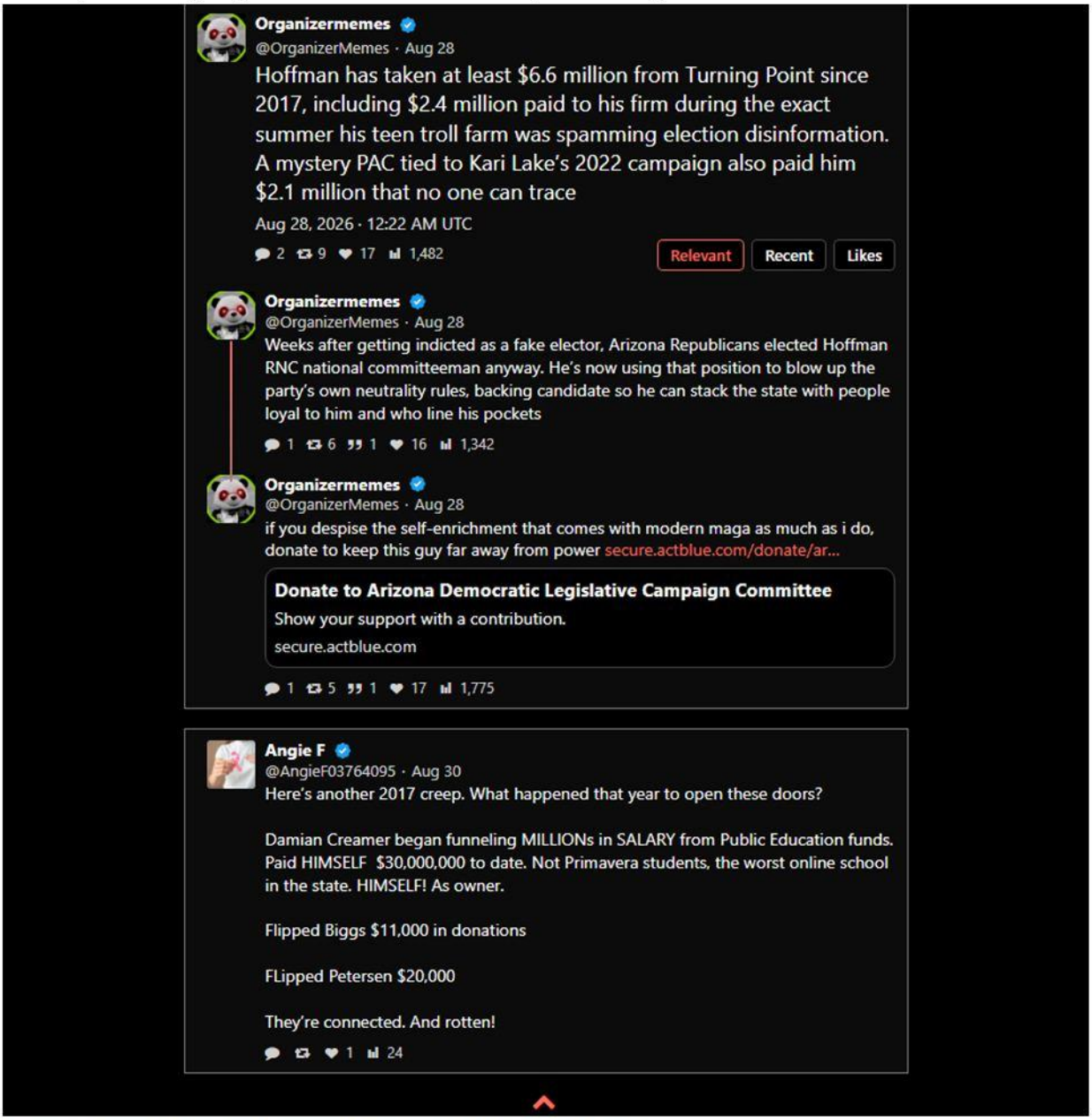


https://x.com/OrganizerMemes/status/2093132120294359058

11. Repost · Aug 28, 2026 · 12:22 AM UTC

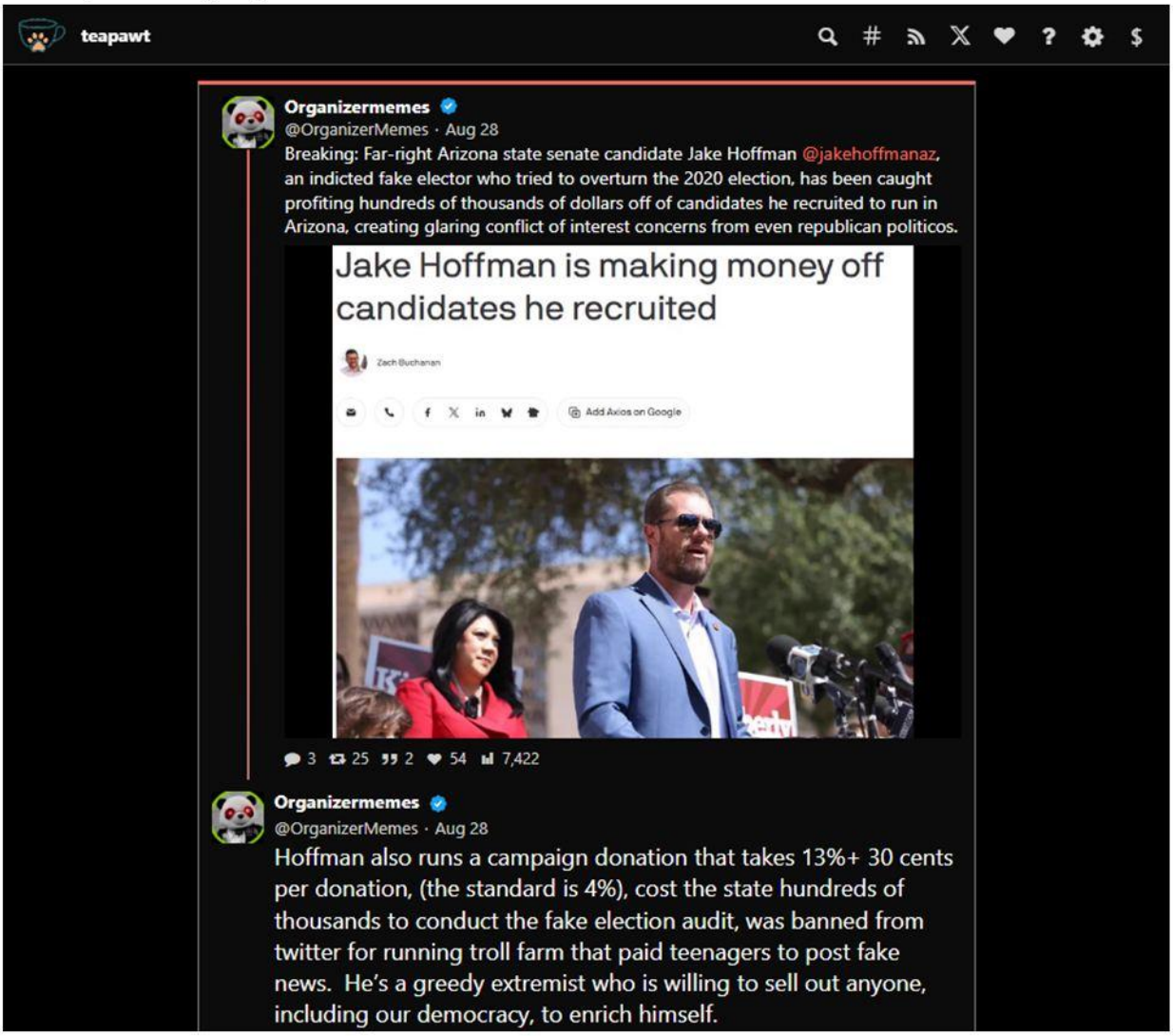


11. Repost · Aug 28, 2026 · 12:22 AM UTC (continued)

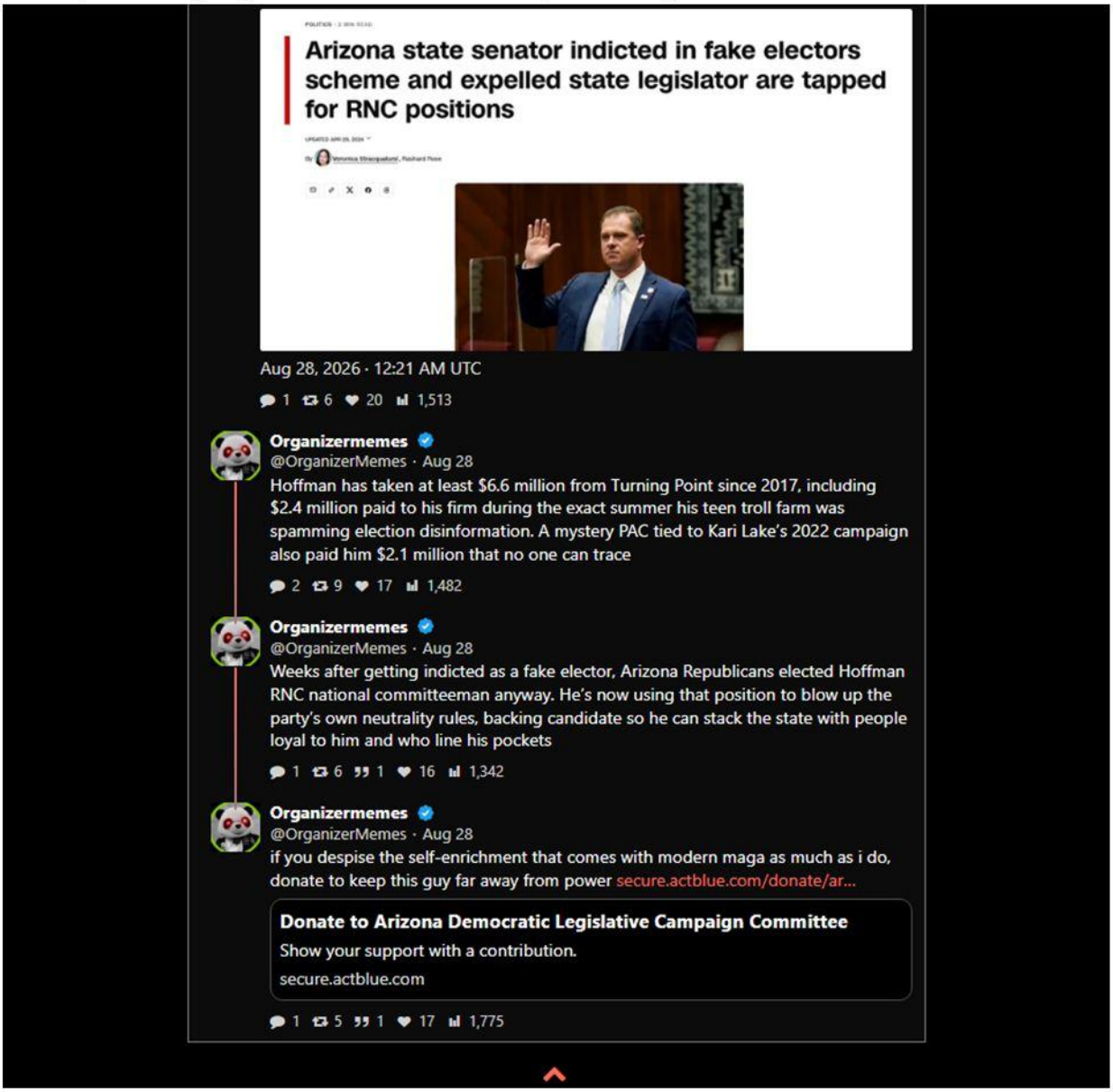


https://x.com/OrganizerMemes/status/2093131997728420138

12. Repost · Aug 28, 2026 · 12:21 AM UTC

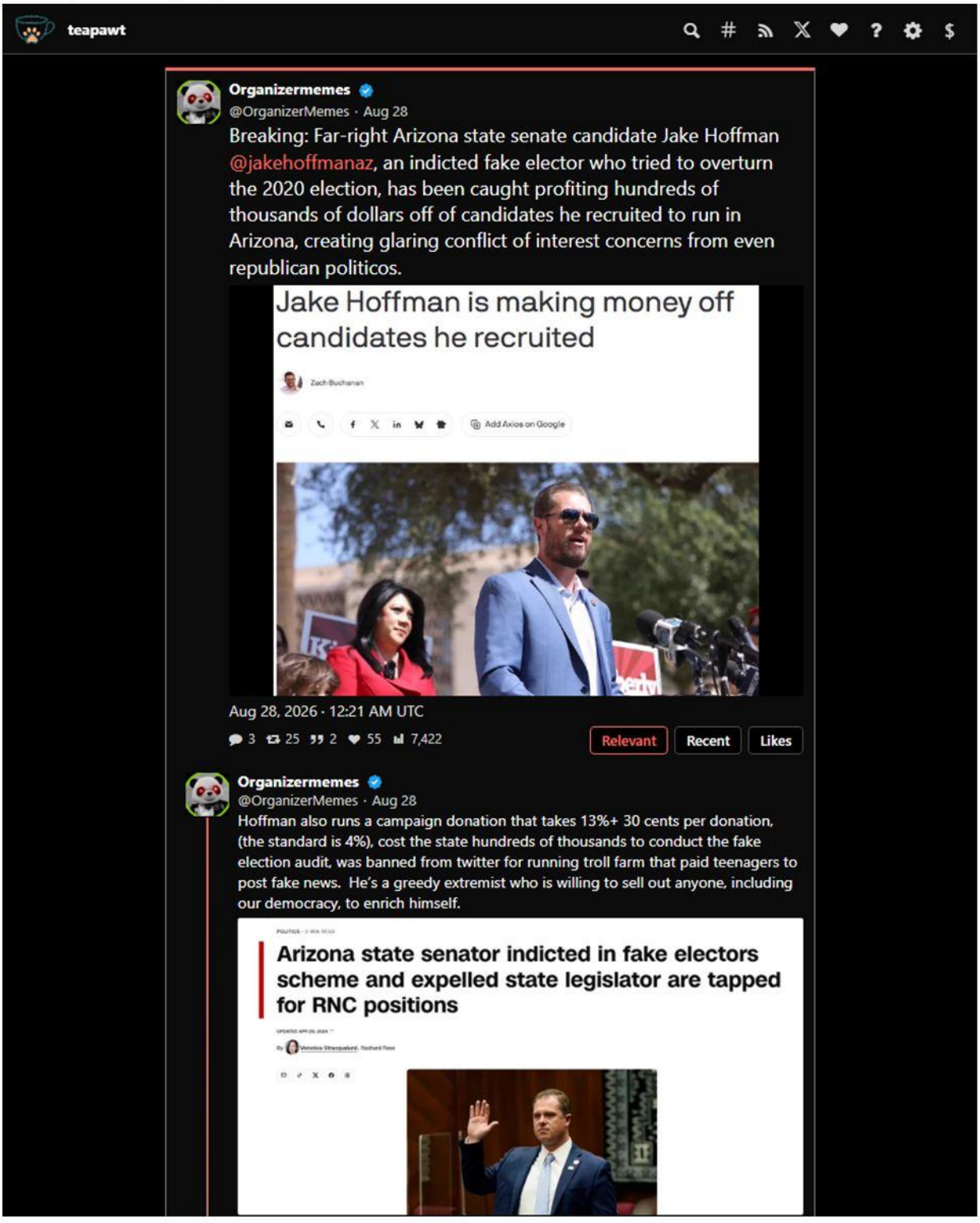


12. Repost · Aug 28, 2026 · 12:21 AM UTC (continued)

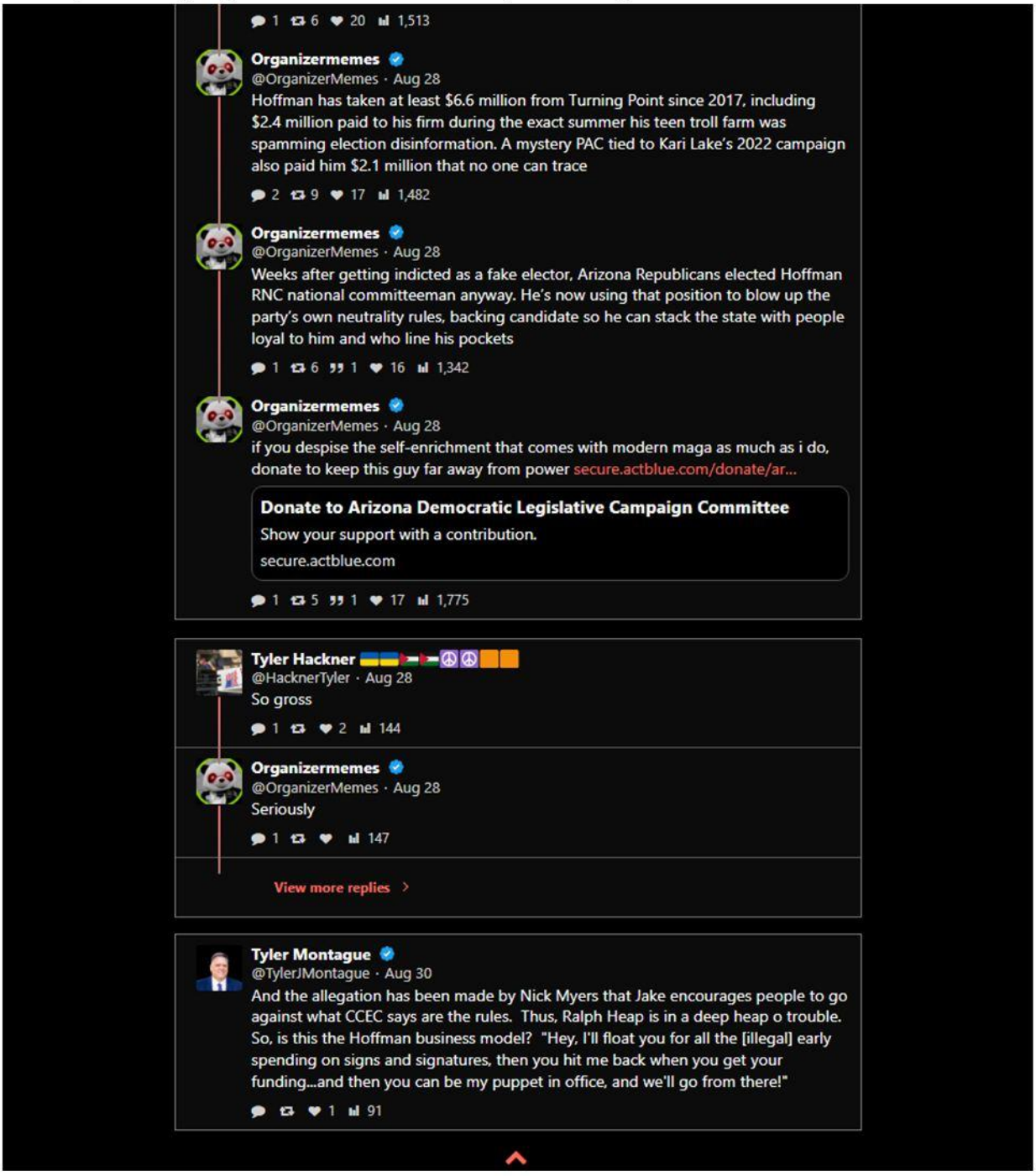


https://x.com/OrganizerMemes/status/2093131826227552450

13. Repost · Aug 28, 2026 · 12:21 AM UTC

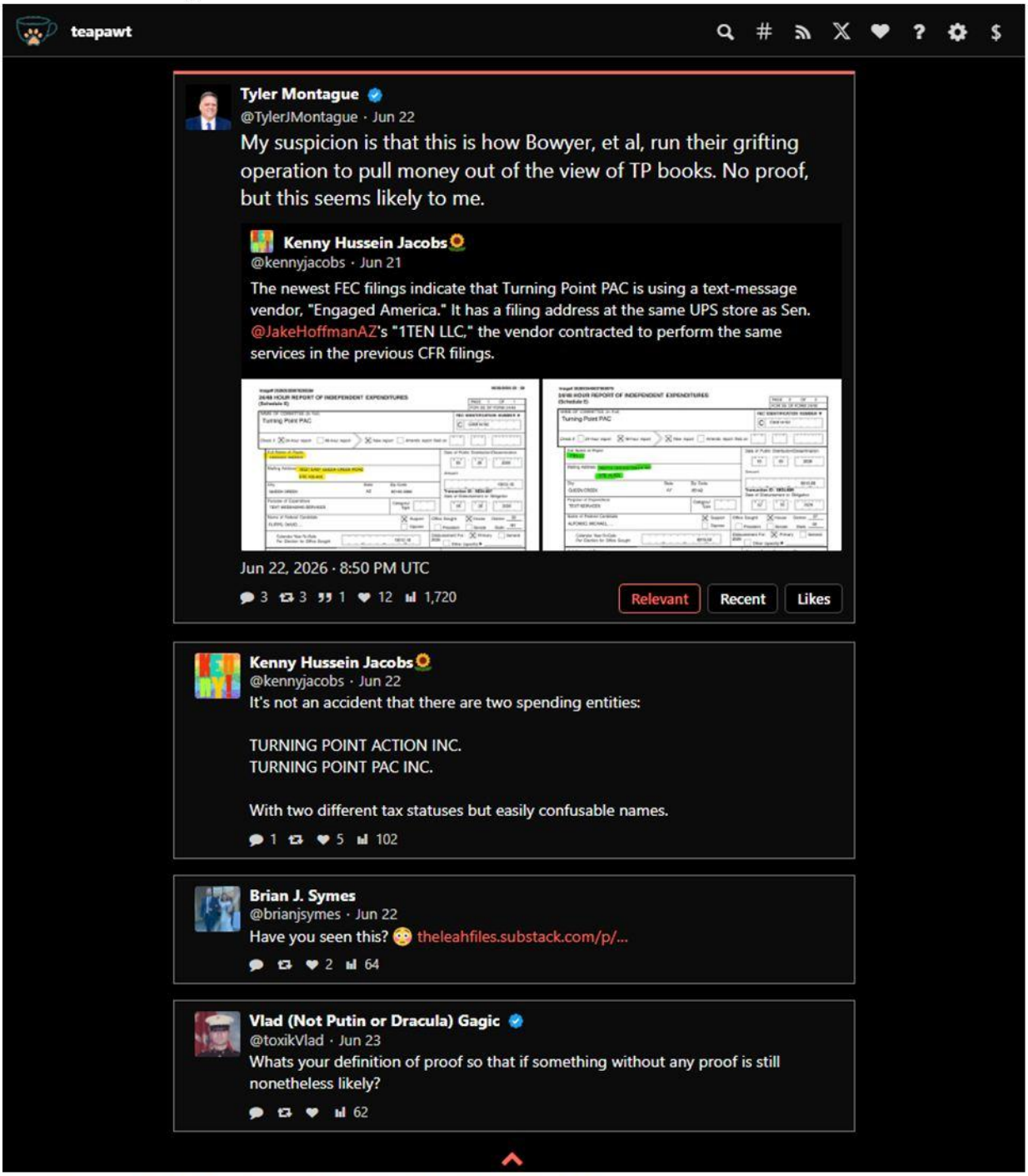


13. Repost · Aug 28, 2026 · 12:21 AM UTC (continued)



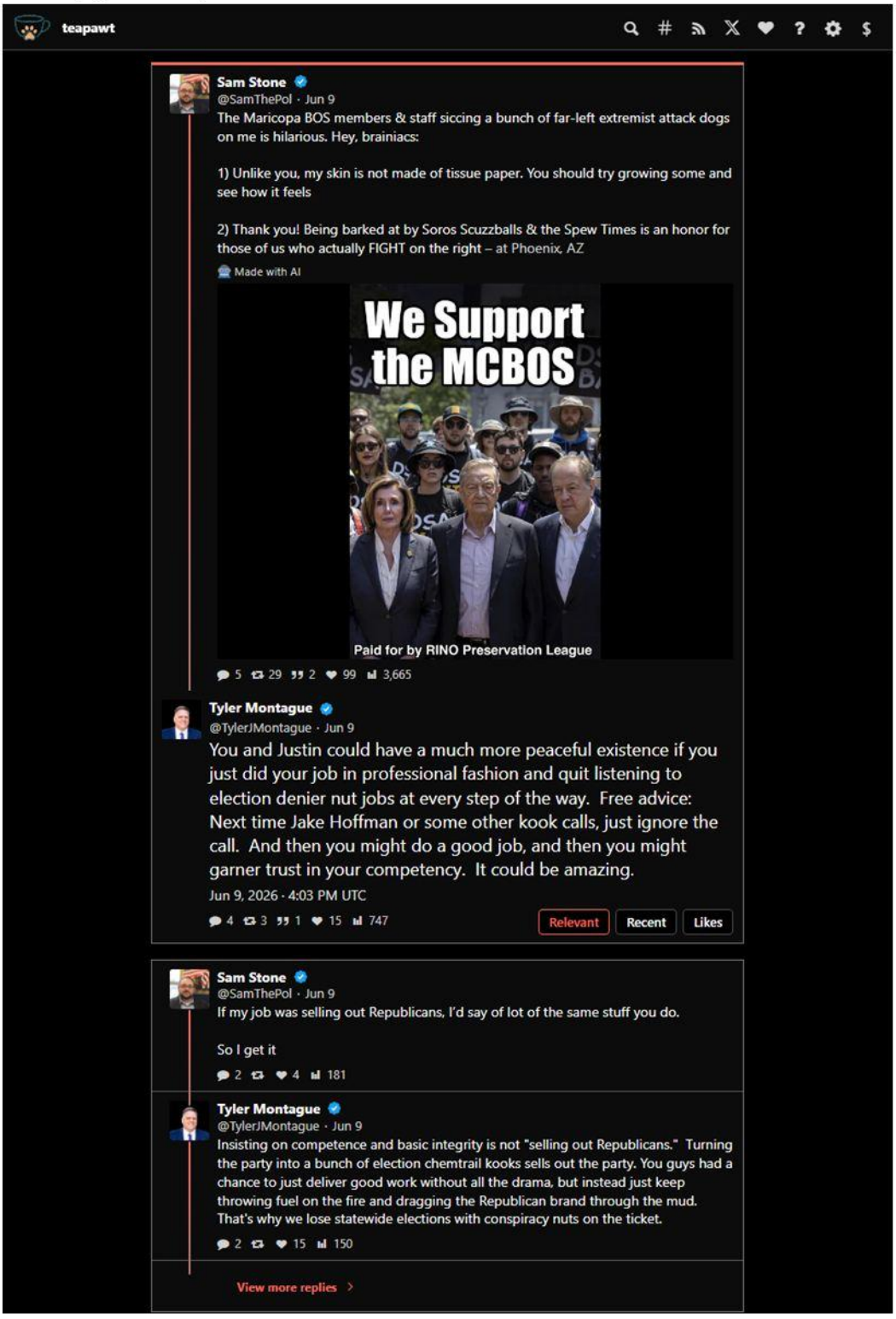
https://x.com/OrganizerMemes/status/2093131816123404408

14. Post · Jun 22, 2026 · 8:50 PM UTC

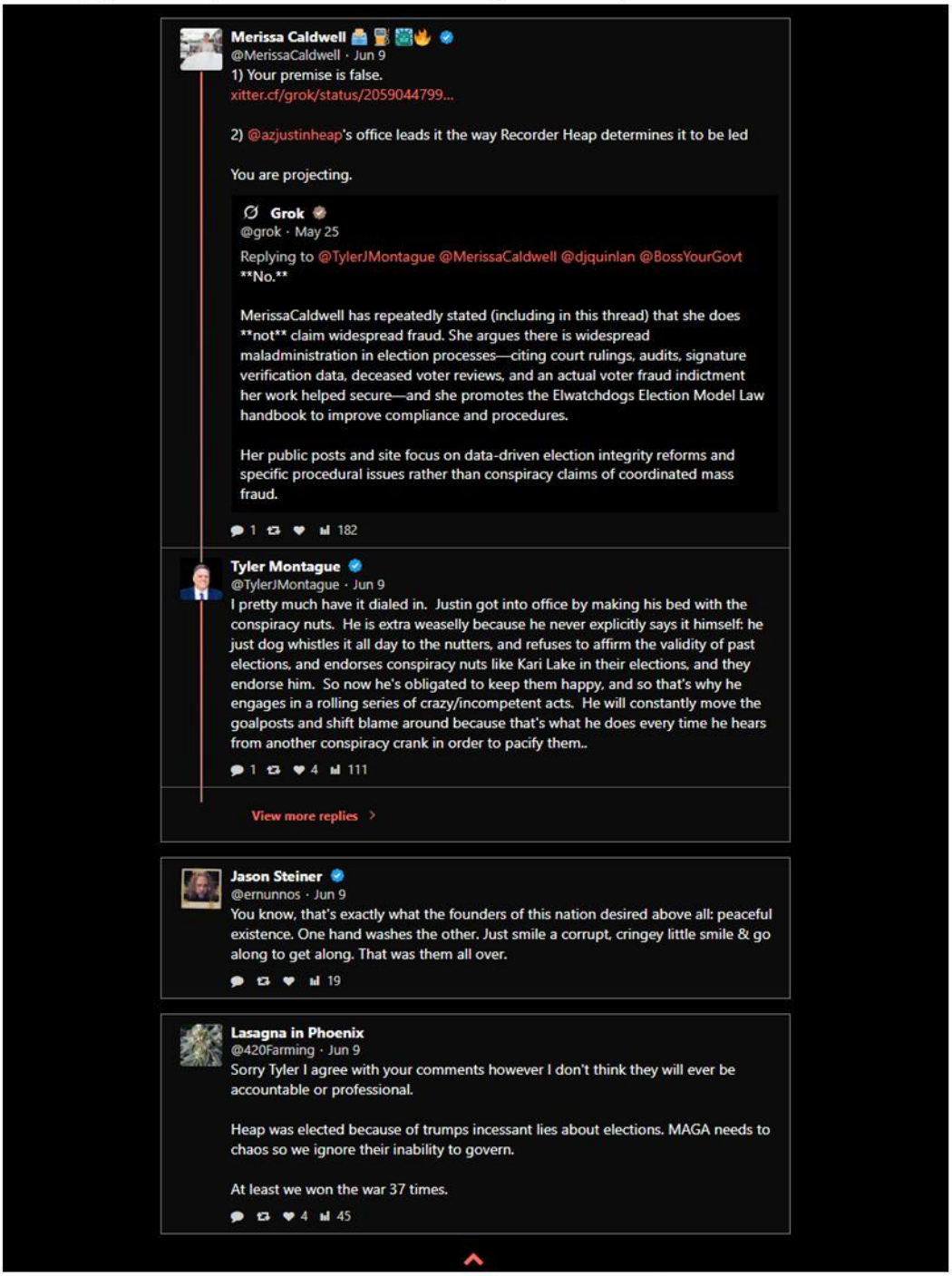


https://x.com/TylerJMontague/status/2069161225284468862

15. Reply · Jun 9, 2026 · 4:03 PM UTC

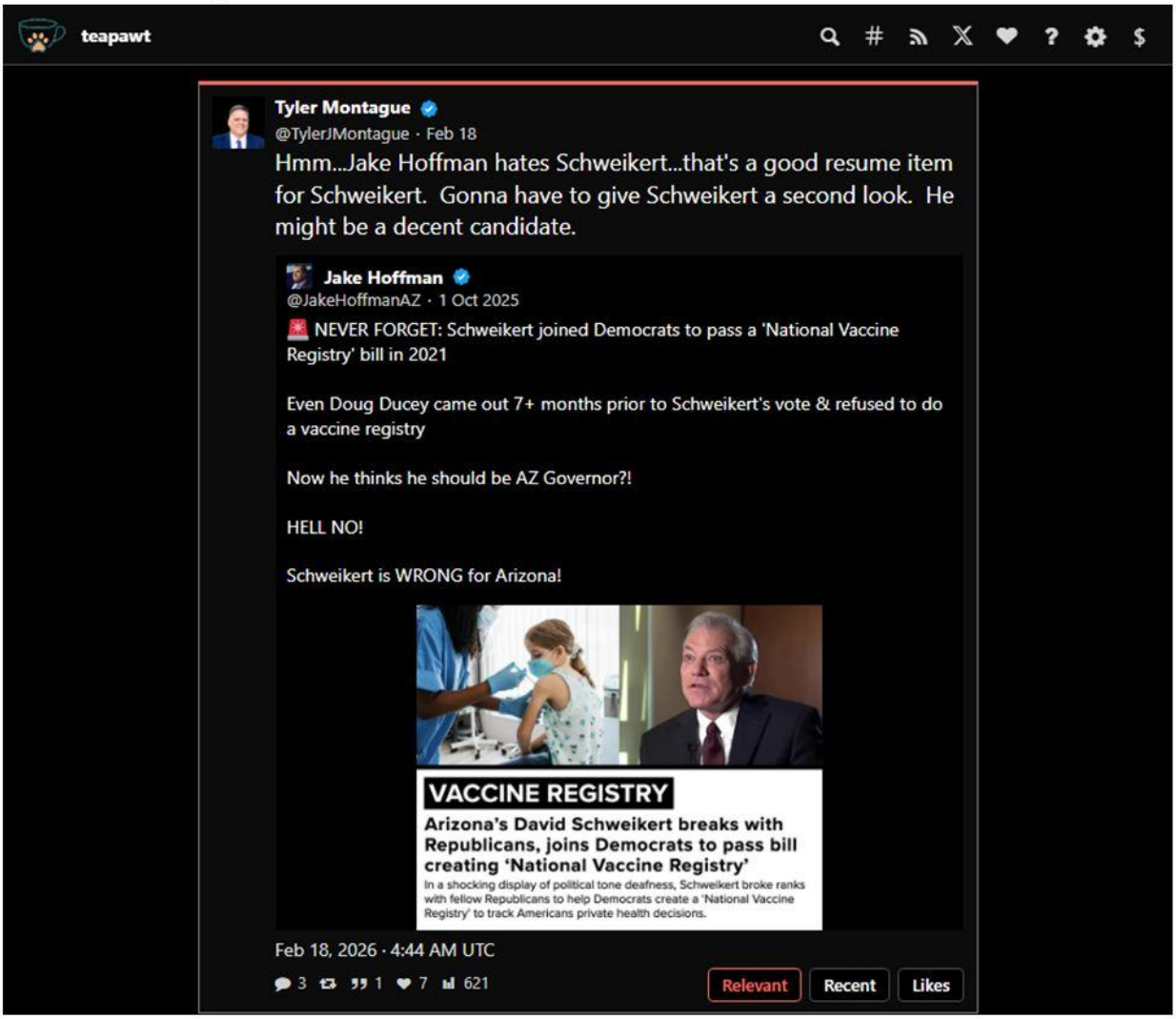


15. Reply · Jun 9, 2026 · 4:03 PM UTC (continued)

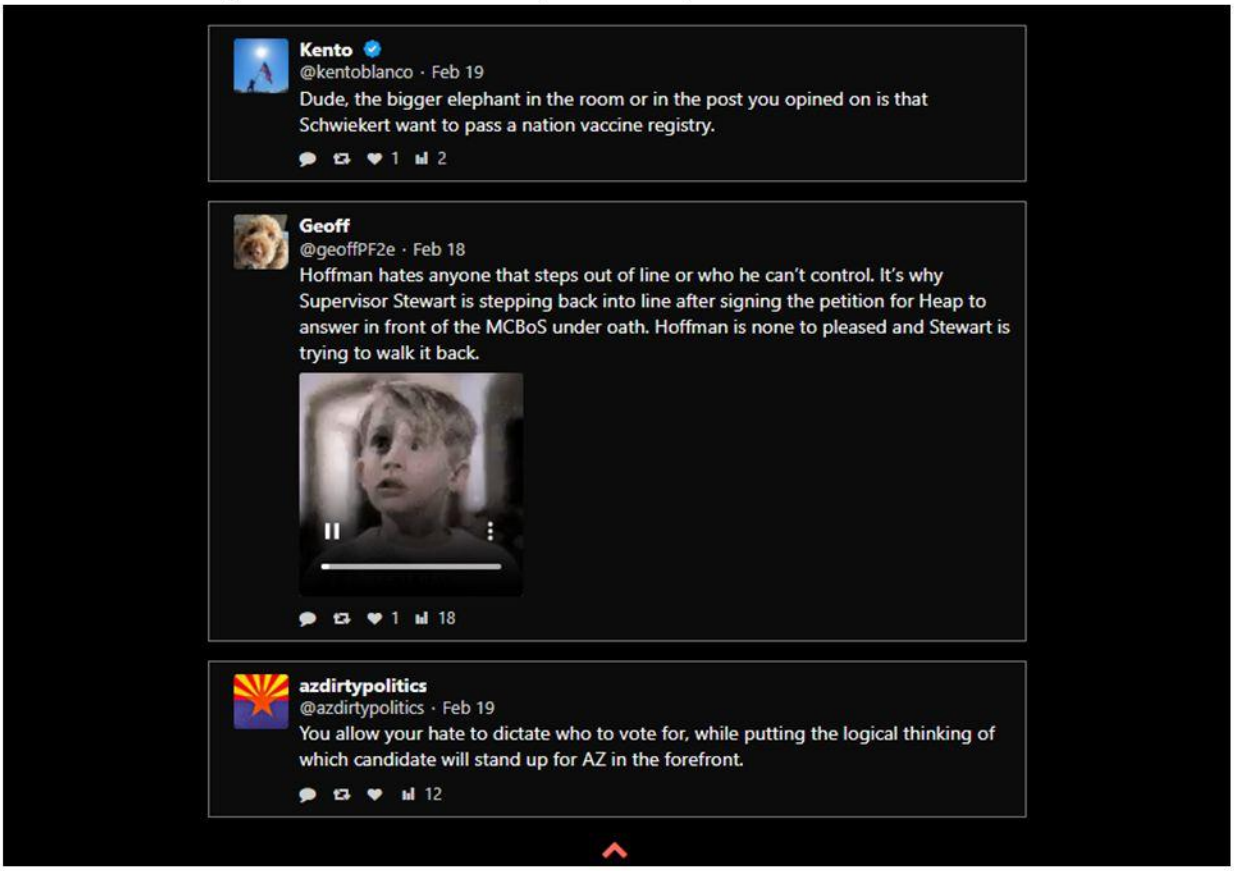


https://x.com/TylerJMontague/status/2064377941824573849

16. Post · Feb 18, 2026 · 4:44 AM UTC

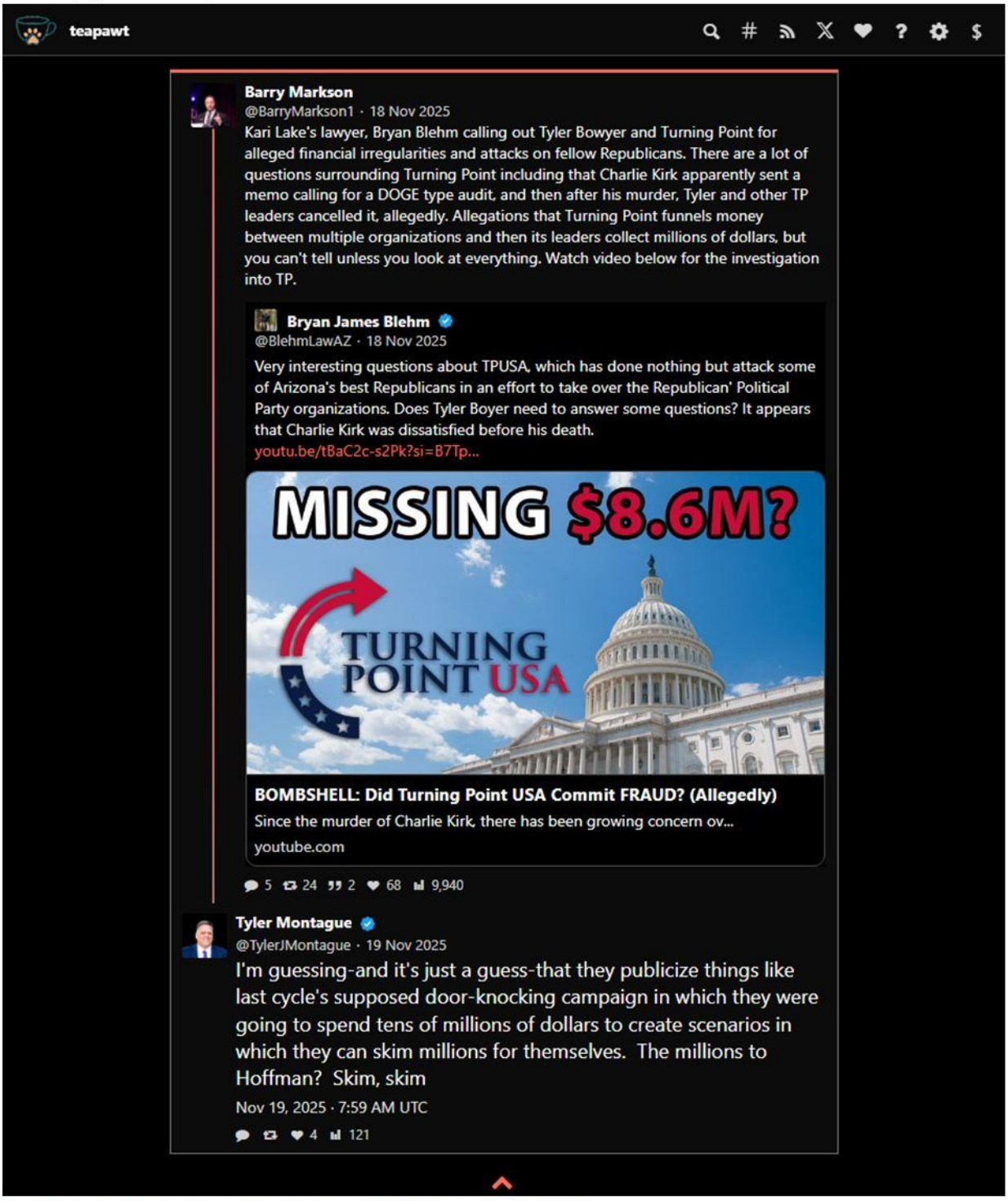


16. Post · Feb 18, 2026 · 4:44 AM UTC (continued)



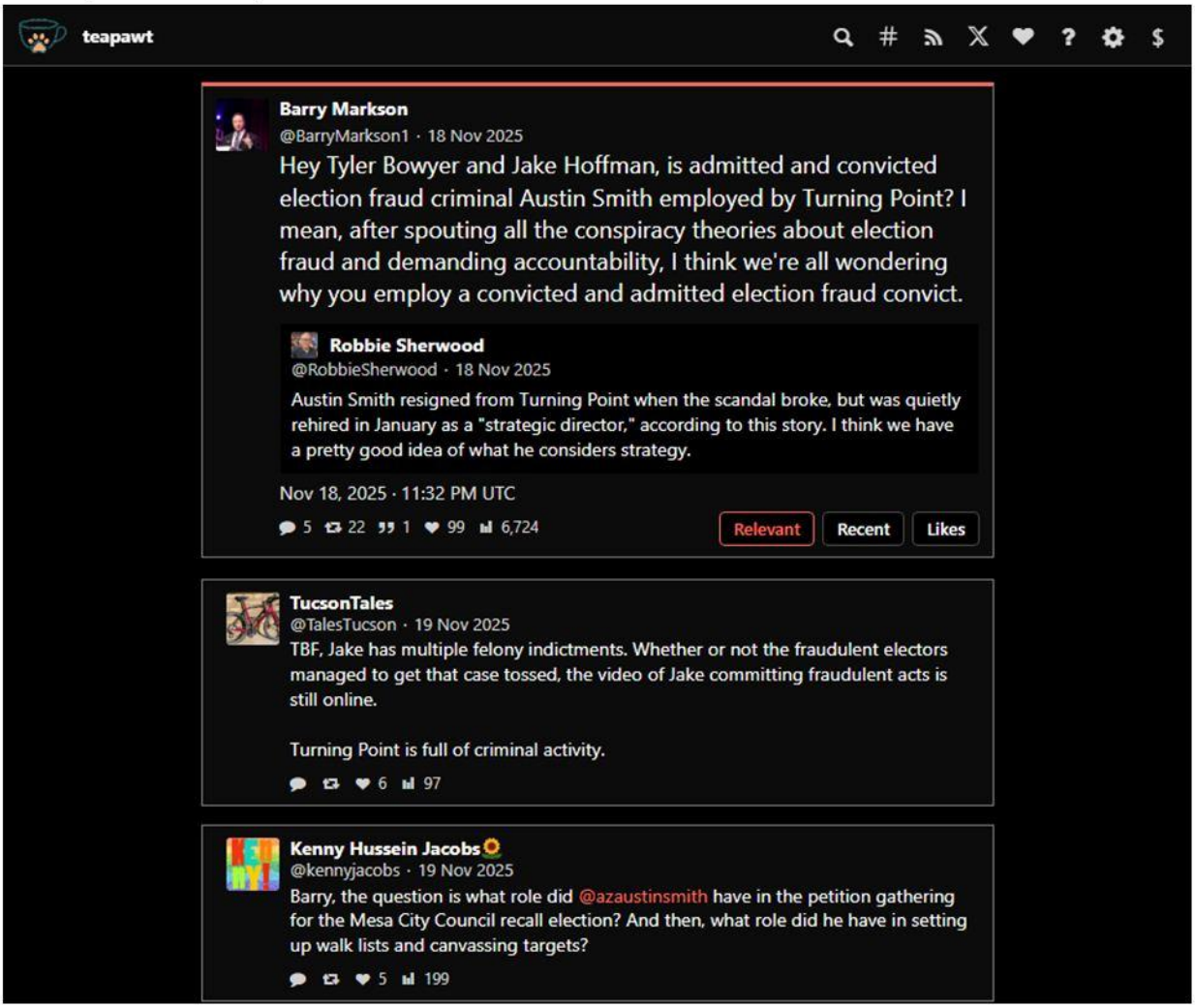
https://x.com/TylerJMontague/status/2023981824436039936

17. Reply · Nov 19, 2025 · 7:59 AM UTC

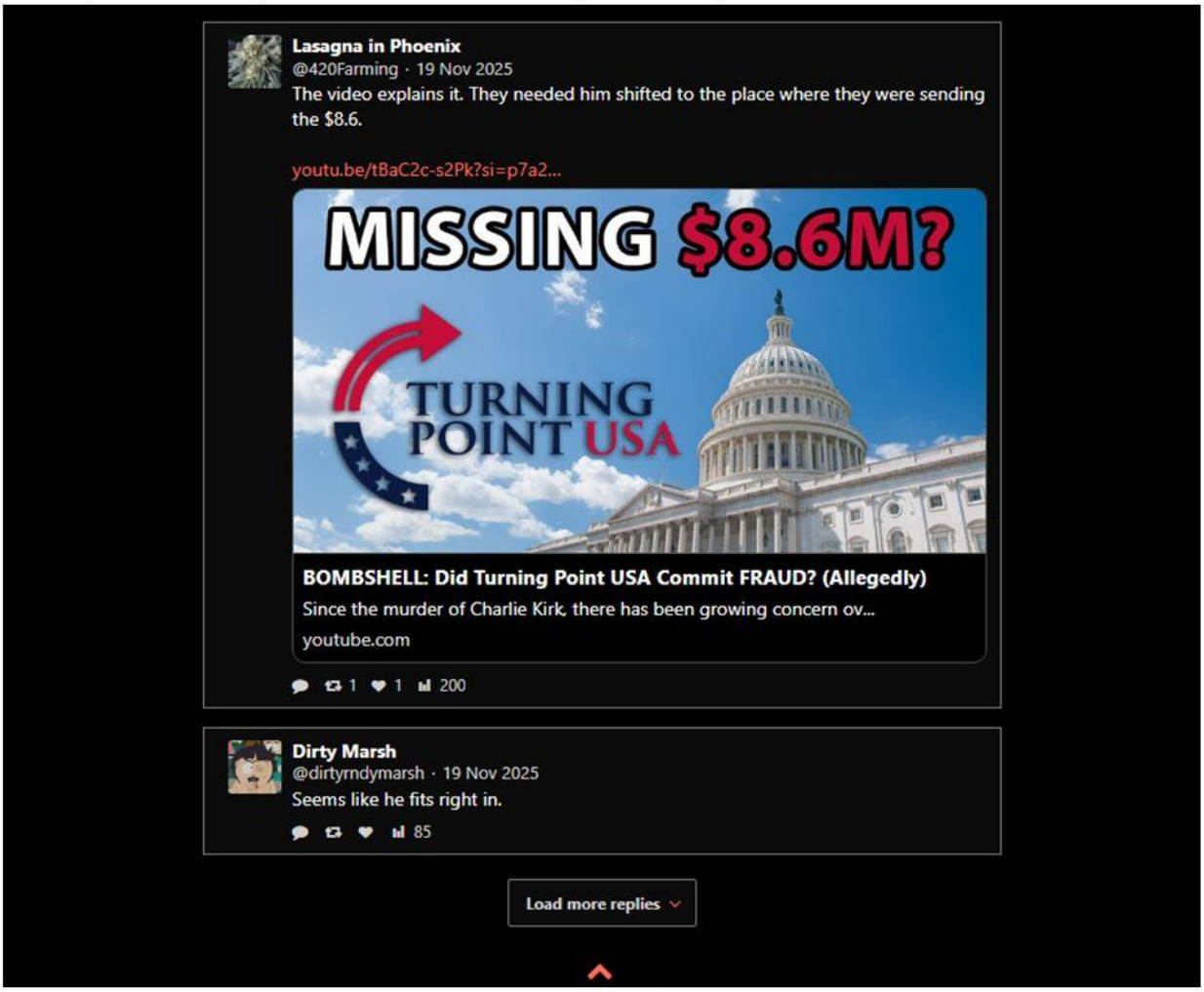


https://x.com/TylerJMontague/status/1991053810970878352

18. Repost · Nov 18, 2025 · 11:32 PM UTC

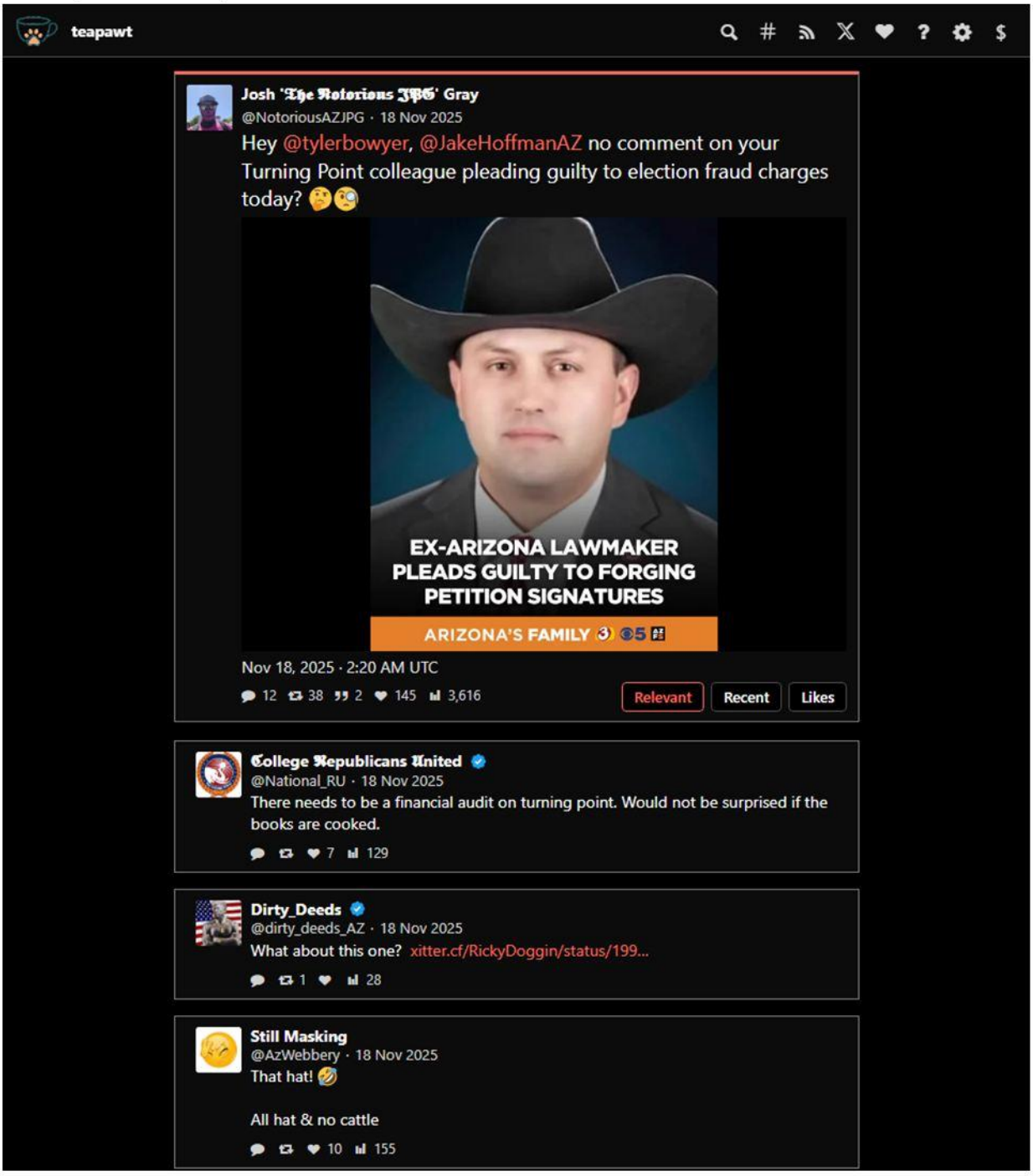


18. Repost · Nov 18, 2025 · 11:32 PM UTC (continued)

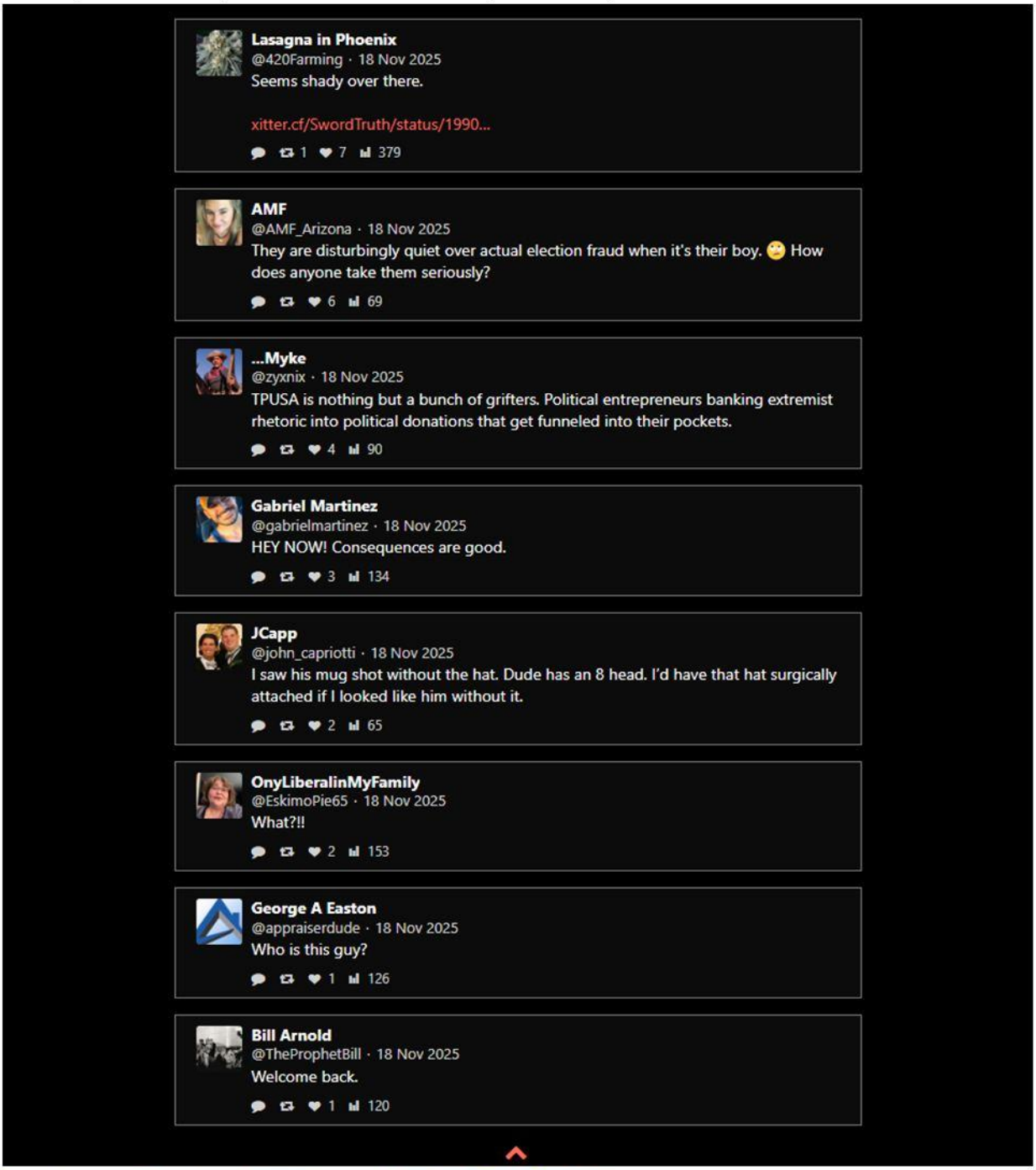


https://x.com/BarryMarkson1/status/1990926194825474327

19. Repost · Nov 18, 2025 · 2:20 AM UTC



19. Repost · Nov 18, 2025 · 2:20 AM UTC (continued)

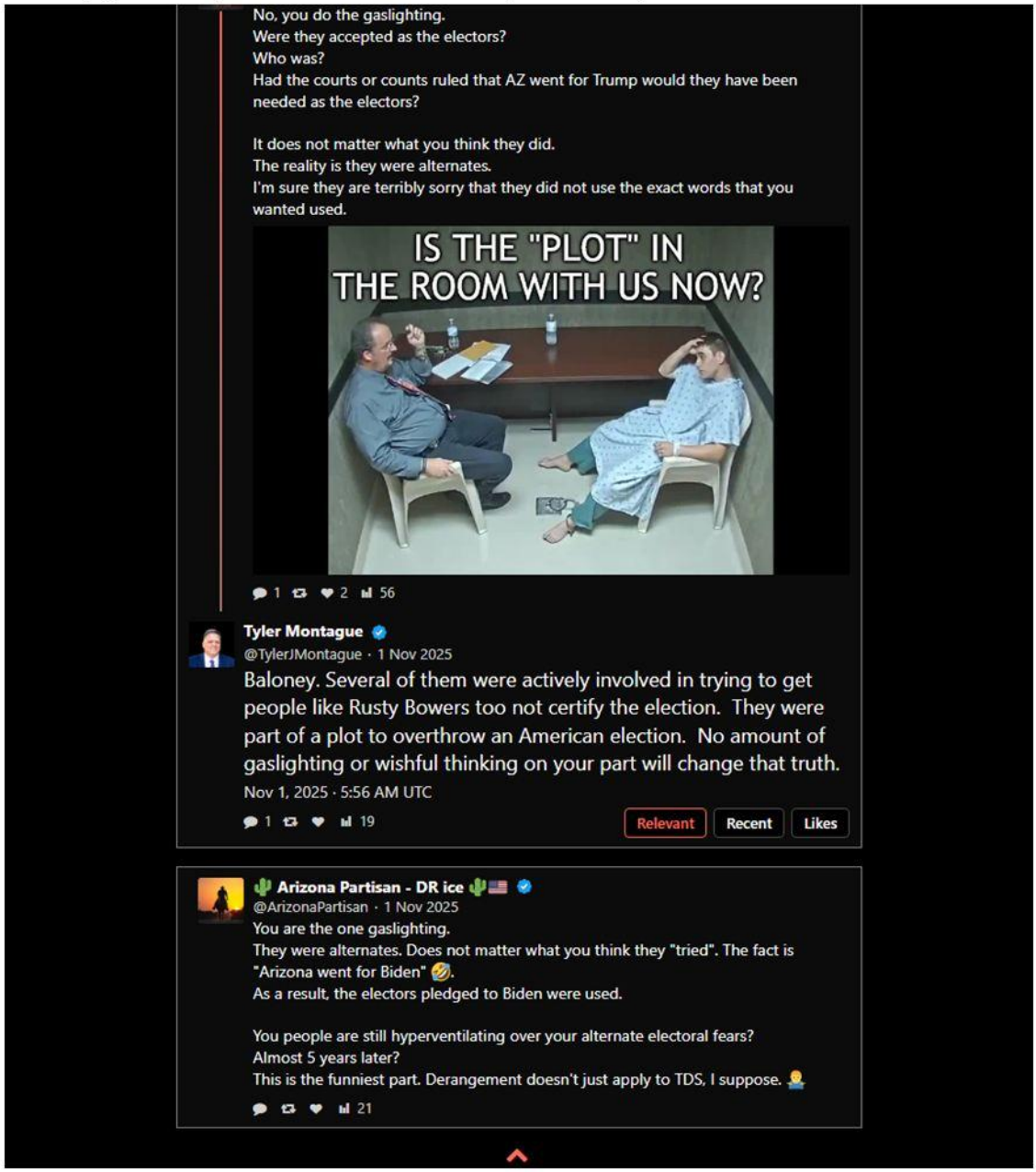


https://x.com/NotoriousAZJPG/status/1990605879927017786

20. Reply · Nov 1, 2025 · 5:56 AM UTC



20. Reply · Nov 1, 2025 · 5:56 AM UTC (continued)

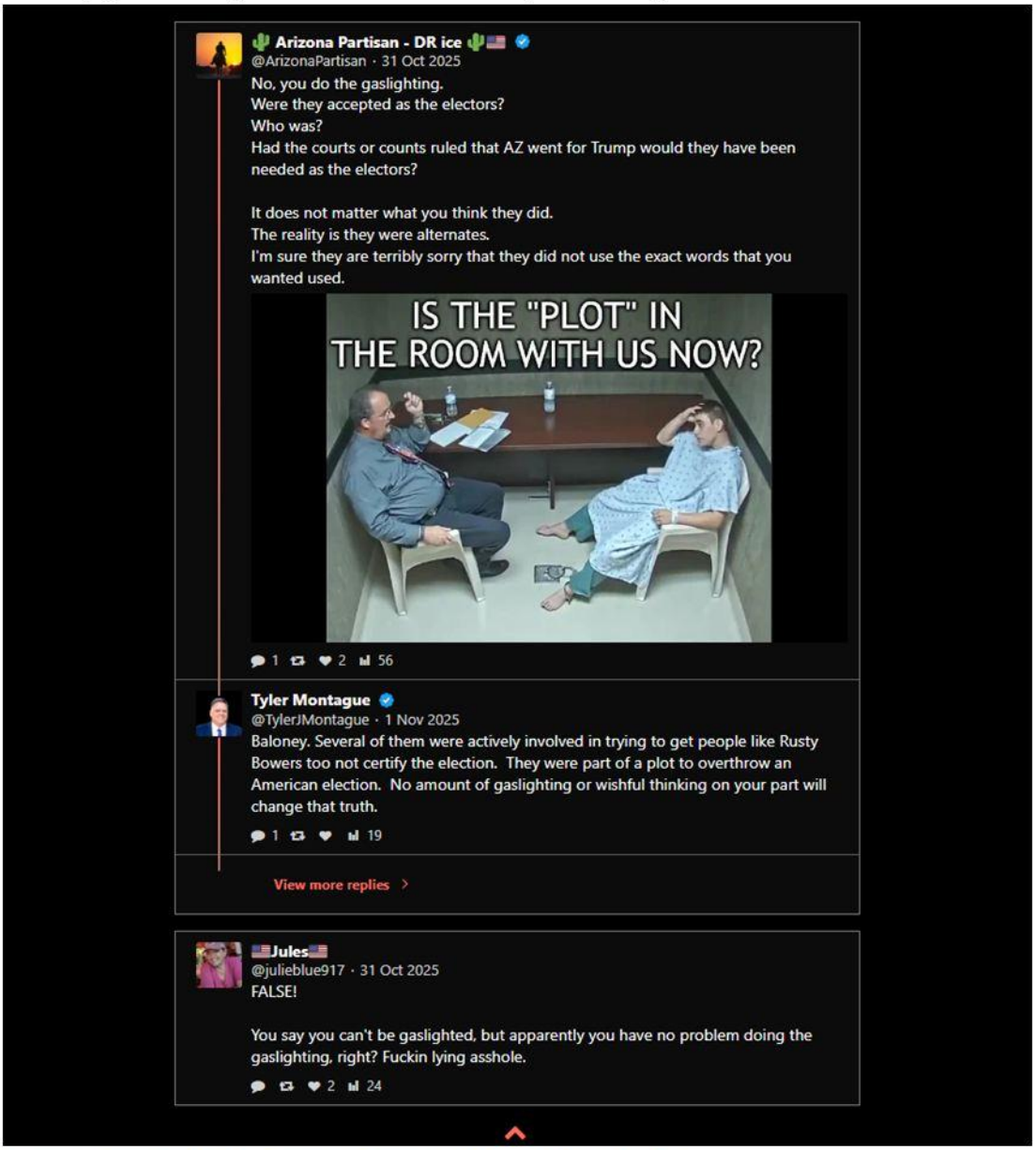


https://x.com/TylerJMontague/status/1984499845022040068

21. Reply · Oct 31, 2025 · 8:10 PM UTC

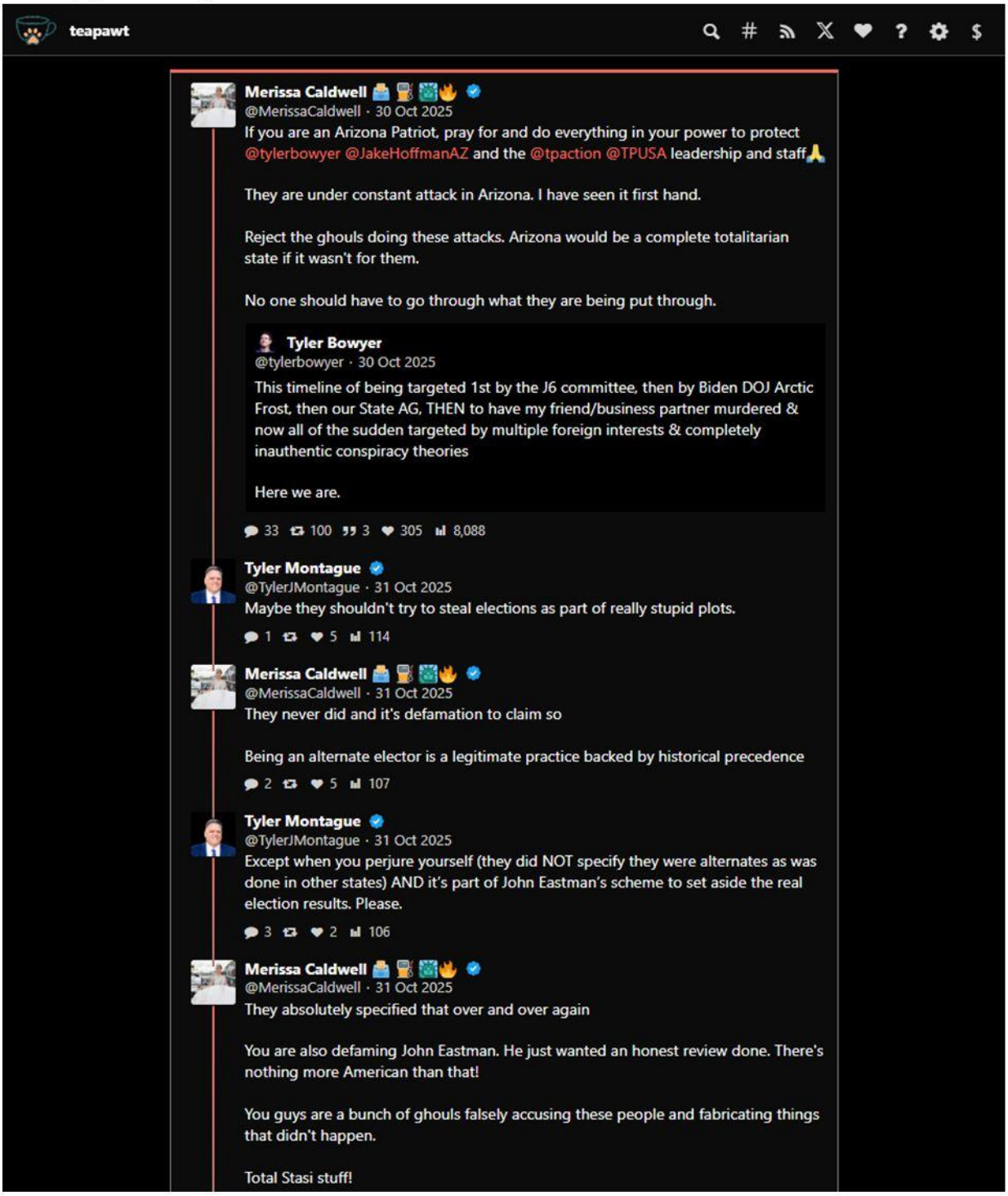


21. Reply · Oct 31, 2025 · 8:10 PM UTC (continued)

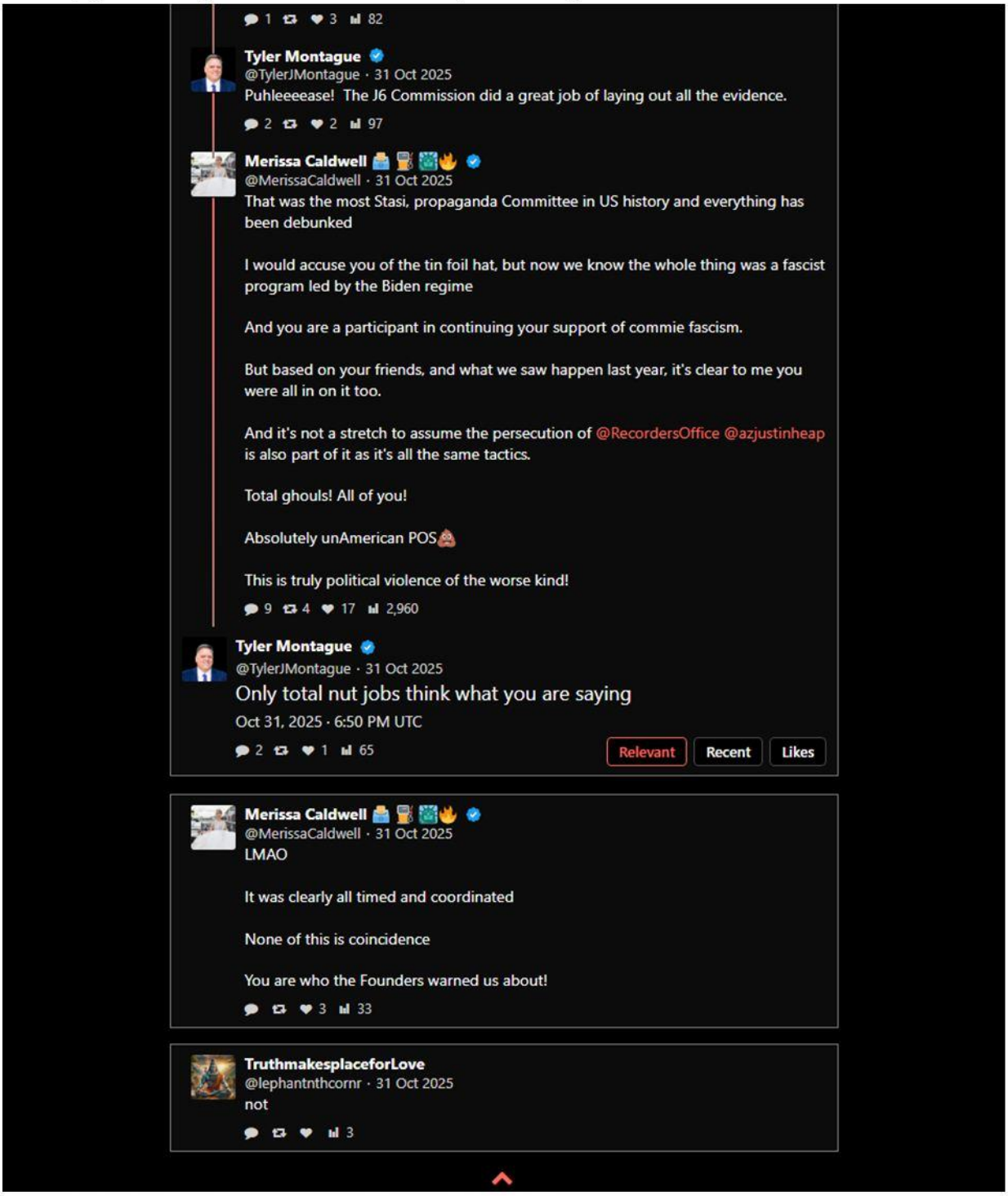


https://x.com/TylerJMontague/status/1984352233719574561

22. Reply · Oct 31, 2025 · 6:50 PM UTC

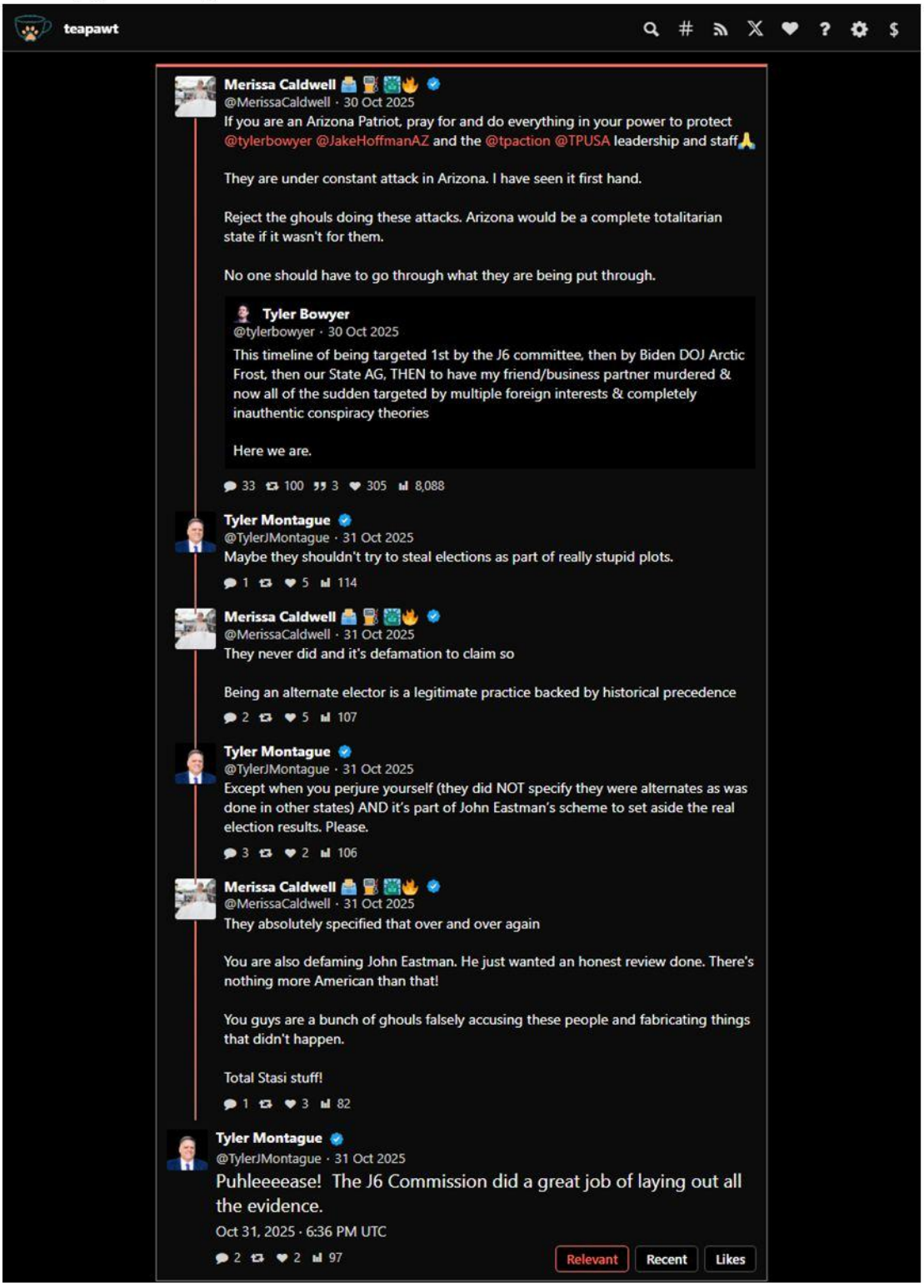


22. Reply · Oct 31, 2025 · 6:50 PM UTC (continued)

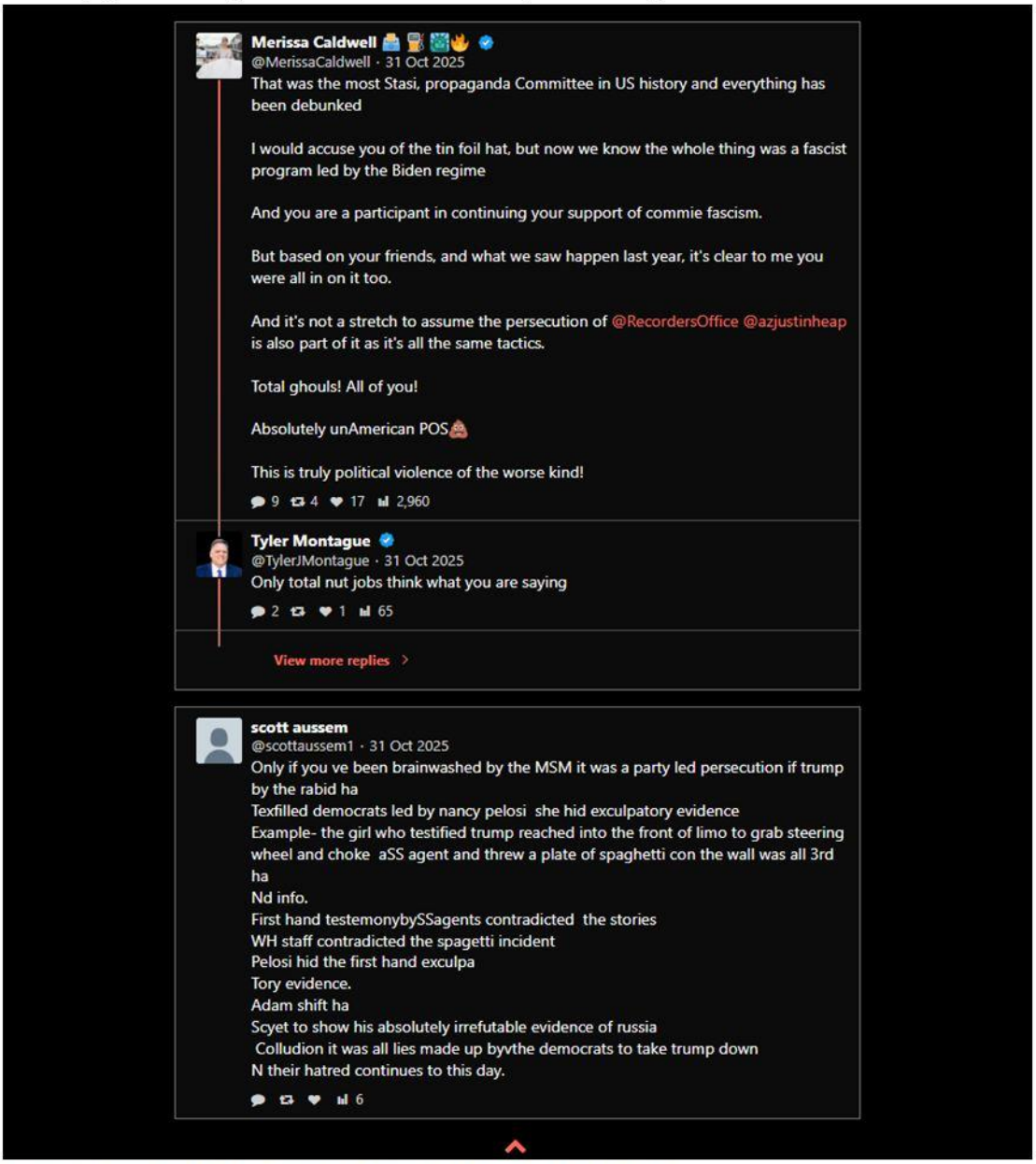


https://x.com/TylerJMontague/status/1984332206186299844

23. Reply · Oct 31, 2025 · 6:36 PM UTC

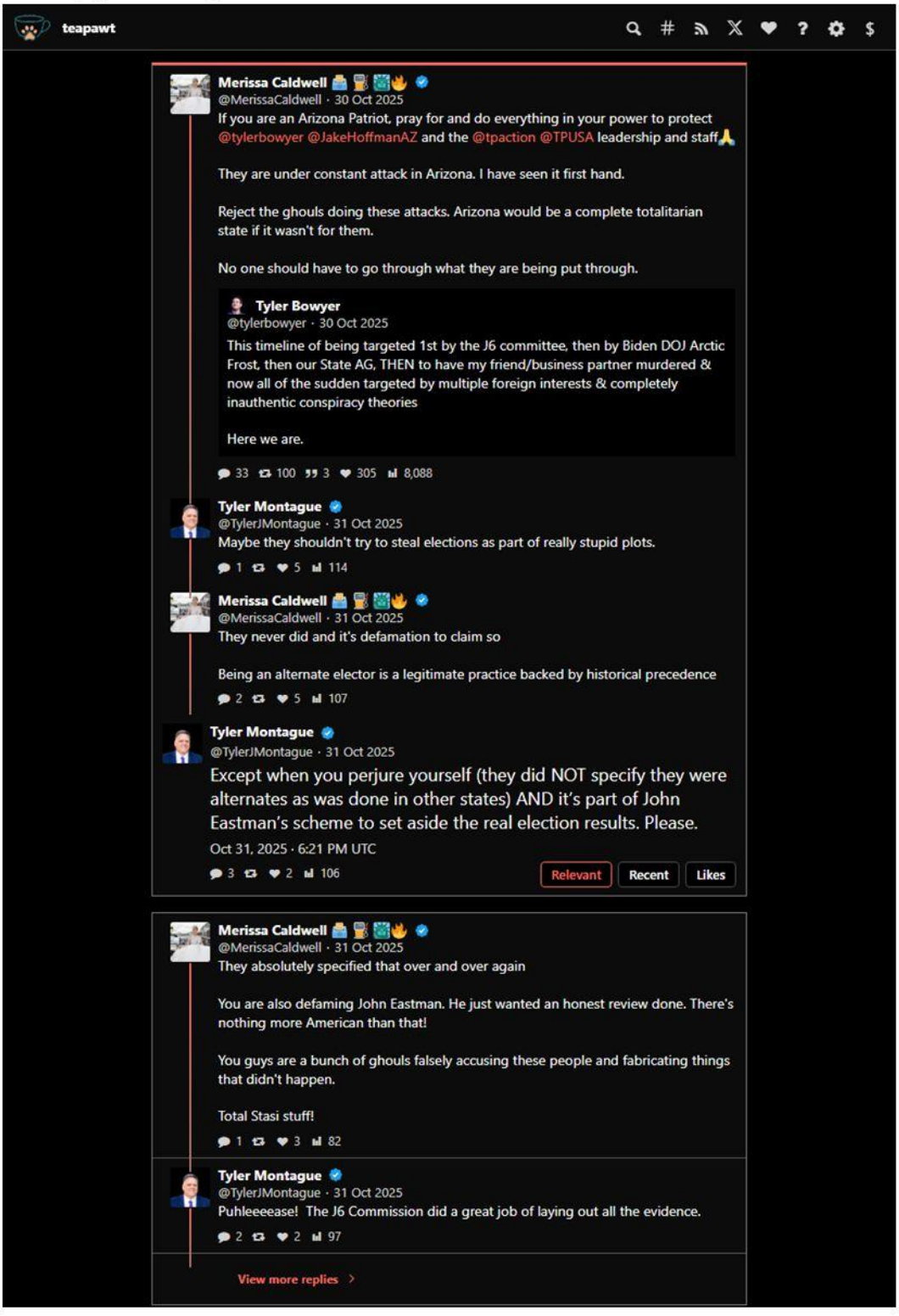


23. Reply · Oct 31, 2025 · 6:36 PM UTC (continued)

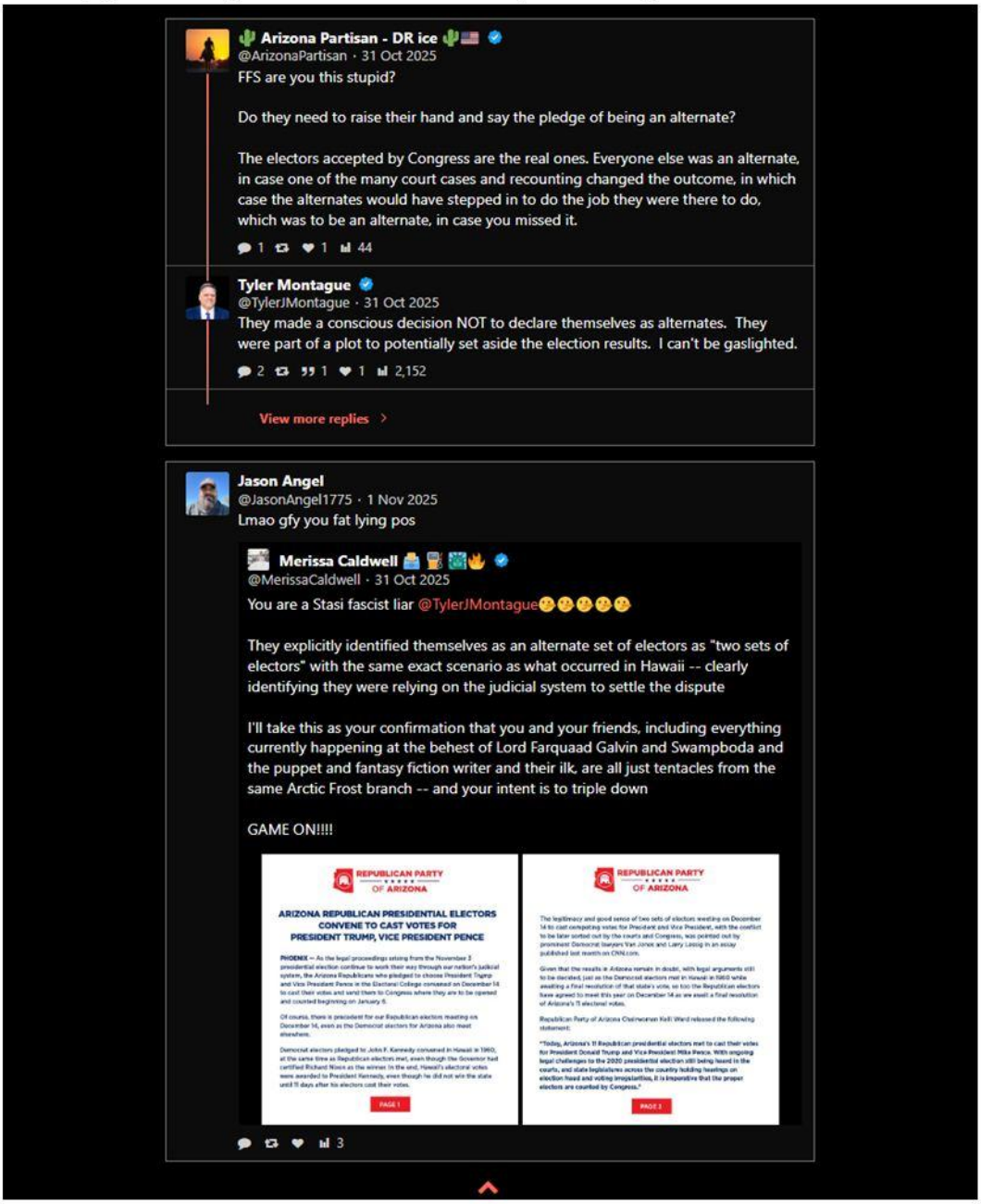


https://x.com/TylerJMontague/status/1984328569112445258

24. Reply · Oct 31, 2025 · 6:21 PM UTC

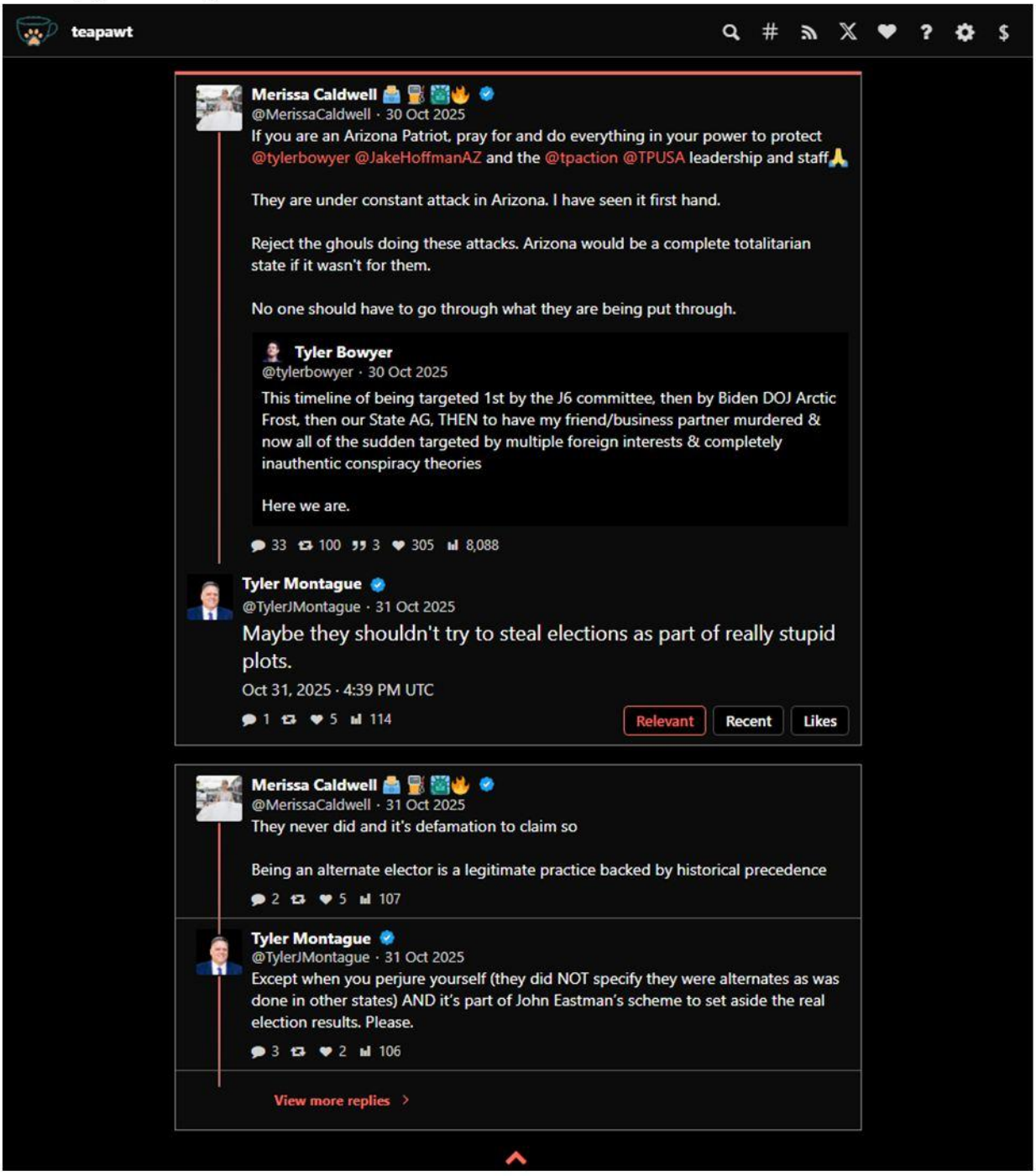


24. Reply · Oct 31, 2025 · 6:21 PM UTC (continued)



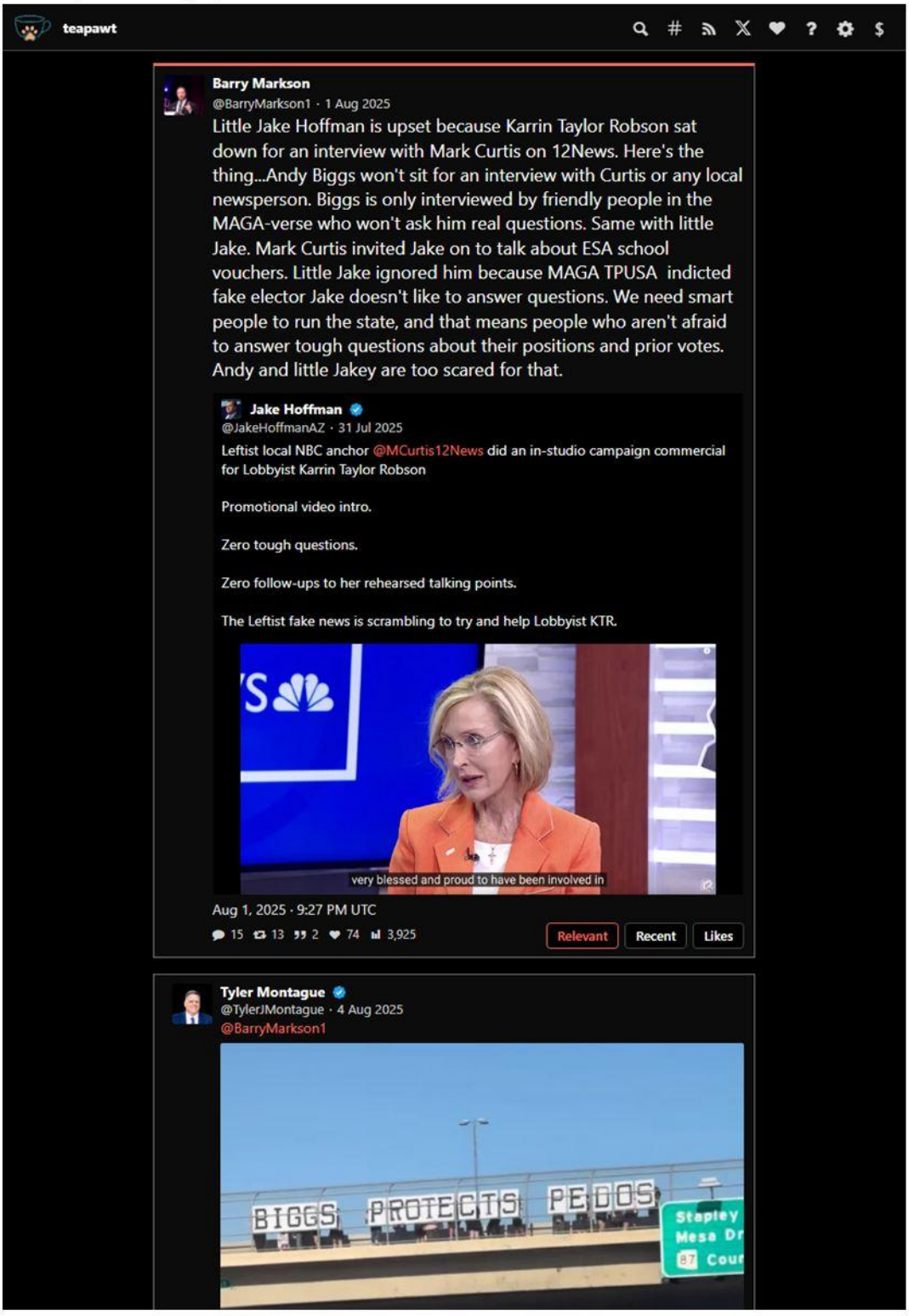
https://x.com/TylerJMontague/status/1984324936337670608

25. Reply · Oct 31, 2025 · 4:39 PM UTC

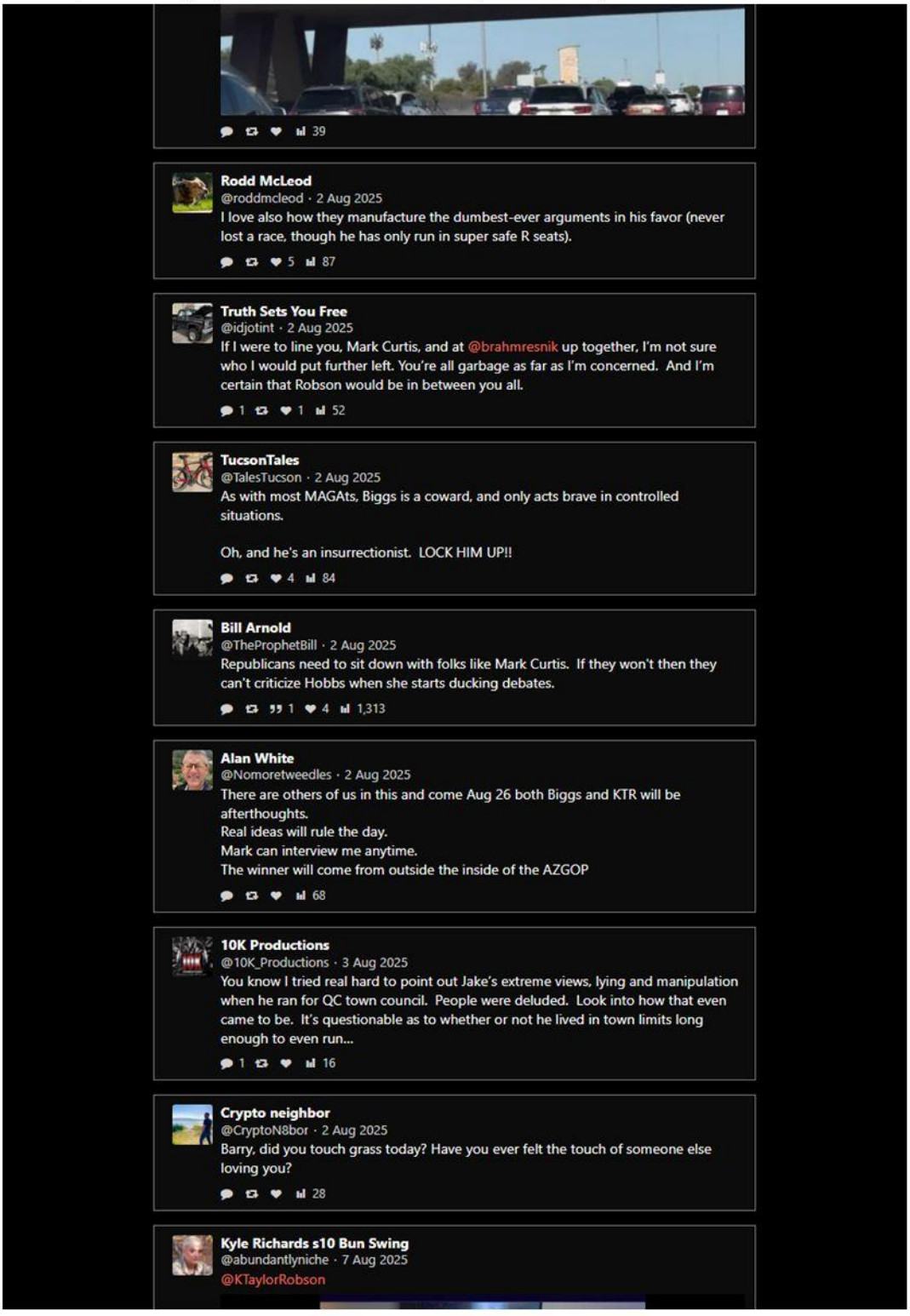


https://x.com/TylerJMontague/status/1984299145696248179

26. Repost · Aug 1, 2025 · 9:27 PM UTC

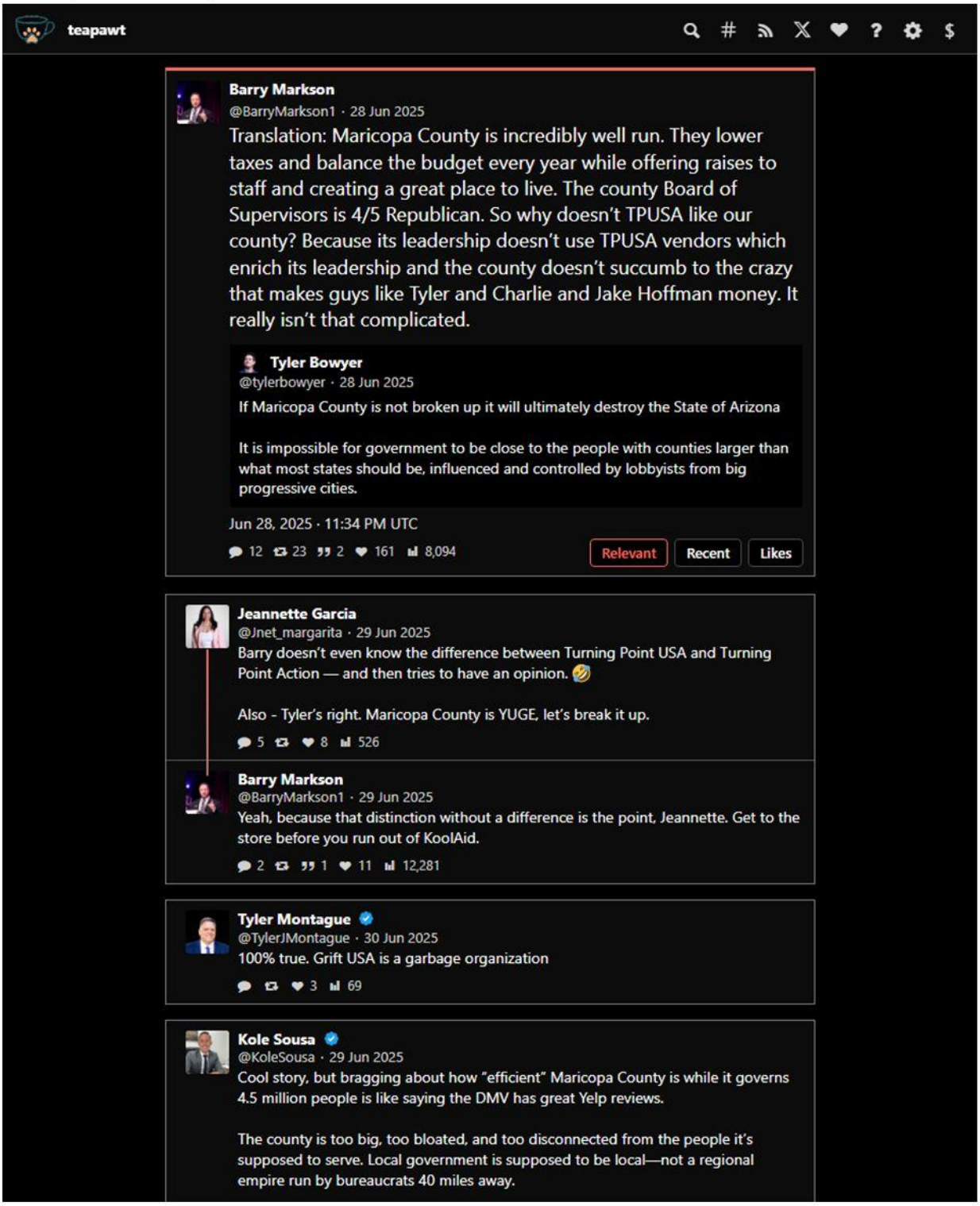


26. Repost · Aug 1, 2025 · 9:27 PM UTC (continued)



https://x.com/BarryMarkson1/status/1951394476431384965

27. Repost · Jun 28, 2025 · 11:34 PM UTC

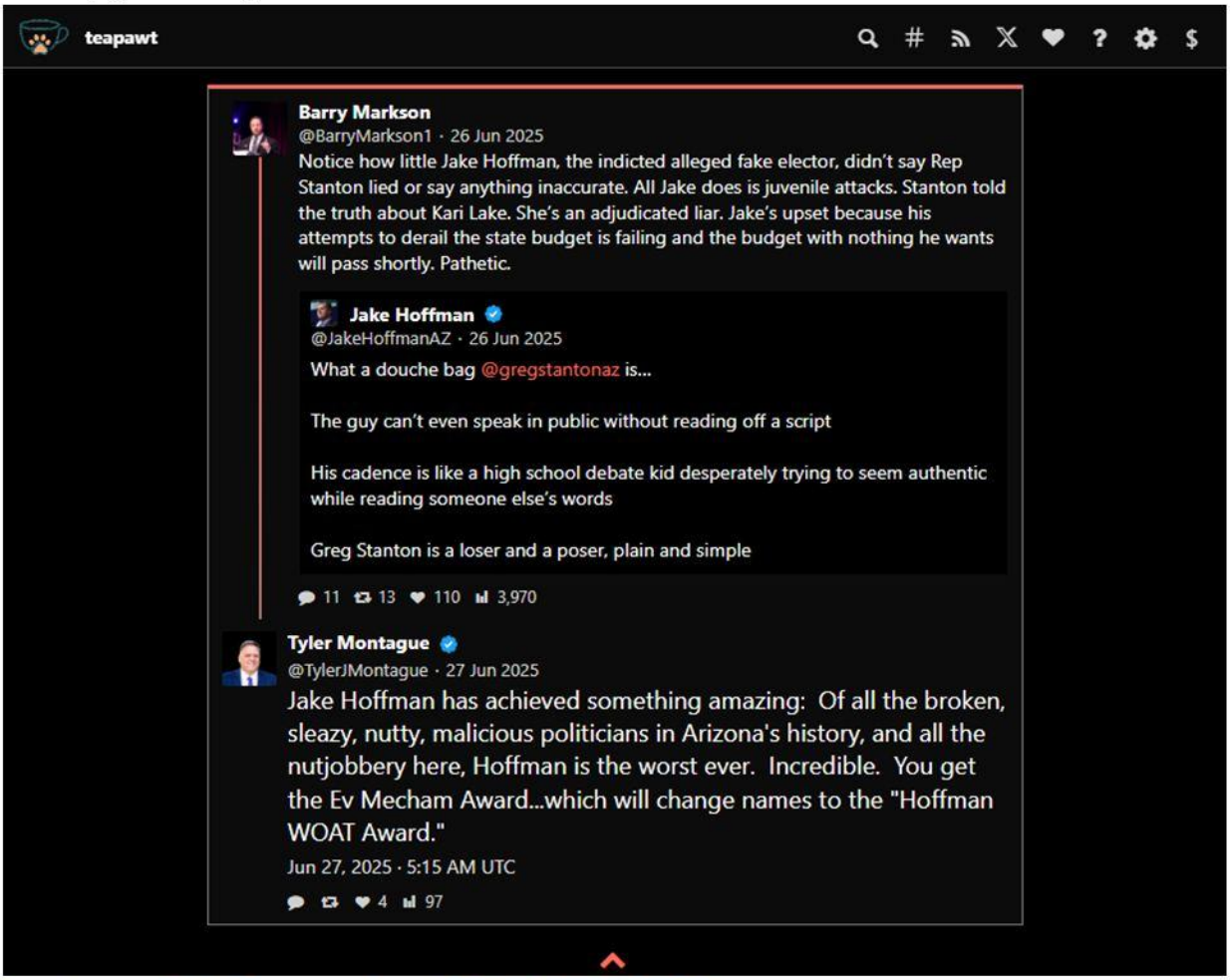


27. Repost · Jun 28, 2025 · 11:34 PM UTC (continued)



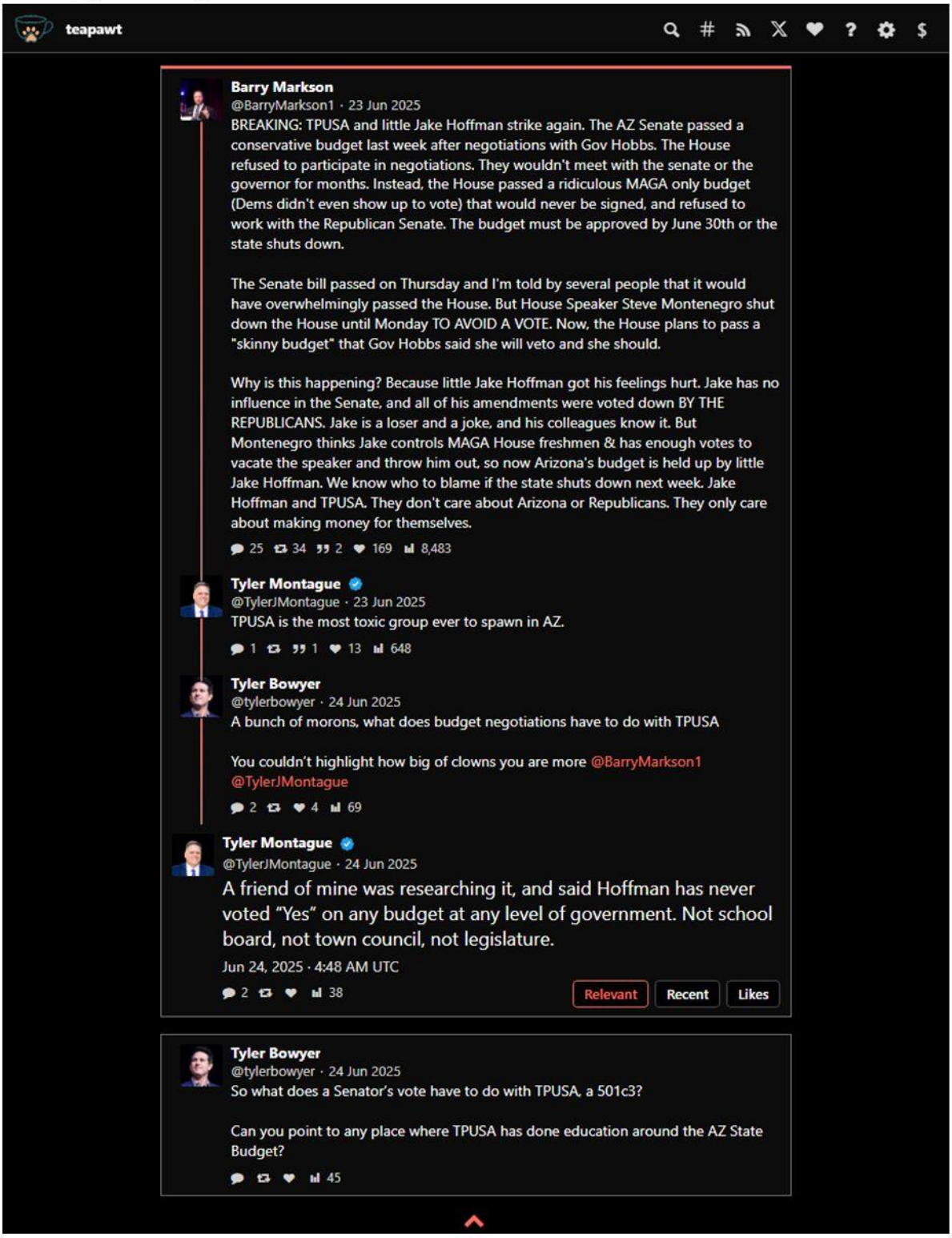
https://x.com/BarryMarkson1/status/1939105070739767467

28. Reply · Jun 27, 2025 · 5:15 AM UTC



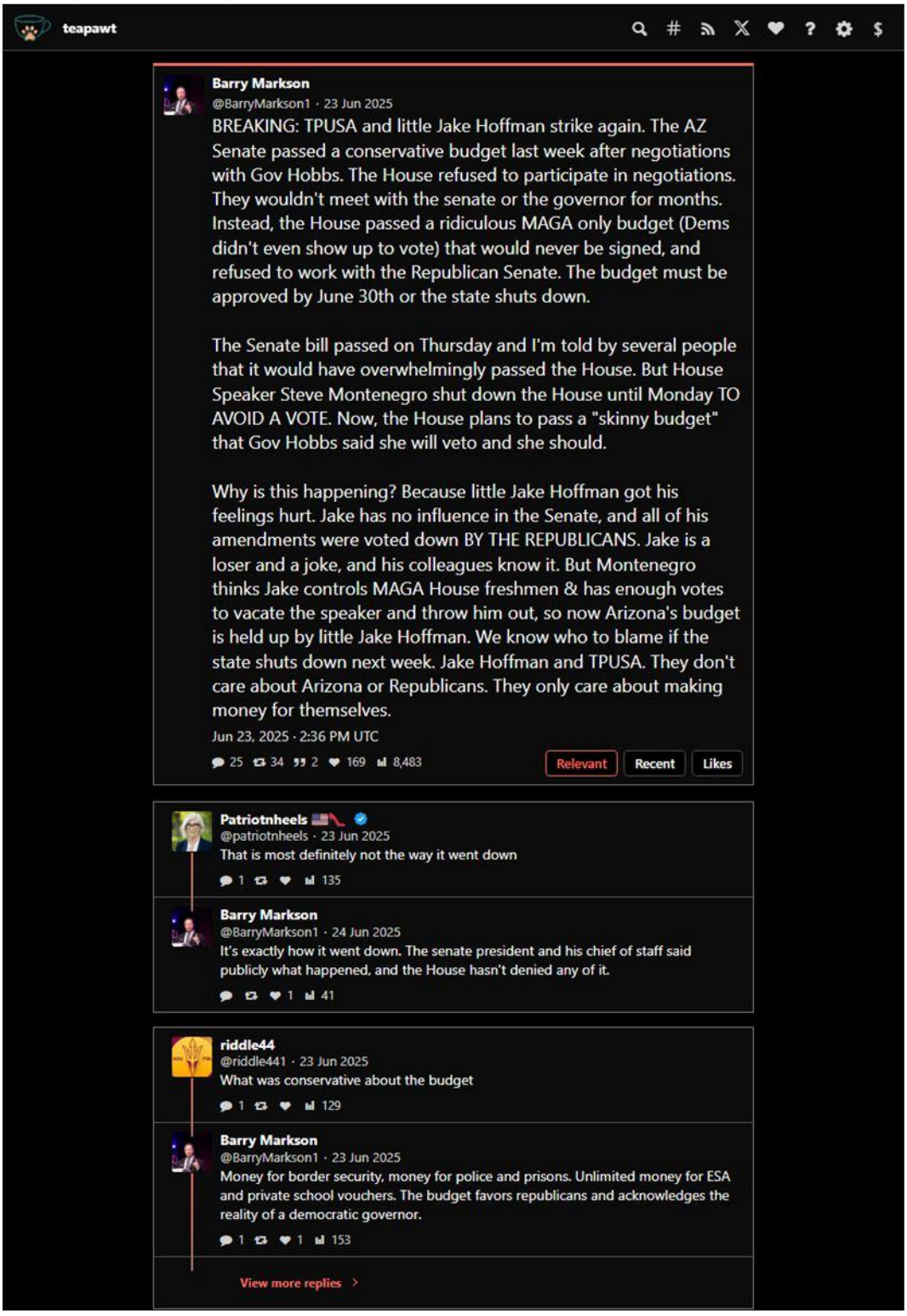
https://x.com/TylerJMontague/status/1938466242387710398

29. Reply · Jun 24, 2025 · 4:48 AM UTC



https://x.com/TylerJMontague/status/1937372175486582833

30. Repost · Jun 23, 2025 · 2:36 PM UTC



30. Repost · Jun 23, 2025 · 2:36 PM UTC (continued)

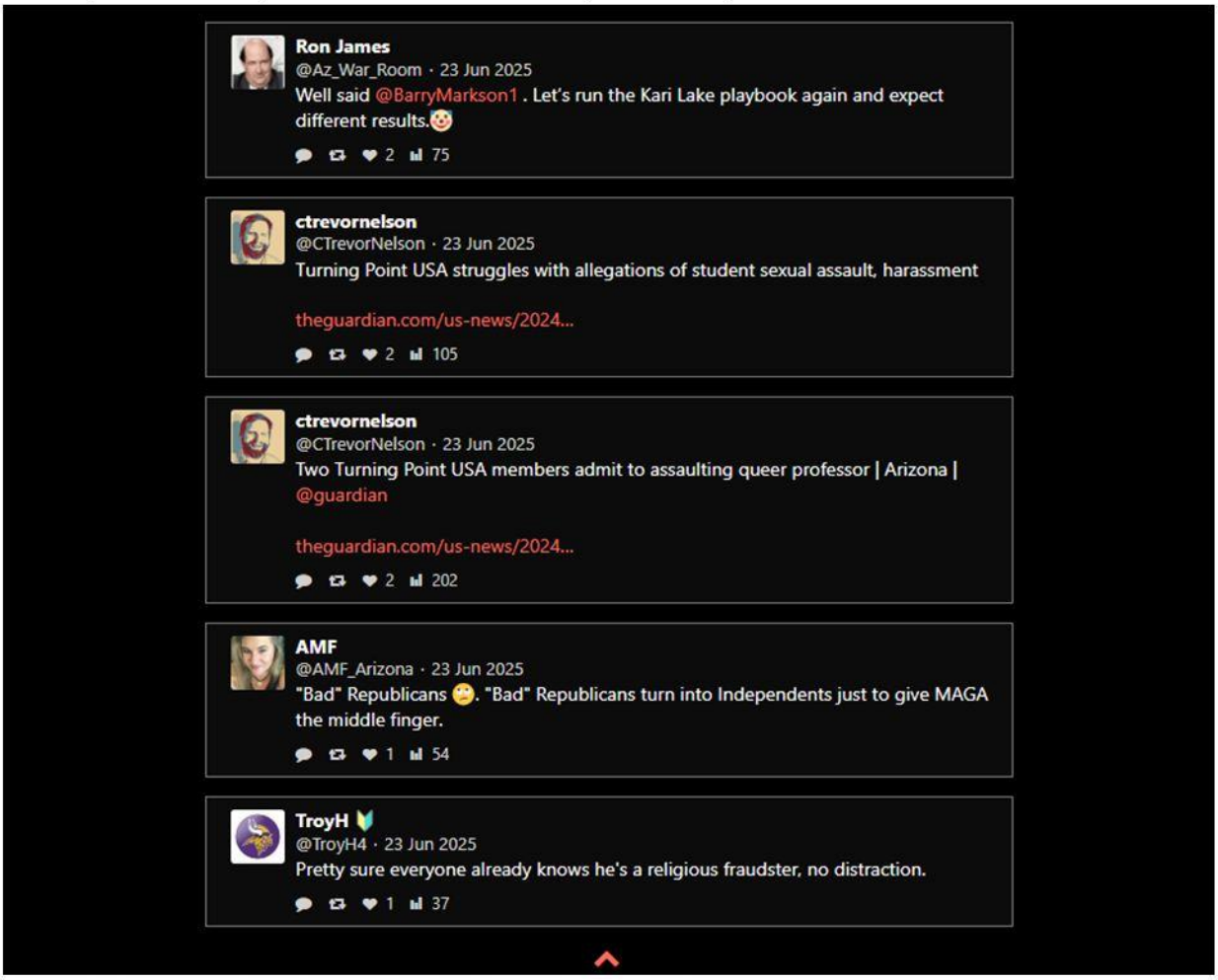


https://x.com/BarryMarkson1/status/1937157815069778081

31. Repost · Jun 23, 2025 · 12:53 AM UTC

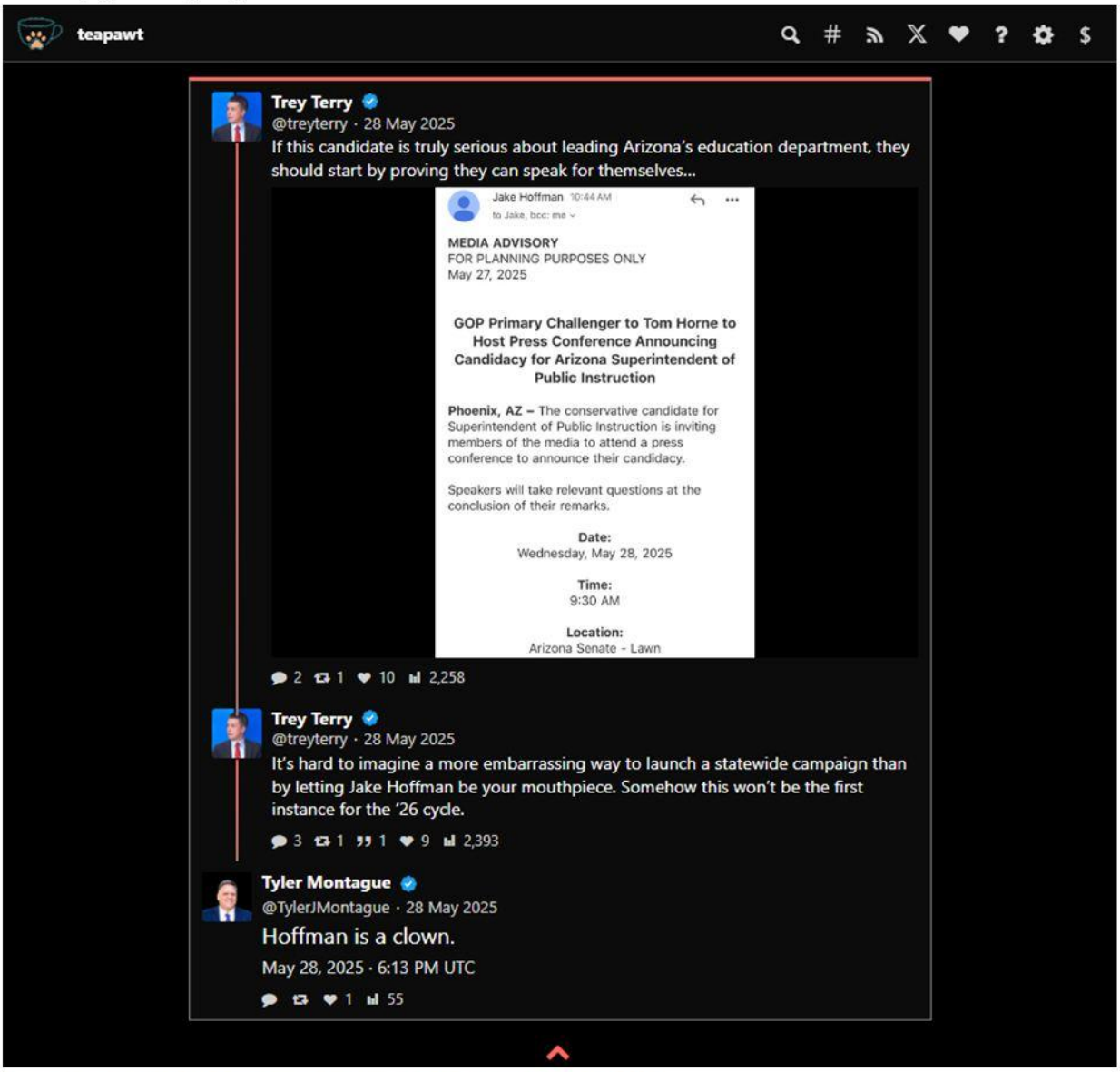


31. Repost · Jun 23, 2025 · 12:53 AM UTC (continued)



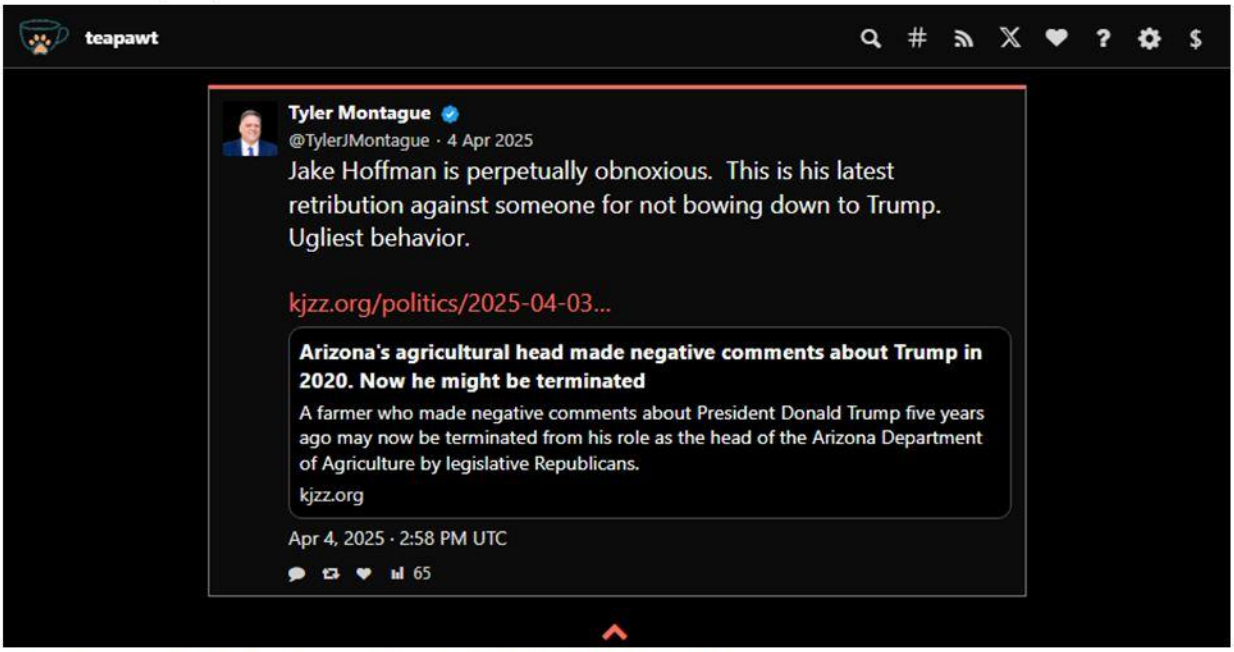
https://x.com/BarryMarkson1/status/1936950604569755997

32. Reply · May 28, 2025 · 6:13 PM UTC



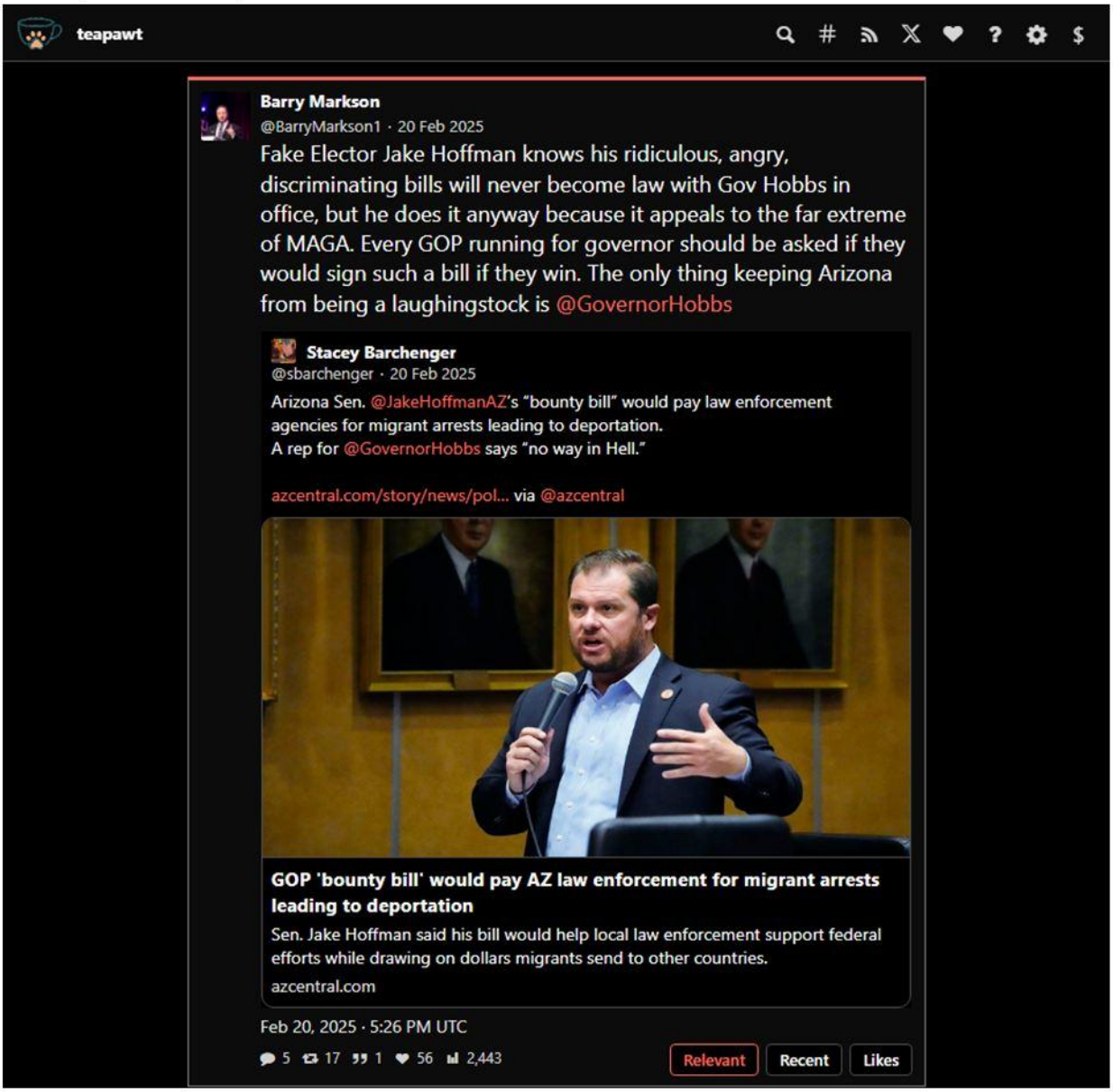
https://x.com/TylerJMontague/status/1927790337889620391

33. Post · Apr 4, 2025 · 2:58 PM UTC

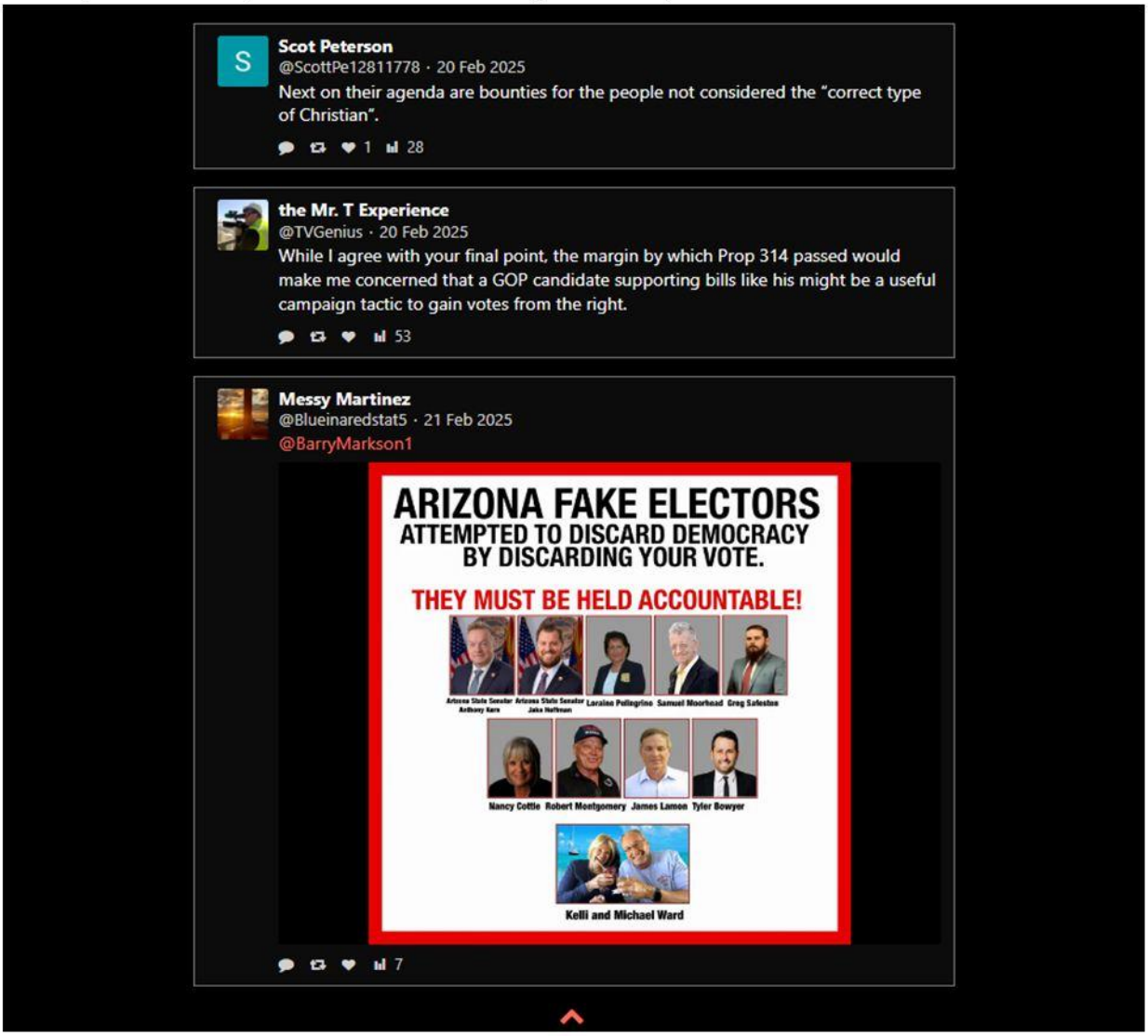


https://x.com/TylerJMontague/status/1908172288337572045

34. Repost · Feb 20, 2025 · 5:26 PM UTC

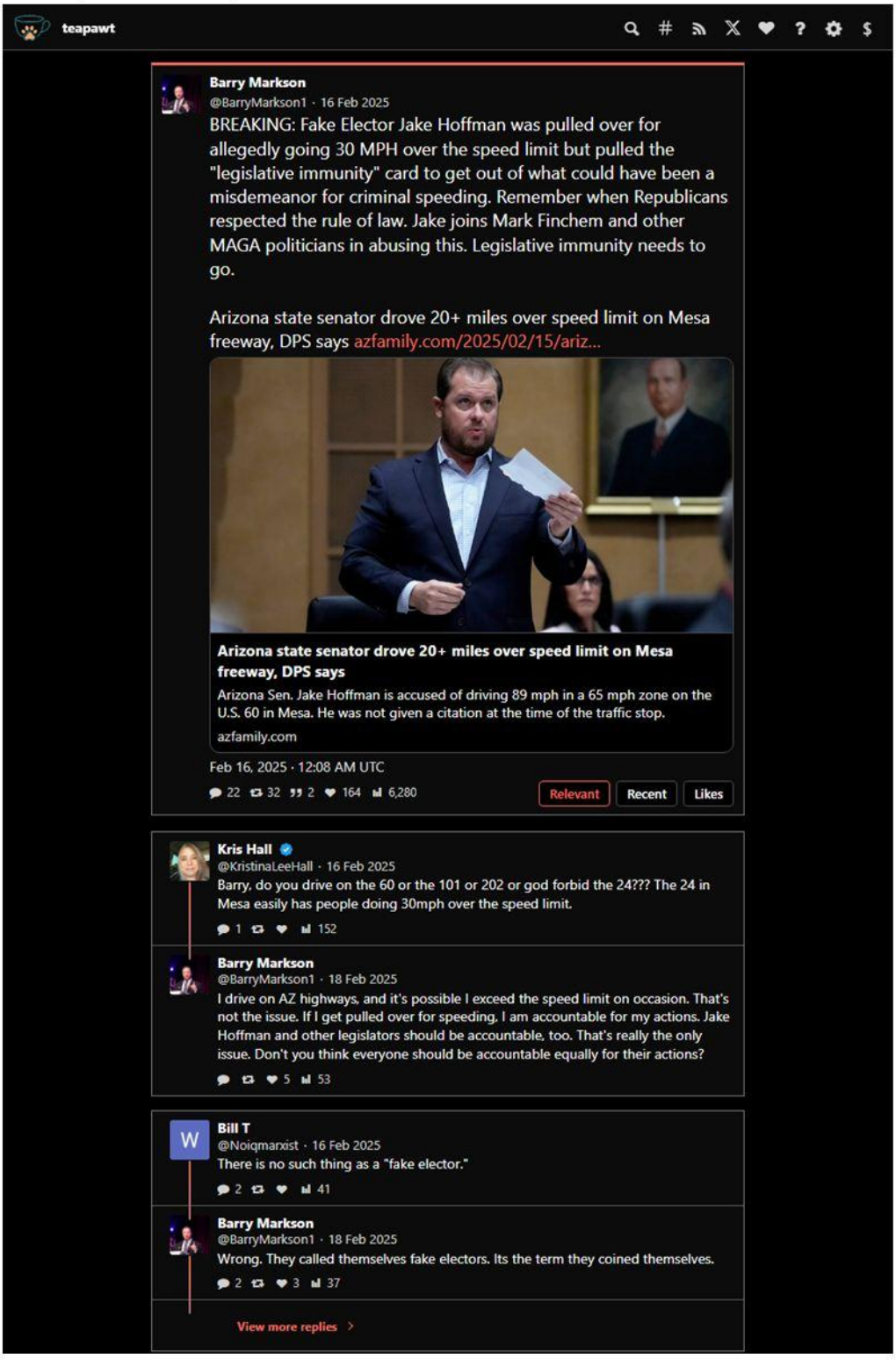


34. Repost · Feb 20, 2025 · 5:26 PM UTC (continued)

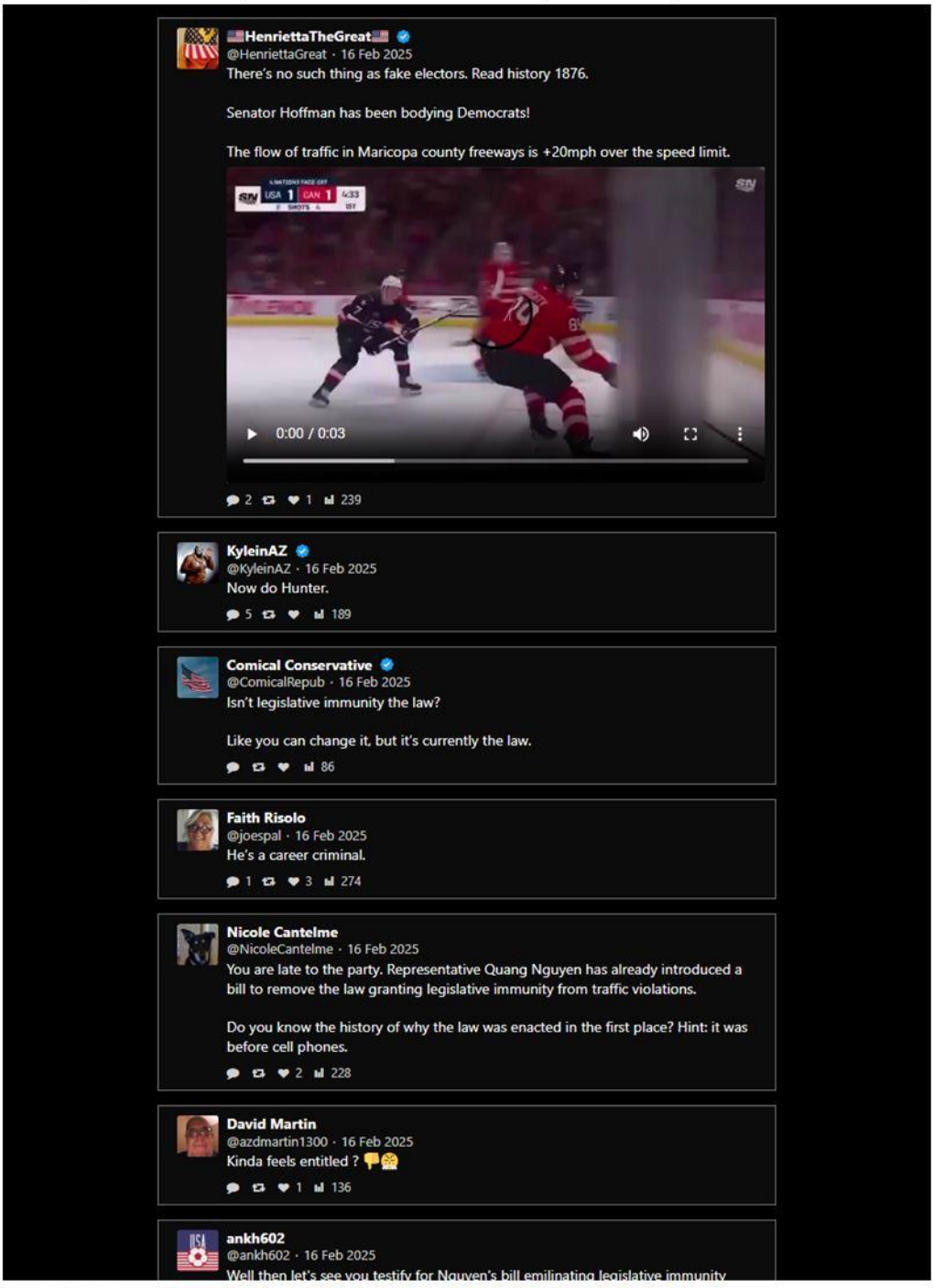


https://x.com/BarryMarkson1/status/1892626805066236415

35. Repost · Feb 16, 2025 · 12:08 AM UTC



35. Repost · Feb 16, 2025 · 12:08 AM UTC (continued)

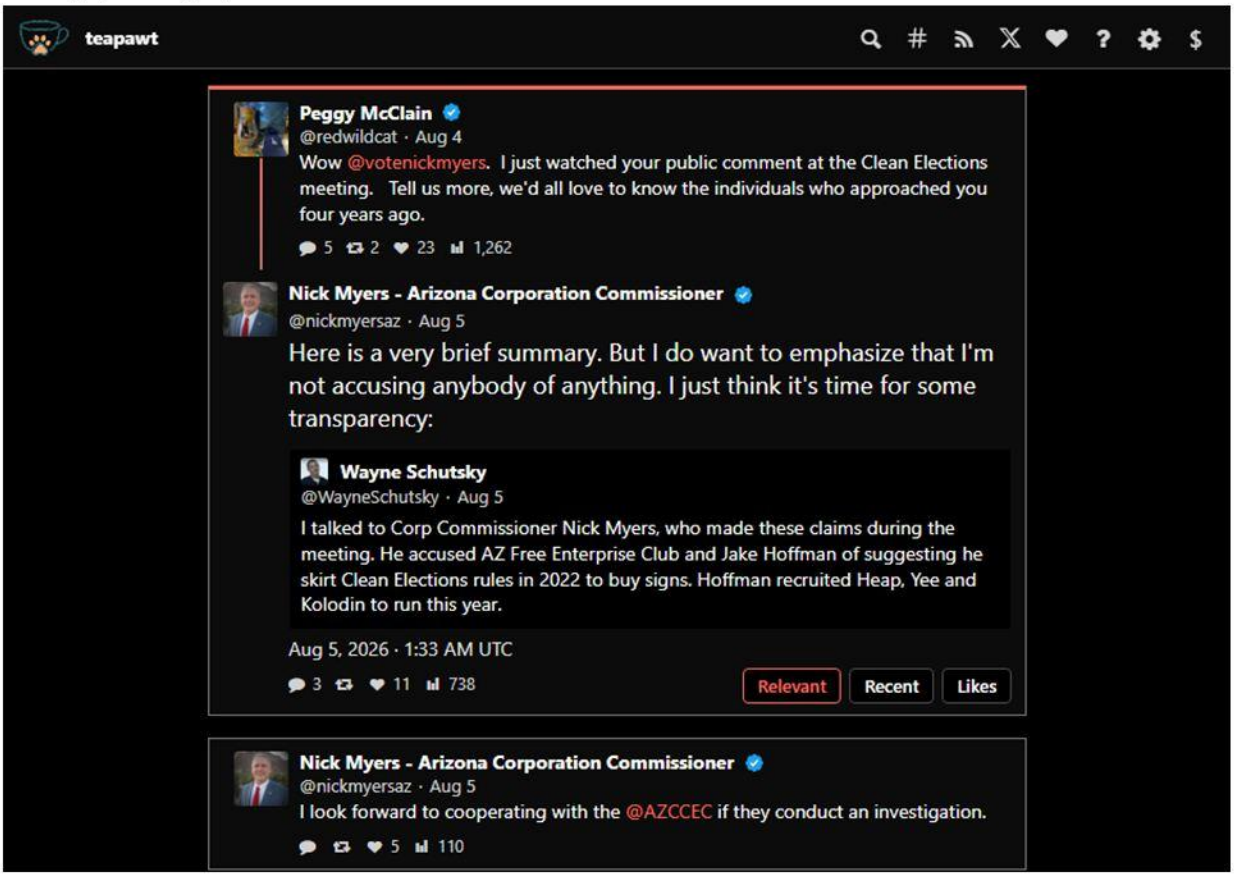


https://x.com/BarryMarkson1/status/1890916221790699677

Nick Myers

@nickmyersaz. 9 post(s), newest first.

1. Reply · Aug 5, 2026 · 1:33 AM UTC

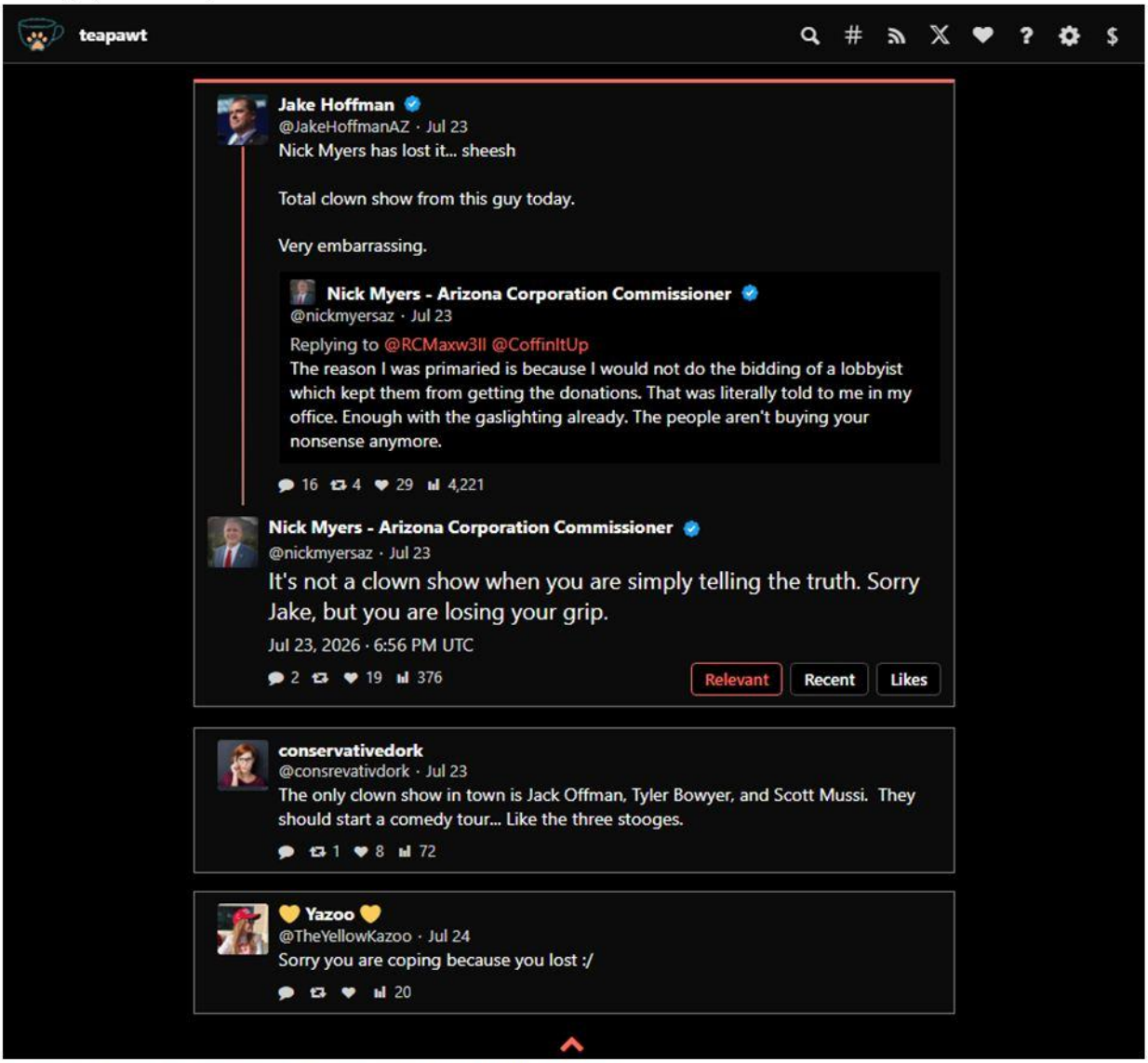


1. Reply · Aug 5, 2026 · 1:33 AM UTC (continued)



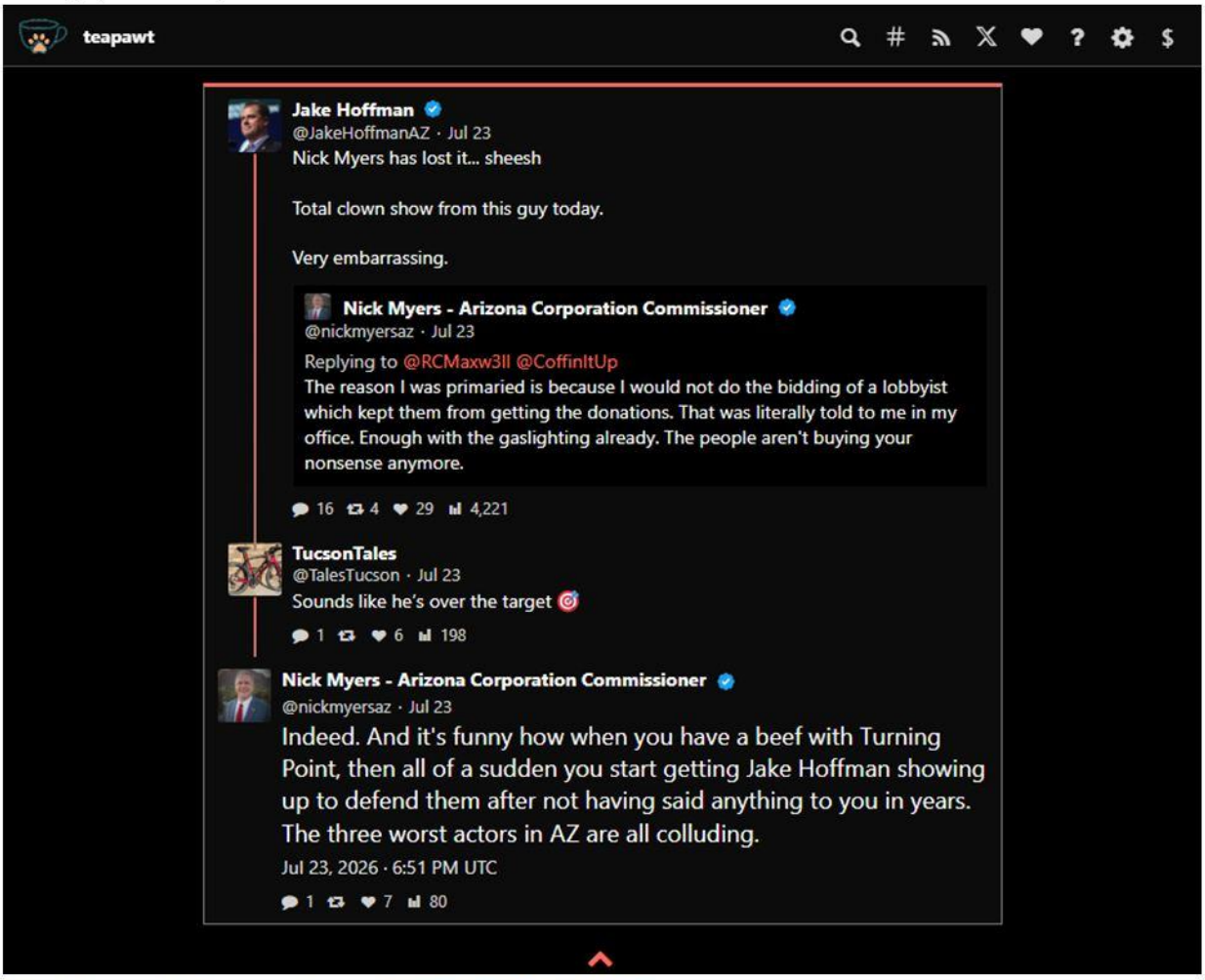
https://x.com/nickmyersaz/status/2084815039140143341

2. Reply · Jul 23, 2026 · 6:56 PM UTC



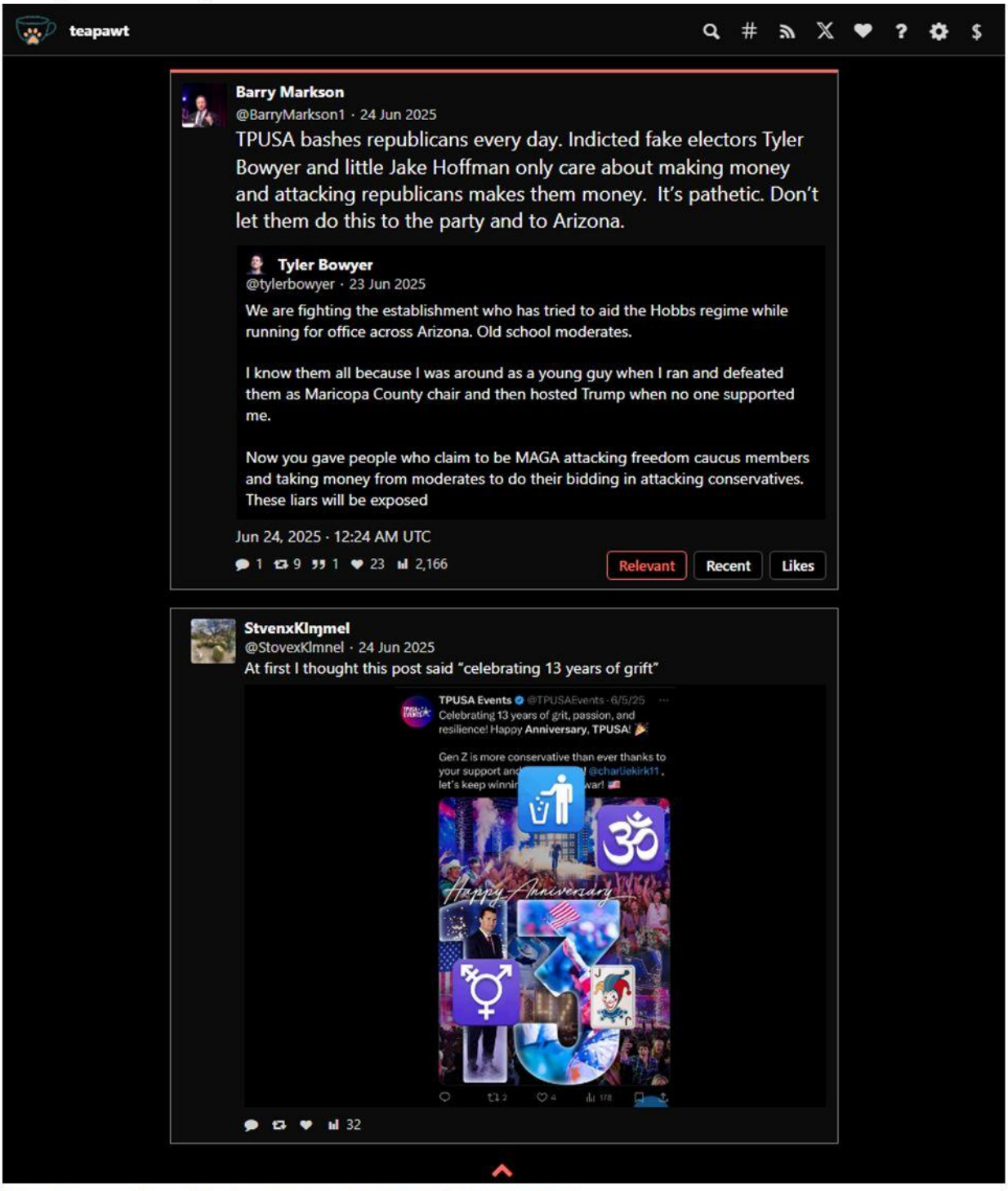
https://x.com/nickmyersaz/status/2080366345481572724

3. Reply · Jul 23, 2026 · 6:51 PM UTC



https://x.com/nickmyersaz/status/2080365171047096342

4. Repost · Jun 24, 2025 · 12:24 AM UTC



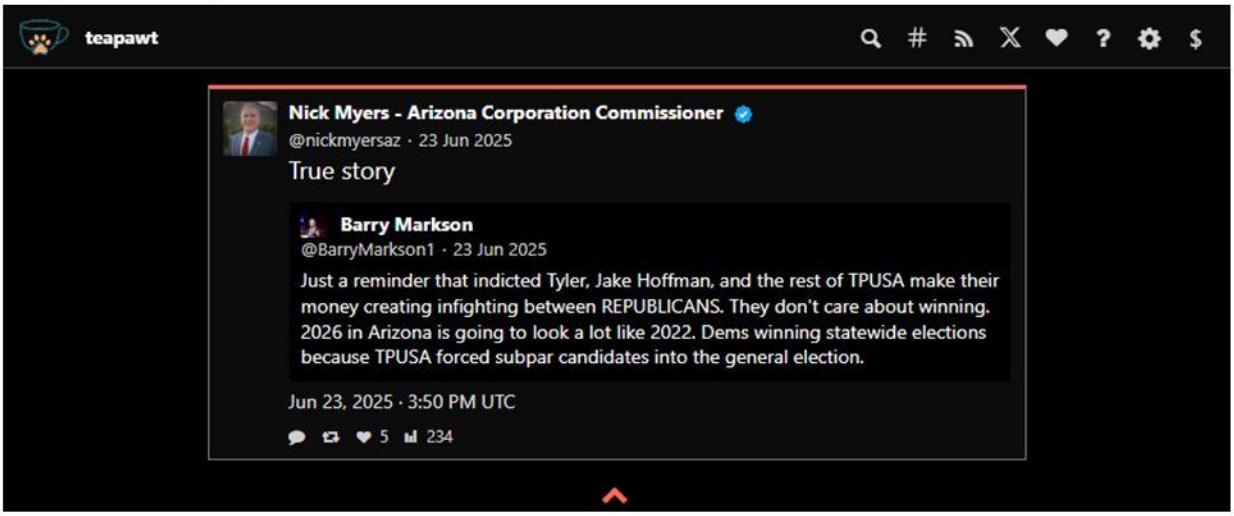
https://x.com/BarryMarkson1/status/1937305850819002838

5. Reply · Jun 23, 2025 · 6:05 PM UTC



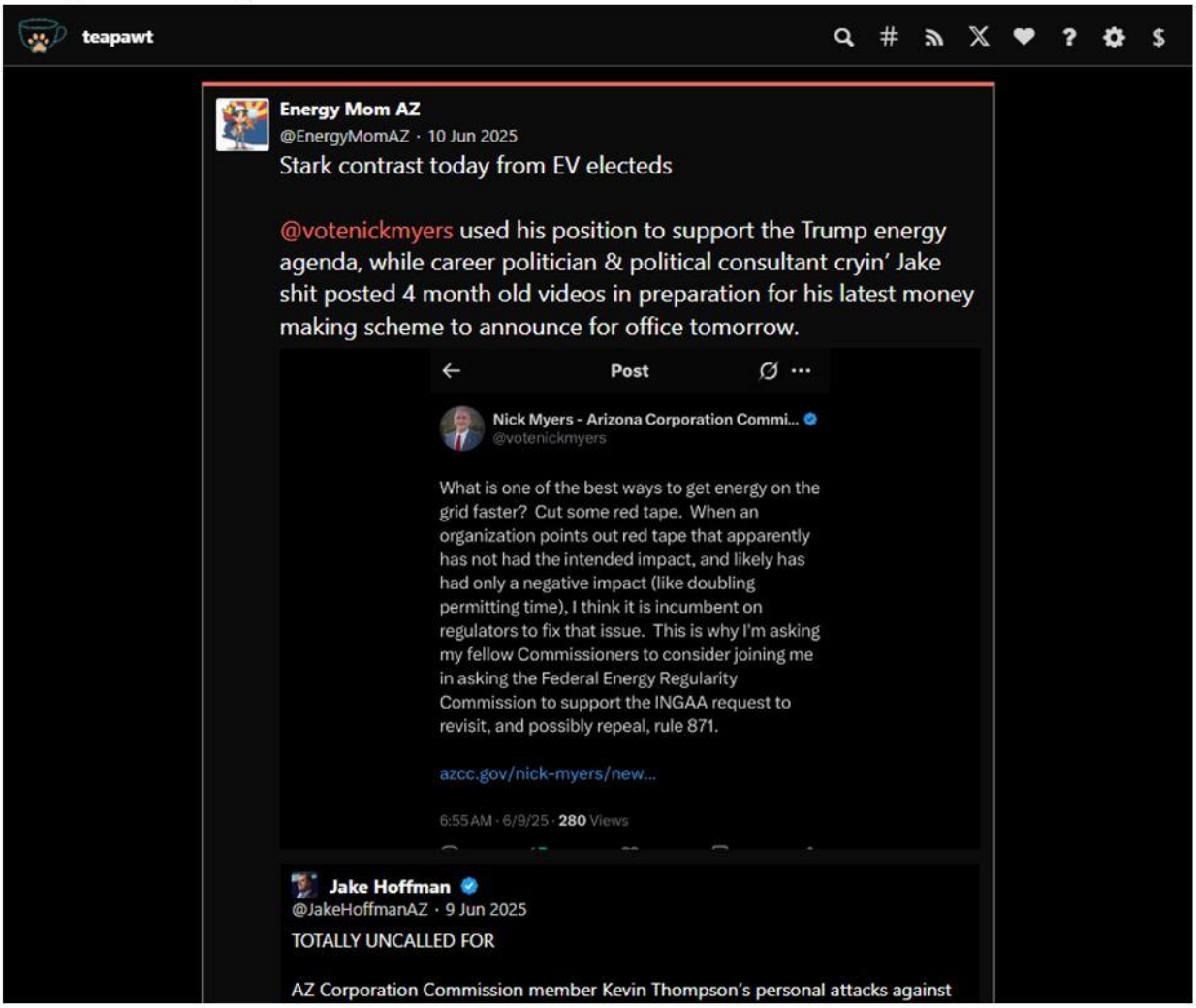
https://x.com/nickmyersaz/status/1937210403689525711

6. Post · Jun 23, 2025 · 3:50 PM UTC

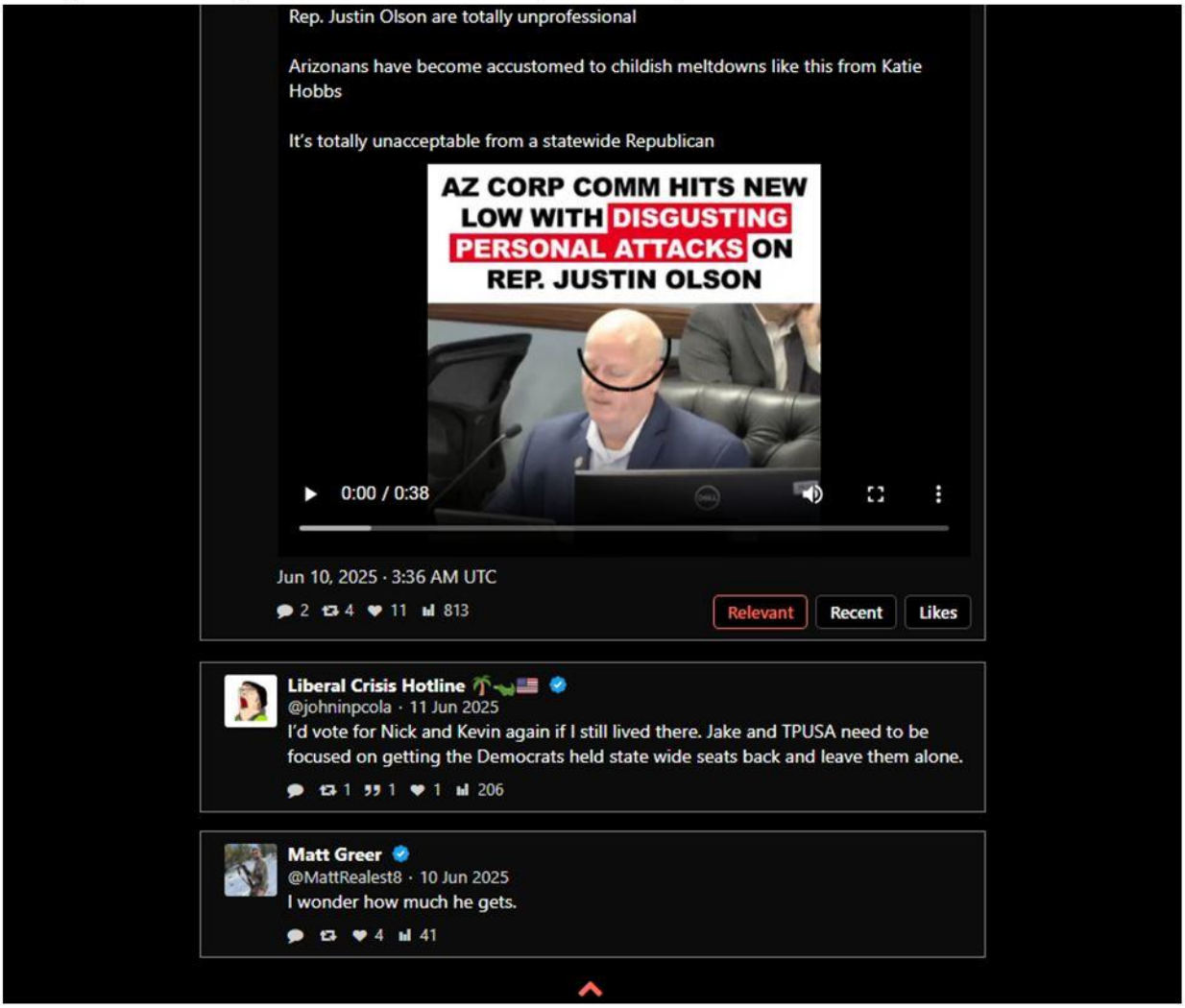


https://x.com/nickmyersaz/status/1937176485724651849

7. Repost · Jun 10, 2025 · 3:36 AM UTC

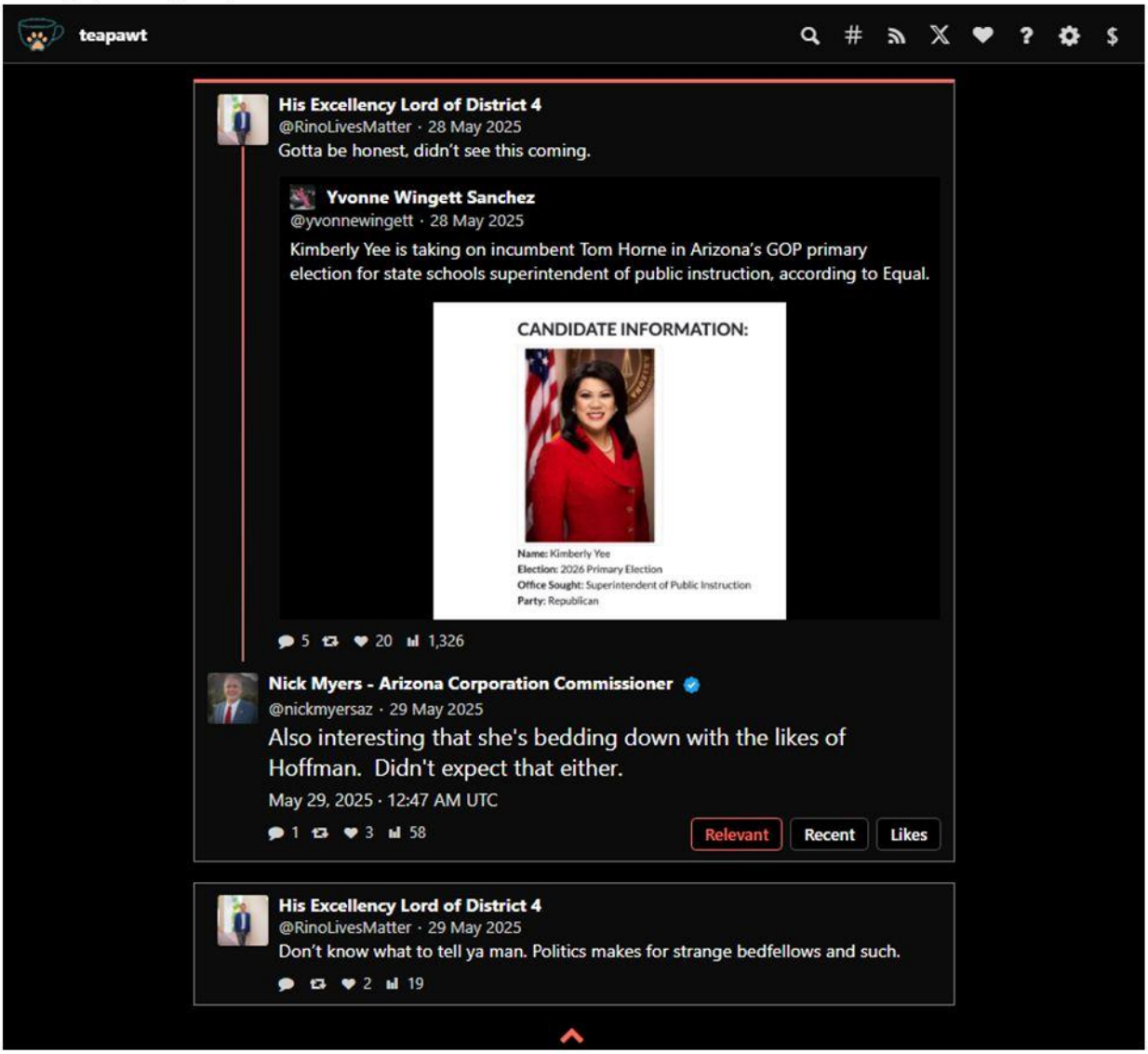


7. Repost · Jun 10, 2025 · 3:36 AM UTC (continued)



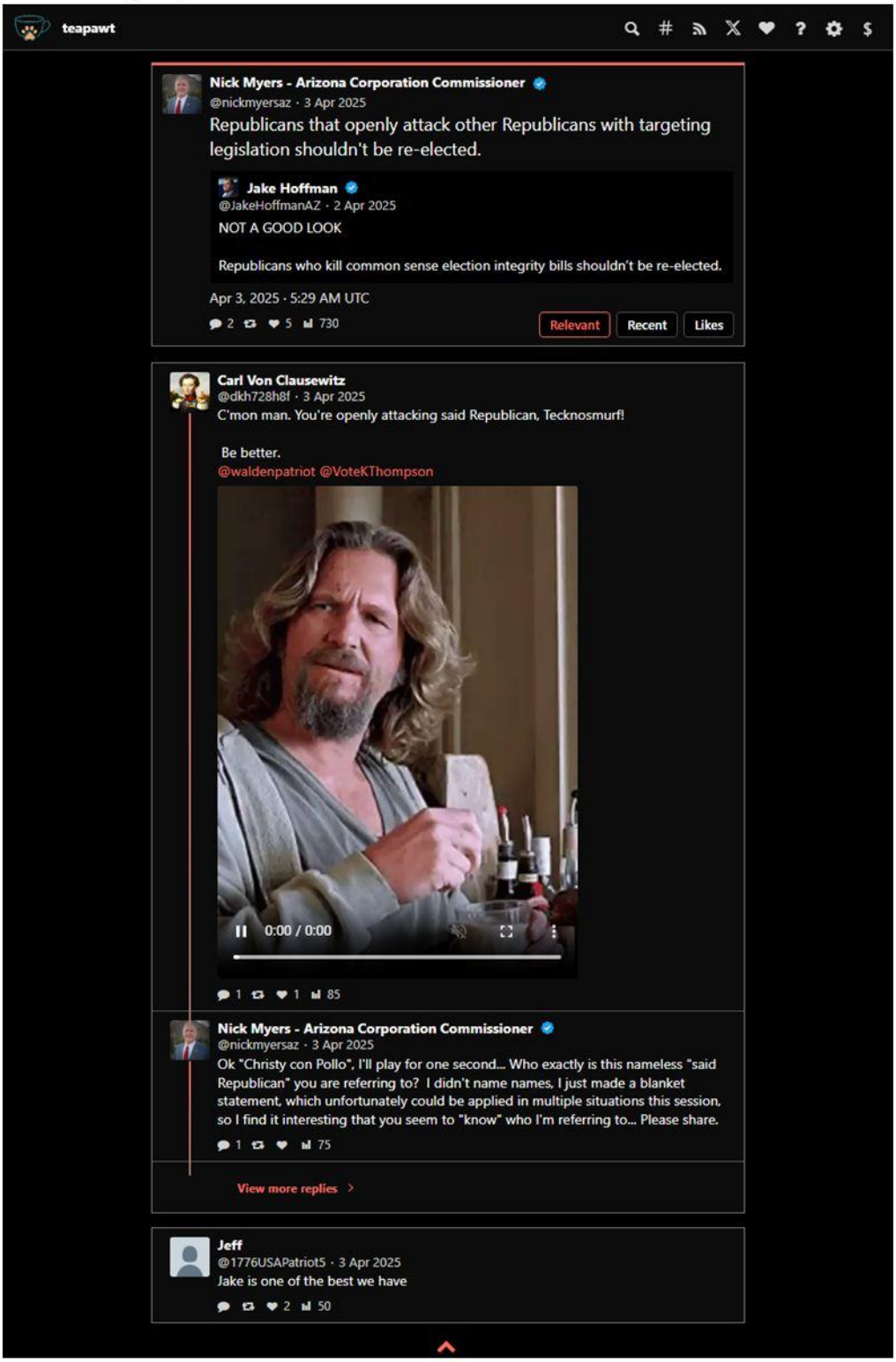
https://x.com/EnergyMomAZ/status/1932280763153854935

8. Reply · May 29, 2025 · 12:47 AM UTC



https://x.com/nickmyersaz/status/1927889446877417728

9. Post · Apr 3, 2025 · 5:29 AM UTC

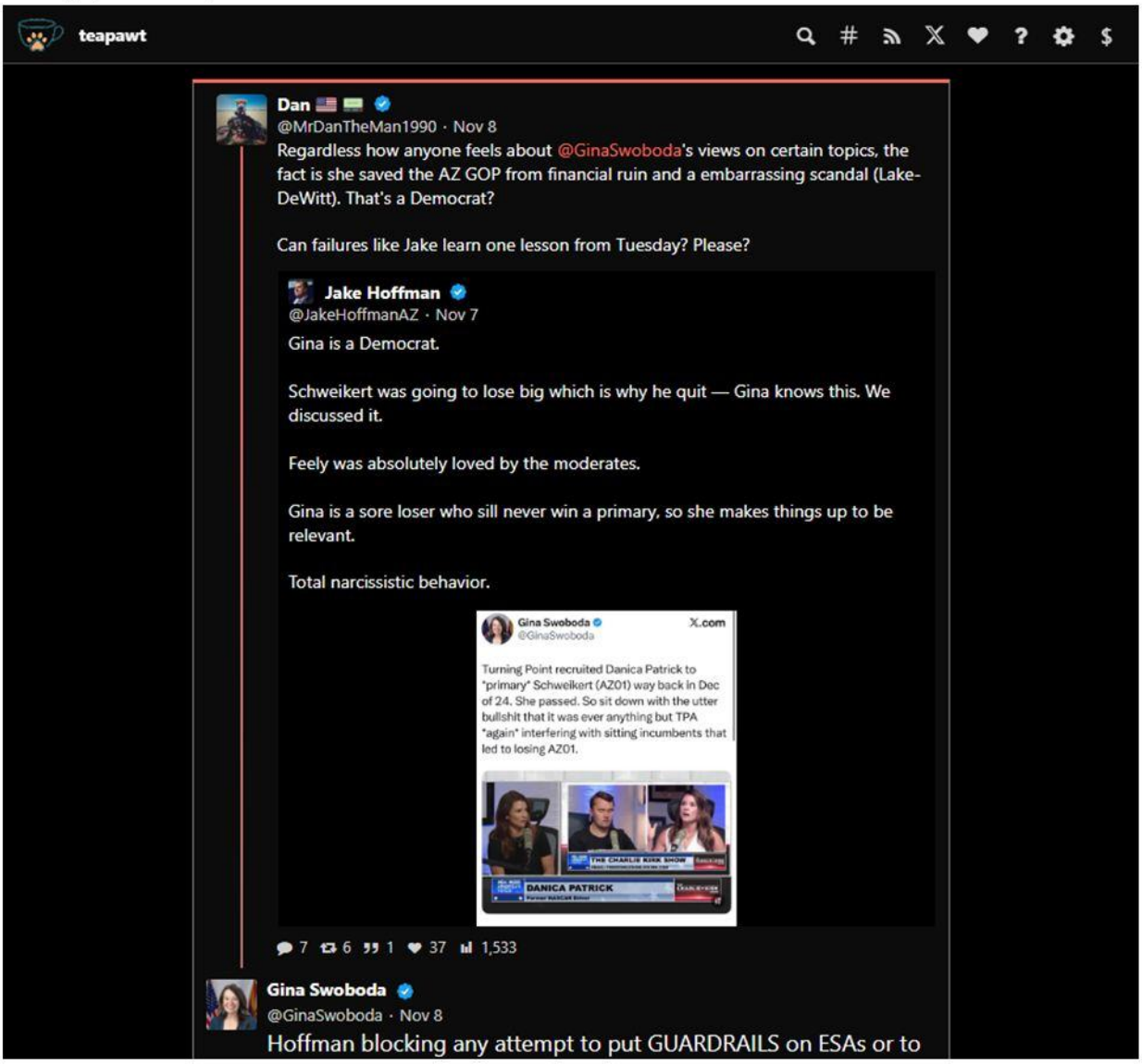


https://x.com/nickmyersaz/status/1907666848616947786

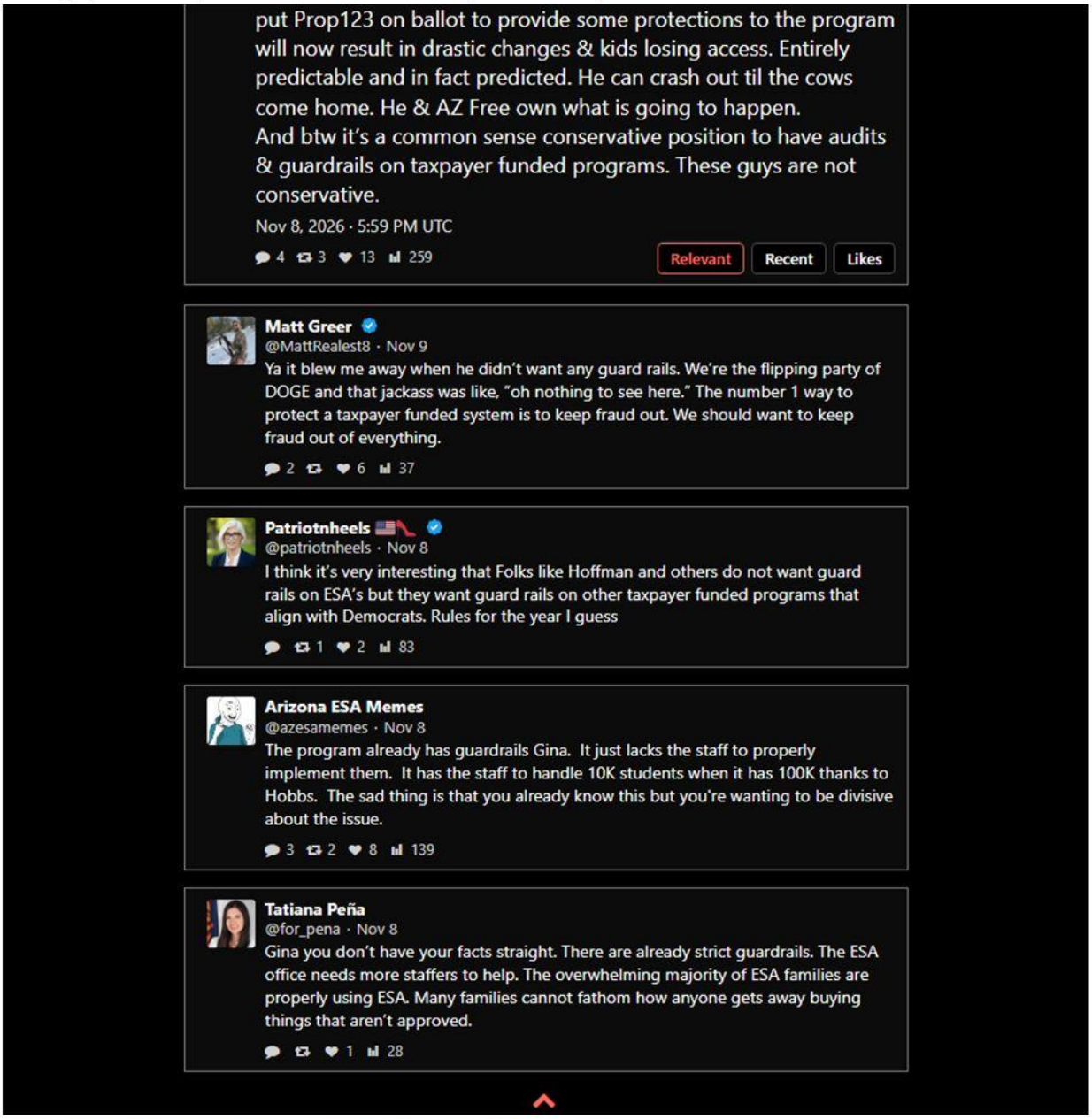
Gina Swoboda

@GinaSwoboda. 11 post(s), newest first.

1. Reply · Nov 8, 2026 · 5:59 PM UTC

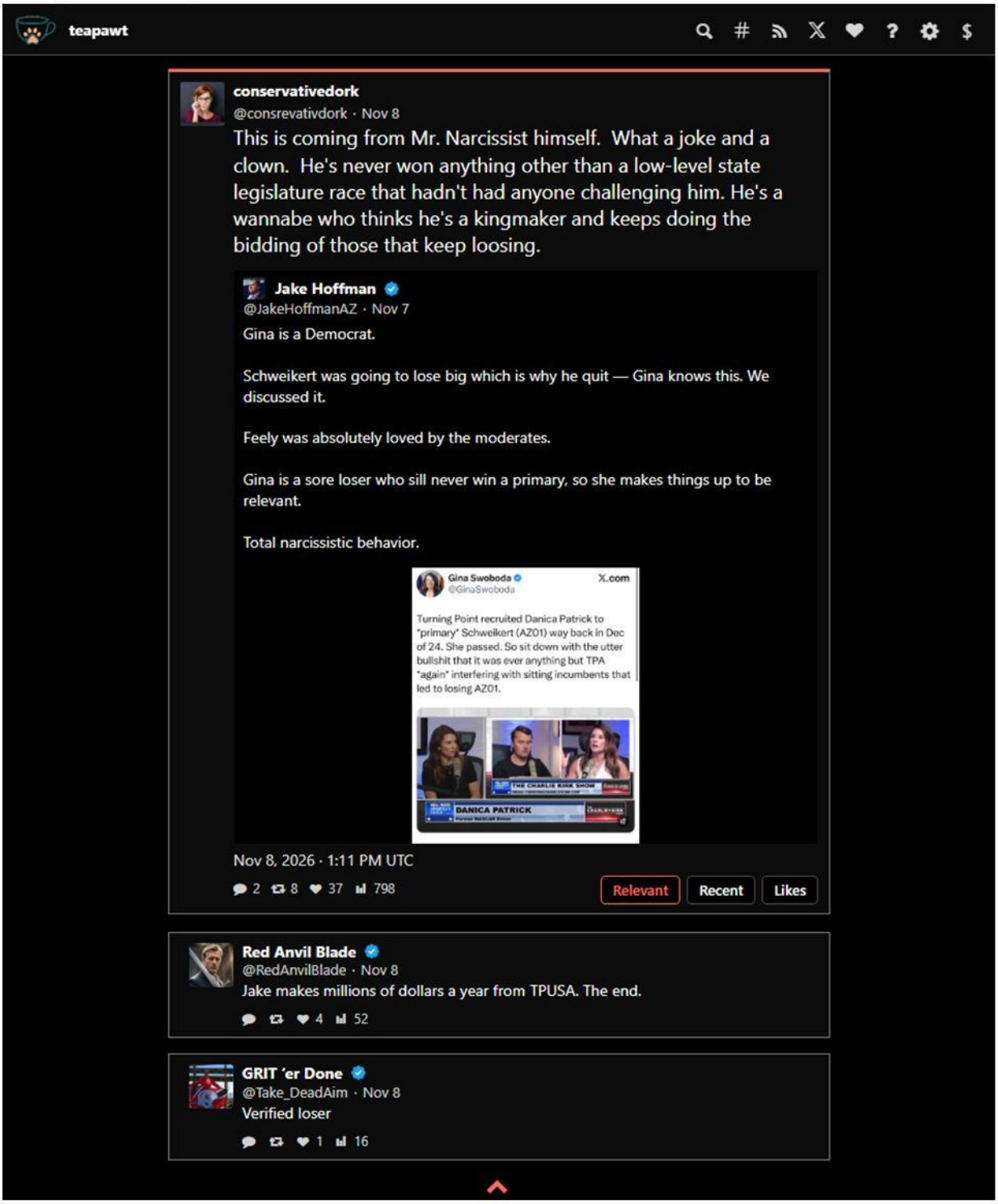


1. Reply · Nov 8, 2026 · 5:59 PM UTC (continued)



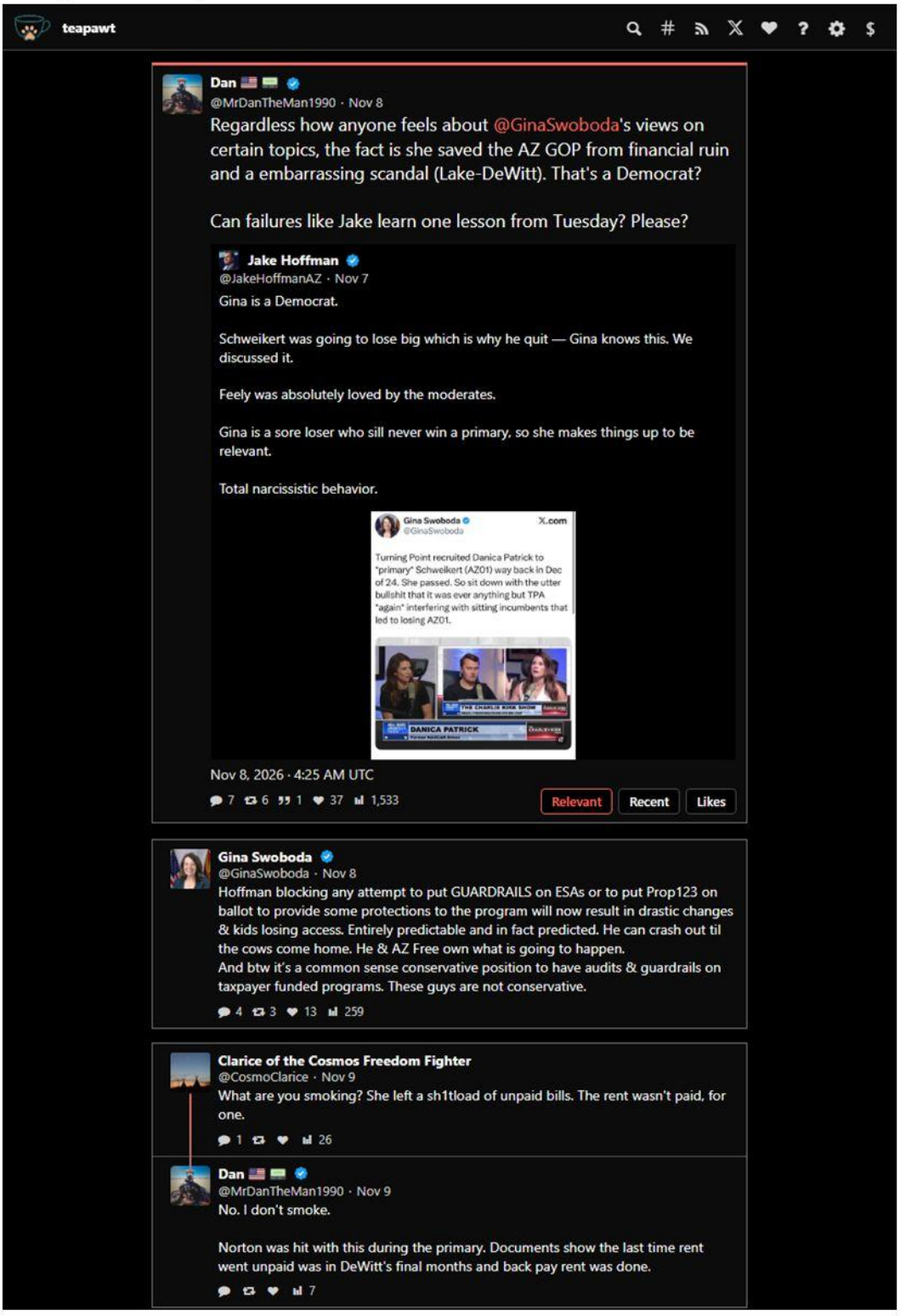
https://x.com/GinaSwoboda/status/2119490083472761128

2. Repost · Nov 8, 2026 · 1:11 PM UTC

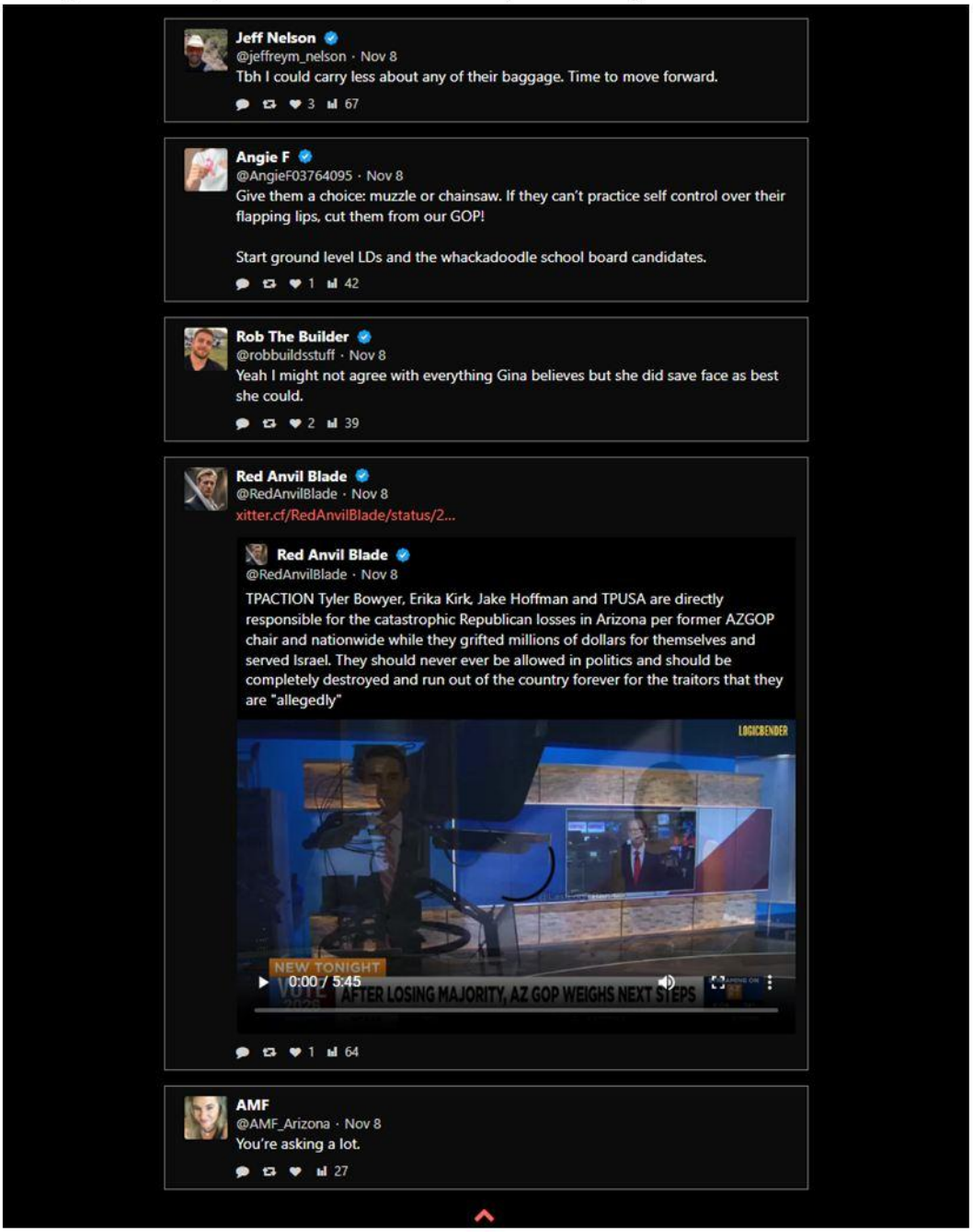


https://x.com/consrevativdork/status/2119417456871833994

3. Repost · Nov 8, 2026 · 4:25 AM UTC

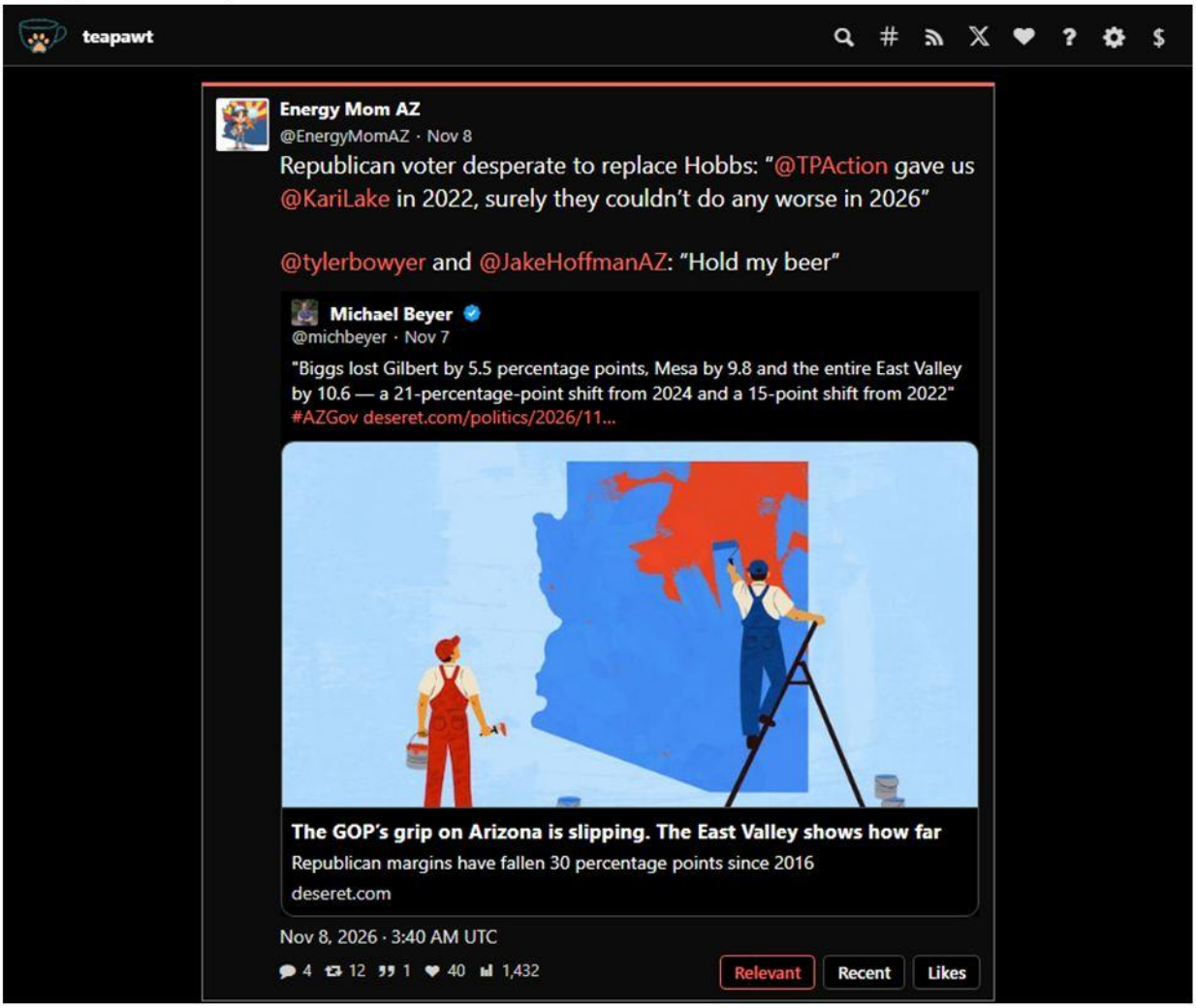


3. Repost · Nov 8, 2026 · 4:25 AM UTC (continued)

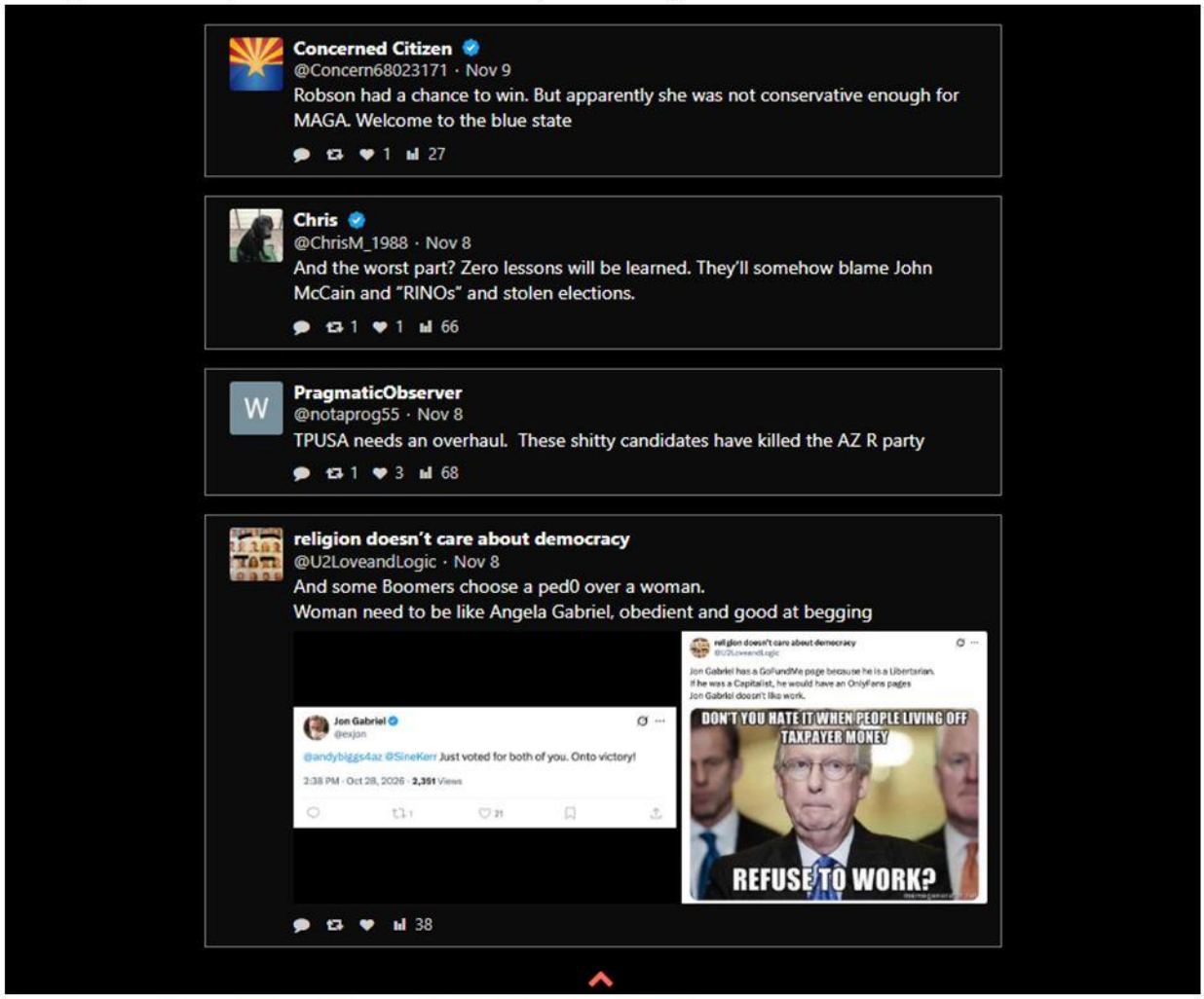


https://x.com/MrDanTheMan1990/status/2119285255311917519

4. Repost · Nov 8, 2026 · 3:40 AM UTC

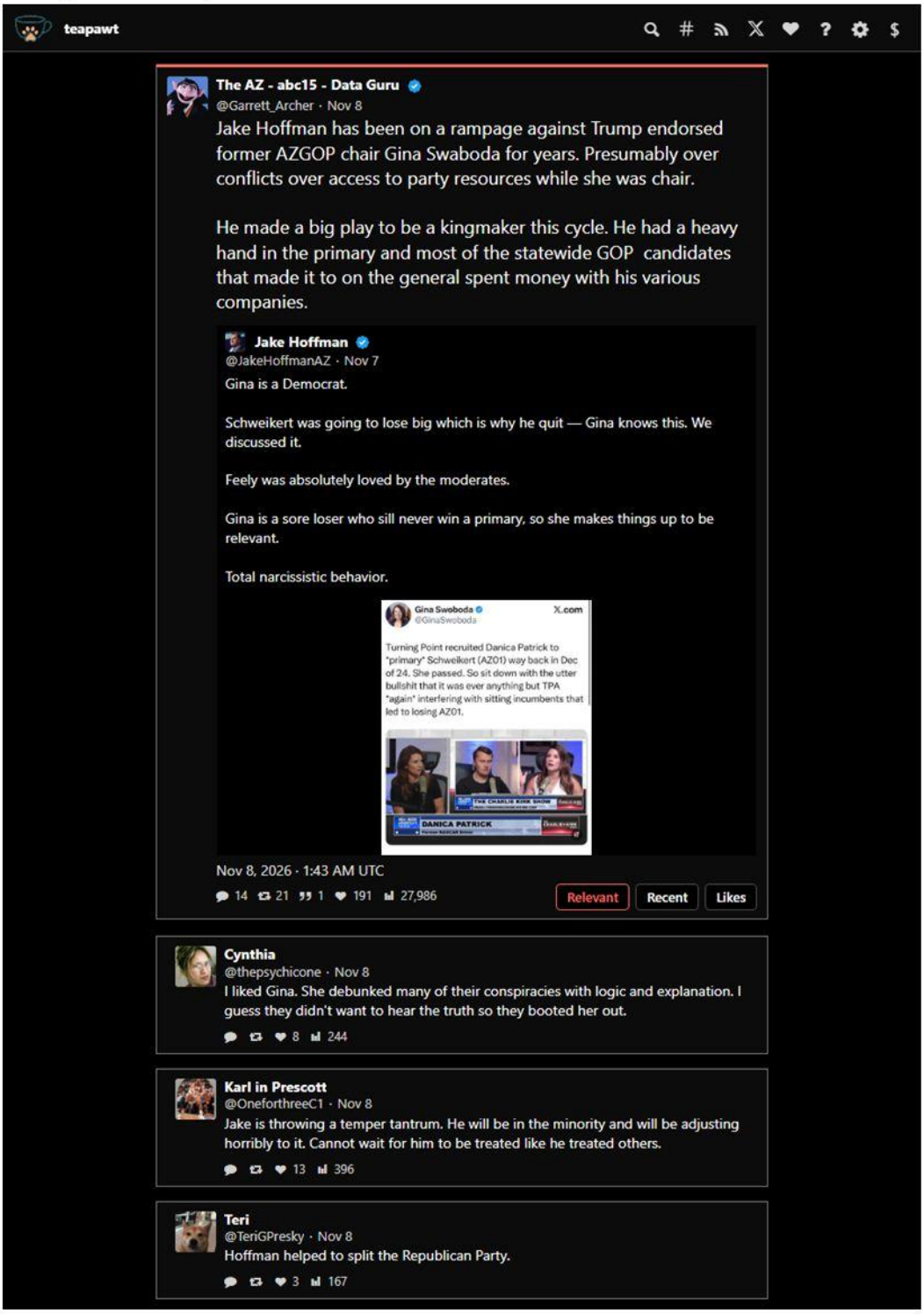


4. Repost · Nov 8, 2026 · 3:40 AM UTC (continued)



https://x.com/EnergyMomAZ/status/2119273822864150715

5. Repost · Nov 8, 2026 · 1:43 AM UTC

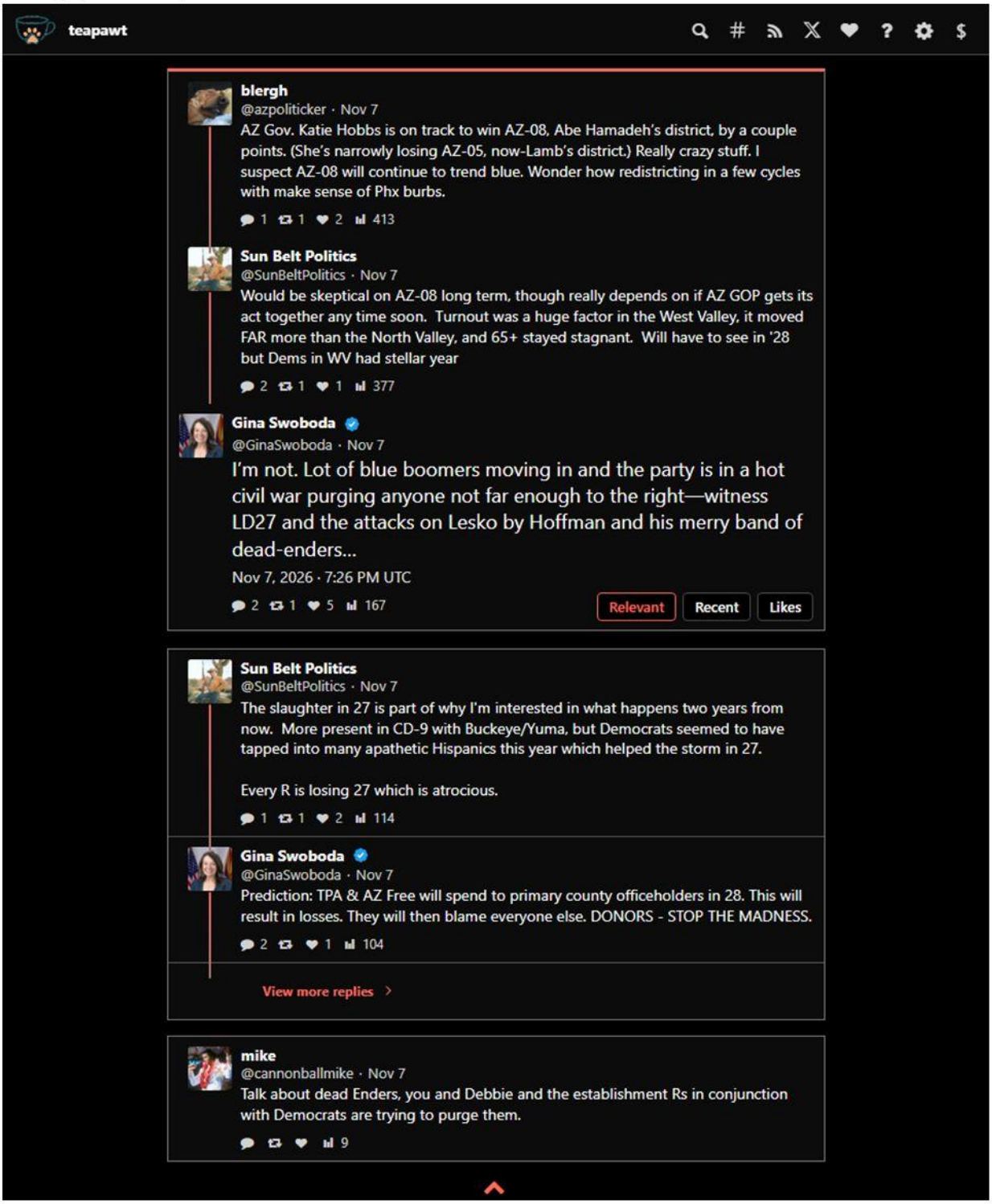


5. Repost · Nov 8, 2026 · 1:43 AM UTC (continued)



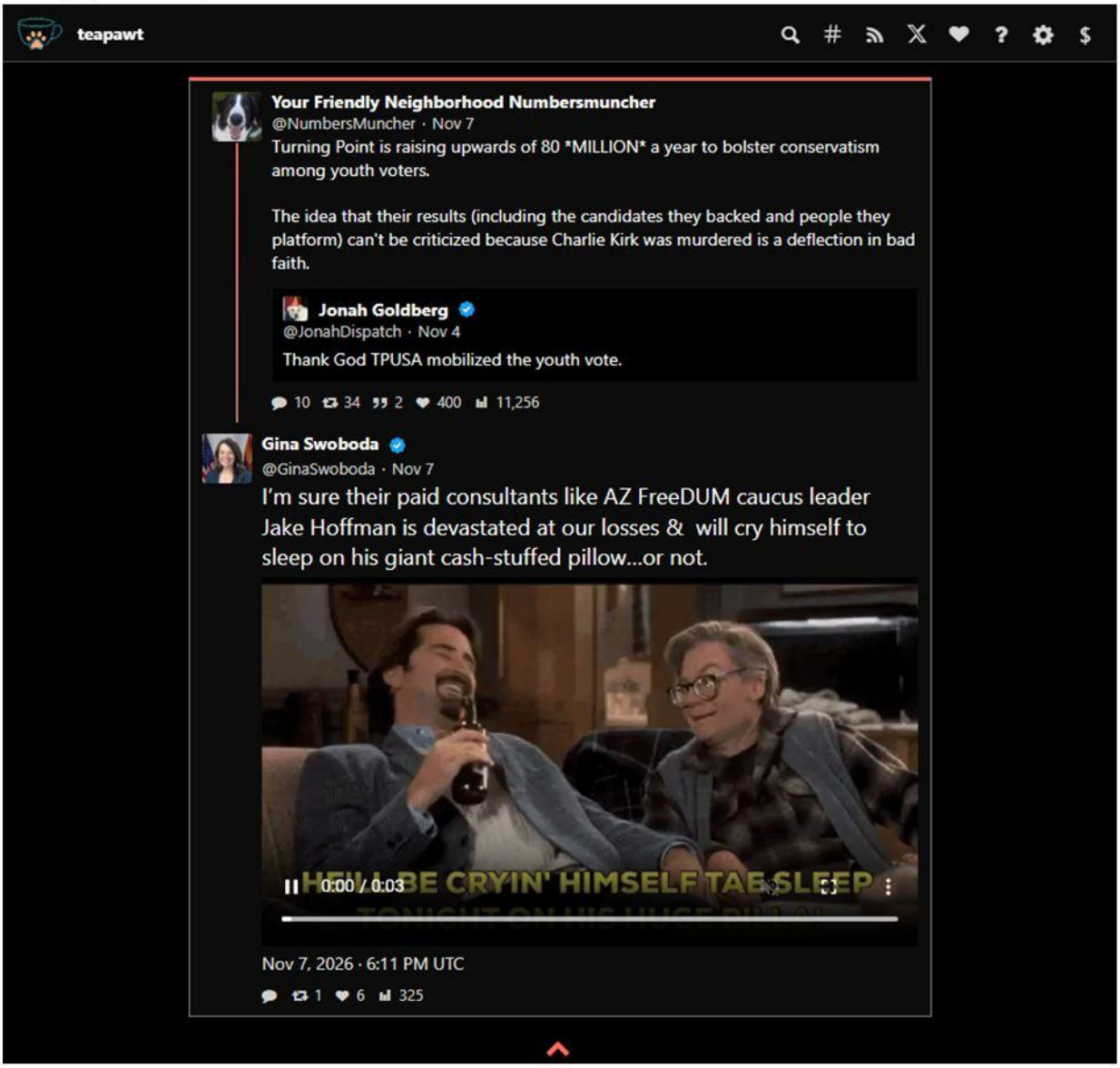
https://x.com/Garrett_Archer/status/2119244324991070437

6. Reply · Nov 7, 2026 · 7:26 PM UTC



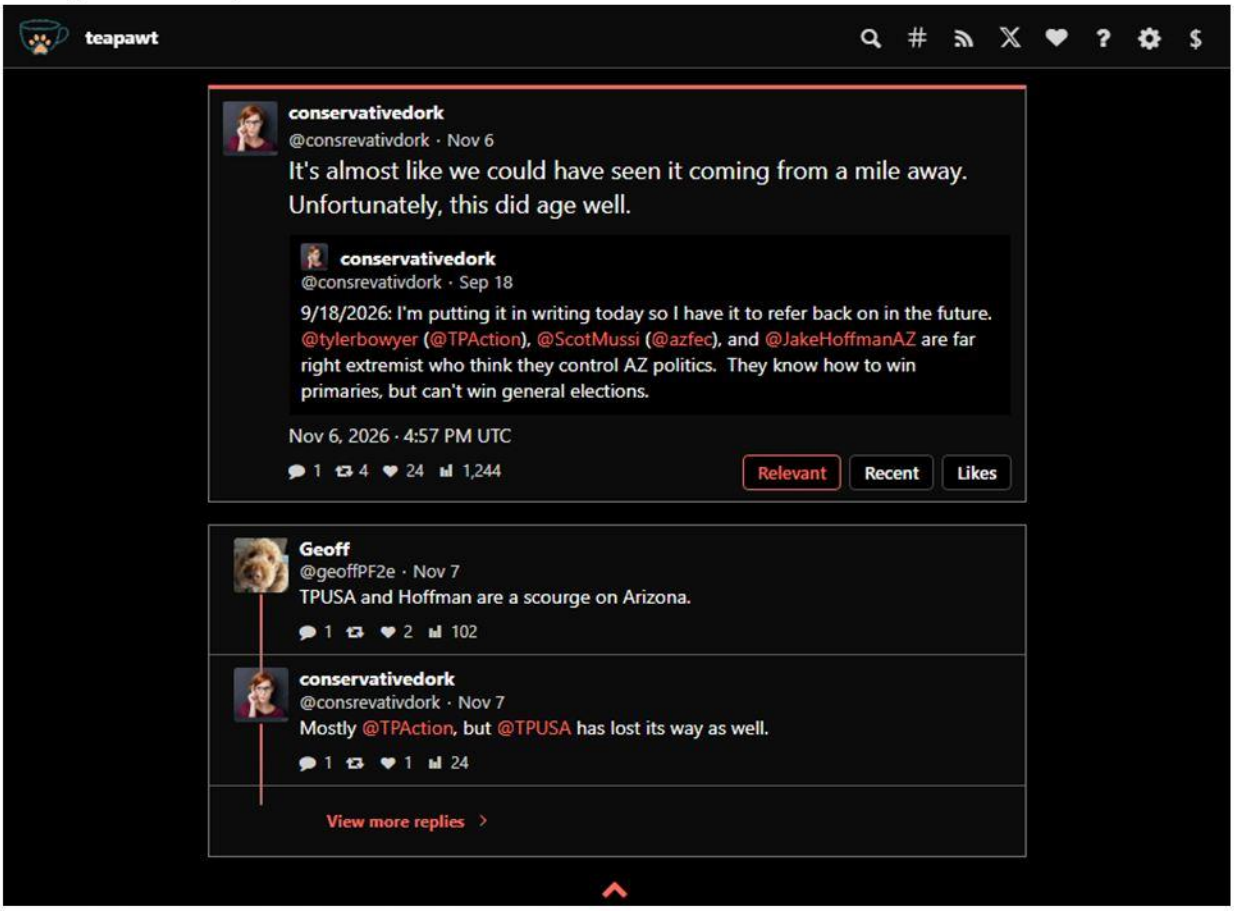
https://x.com/GinaSwoboda/status/2119149602901459080

7. Reply · Nov 7, 2026 · 6:11 PM UTC



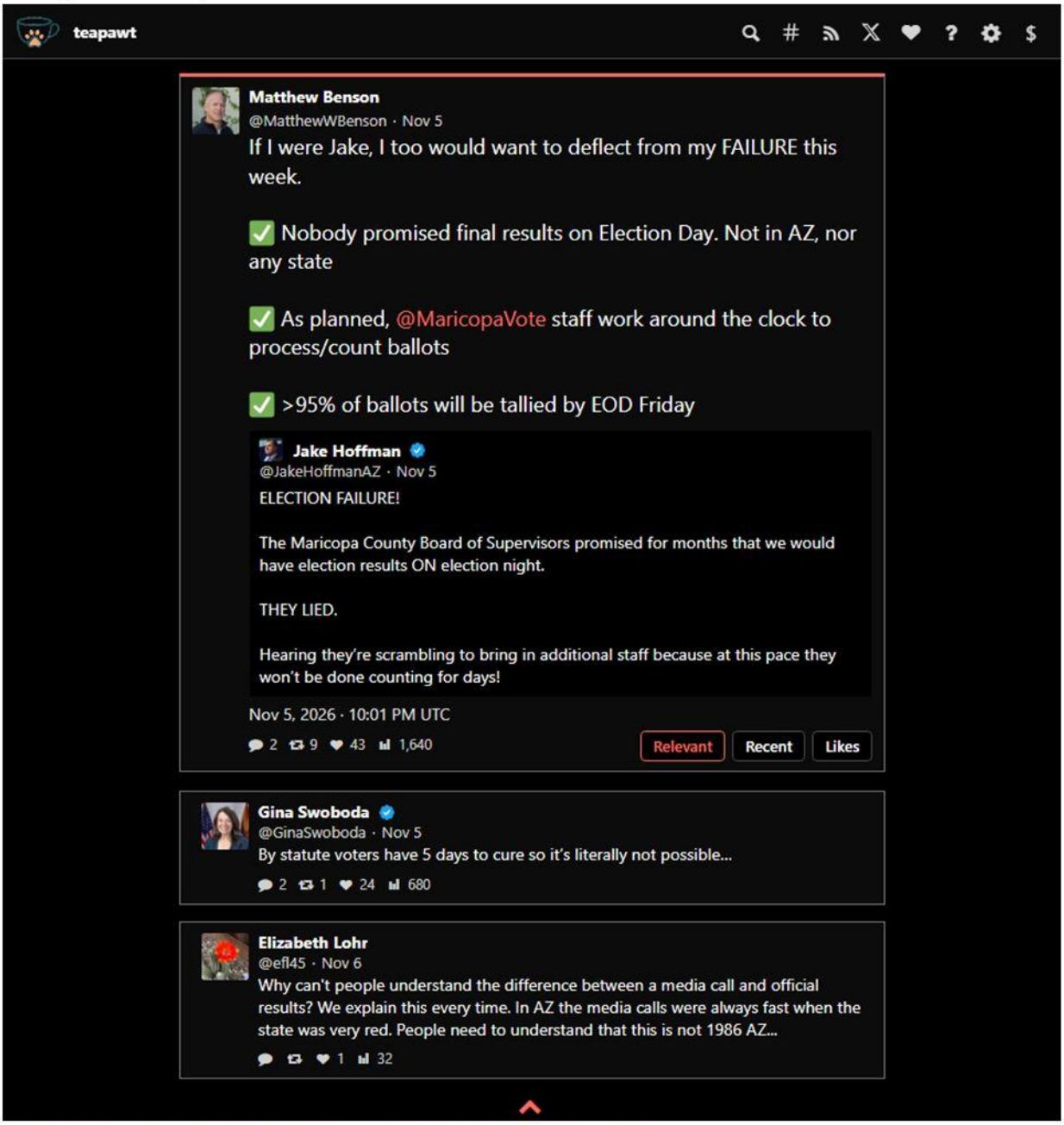
https://x.com/GinaSwoboda/status/2119130684887532002

8. Repost · Nov 6, 2026 · 4:57 PM UTC



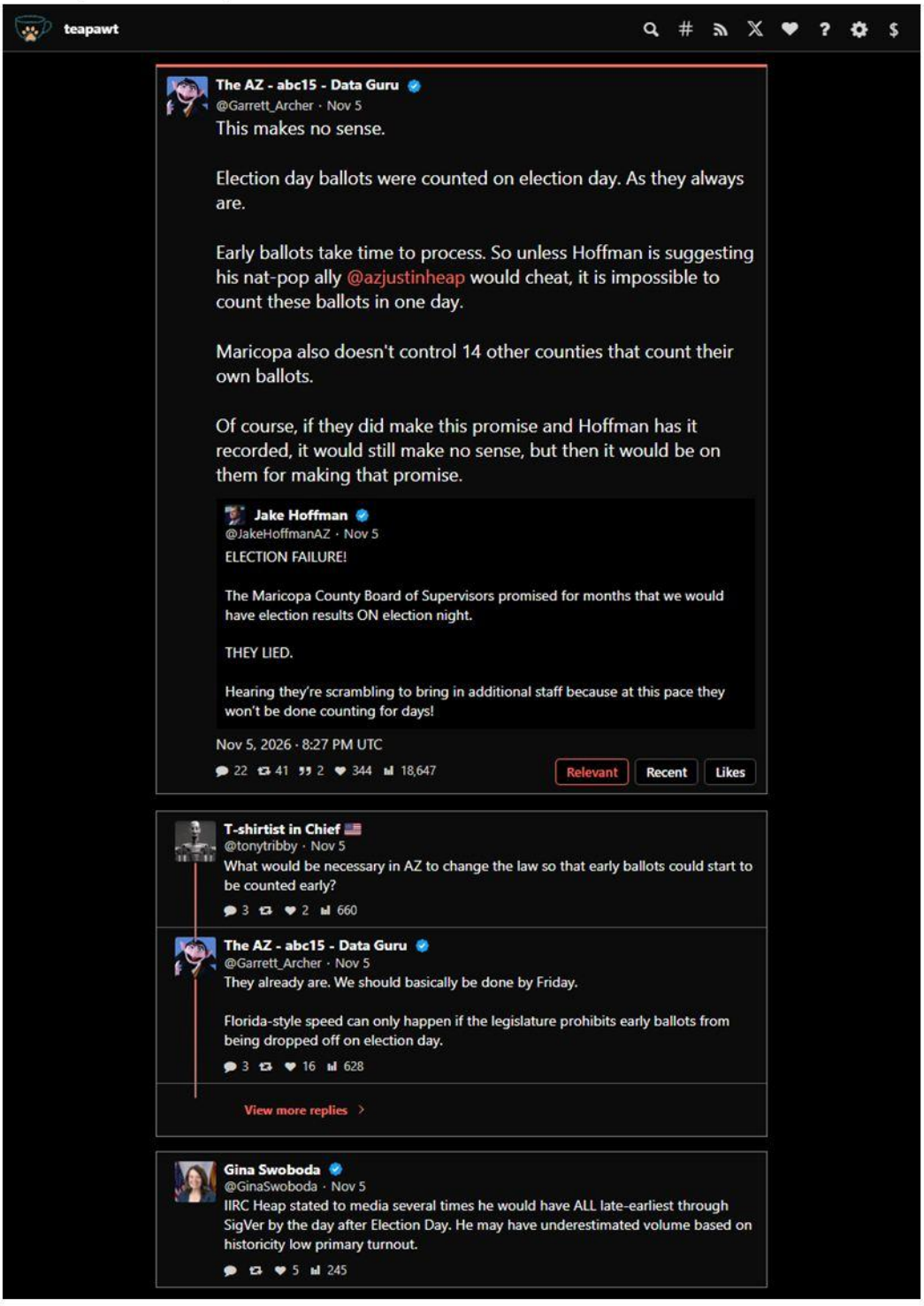
https://x.com/consrevativdork/status/2118749743346299113

9. Repost · Nov 5, 2026 · 10:01 PM UTC

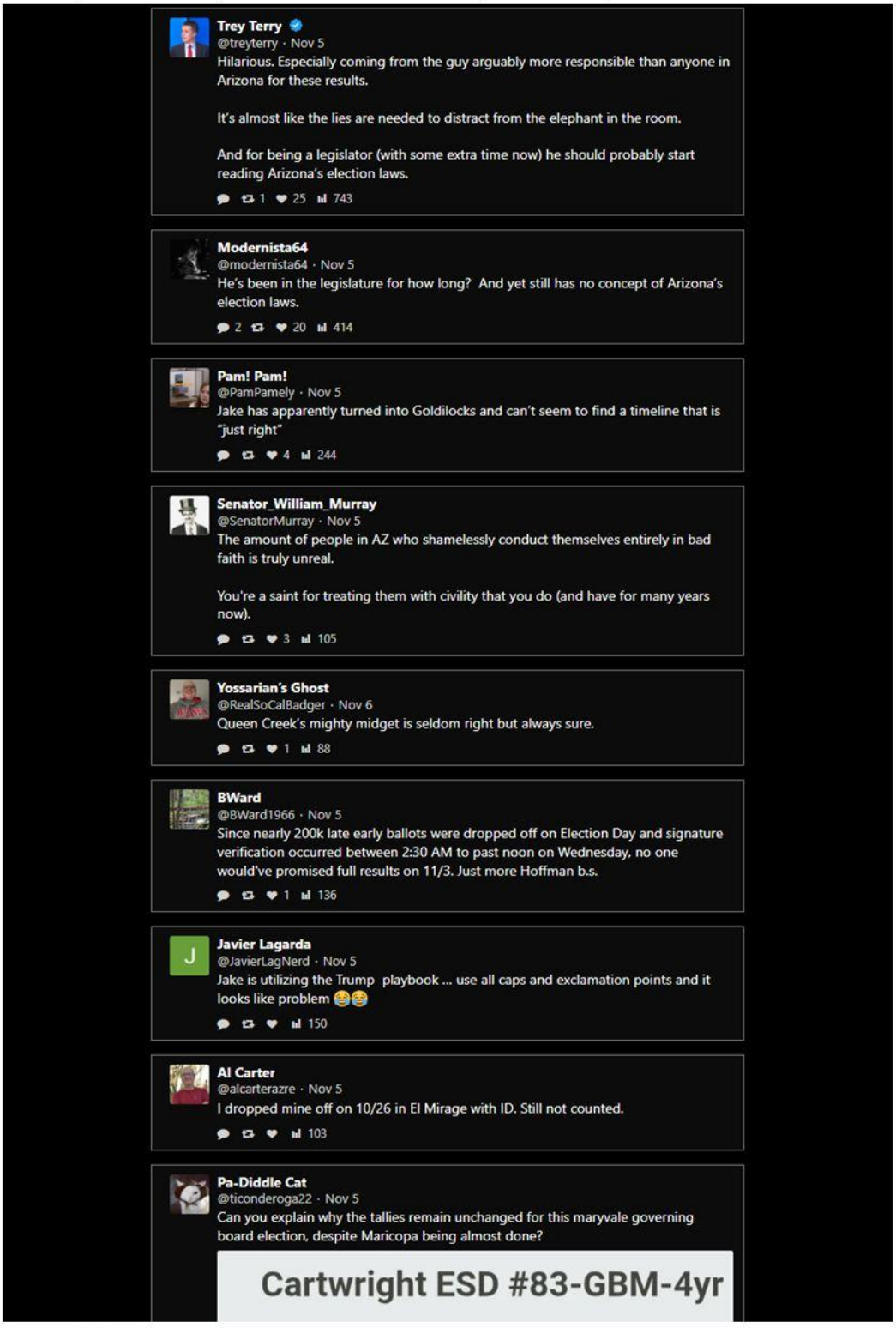


https://x.com/MatthewWBenson/status/2118463790954184997

10. Repost · Nov 5, 2026 · 8:27 PM UTC

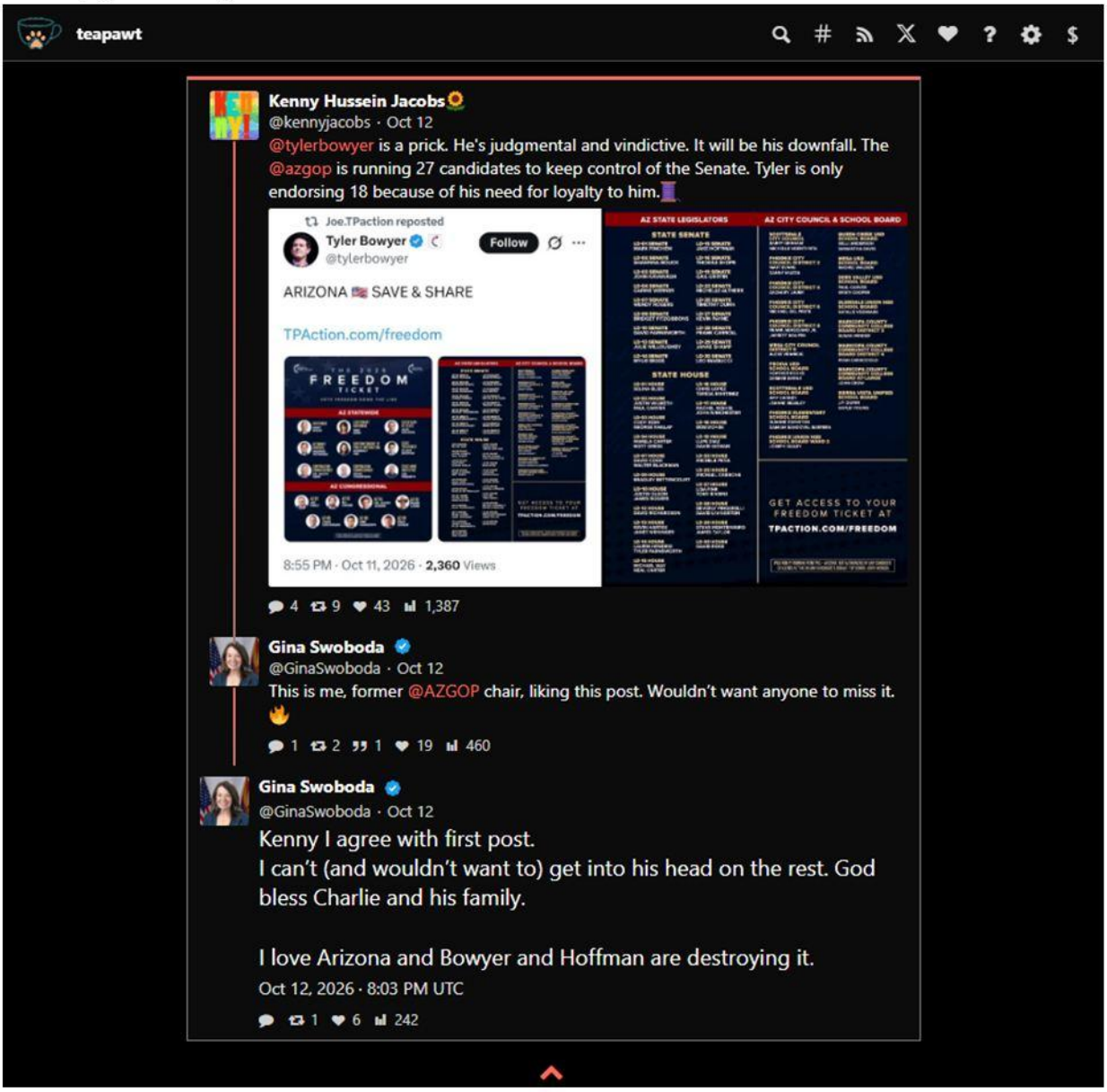


10. Repost · Nov 5, 2026 · 8:27 PM UTC (continued)



https://x.com/Garrett_Archer/status/2118440002728366221

11. Reply · Oct 12, 2026 · 8:03 PM UTC

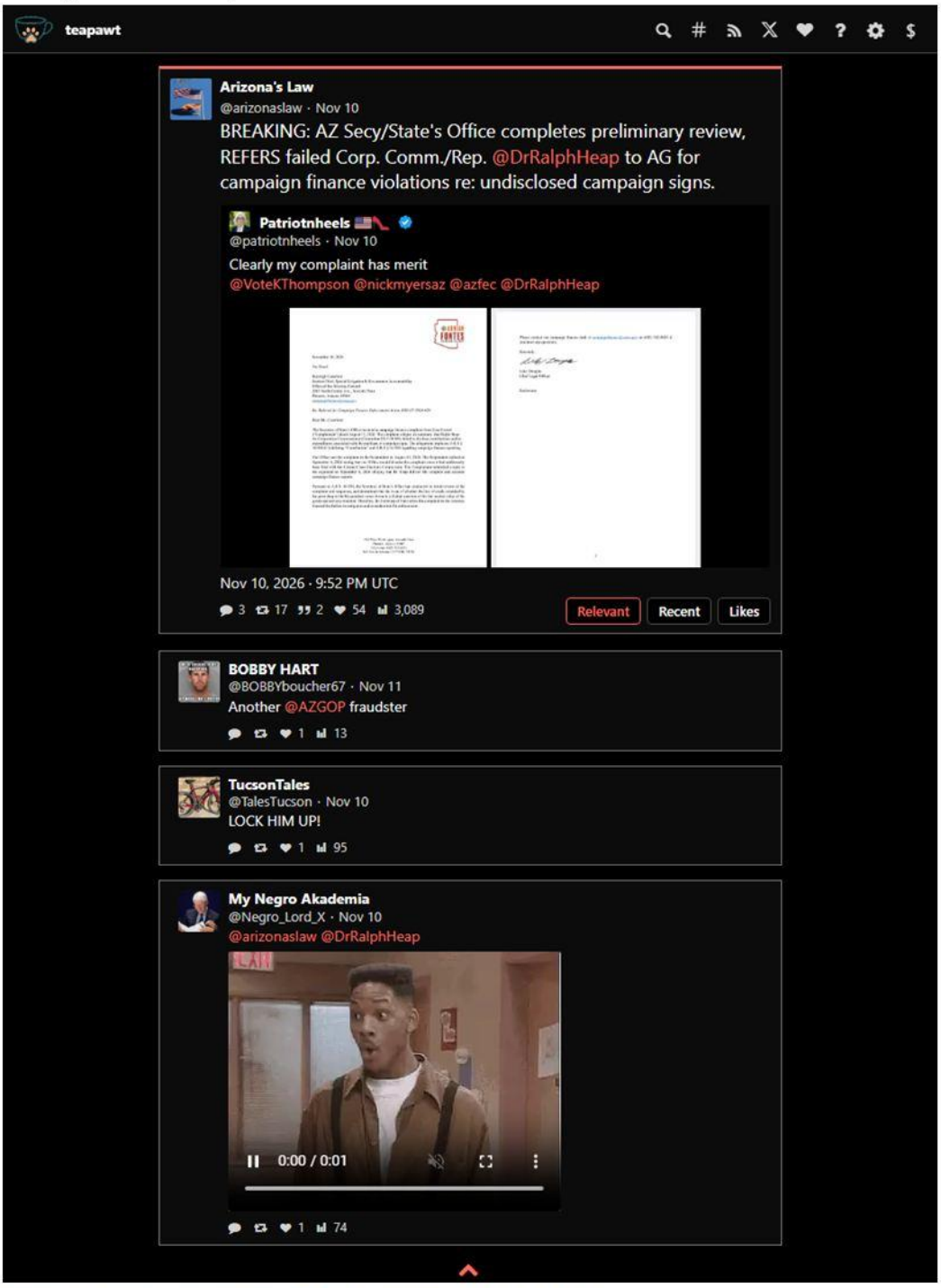


https://x.com/GinaSwoboda/status/2109736785987215765

Lisa Everett

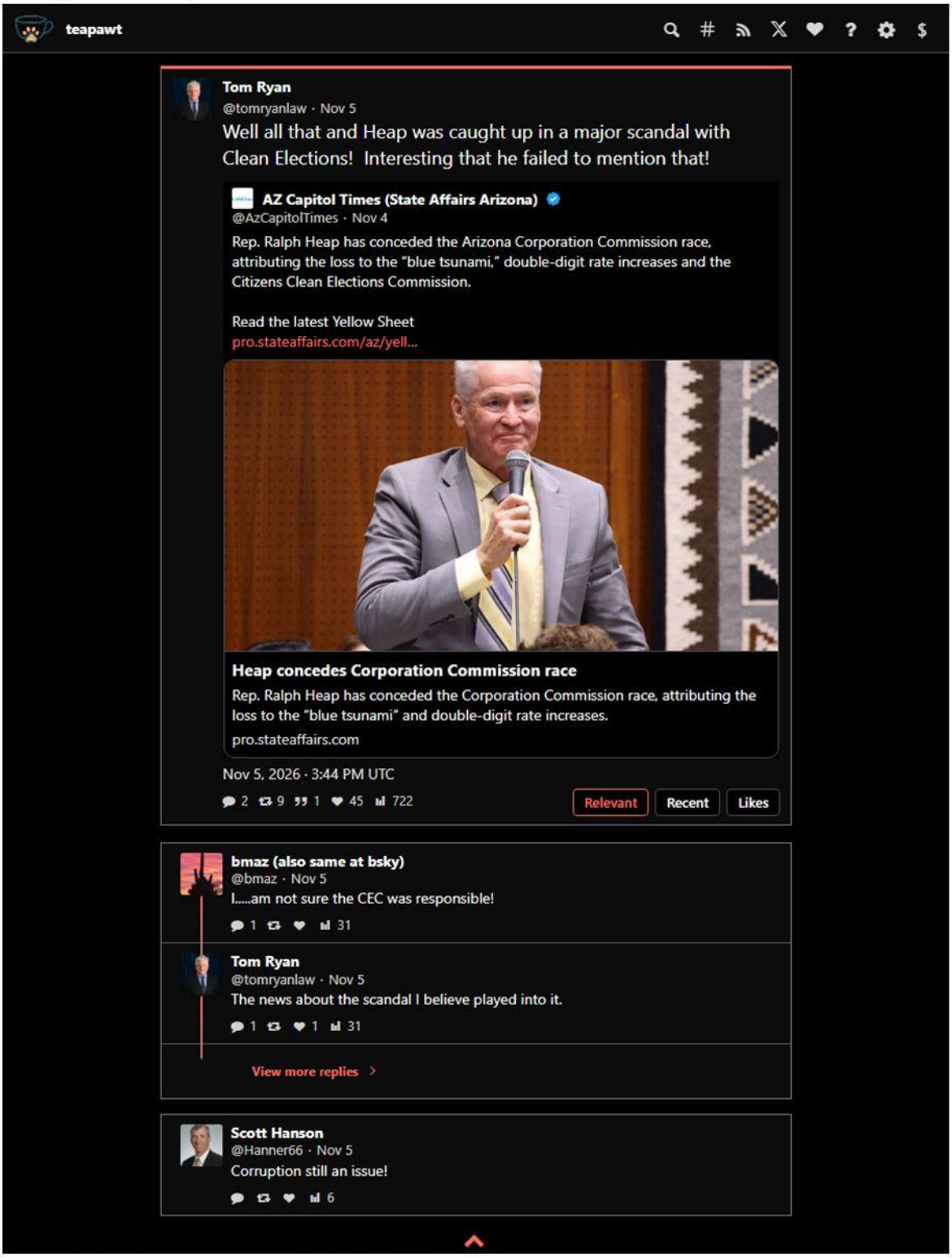
@patriotnheels. 64 post(s), newest first.

1. Repost · Nov 10, 2026 · 9:52 PM UTC



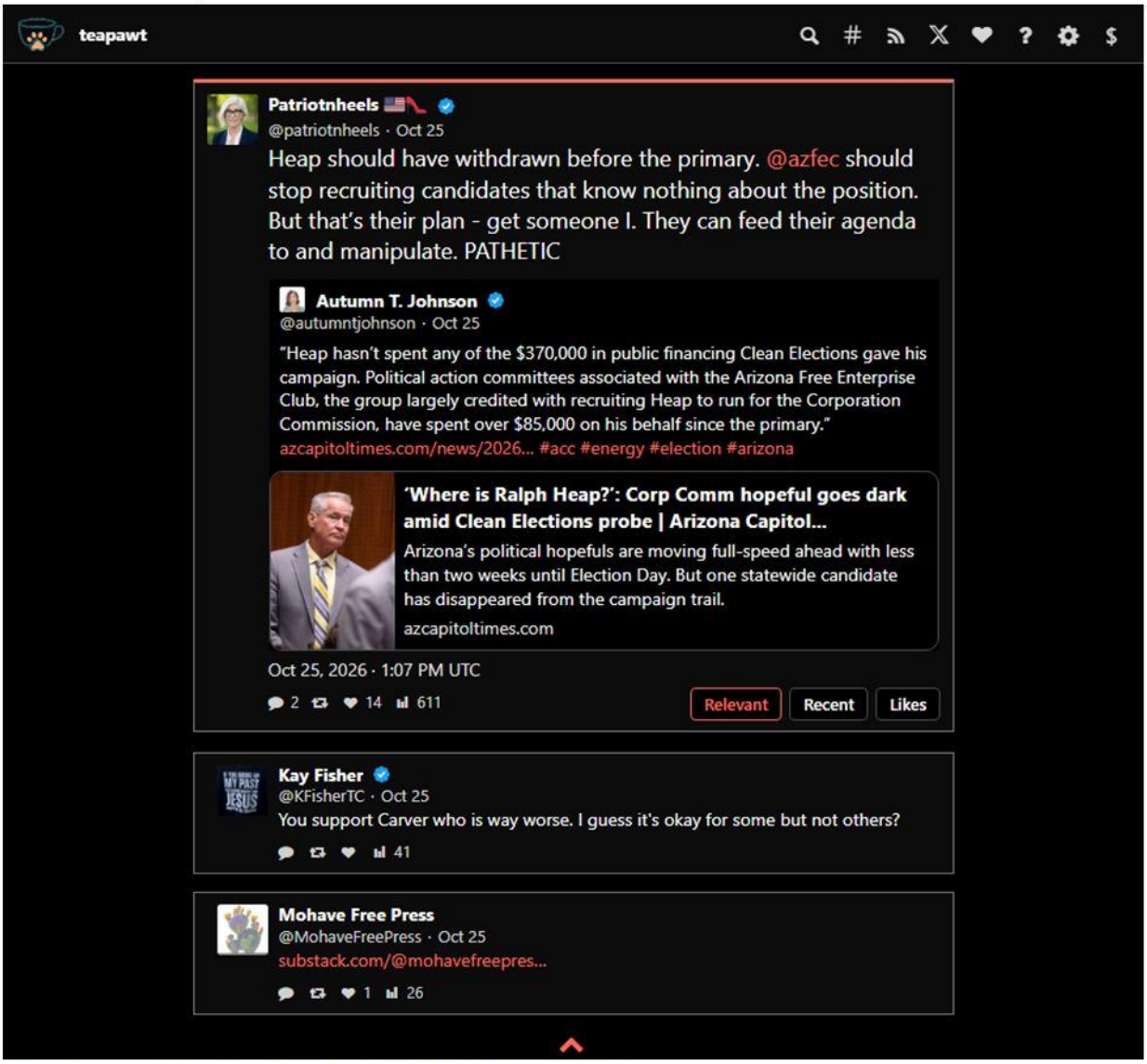
https://x.com/arizonaslaw/status/2120273516637593637

2. Repost · Nov 5, 2026 · 3:44 PM UTC



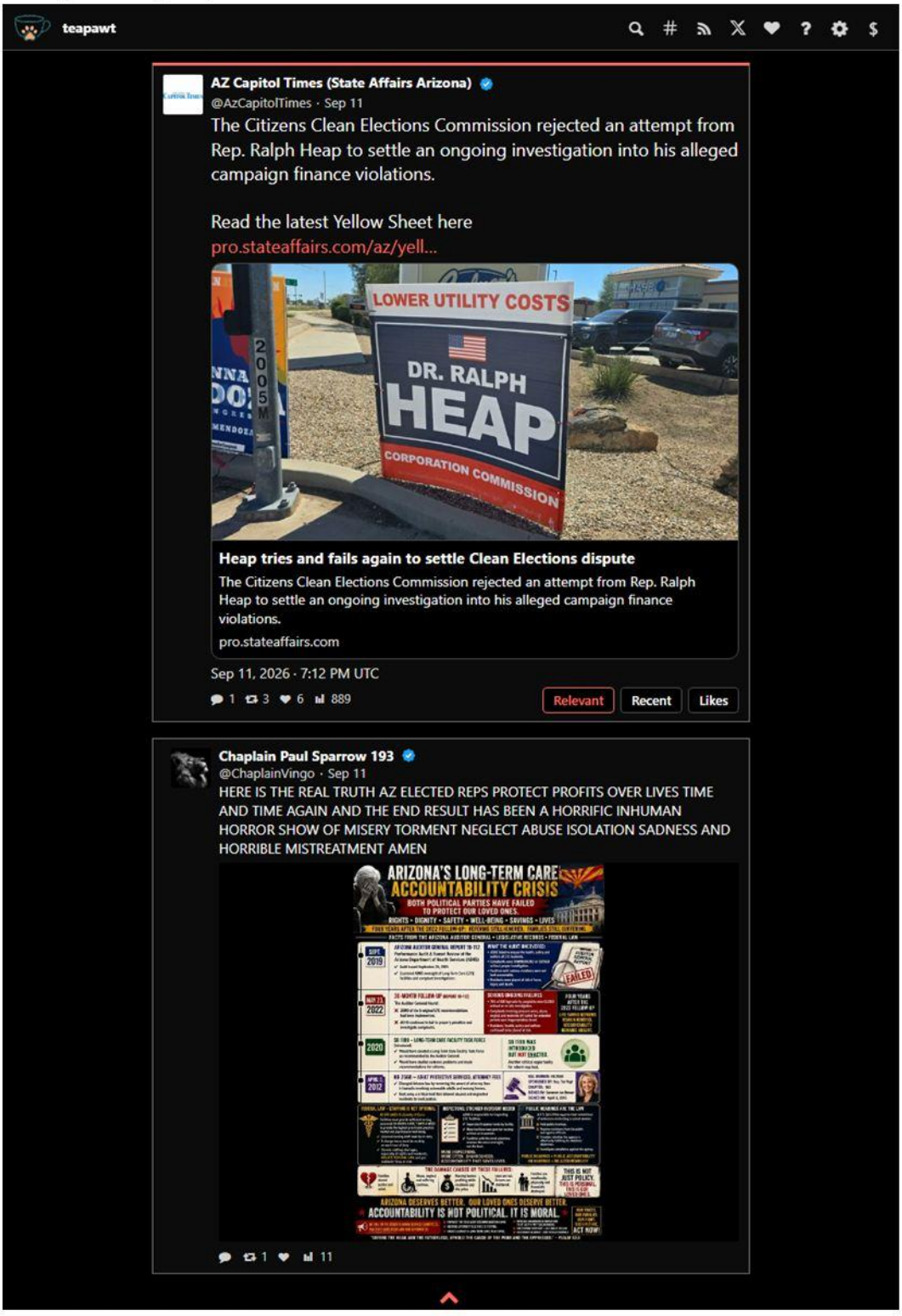
https://x.com/tomryanlaw/status/2118368934001057953

3. Post · Oct 25, 2026 · 1:07 PM UTC



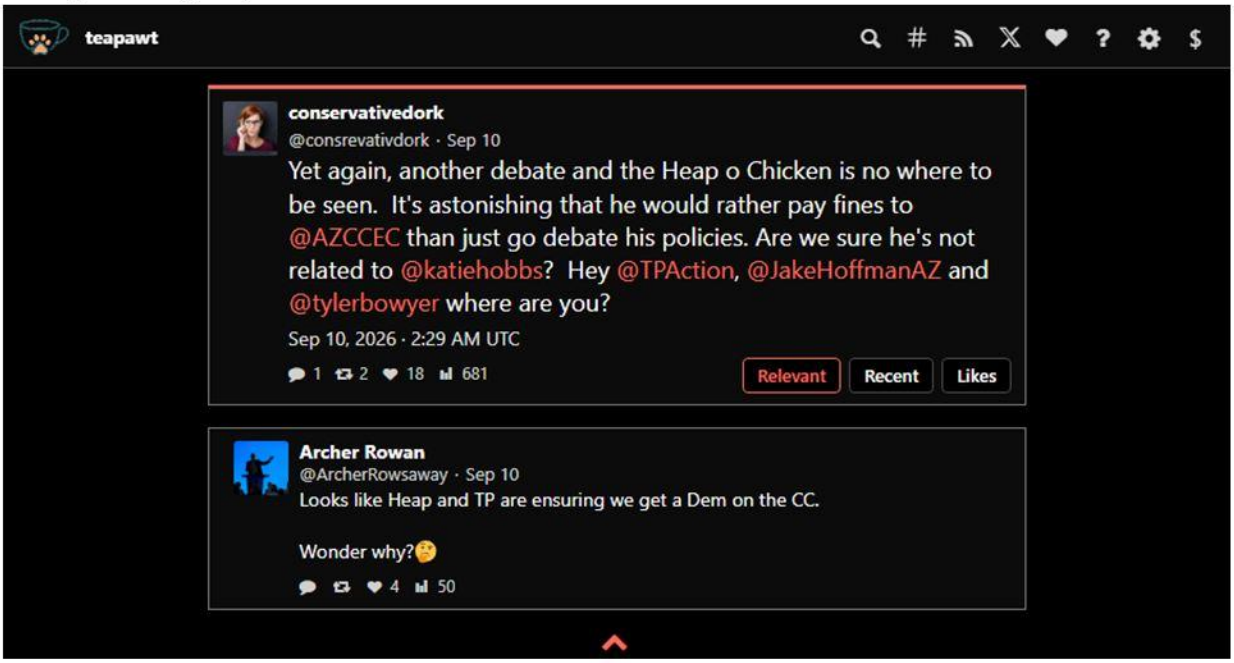
https://x.com/patriotnheels/status/2114342964709445820

4. Repost · Sep 11, 2026 · 7:12 PM UTC



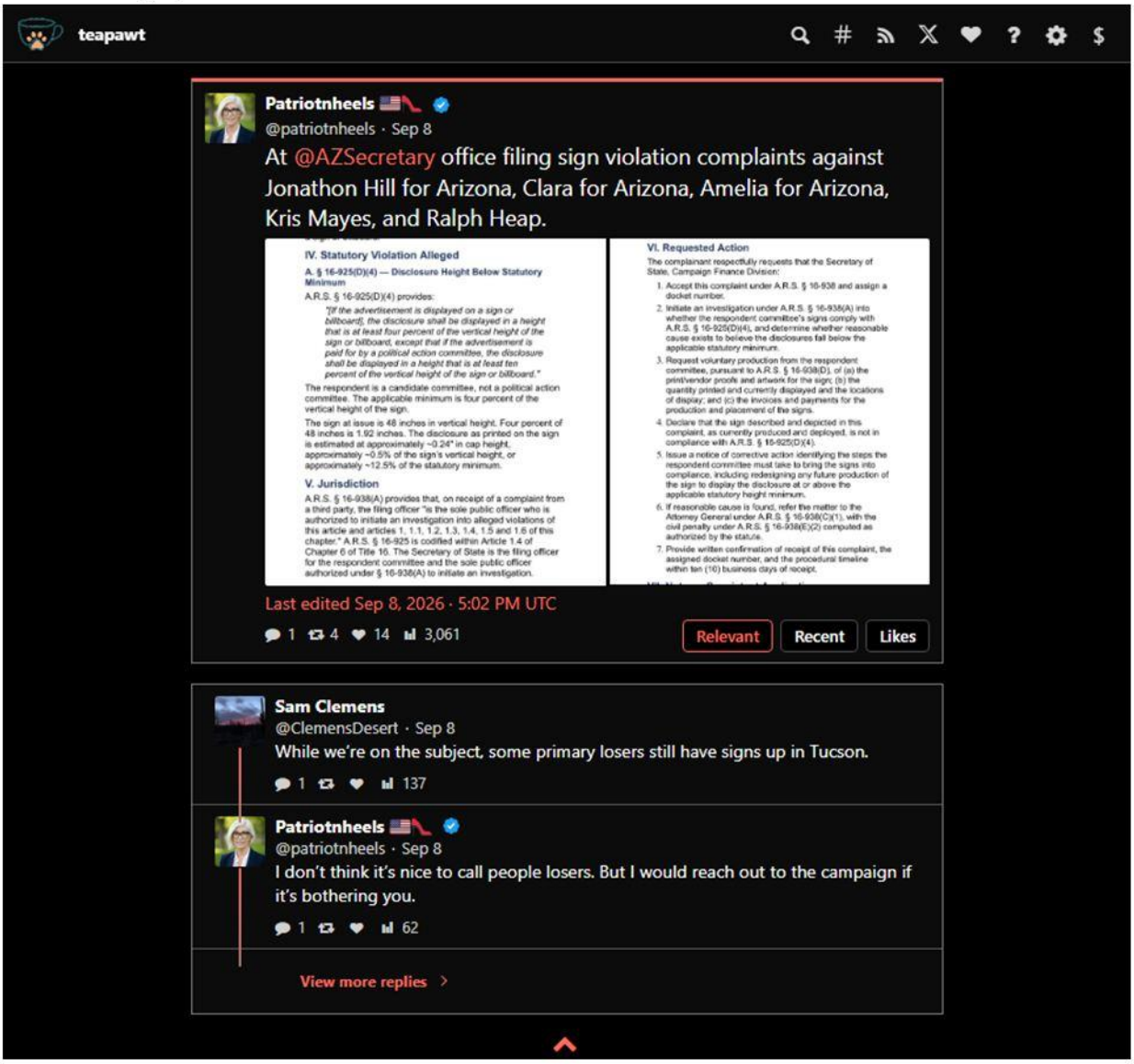
https://x.com/AzCapitolTimes/status/2098489822361039033

5. Repost · Sep 10, 2026 · 2:29 AM UTC



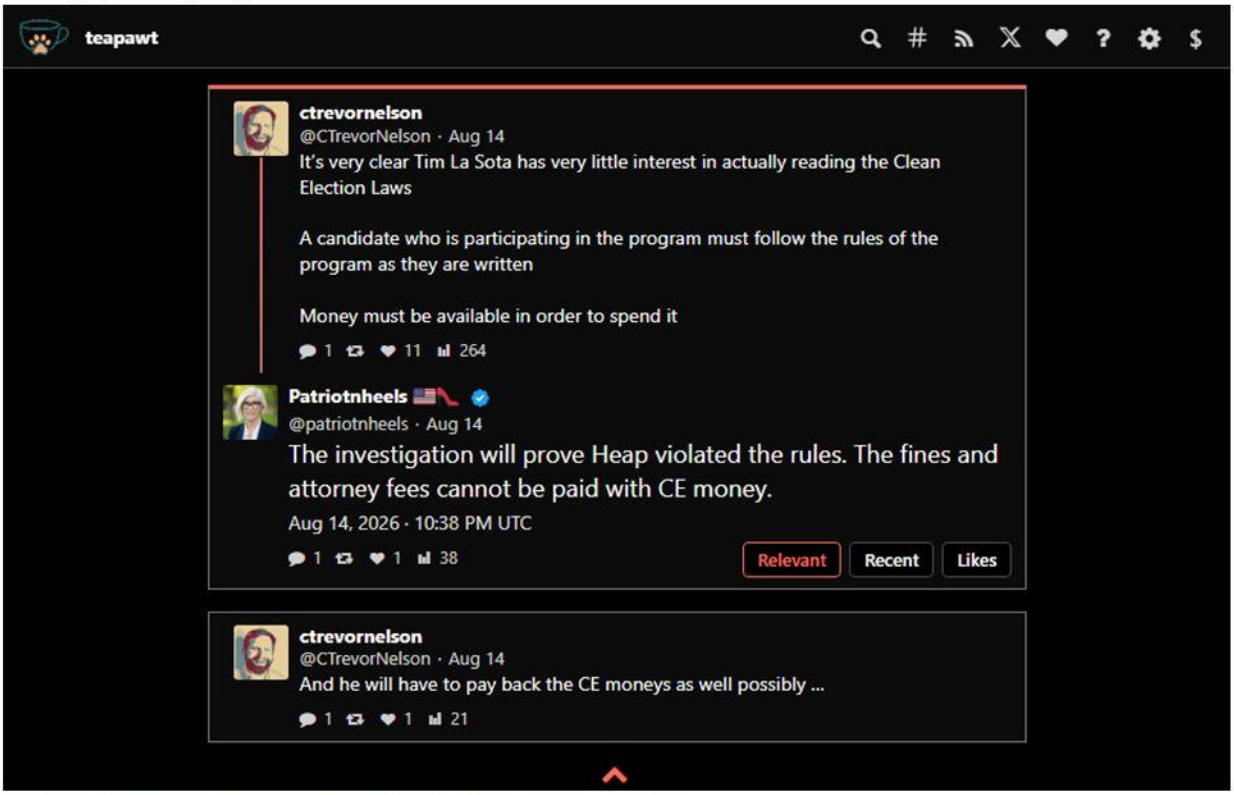
https://x.com/consrevativdork/status/2097875002150547558

6. Post · Sep 8, 2026 · 5:02 PM UTC



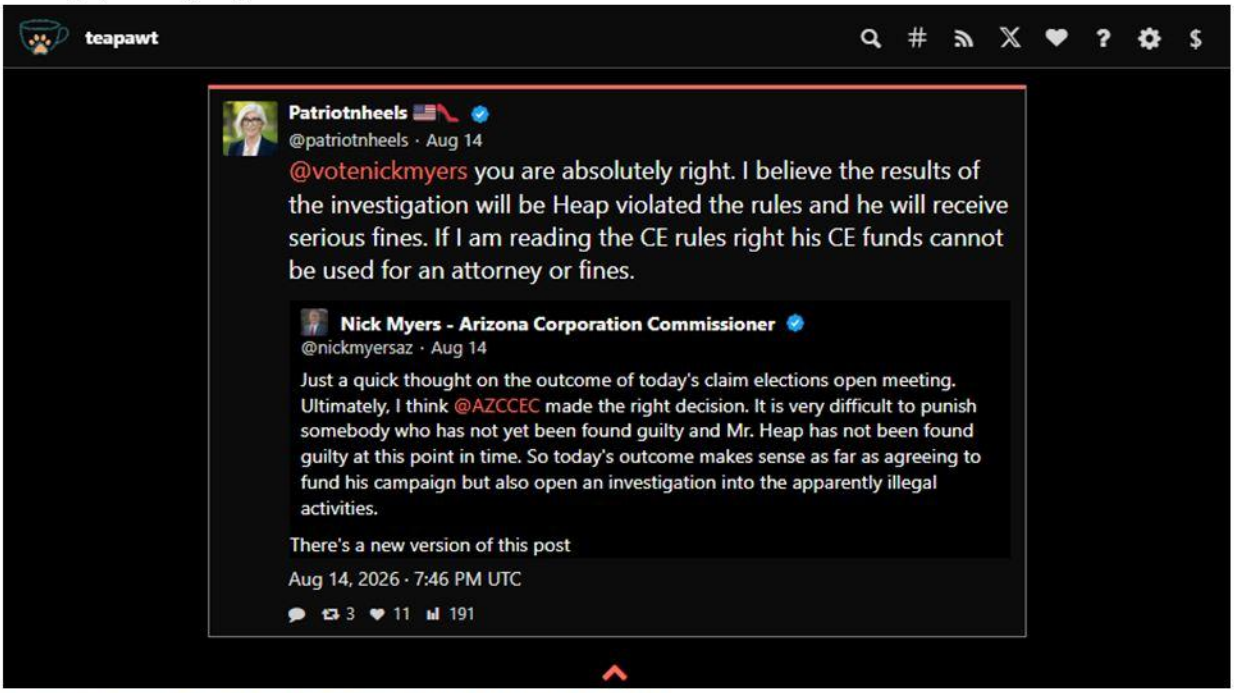
https://x.com/patriotnheels/status/2097370086646616087

7. Reply · Aug 14, 2026 · 10:38 PM UTC



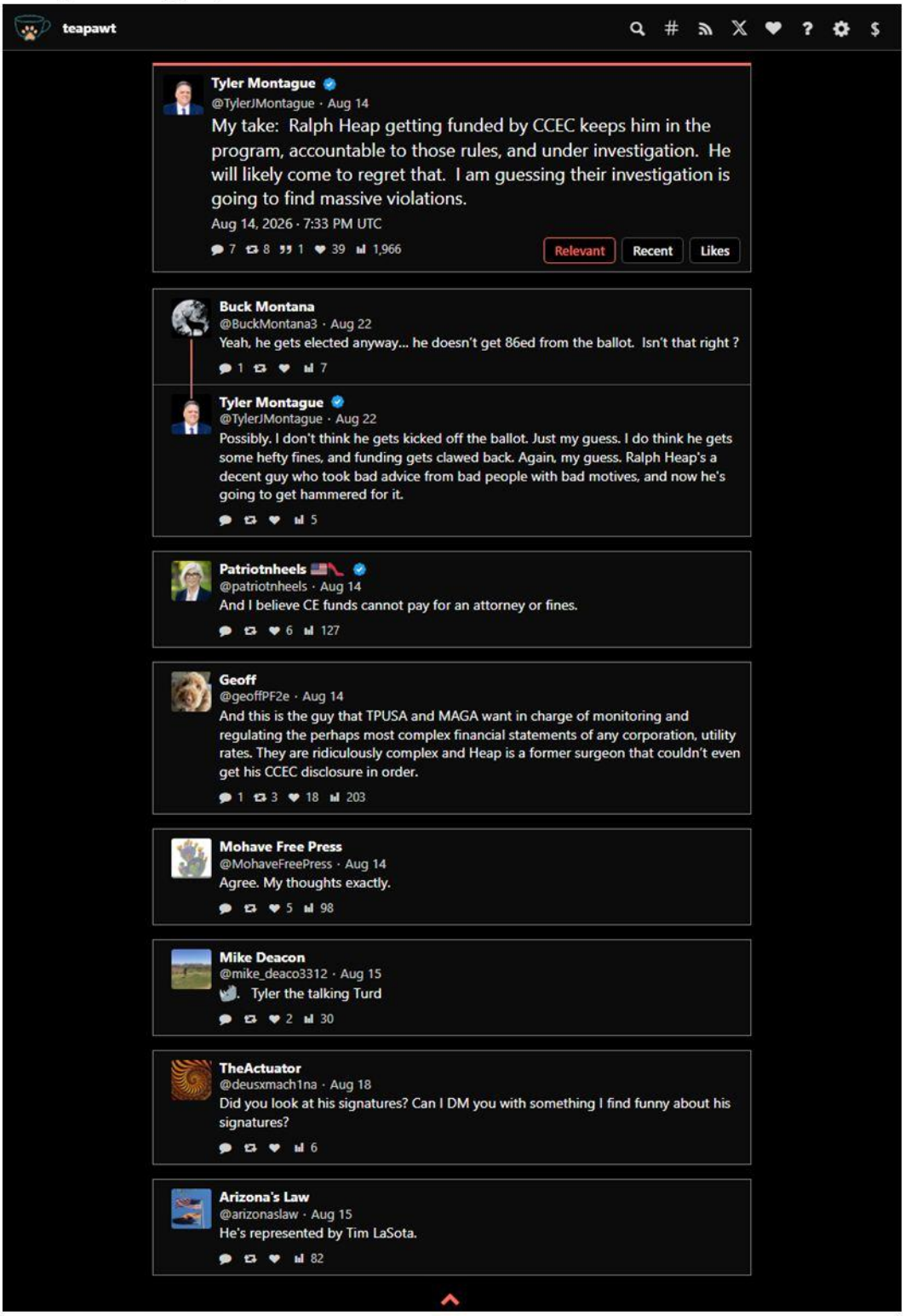
https://x.com/patriotnheels/status/2088394884868927757

8. Reply · Aug 14, 2026 · 7:46 PM UTC



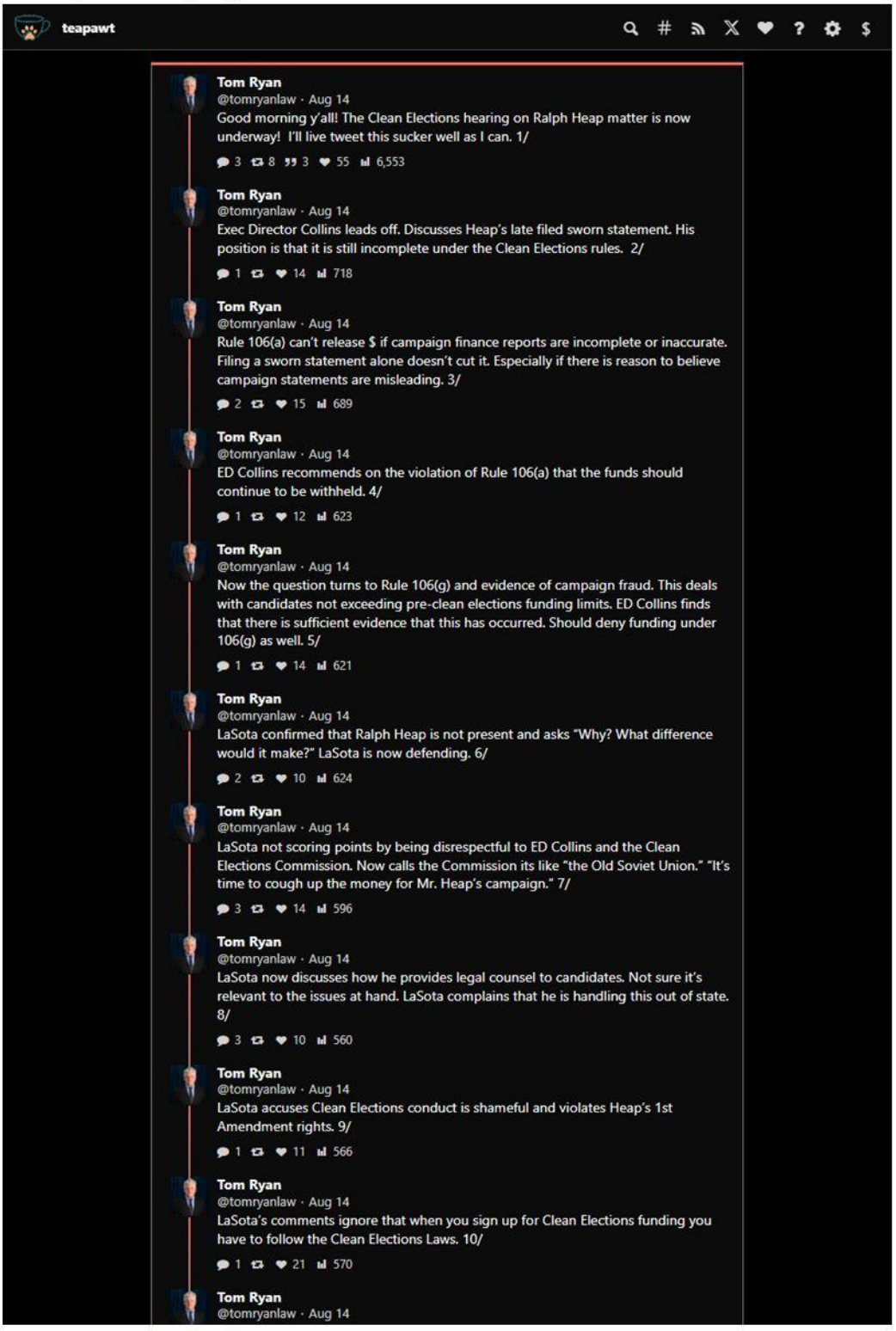
https://x.com/patriotnheels/status/2088351590835249291

9. Repost · Aug 14, 2026 · 7:33 PM UTC

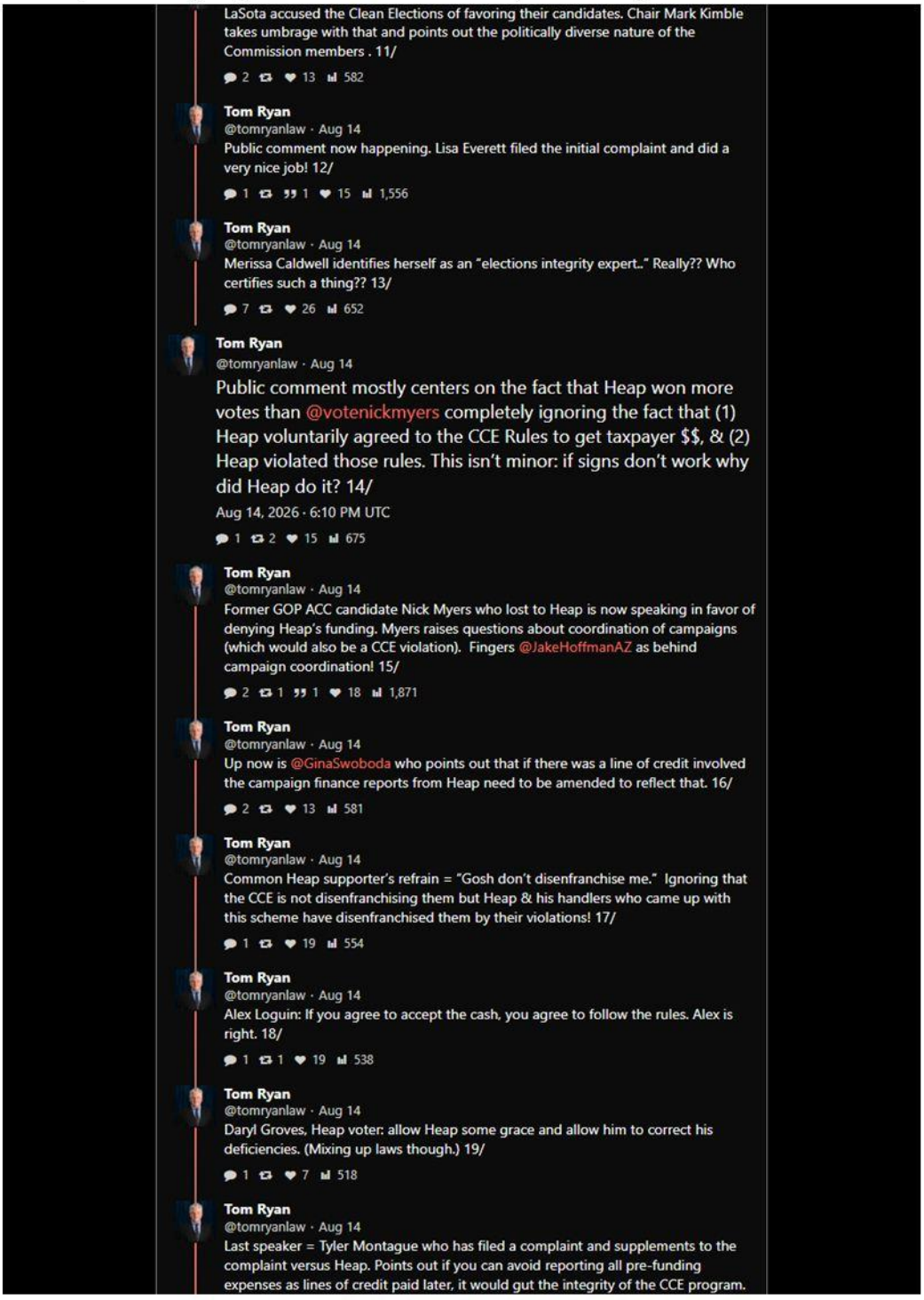


https://x.com/TylerJMontague/status/2088348312806252987

10. Repost · Aug 14, 2026 · 6:10 PM UTC

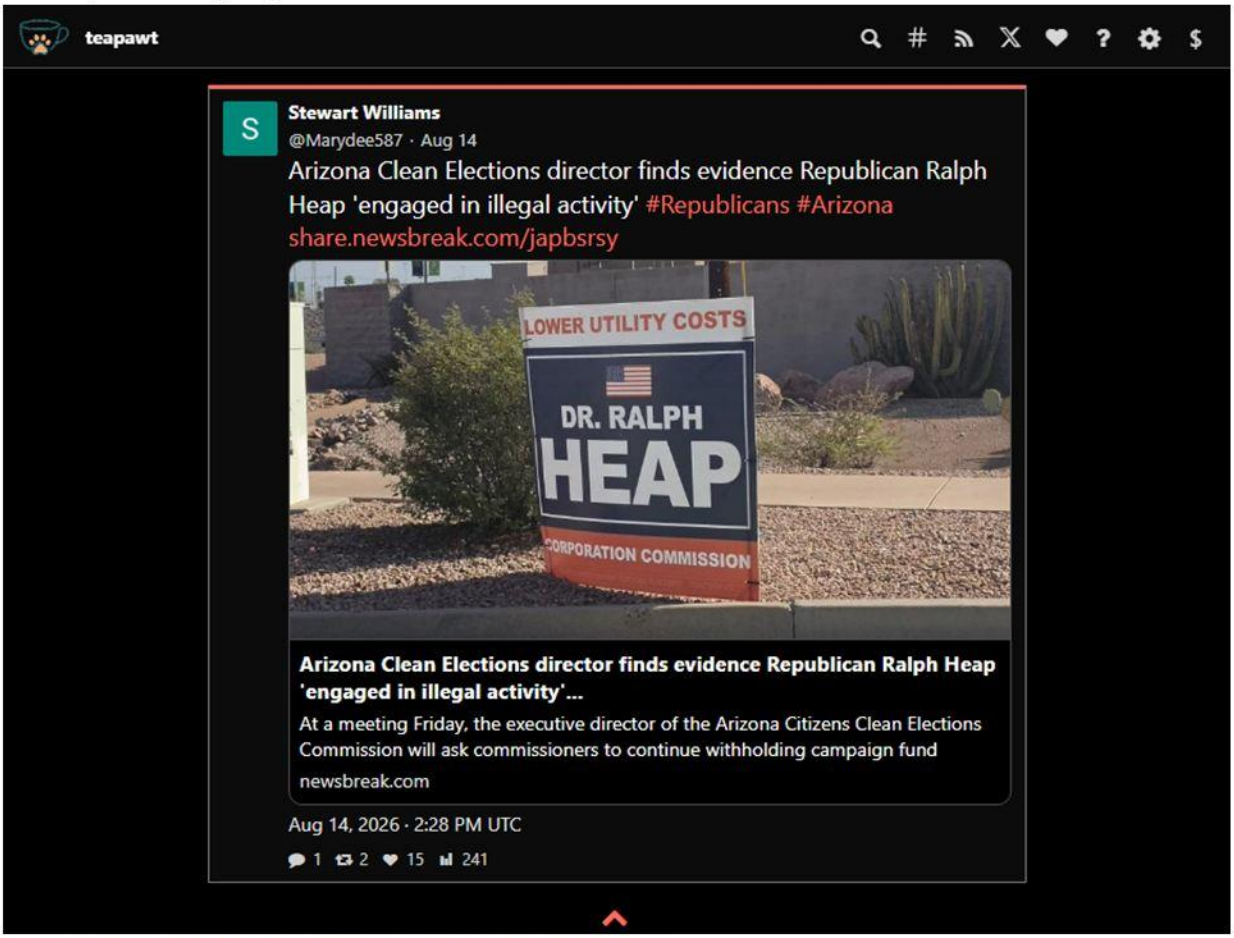


10. Repost · Aug 14, 2026 · 6:10 PM UTC (continued)



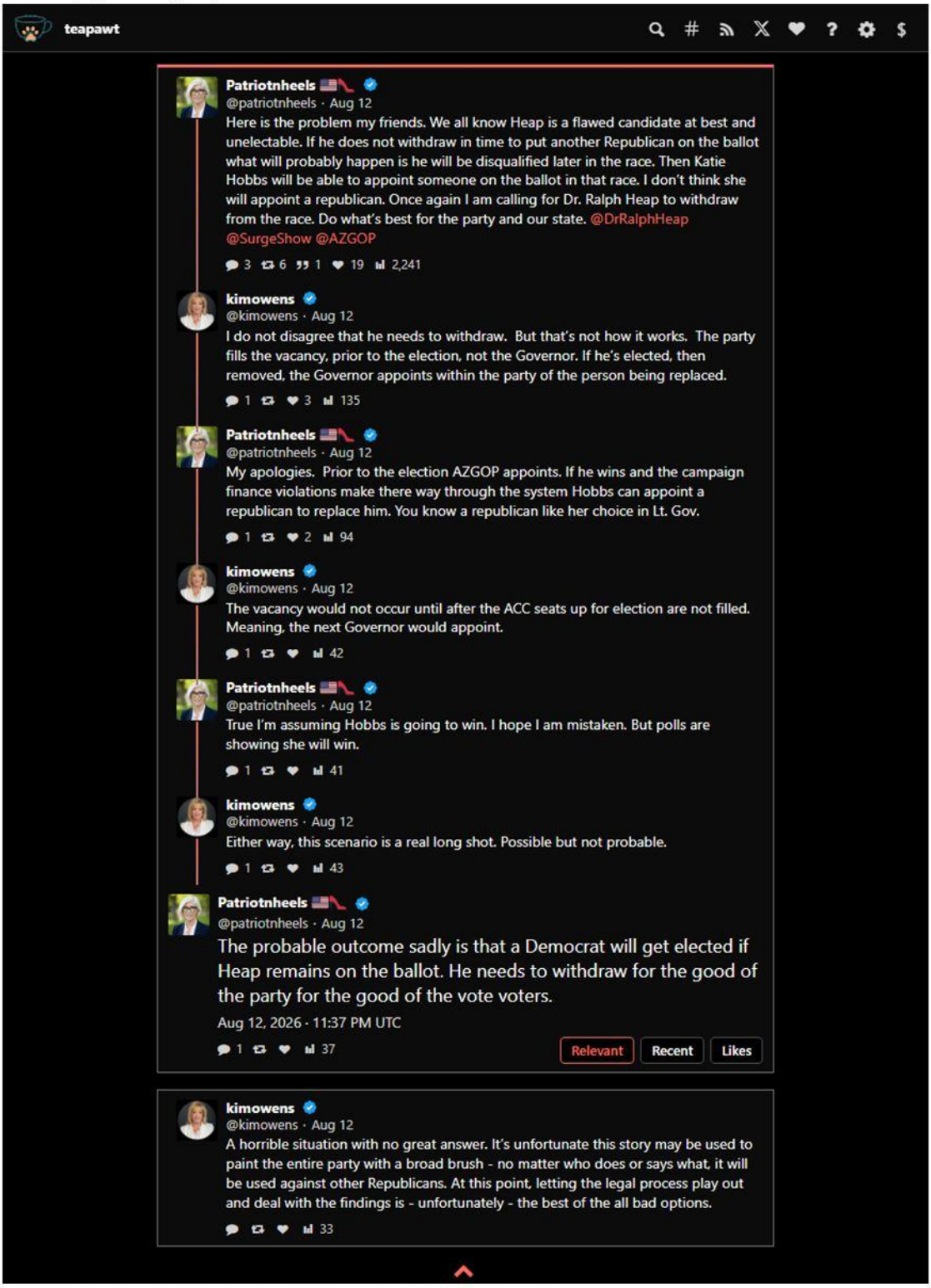
https://x.com/tomryanlaw/status/2088327523566510485

11. Repost · Aug 14, 2026 · 2:28 PM UTC



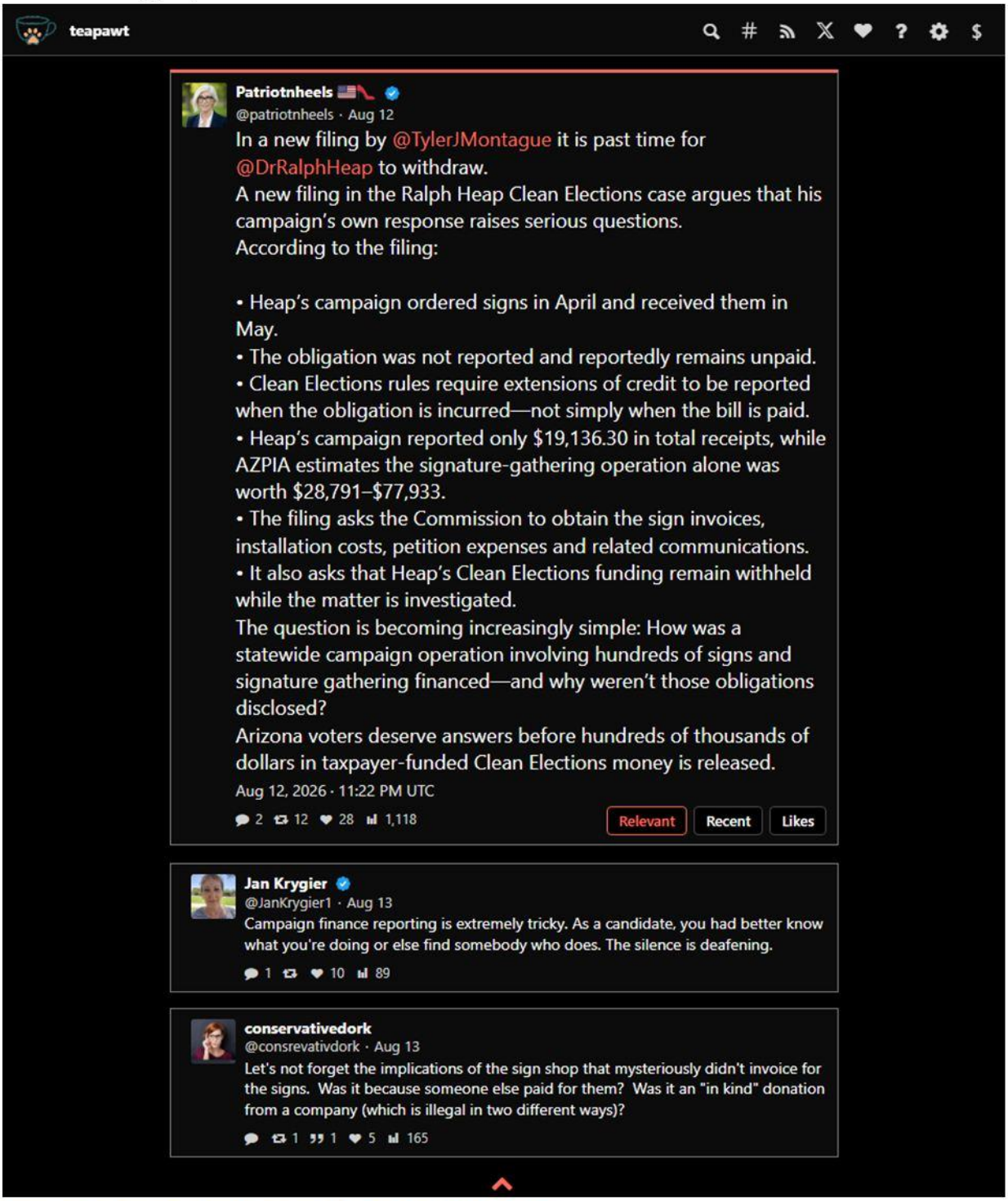
https://x.com/Marydee587/status/2088271442177667471

12. Reply · Aug 12, 2026 · 11:37 PM UTC



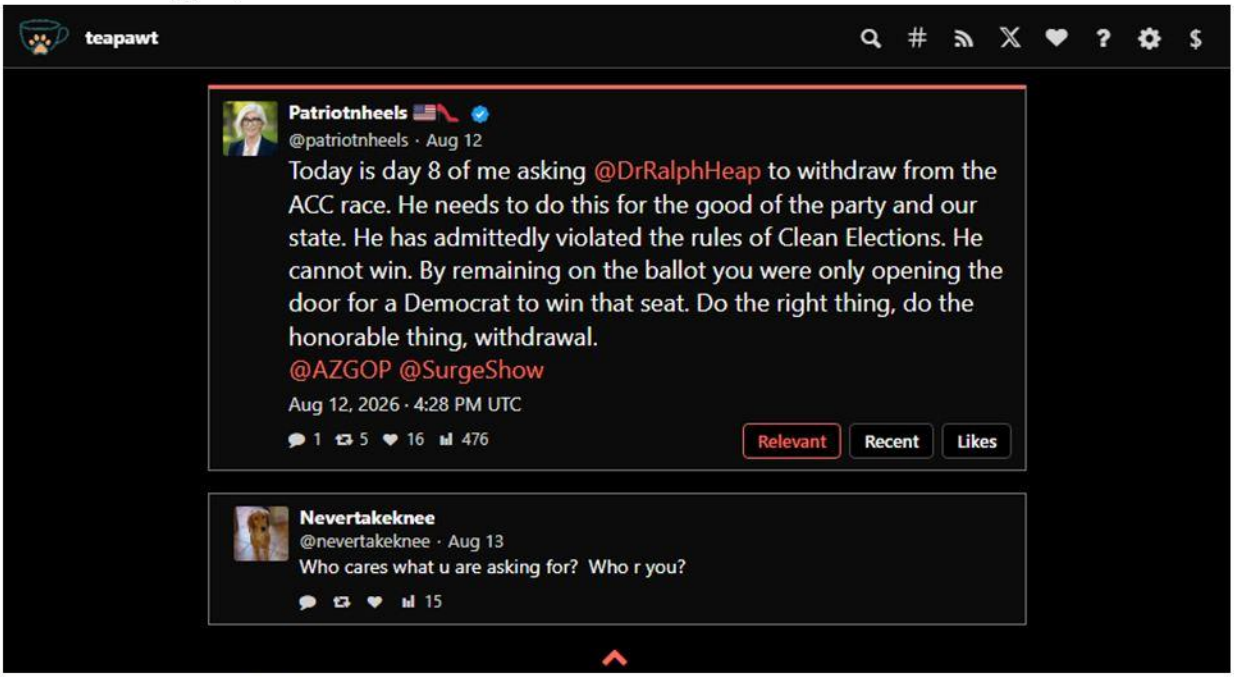
https://x.com/patriotnheels/status/2087684899633521126

13. Post · Aug 12, 2026 · 11:22 PM UTC



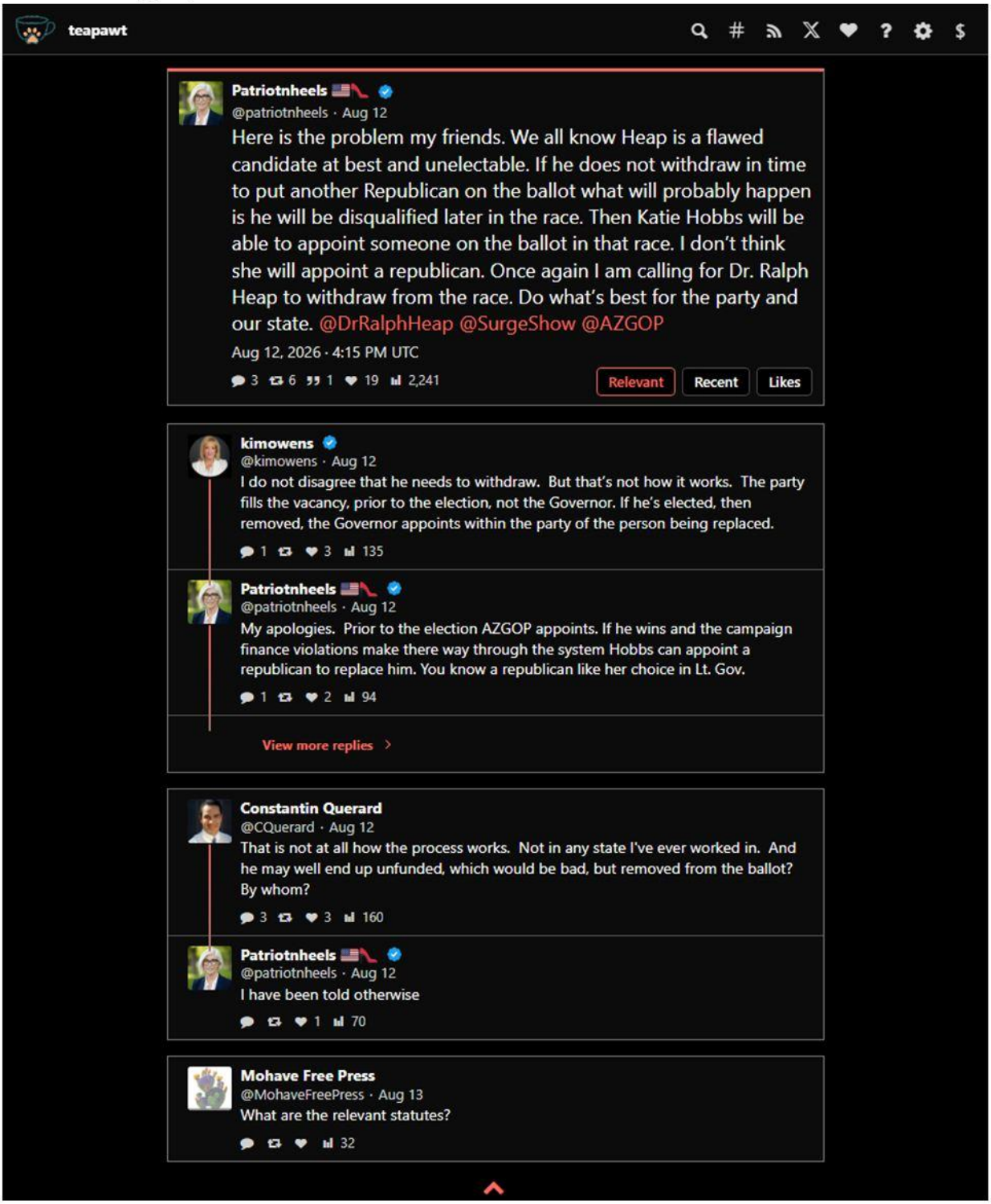
https://x.com/patriotnheels/status/2087681060184494238

14. Post · Aug 12, 2026 · 4:28 PM UTC



https://x.com/patriotnheels/status/2087576956208566476

15. Post · Aug 12, 2026 · 4:15 PM UTC



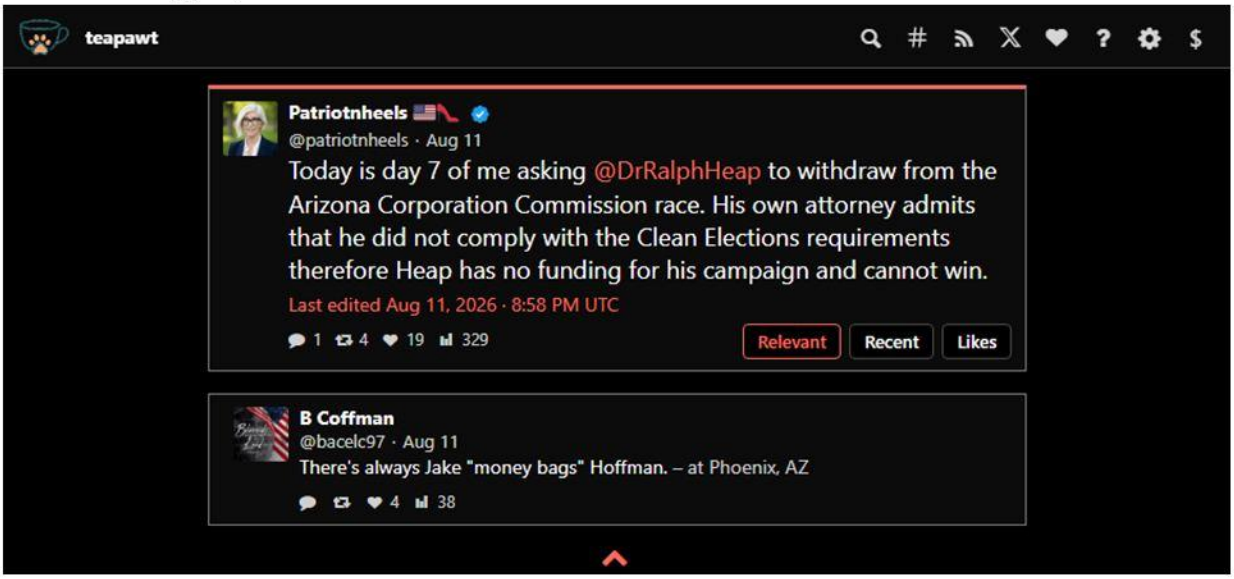
https://x.com/patriotnheels/status/2087573750162342122

16. Reply · Aug 11, 2026 · 11:16 PM UTC



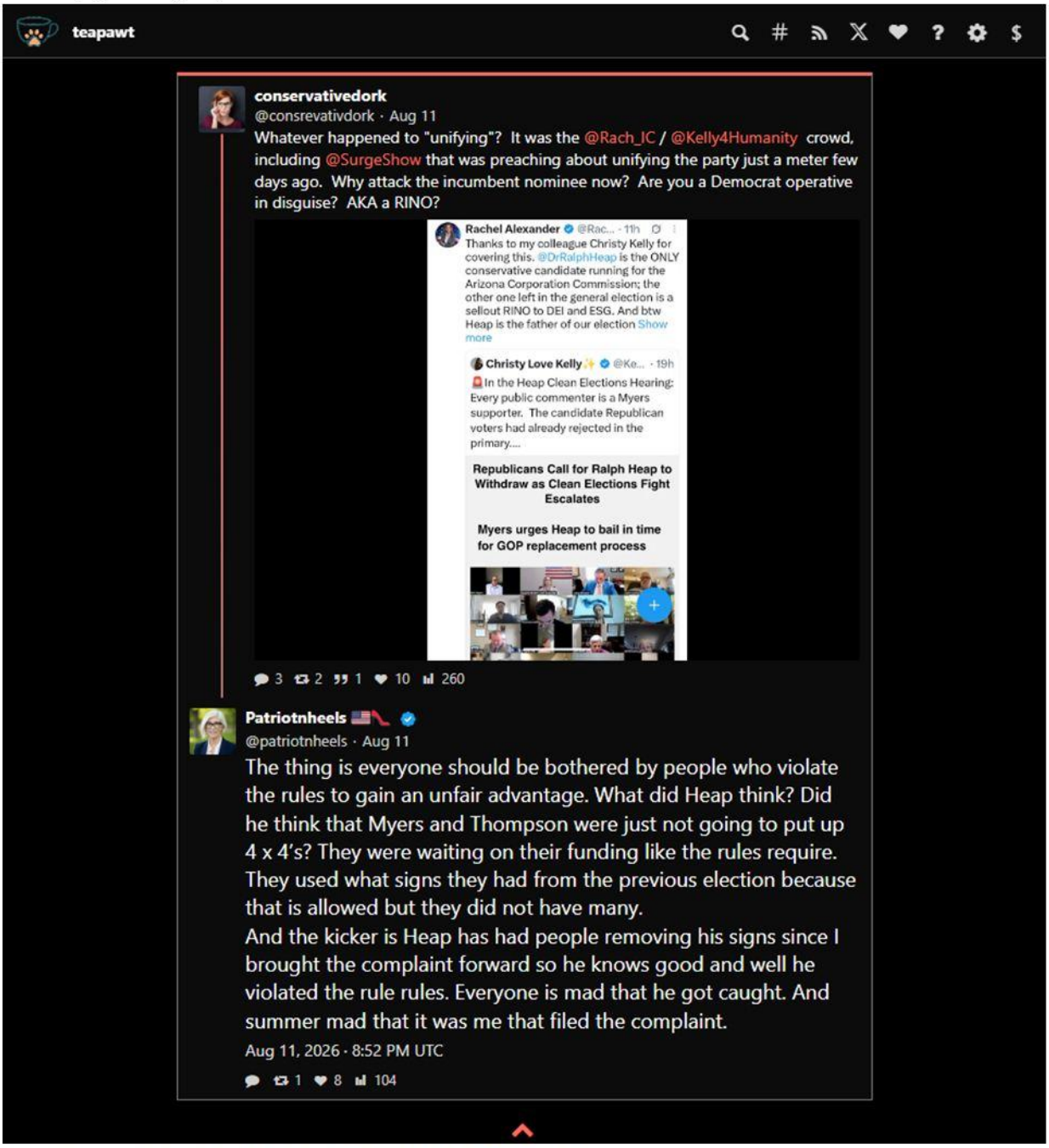
https://x.com/patriotnheels/status/2087317326299550002

17. Post · Aug 11, 2026 · 8:58 PM UTC



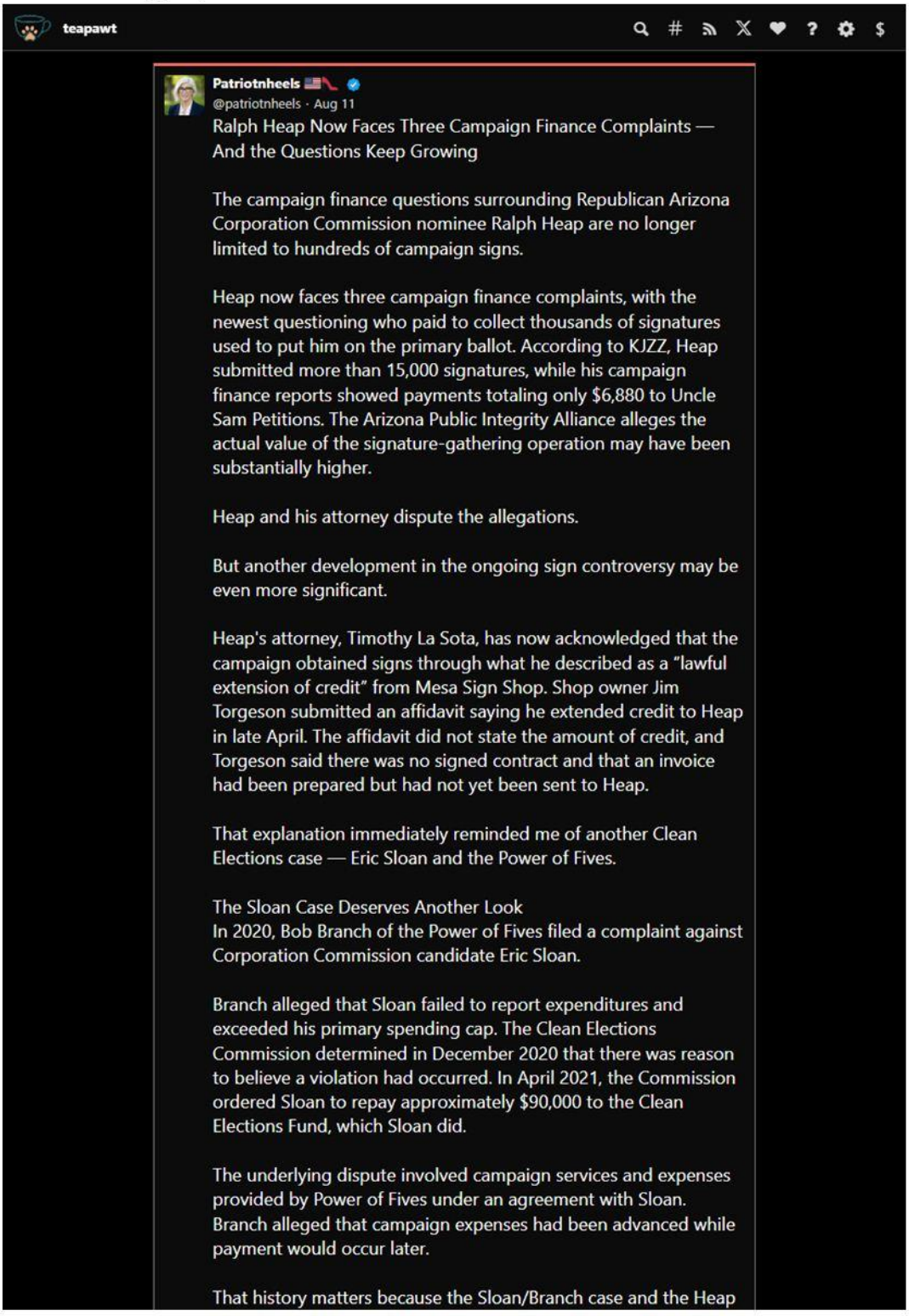
https://x.com/patriotnheels/status/2087282607268721097

18. Reply · Aug 11, 2026 · 8:52 PM UTC

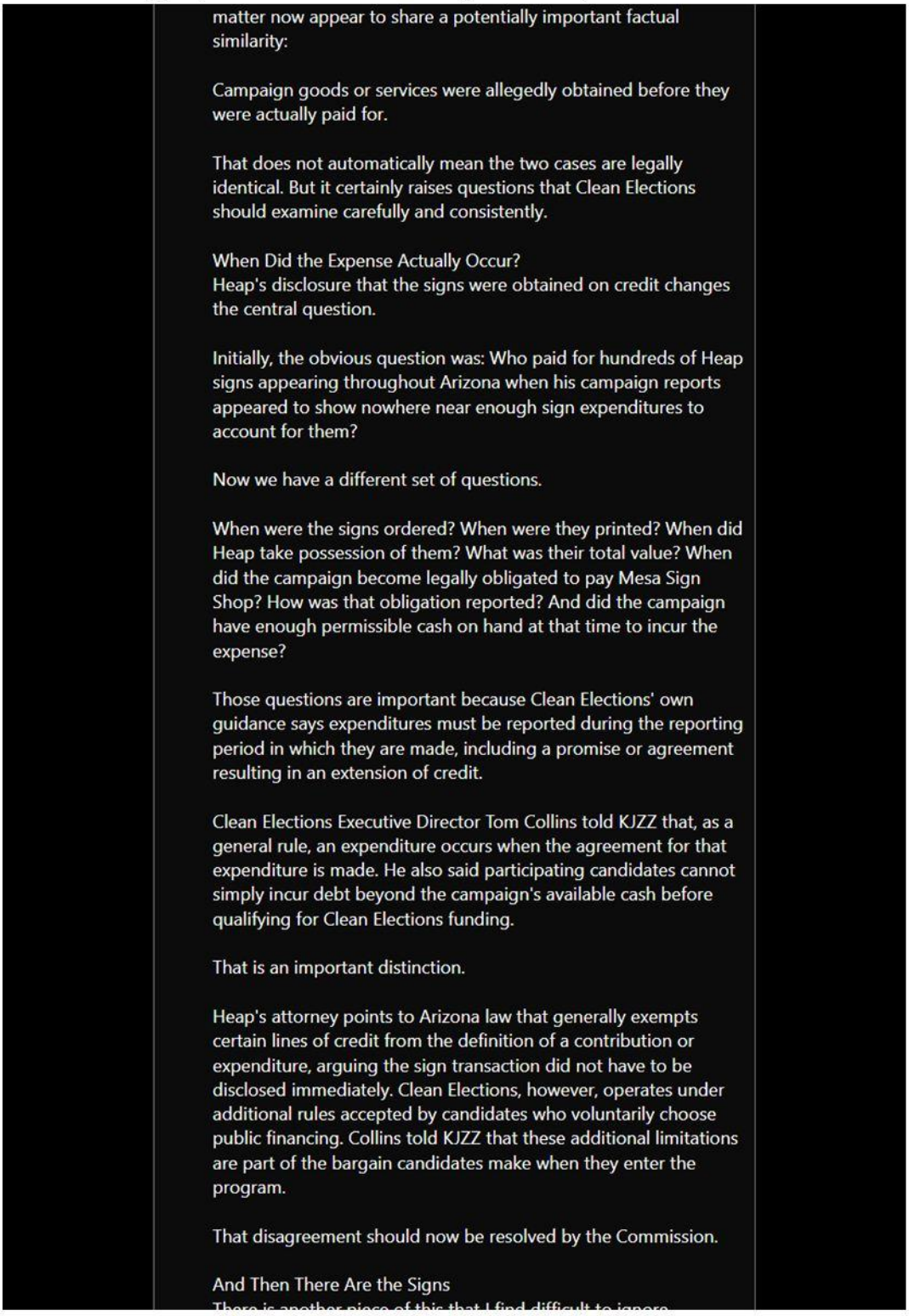


https://x.com/patriotnheels/status/2087281038330642689

19. Post · Aug 11, 2026 · 1:34 PM UTC



19. Post · Aug 11, 2026 · 1:34 PM UTC (continued)



matter now appear to share a potentially important factual similarity:

Campaign goods or services were allegedly obtained before they were actually paid for.

That does not automatically mean the two cases are legally identical. But it certainly raises questions that Clean Elections should examine carefully and consistently.

When Did the Expense Actually Occur?
Heap's disclosure that the signs were obtained on credit changes the central question.

Initially, the obvious question was: Who paid for hundreds of Heap signs appearing throughout Arizona when his campaign reports appeared to show nowhere near enough sign expenditures to account for them?

Now we have a different set of questions.

When were the signs ordered? When were they printed? When did Heap take possession of them? What was their total value? When did the campaign become legally obligated to pay Mesa Sign Shop? How was that obligation reported? And did the campaign have enough permissible cash on hand at that time to incur the expense?

Those questions are important because Clean Elections' own guidance says expenditures must be reported during the reporting period in which they are made, including a promise or agreement resulting in an extension of credit.

Clean Elections Executive Director Tom Collins told KJZZ that, as a general rule, an expenditure occurs when the agreement for that expenditure is made. He also said participating candidates cannot simply incur debt beyond the campaign's available cash before qualifying for Clean Elections funding.

That is an important distinction.

Heap's attorney points to Arizona law that generally exempts certain lines of credit from the definition of a contribution or expenditure, arguing the sign transaction did not have to be disclosed immediately. Clean Elections, however, operates under additional rules accepted by candidates who voluntarily choose public financing. Collins told KJZZ that these additional limitations are part of the bargain candidates make when they enter the program.

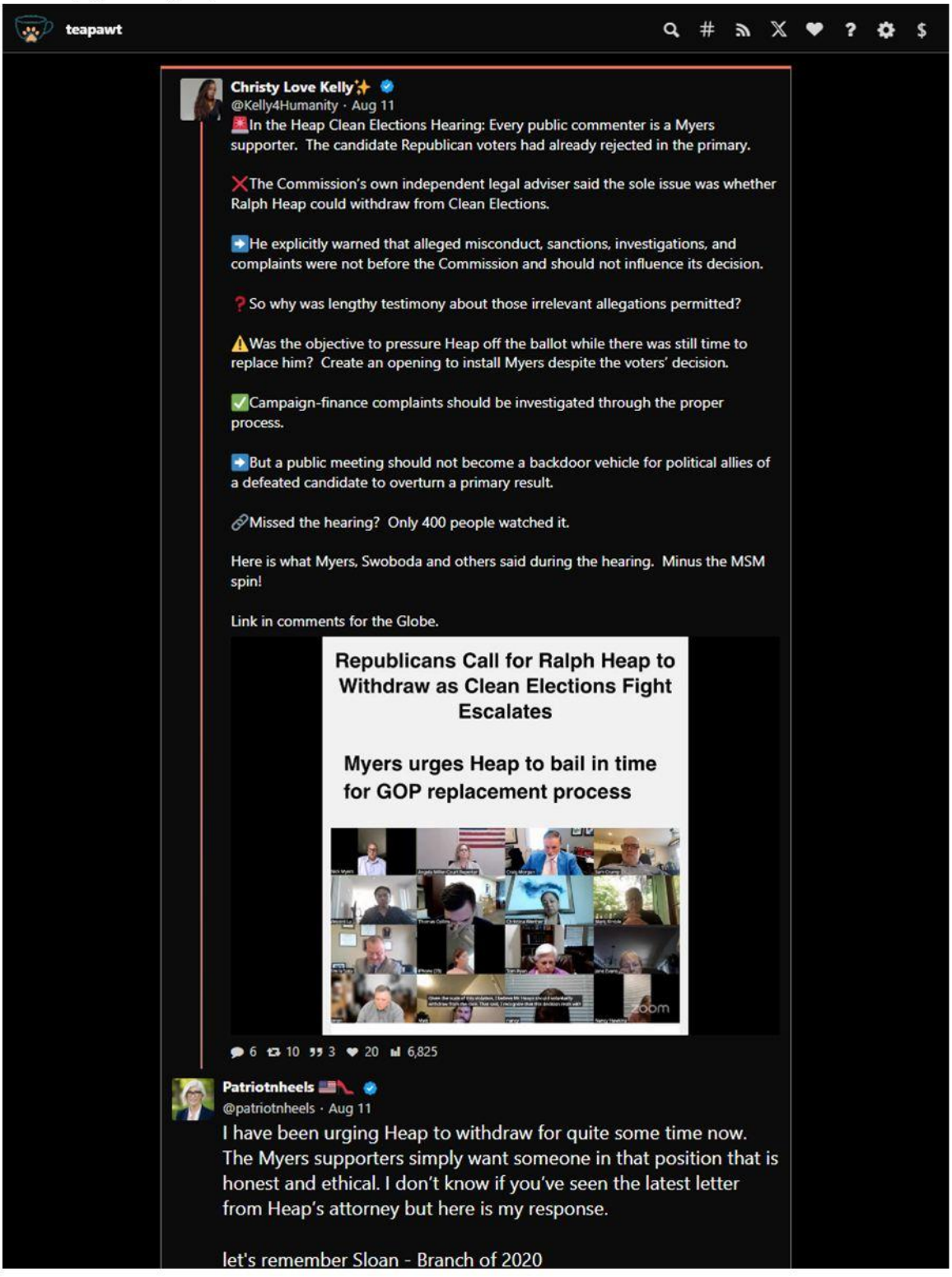
That disagreement should now be resolved by the Commission.

And Then There Are the Signs

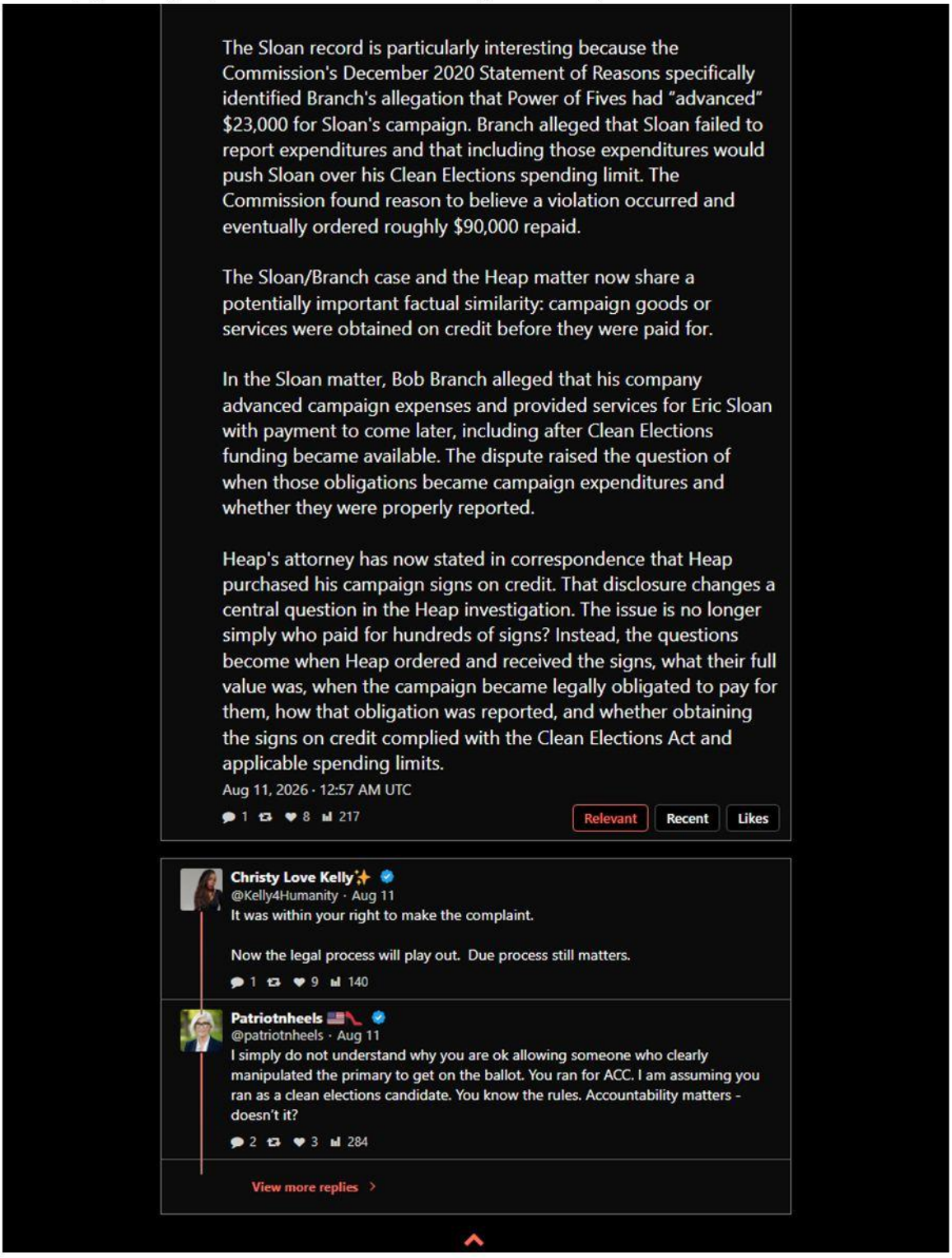
There is another piece of this that I find difficult to ignore

https://x.com/patriotnbeels/status/2087170885874770100

20. Reply · Aug 11, 2026 · 12:57 AM UTC

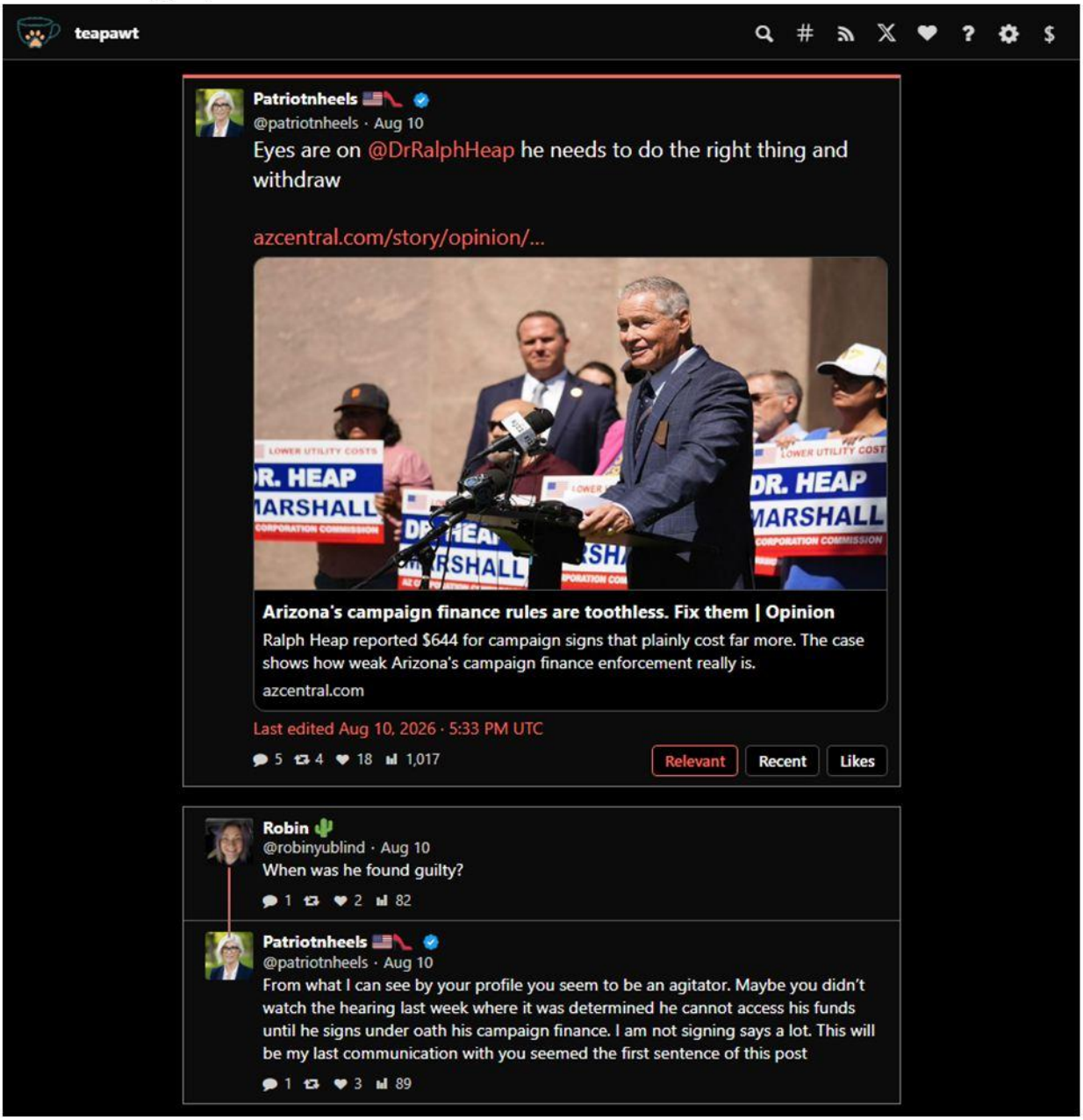


20. Reply · Aug 11, 2026 · 12:57 AM UTC (continued)

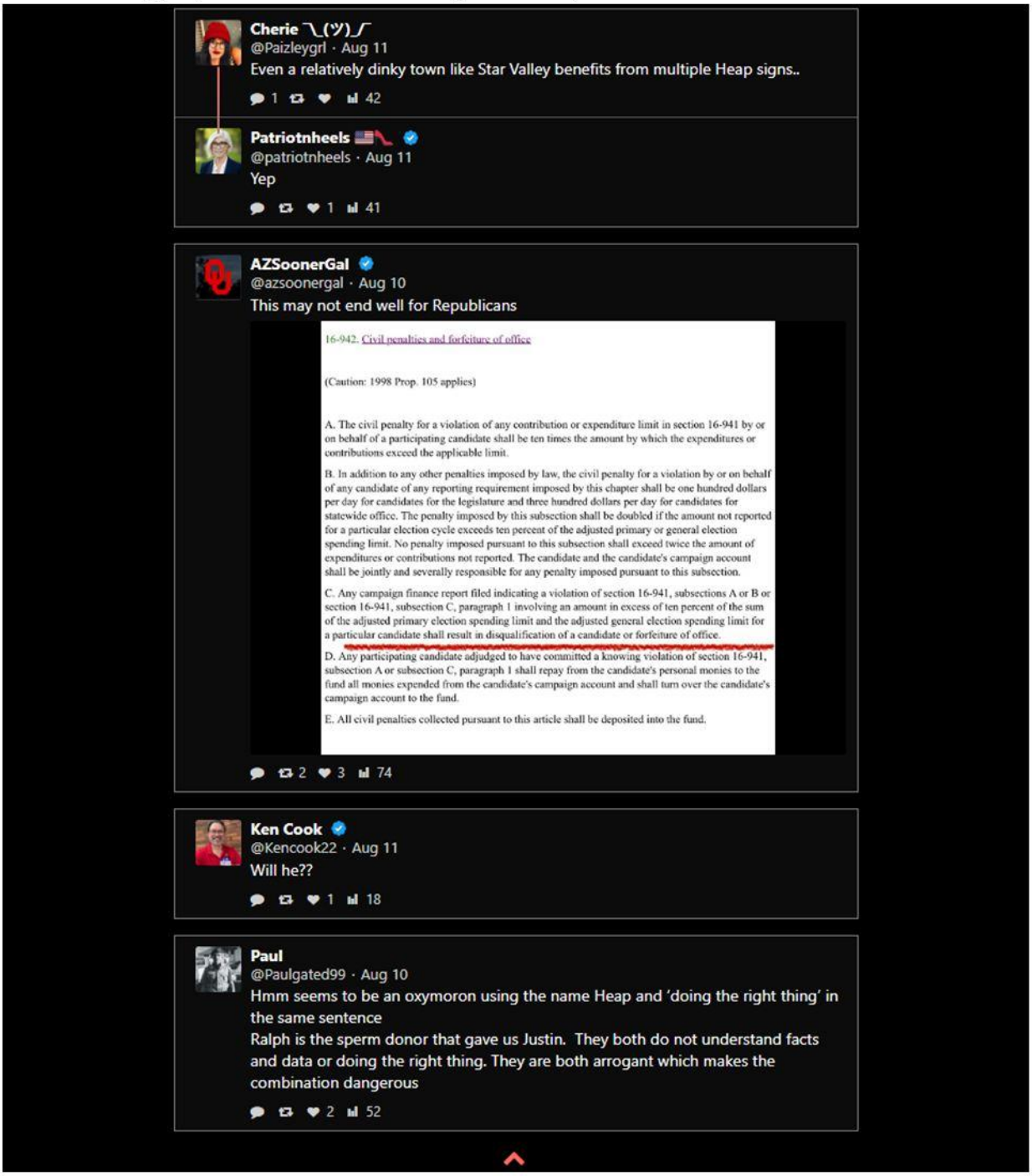


https://x.com/patriotnheels/status/2086980395267178929

21. Post · Aug 10, 2026 · 5:33 PM UTC

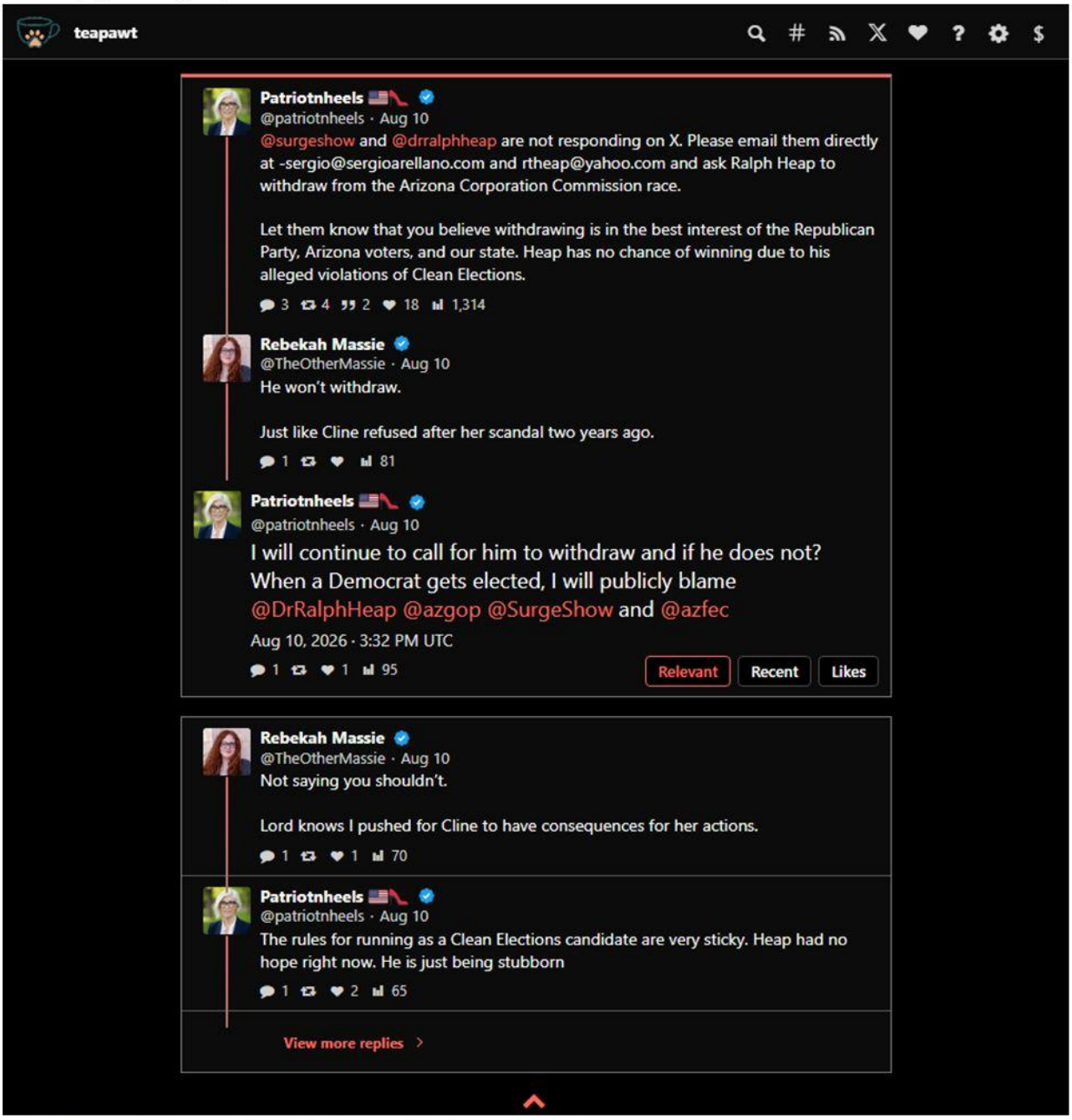


21. Post · Aug 10, 2026 · 5:33 PM UTC (continued)



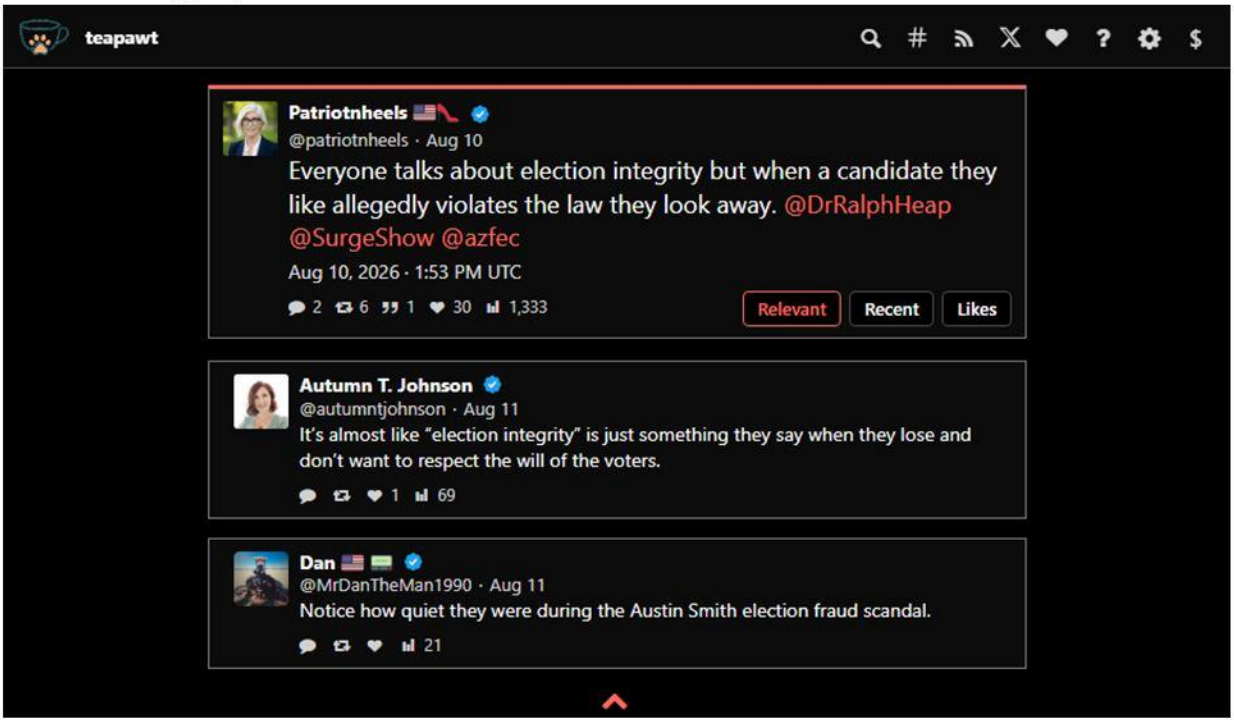
https://x.com/patriotnheels/status/2086868467593138205

22. Reply · Aug 10, 2026 · 3:32 PM UTC



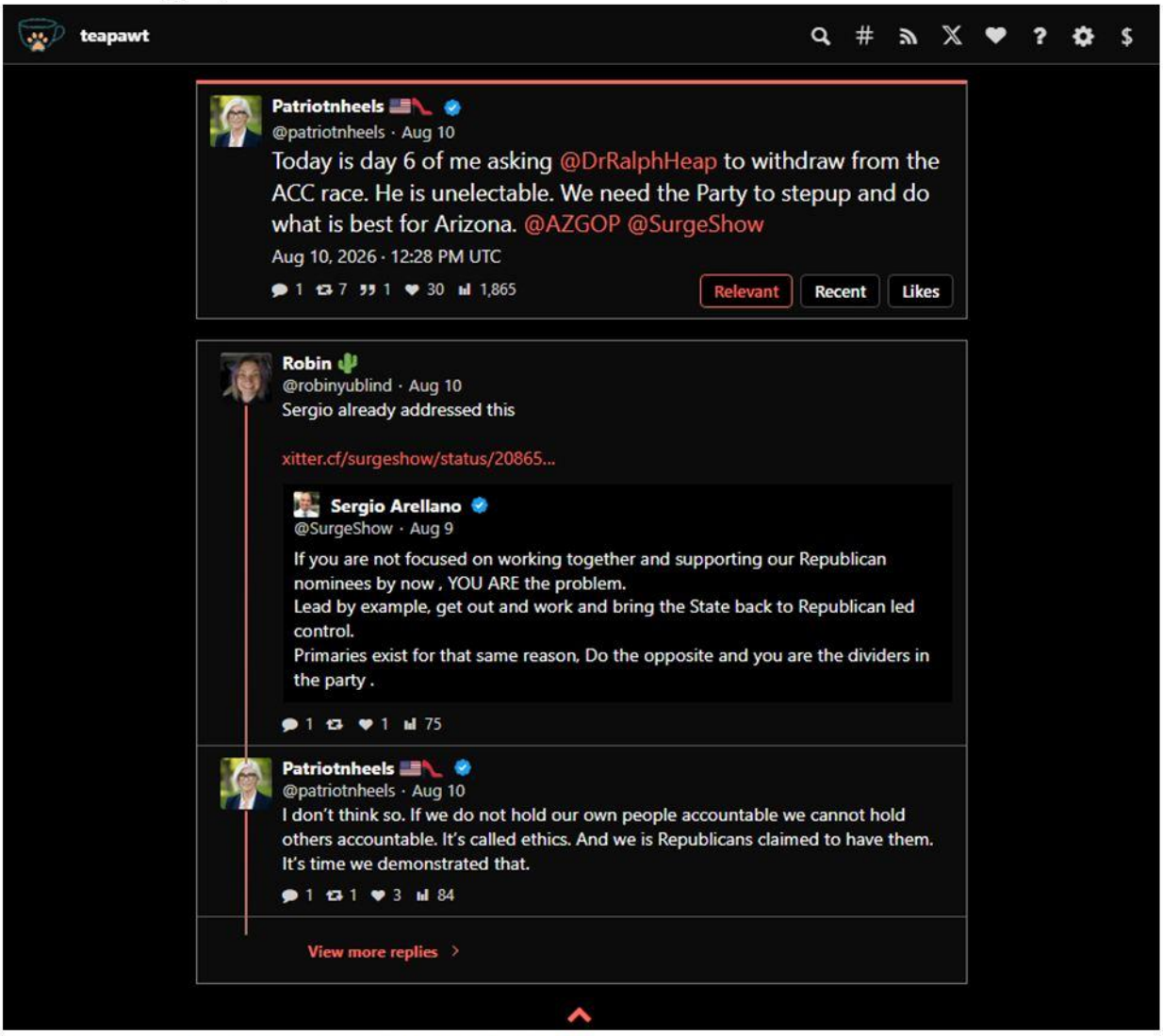
https://x.com/patriotnheels/status/2086838128929624382

23. Post · Aug 10, 2026 · 1:53 PM UTC



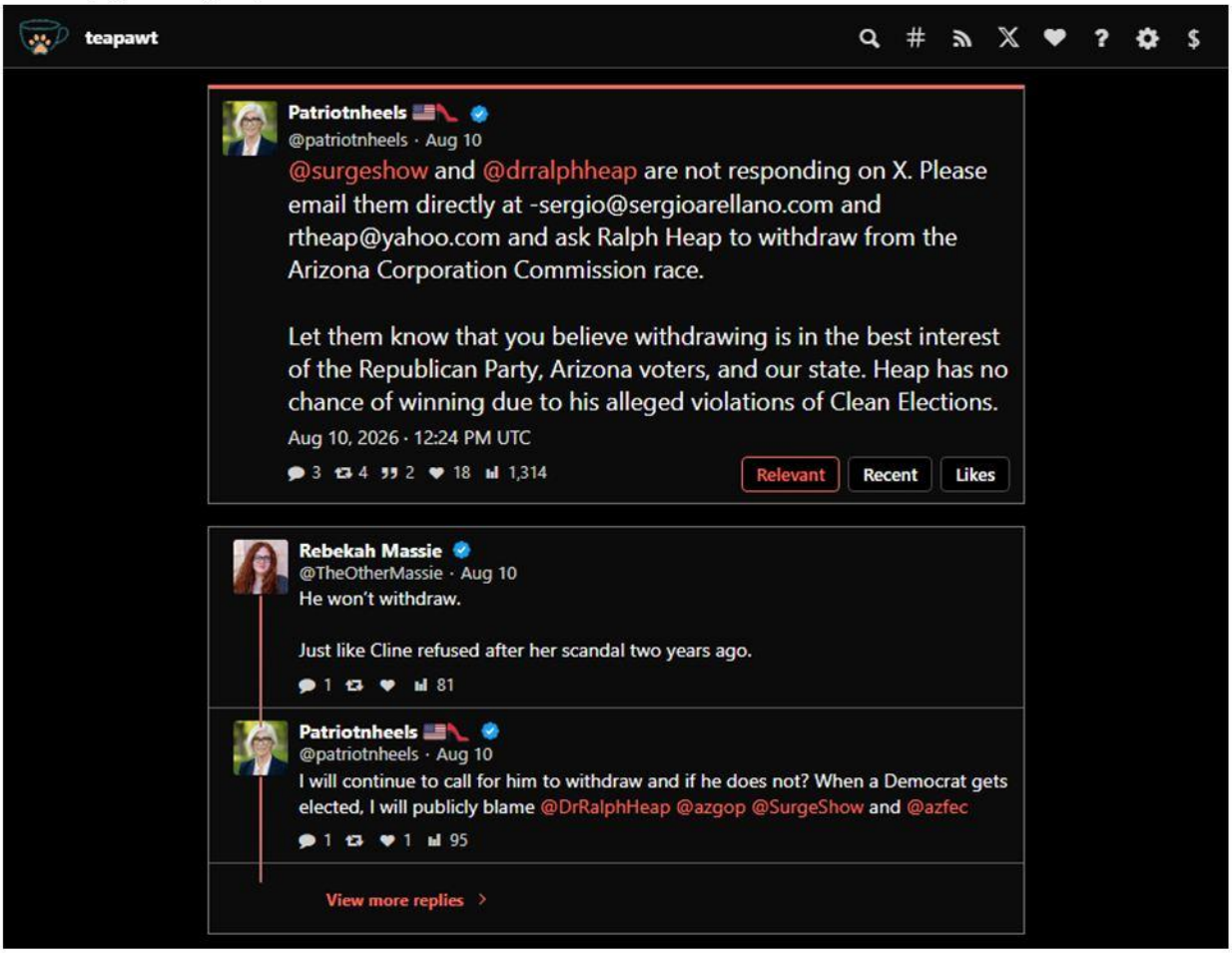
https://x.com/patriotnheels/status/2086813117724381199

24. Post · Aug 10, 2026 · 12:28 PM UTC

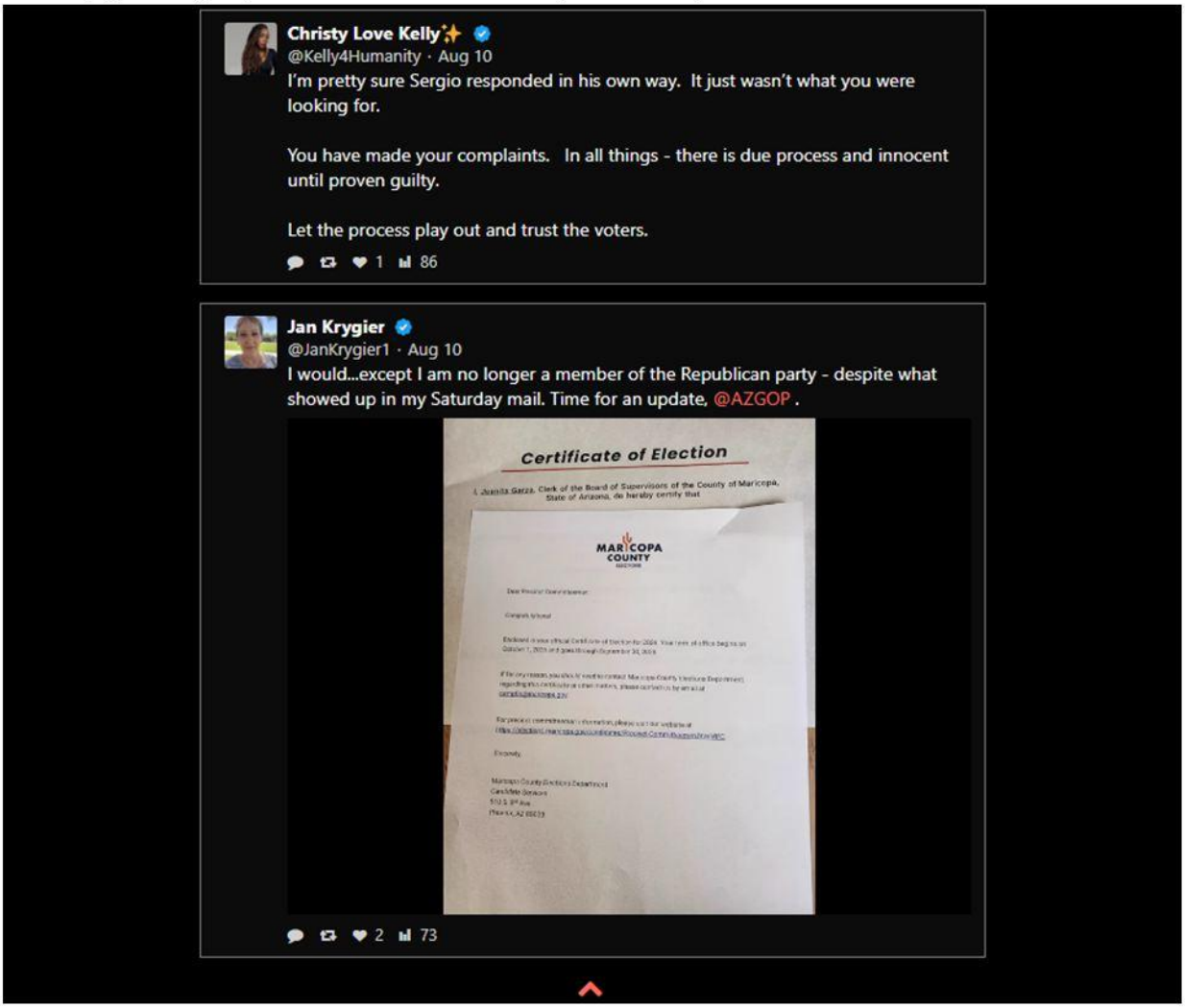


https://x.com/patriotnheels/status/2086791716586078586

25. Reply · Aug 10, 2026 · 12:24 PM UTC

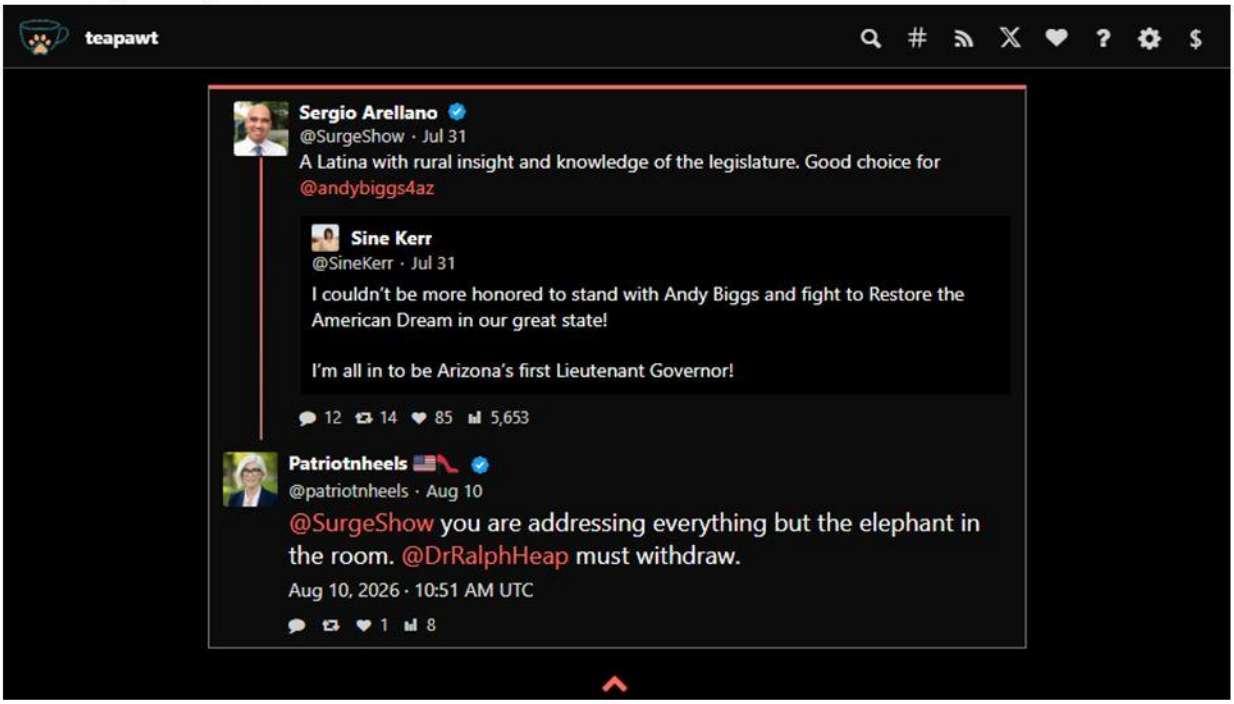


25. Reply · Aug 10, 2026 · 12:24 PM UTC (continued)



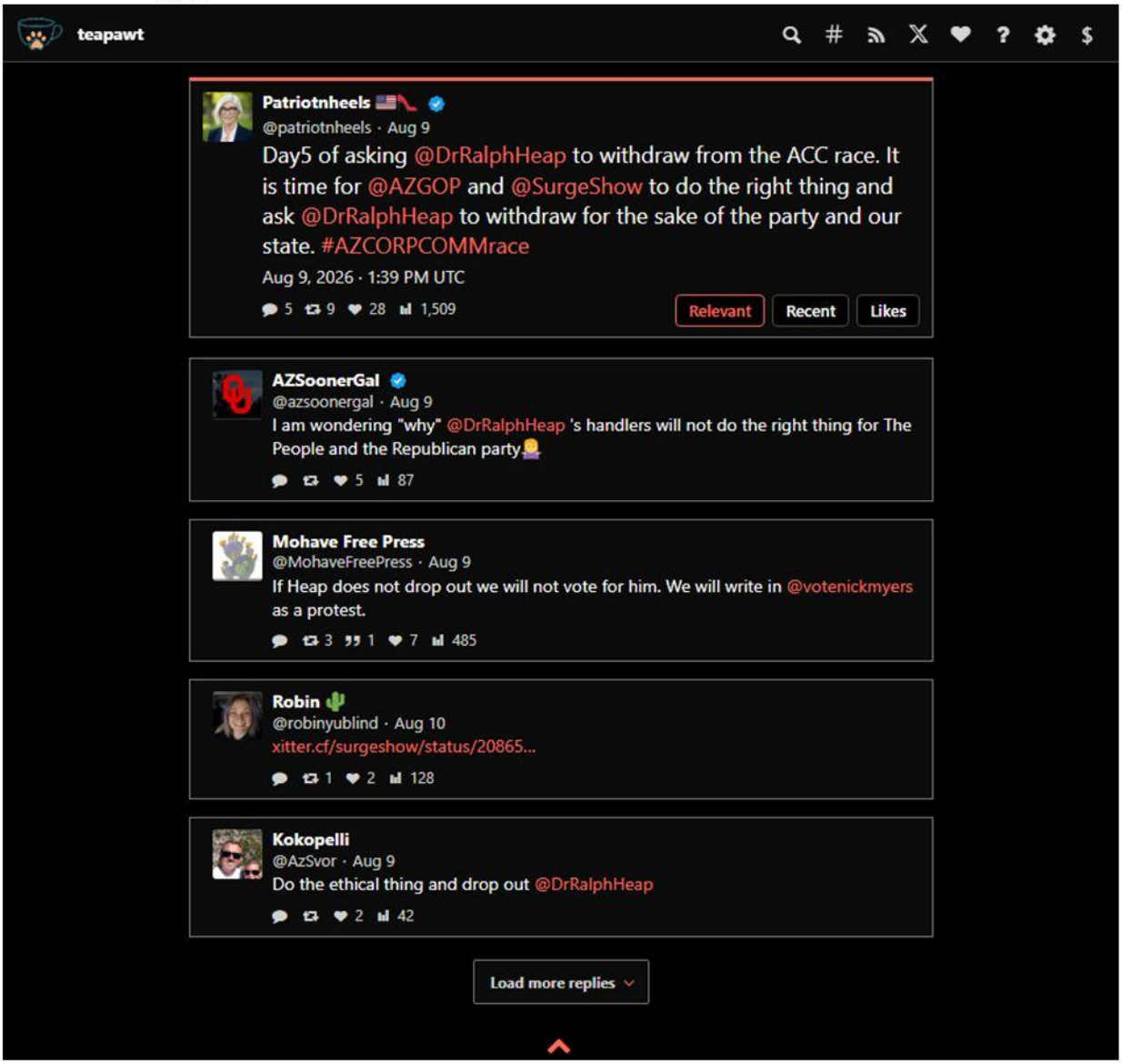
https://x.com/patriotnbeels/status/2086790867235307644

26. Reply · Aug 10, 2026 · 10:51 AM UTC



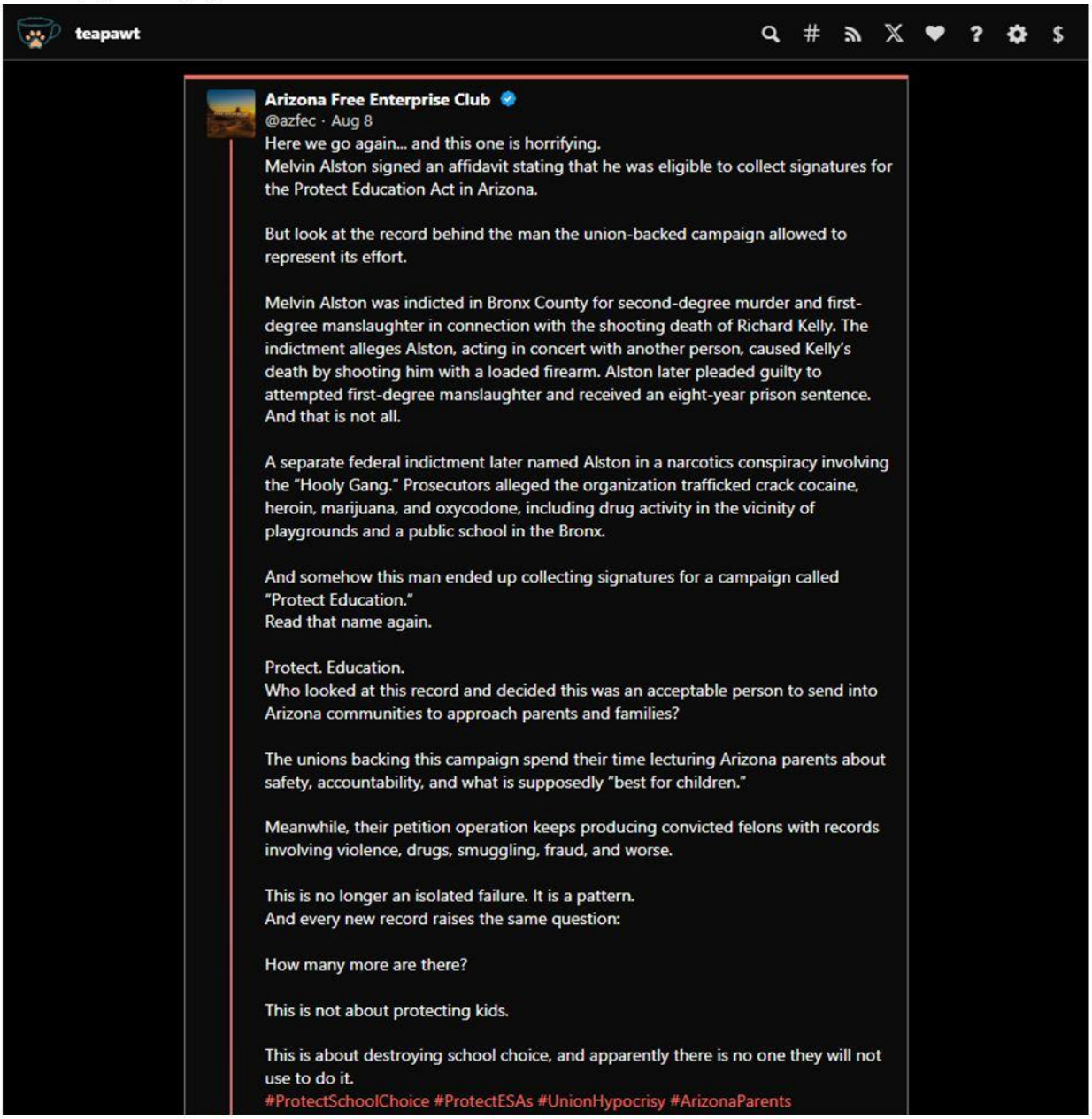
https://x.com/patriotnheels/status/2086767303333478559

27. Post · Aug 9, 2026 · 1:39 PM UTC

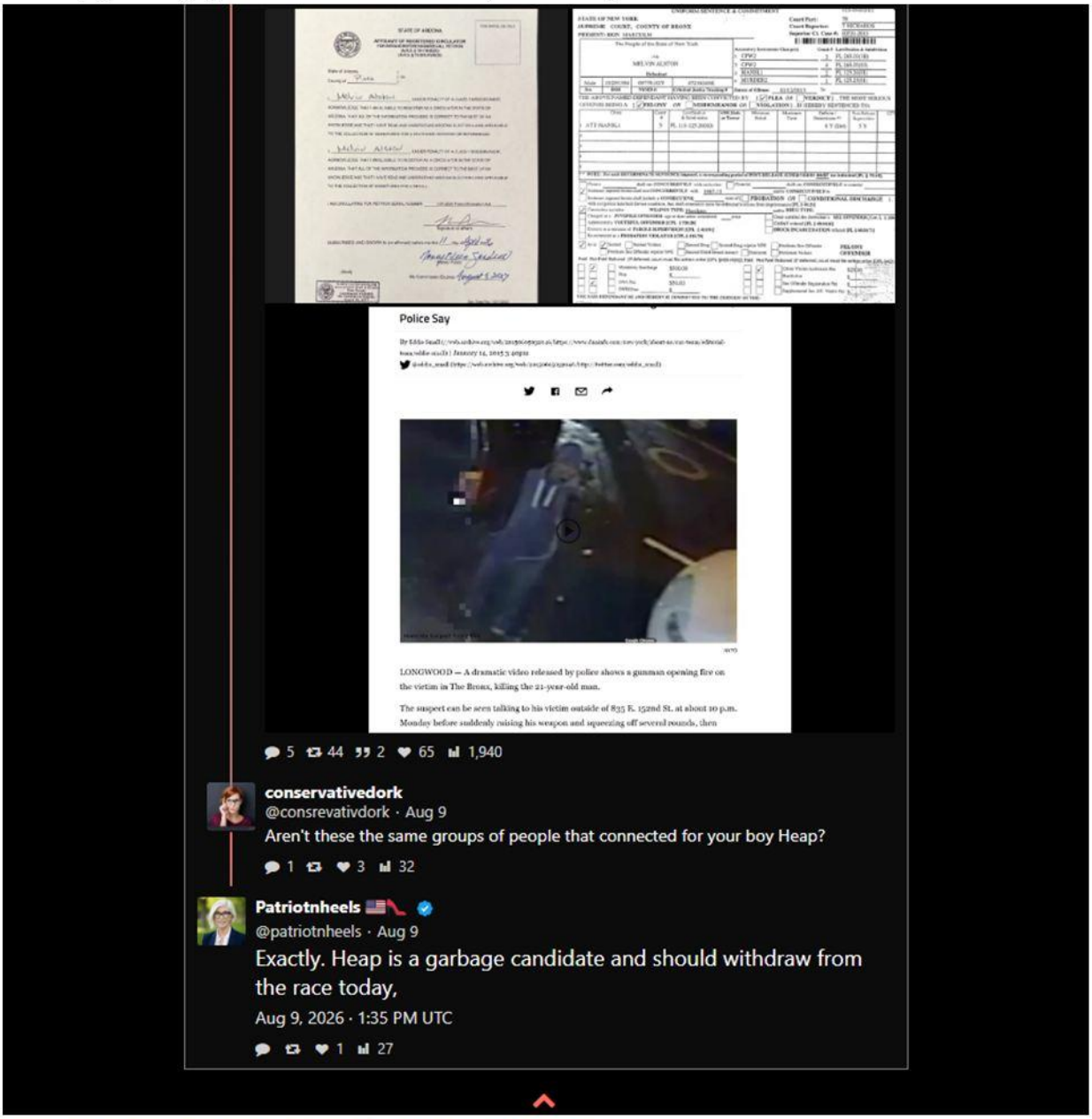


https://x.com/patriotnheels/status/2086447185369944544

28. Reply · Aug 9, 2026 · 1:35 PM UTC



28. Reply · Aug 9, 2026 · 1:35 PM UTC (continued)



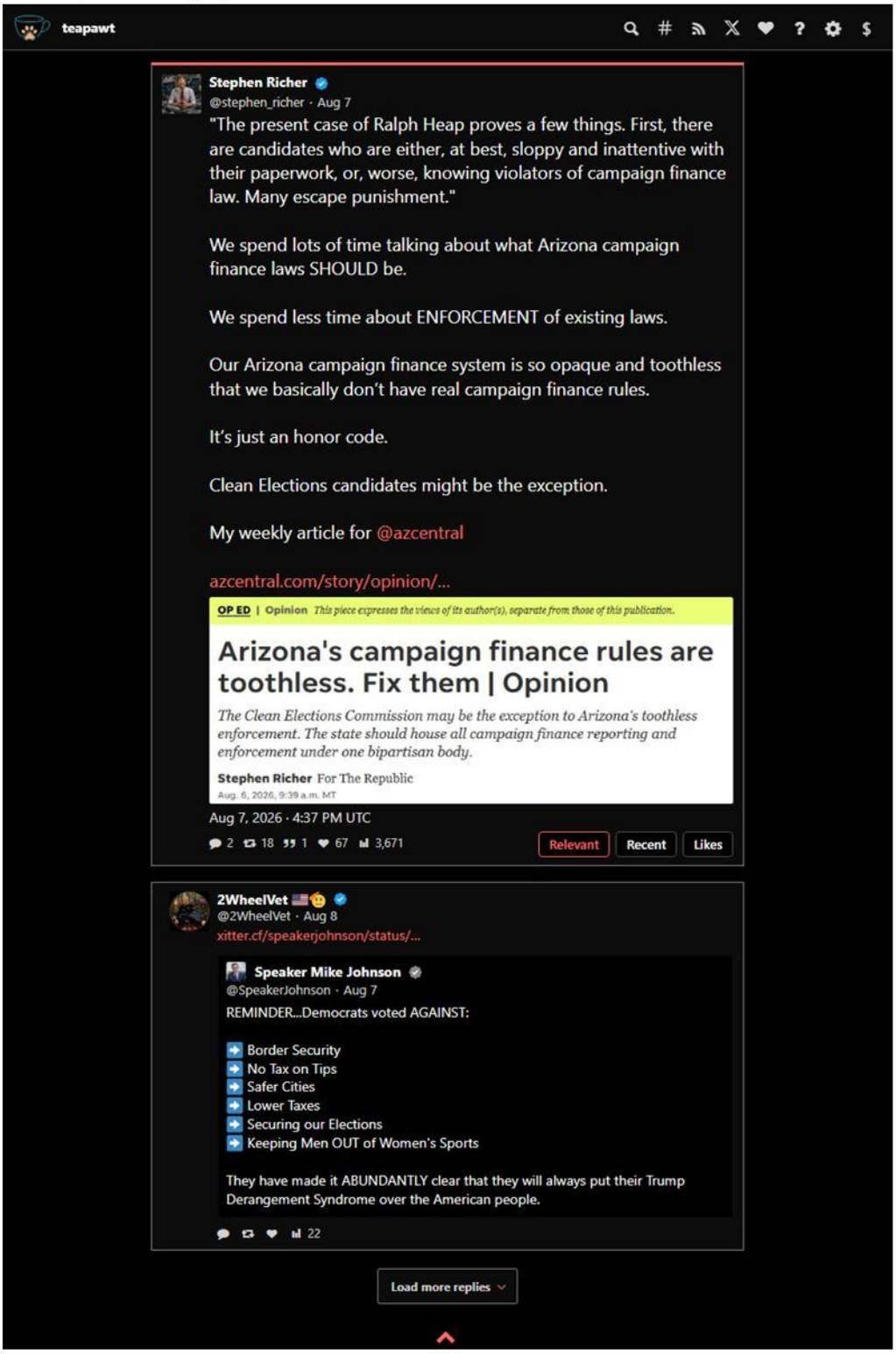
https://x.com/patriotnheels/status/2086446348572696709

29. Post · Aug 8, 2026 · 3:07 PM UTC



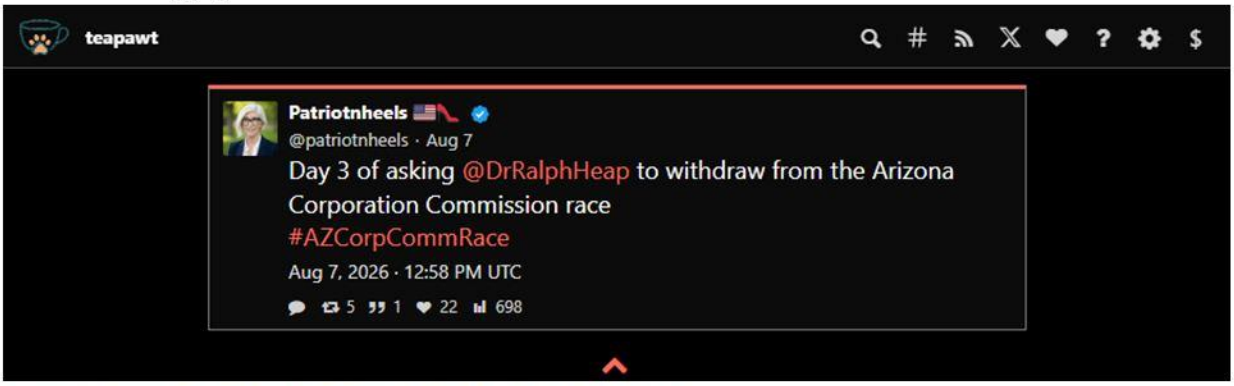
https://x.com/patriotnheels/status/2086106953789399044

30. Repost · Aug 7, 2026 · 4:37 PM UTC



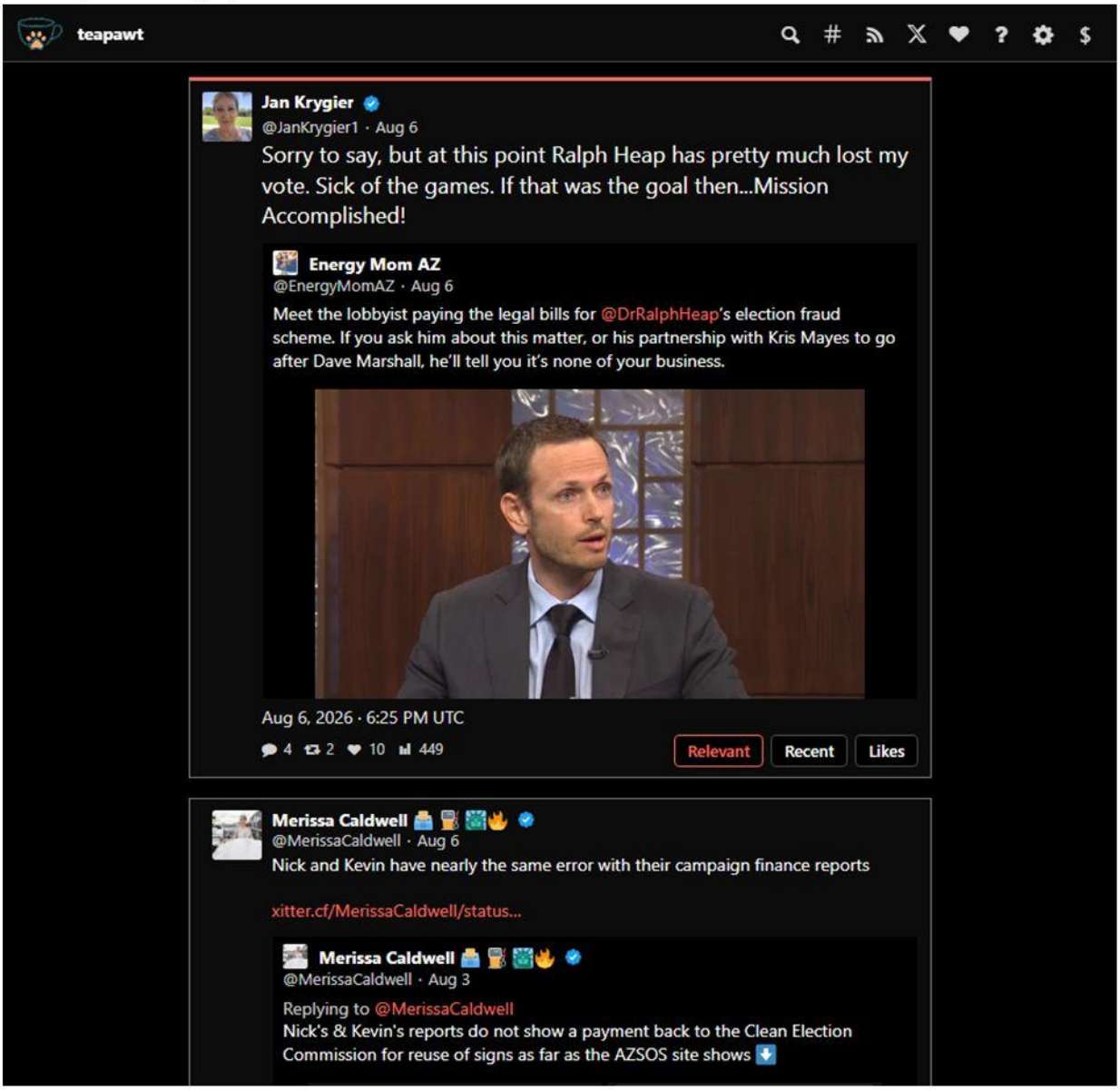
https://x.com/stephen_richer/status/2085767315426341112

31. Post · Aug 7, 2026 · 12:58 PM UTC

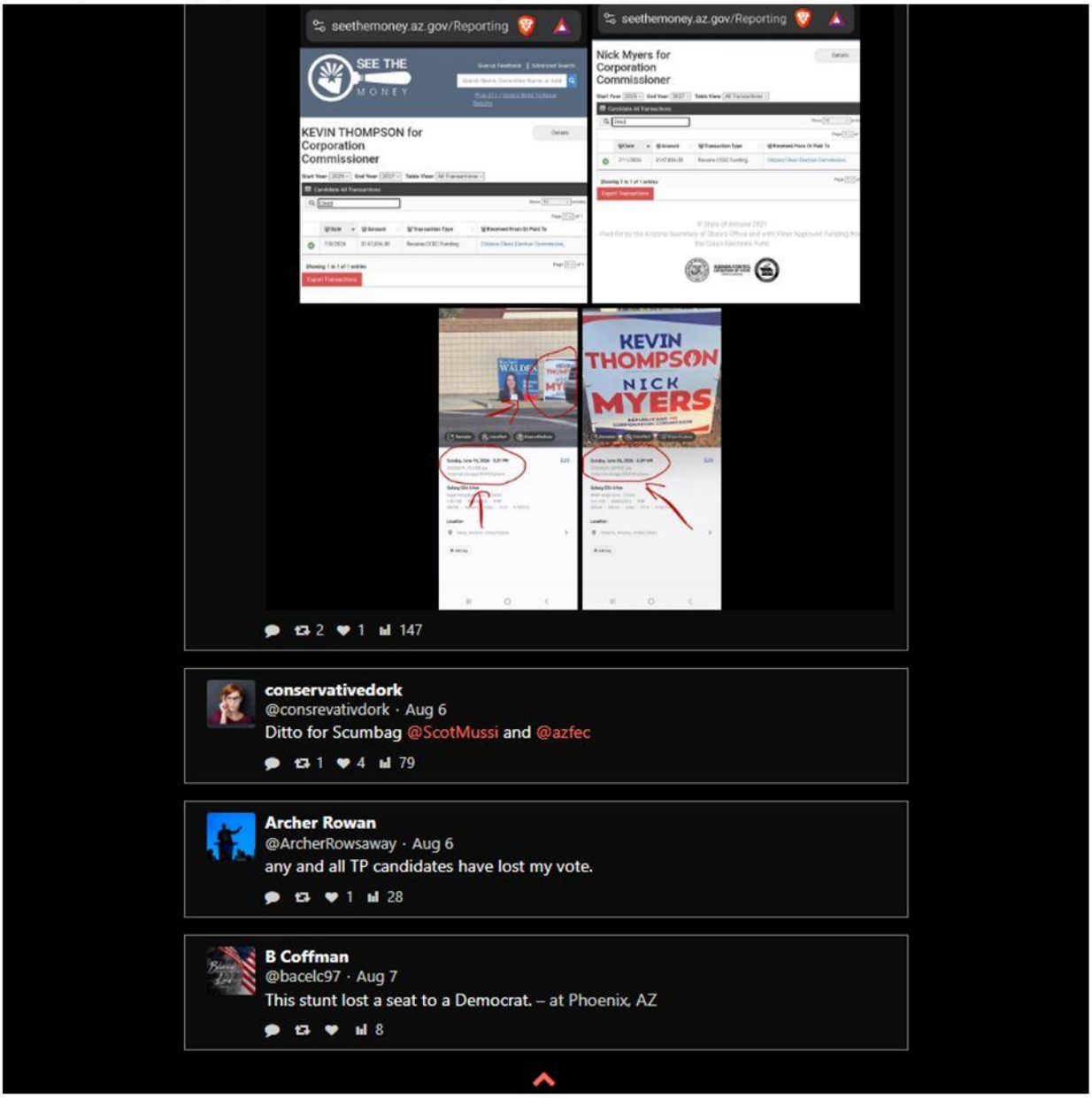


https://x.com/patriotnheels/status/2085712113868358032

32. Repost · Aug 6, 2026 · 6:25 PM UTC

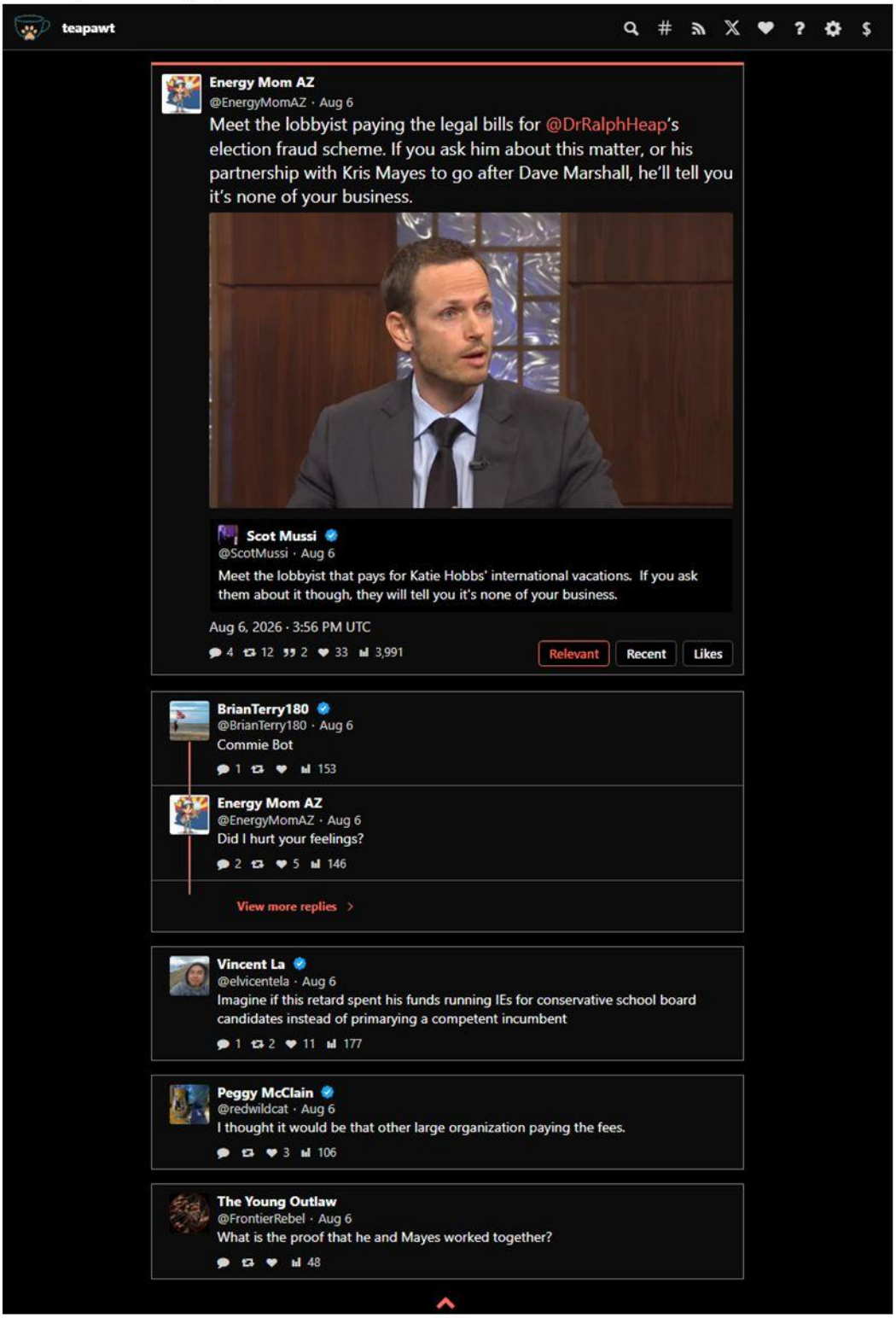


32. Repost · Aug 6, 2026 · 6:25 PM UTC (continued)



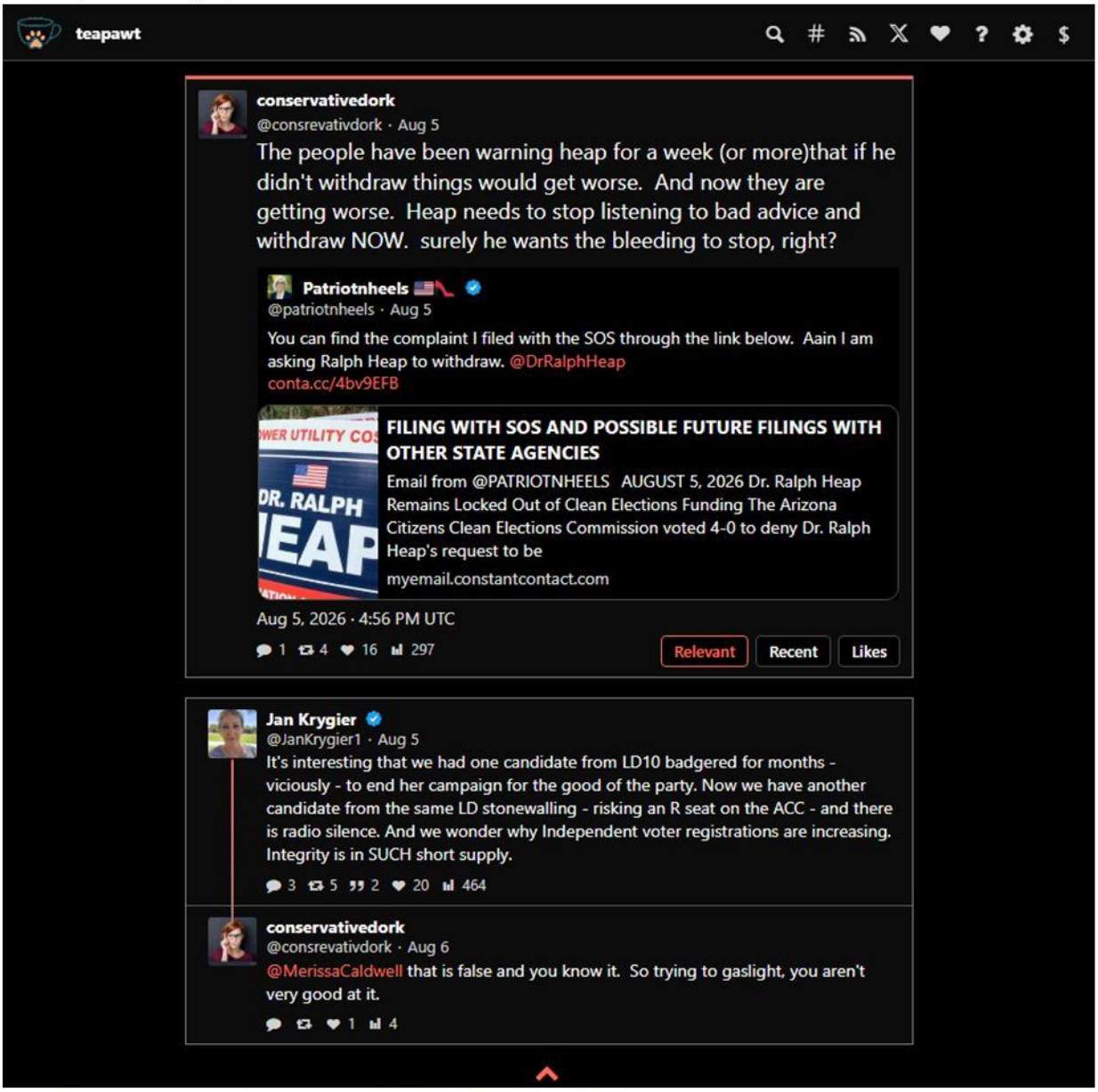
https://x.com/JanKrygier1/status/2085432171461001422

33. Repost · Aug 6, 2026 · 3:56 PM UTC



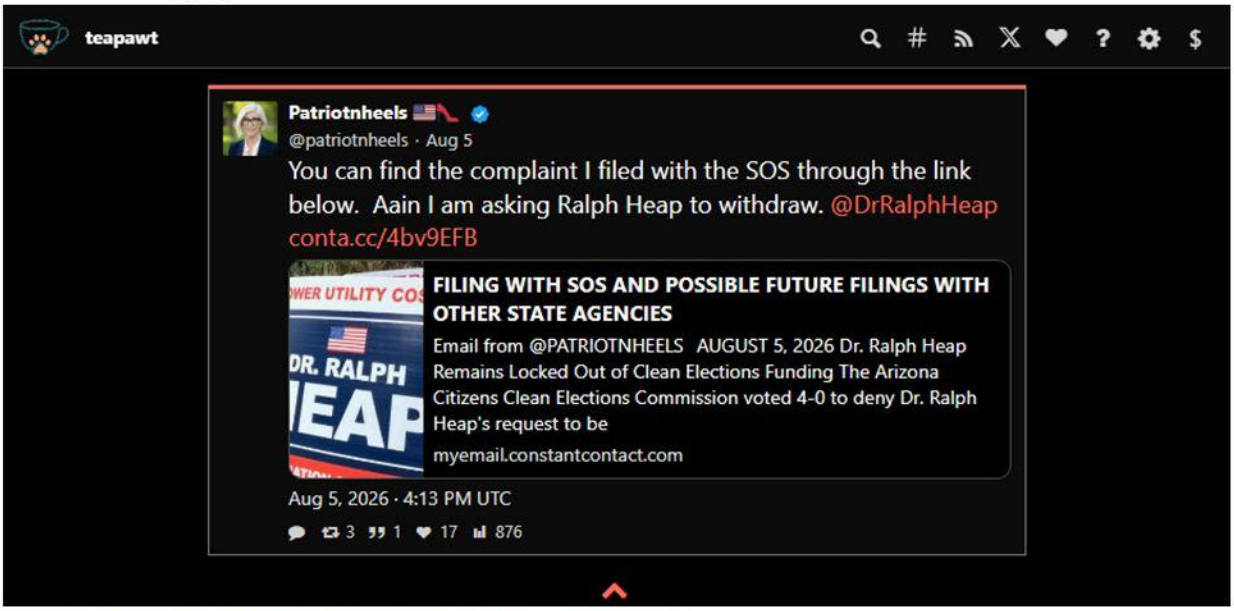
https://x.com/EnergyMomAZ/status/2085394502370680913

34. Repost · Aug 5, 2026 · 4:56 PM UTC



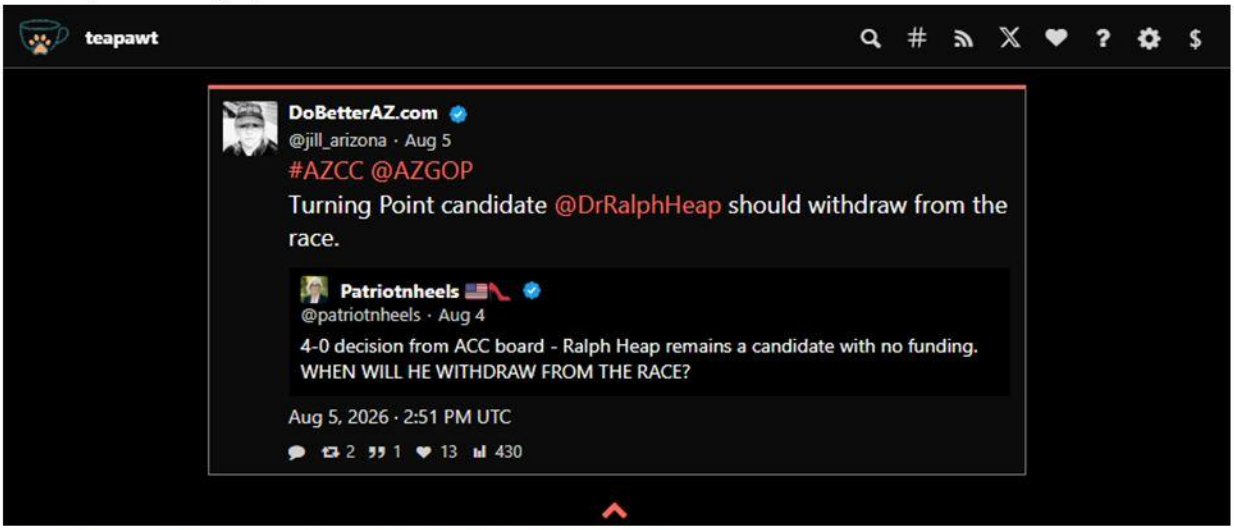
https://x.com/consrevativdork/status/2085047223545475222

35. Post · Aug 5, 2026 · 4:13 PM UTC



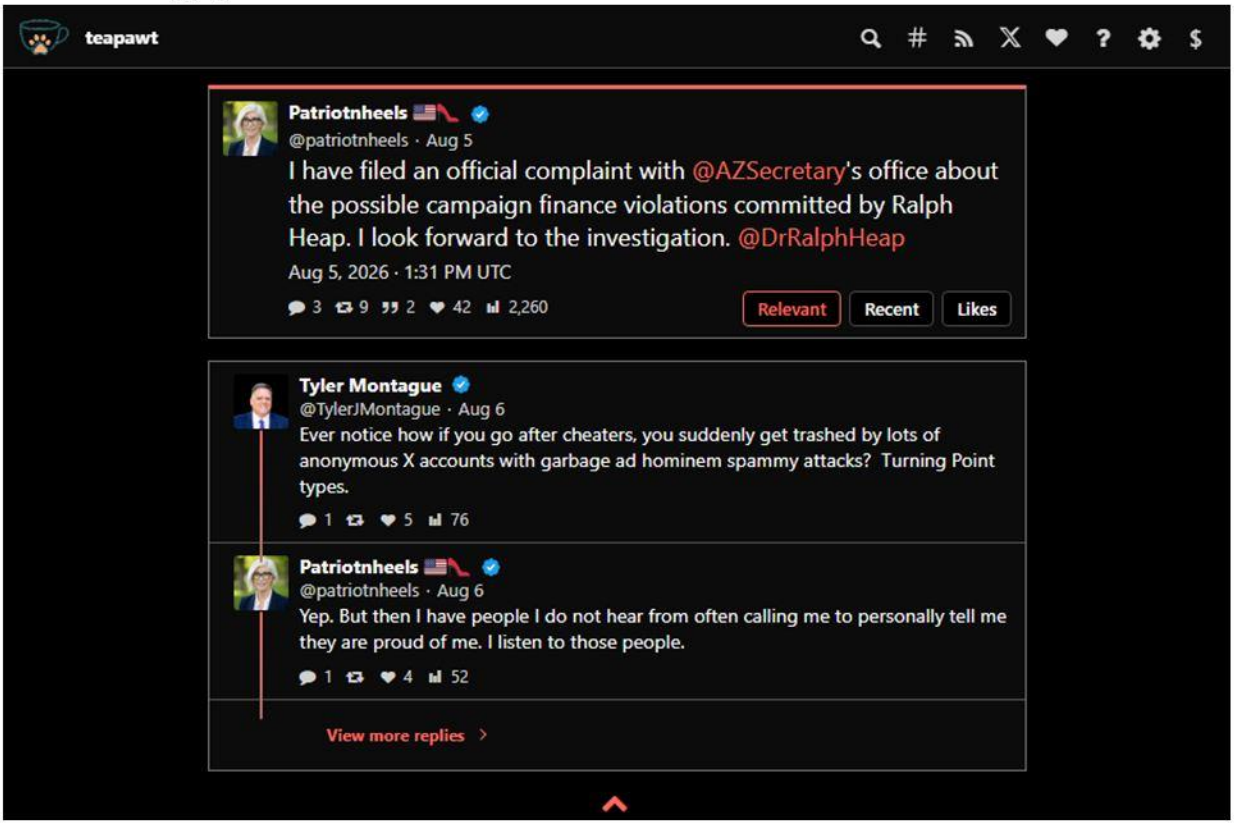
https://x.com/patriotnheels/status/2085036576904708606

36. Repost · Aug 5, 2026 · 2:51 PM UTC



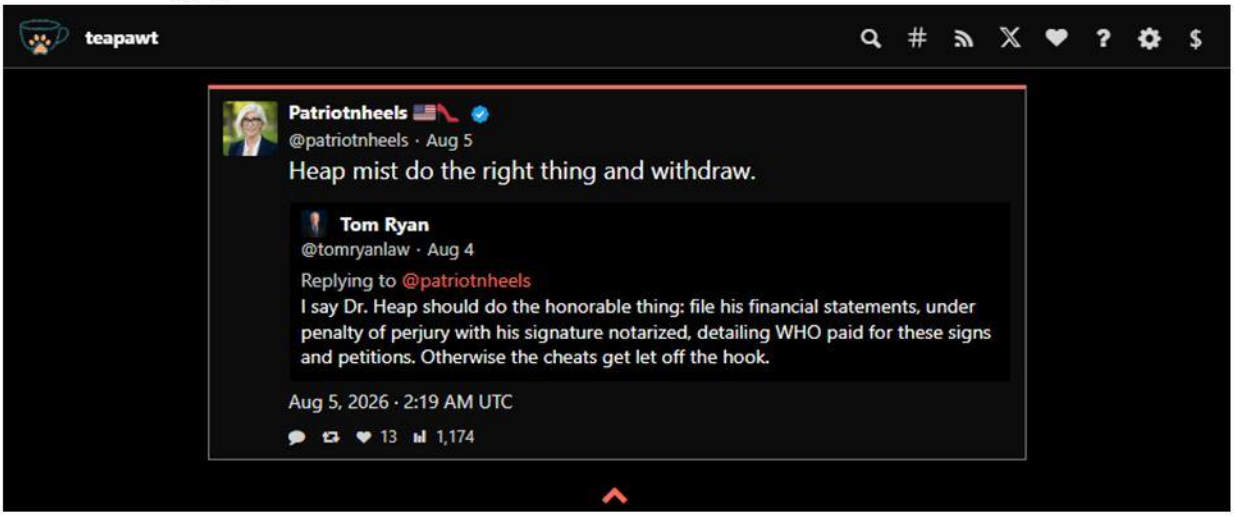
https://x.com/jill_arizona/status/2085015964341703167

37. Post · Aug 5, 2026 · 1:31 PM UTC



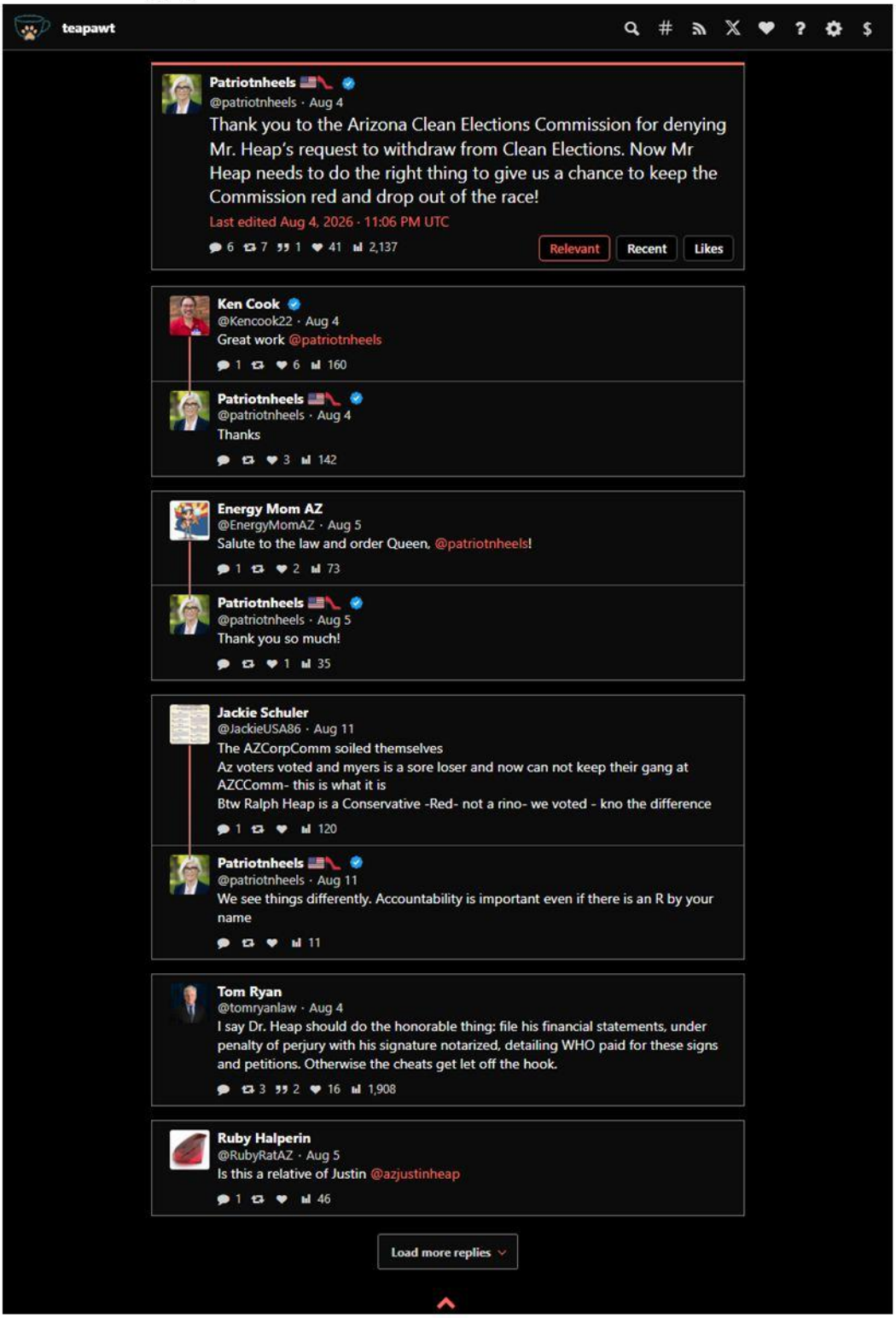
https://x.com/patriotnheels/status/2084995663557972426

38. Post · Aug 5, 2026 · 2:19 AM UTC



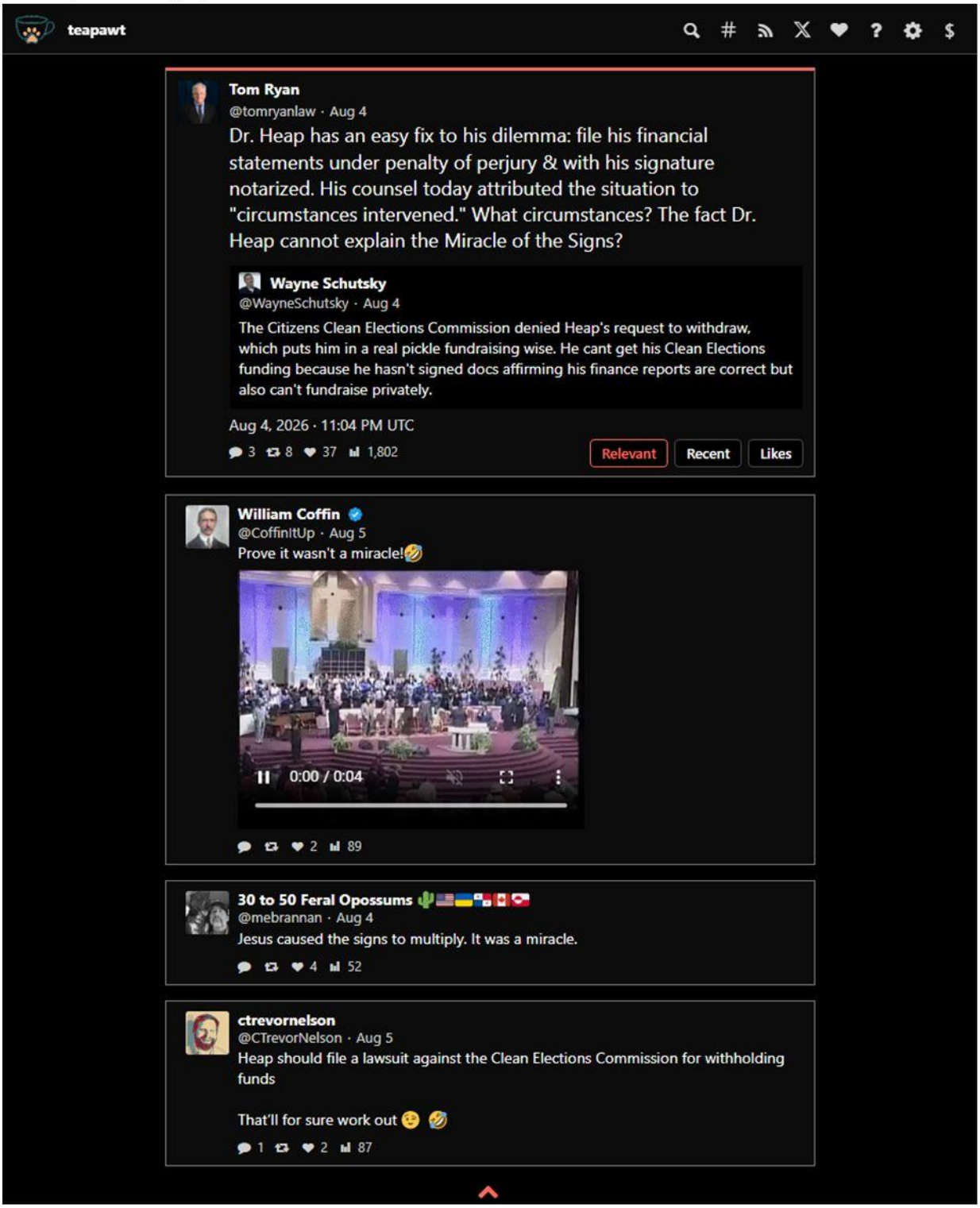
https://x.com/patriotnheels/status/2084826556535620077

39. Post · Aug 4, 2026 · 11:06 PM UTC



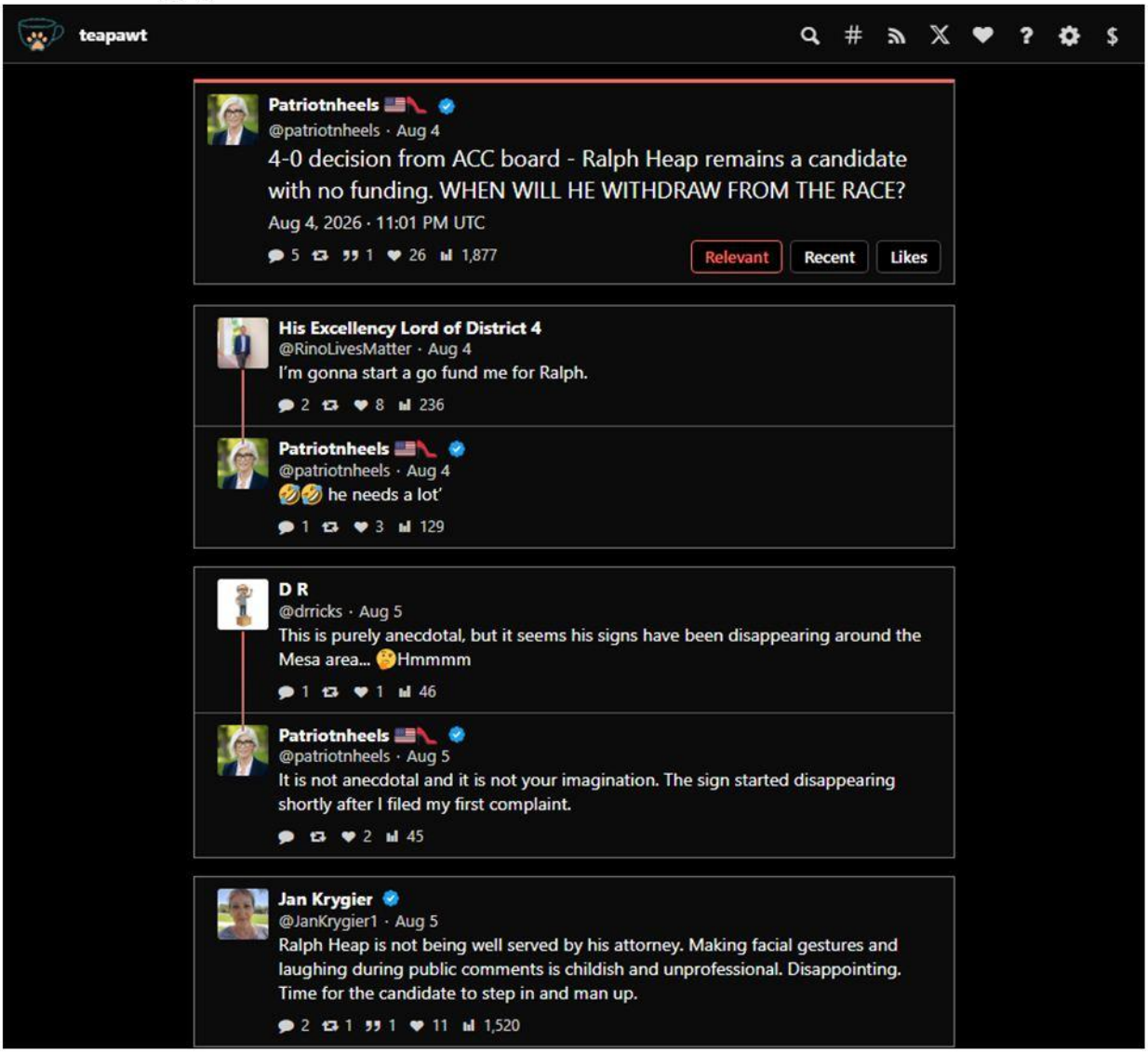
https://x.com/patriotnheels/status/2084777947295330629

40. Repost · Aug 4, 2026 · 11:04 PM UTC



https://x.com/tomryanlaw/status/2084777570760093736

41. Post · Aug 4, 2026 · 11:01 PM UTC

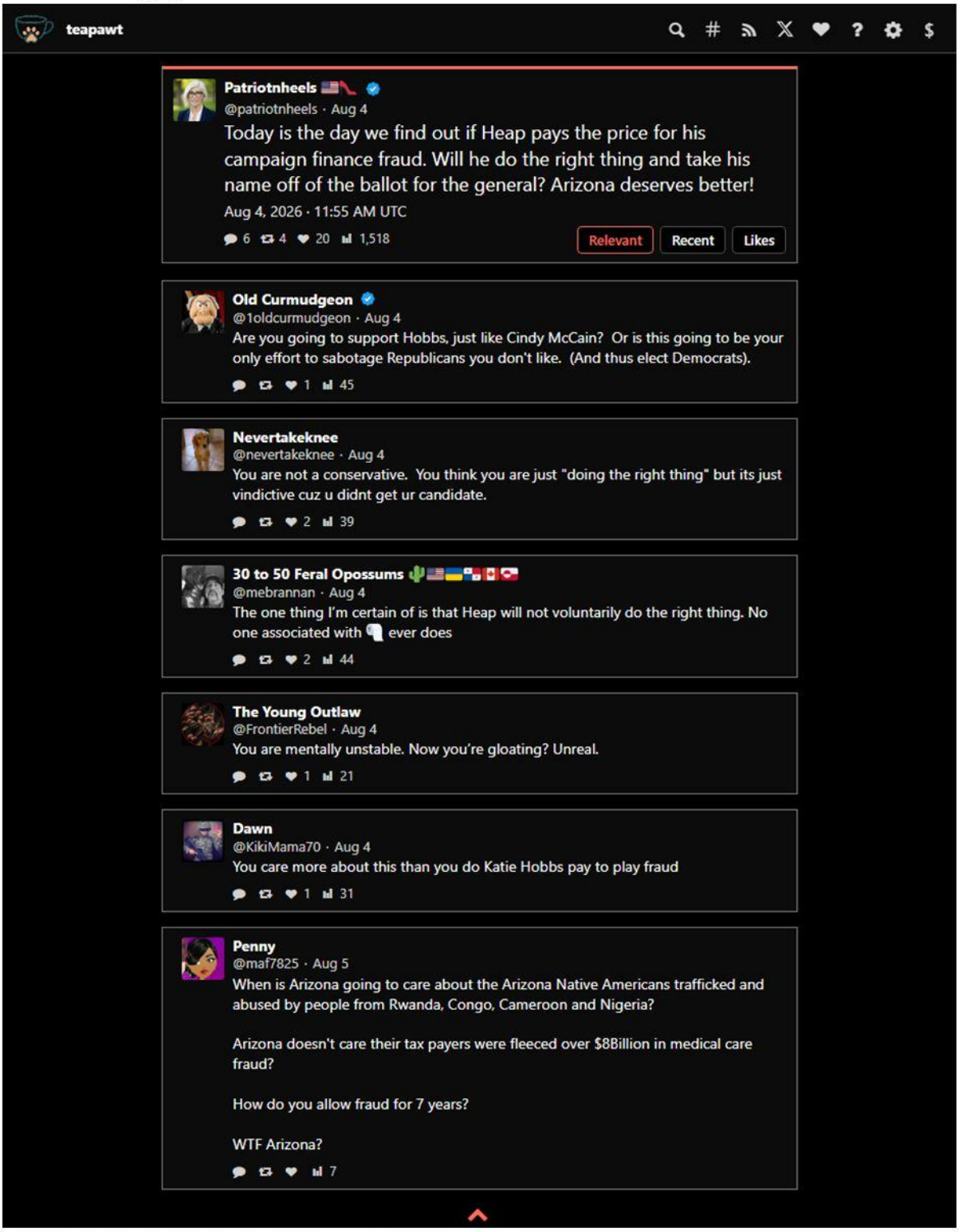


41. Post · Aug 4, 2026 · 11:01 PM UTC (continued)



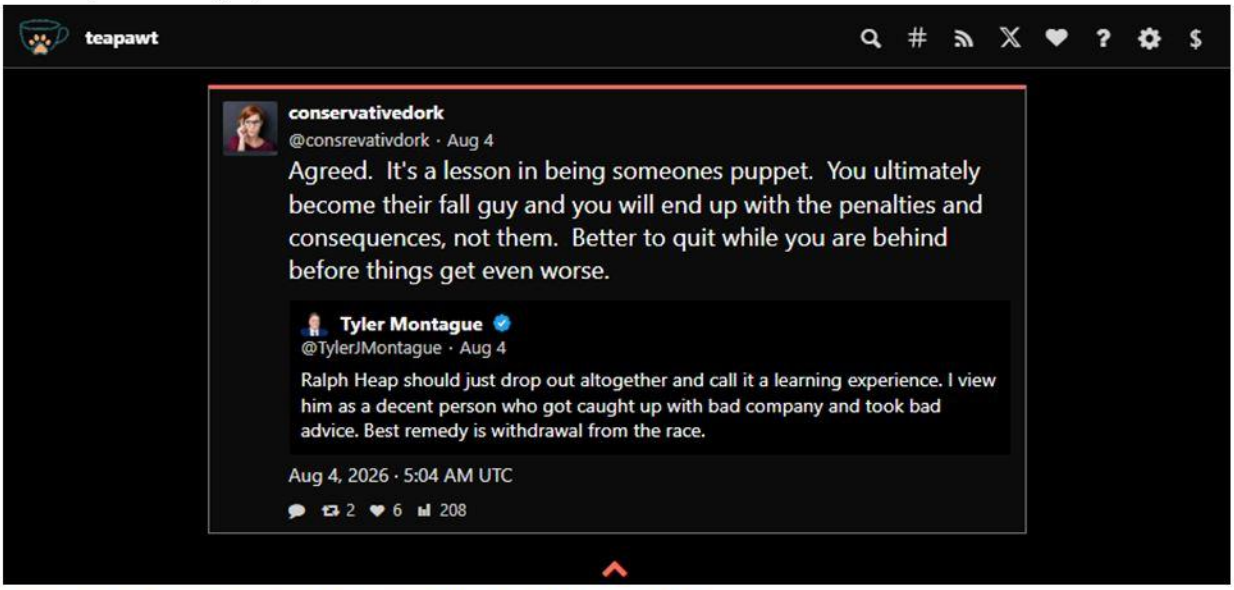
https://x.com/patriotnheels/status/2084776733937643916

42. Post · Aug 4, 2026 · 11:55 AM UTC



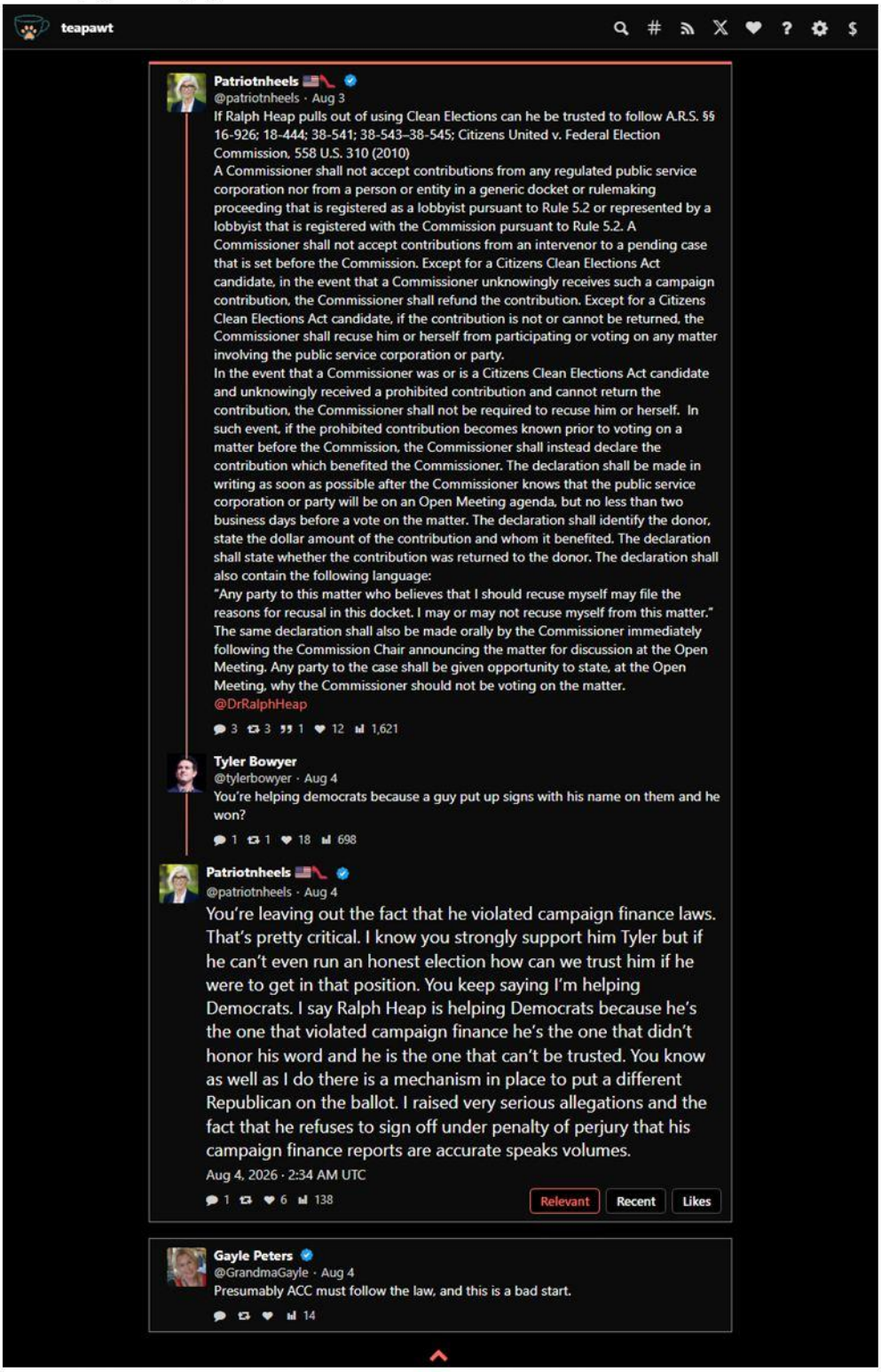
https://x.com/patriotnheels/status/2084609065511244159

43. Repost · Aug 4, 2026 · 5:04 AM UTC



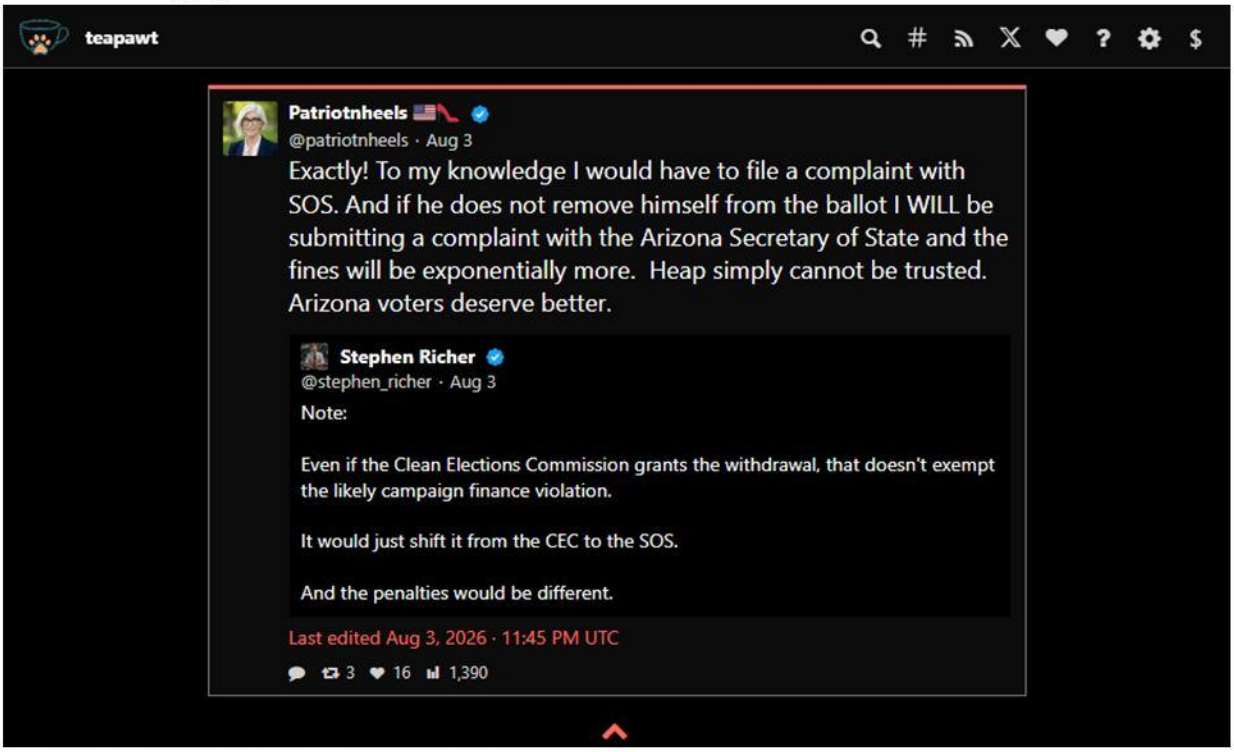
https://x.com/consrevativdork/status/2084505654446661643

44. Reply · Aug 4, 2026 · 2:34 AM UTC



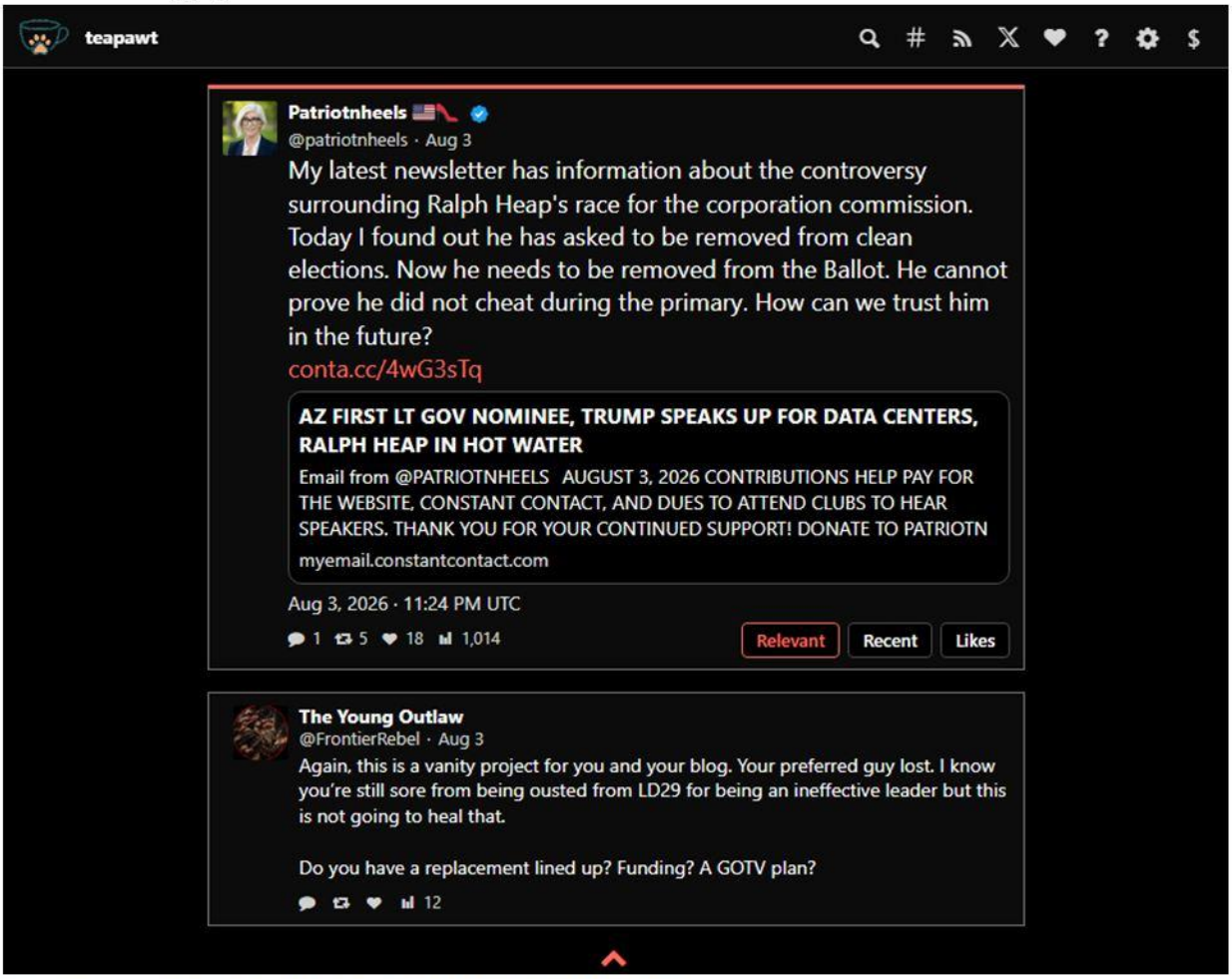
https://x.com/patriotnheels/status/2084468110598545563

45. Post · Aug 3, 2026 · 11:45 PM UTC



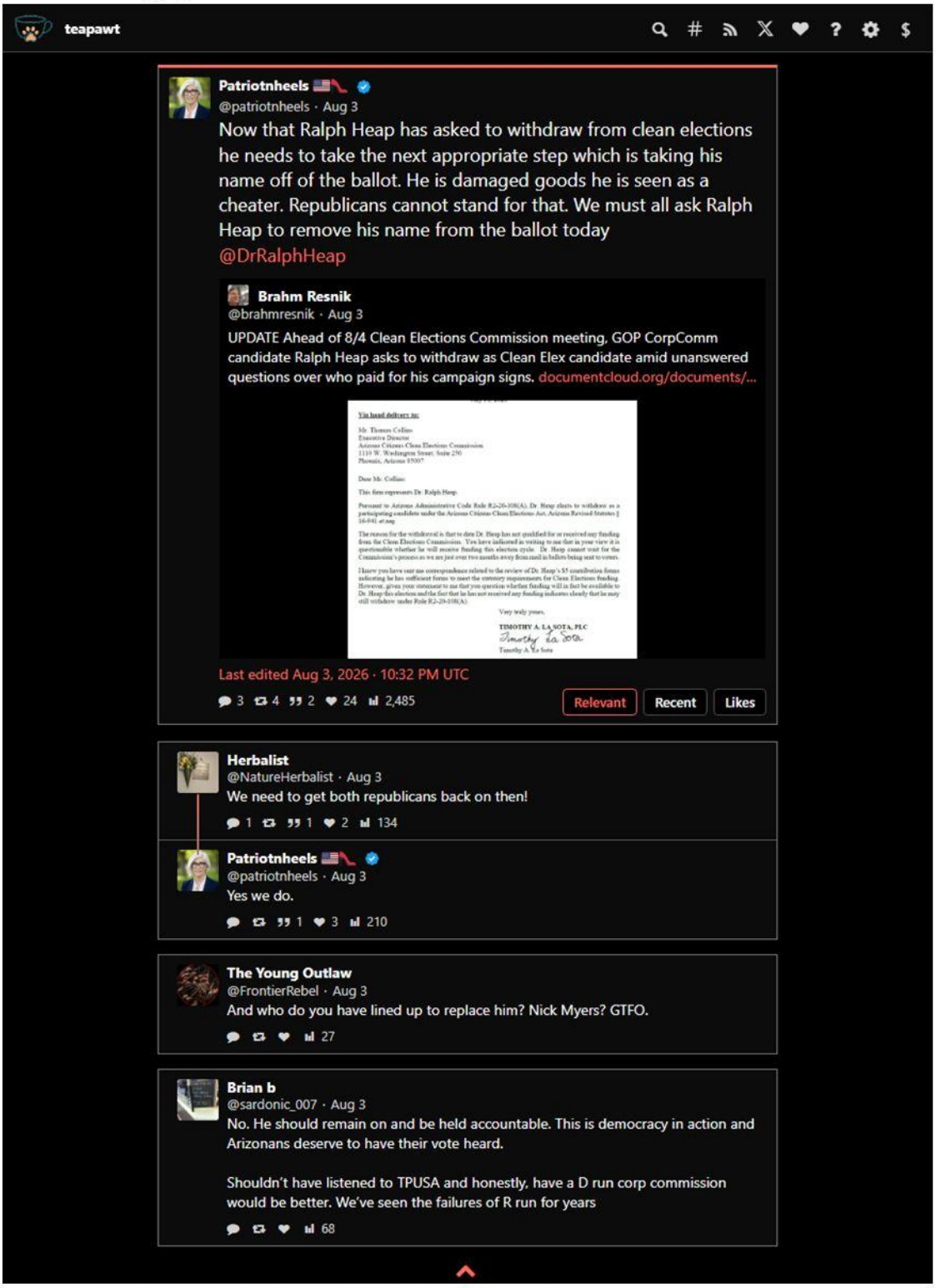
https://x.com/patriotnheels/status/2084425473329942832

46. Post · Aug 3, 2026 · 11:24 PM UTC



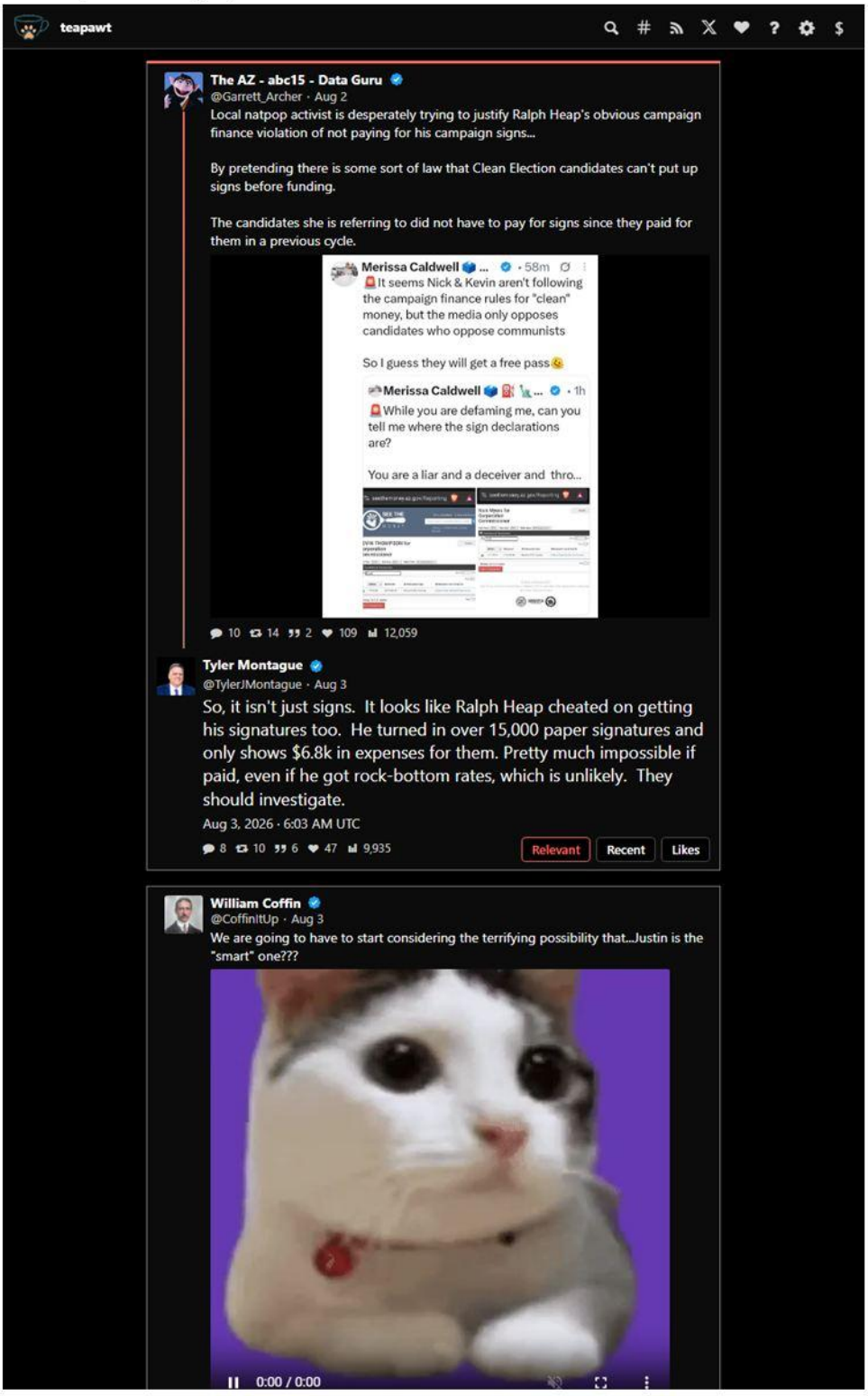
https://x.com/patriotnheels/status/2084420227971137933

47. Post · Aug 3, 2026 · 10:32 PM UTC

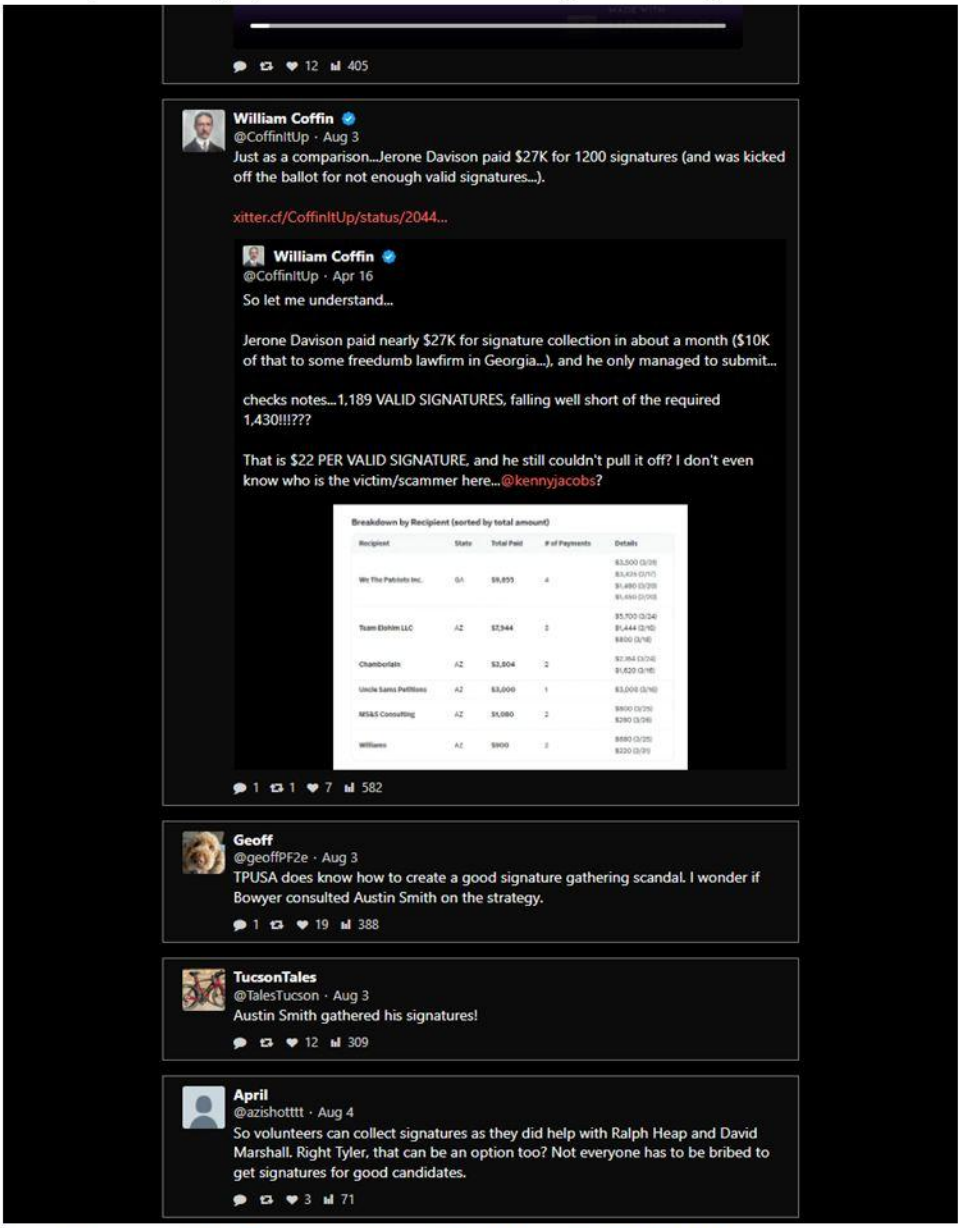


https://x.com/patriotnheels/status/2084407174974054568

48. Repost · Aug 3, 2026 · 6:03 AM UTC

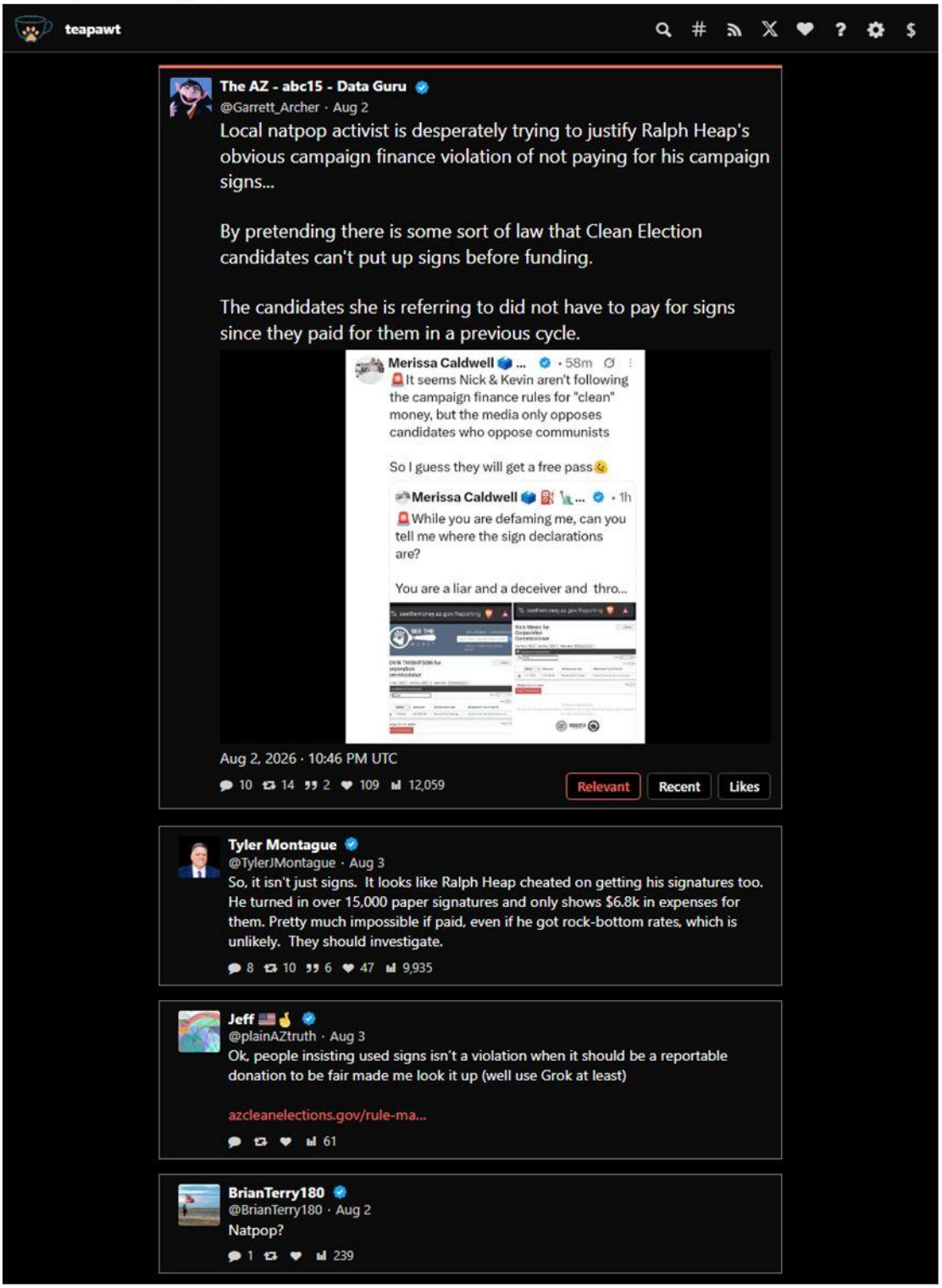


48. Repost · Aug 3, 2026 · 6:03 AM UTC (continued)

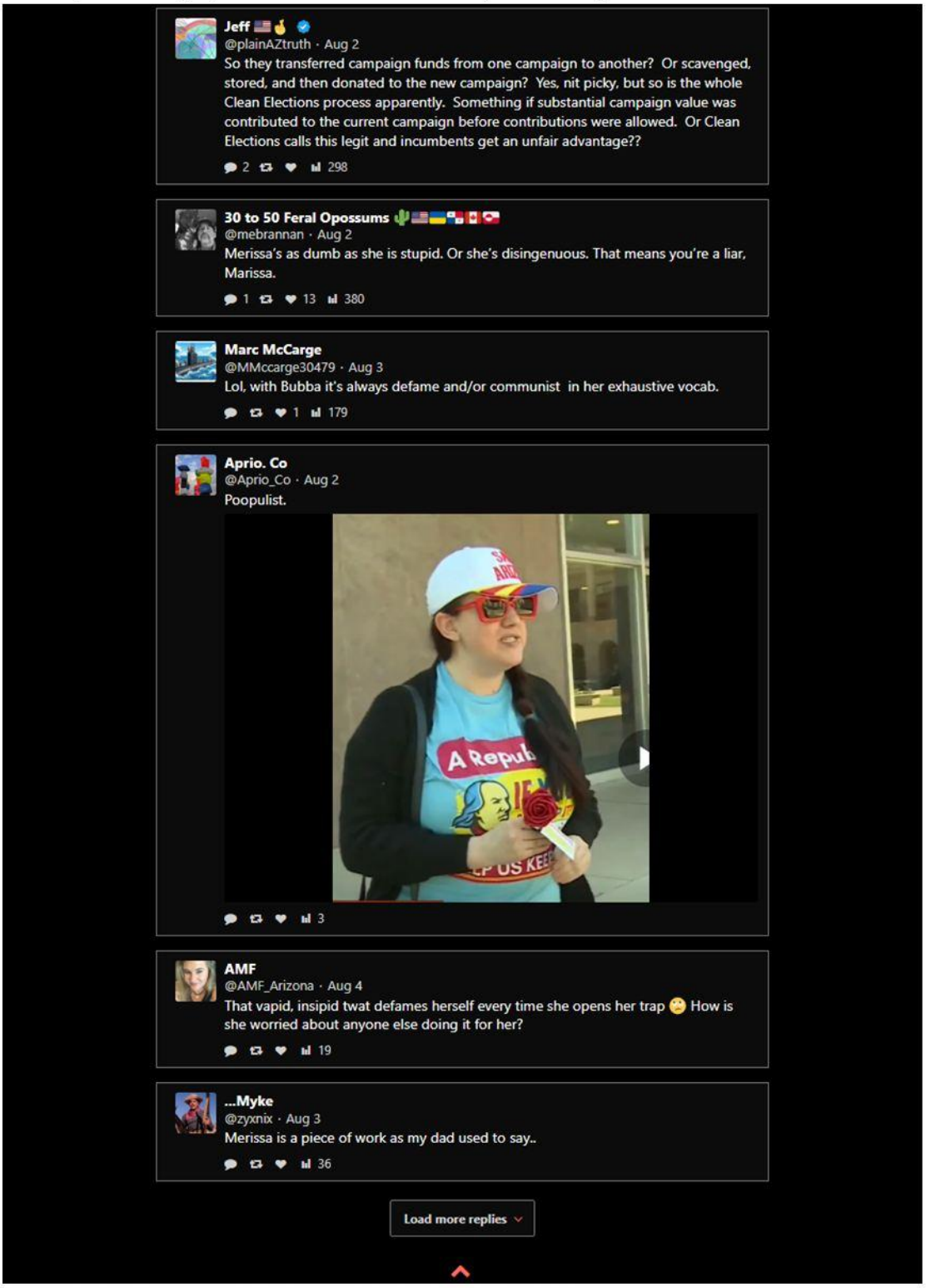


https://x.com/TylerJMontague/status/2084158083144843460

49. Repost · Aug 2, 2026 · 10:46 PM UTC

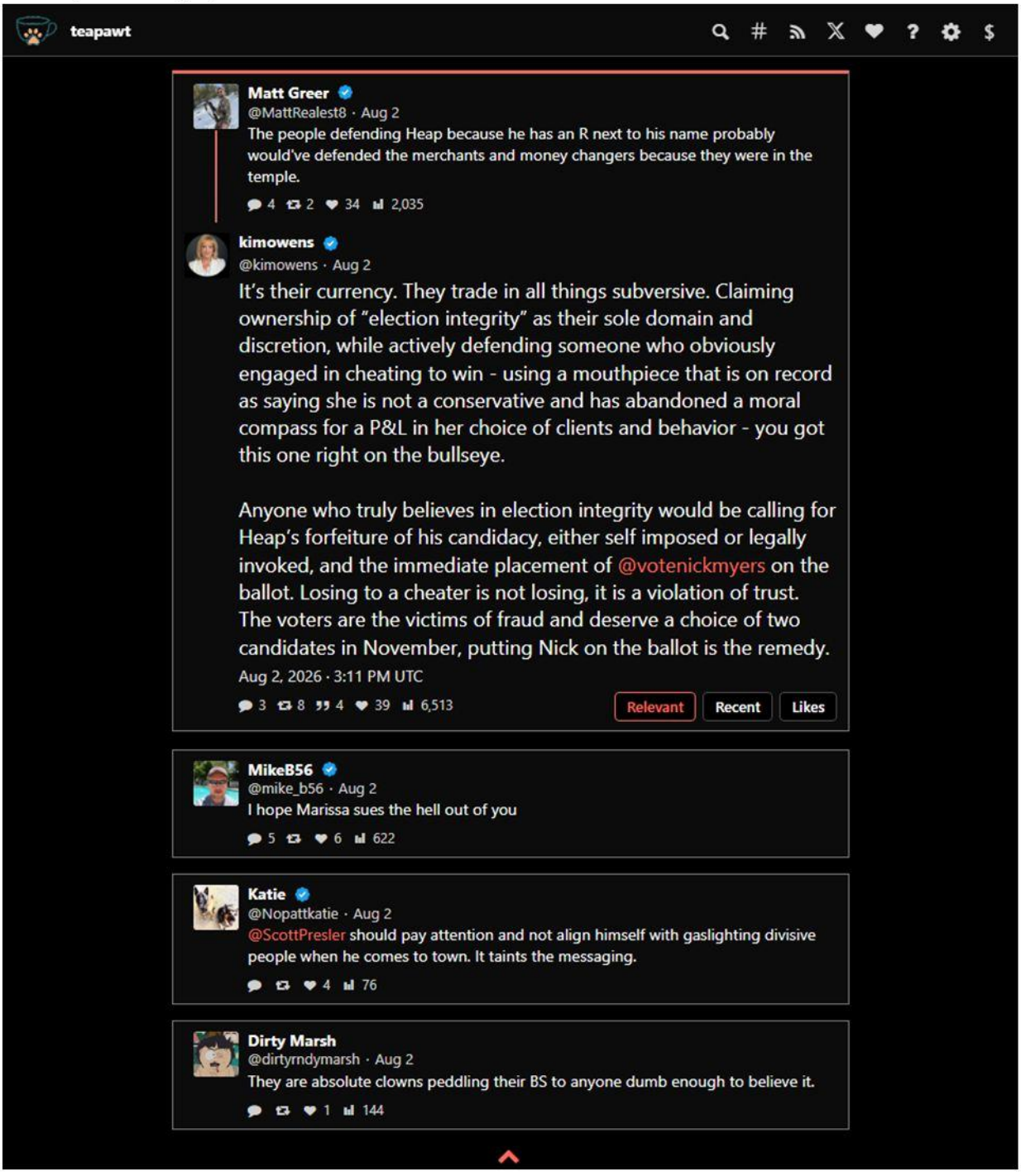


49. Repost · Aug 2, 2026 · 10:46 PM UTC (continued)



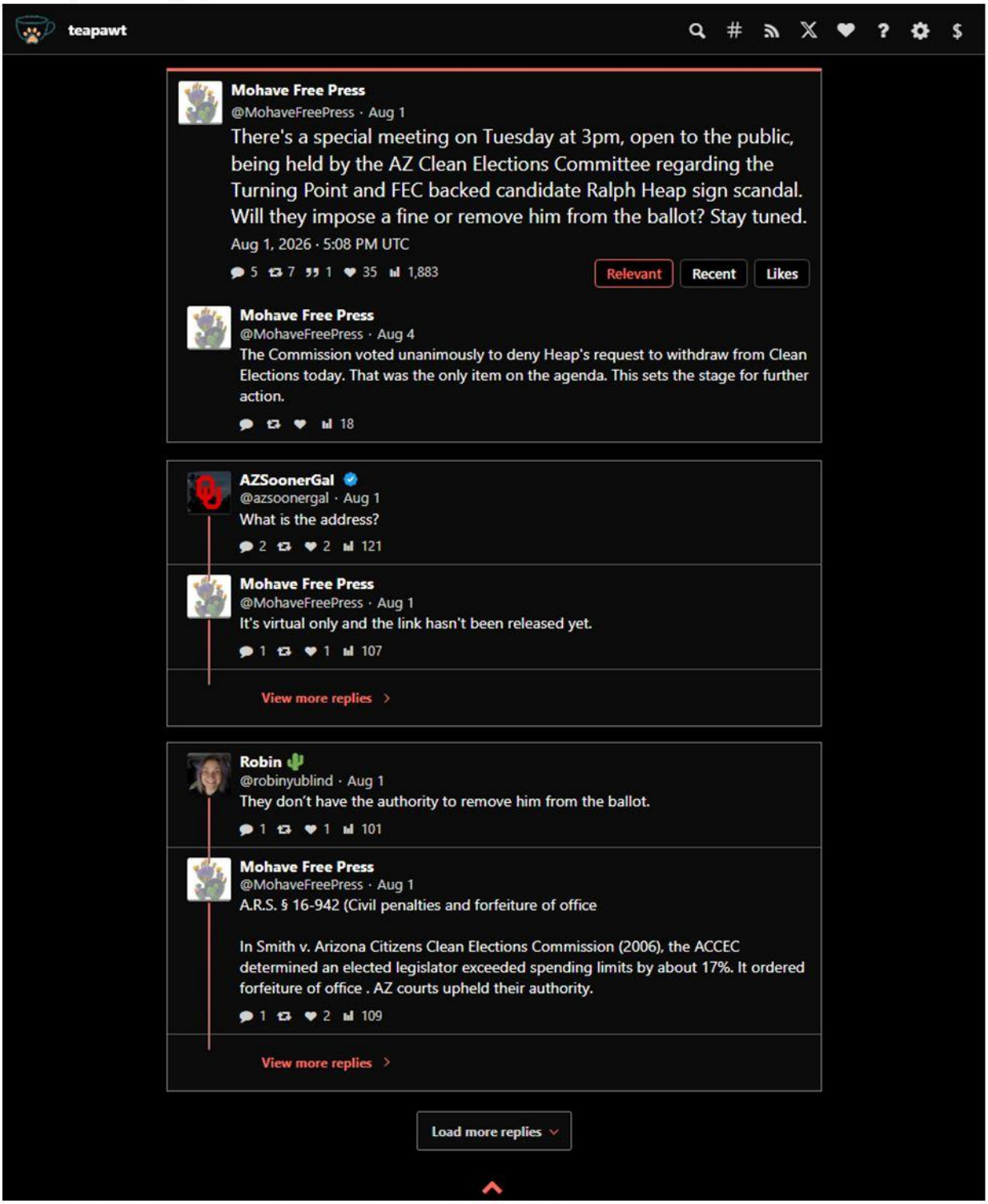
https://x.com/Garrett_Archer/status/2084048201049616395

50. Repost · Aug 2, 2026 · 3:11 PM UTC



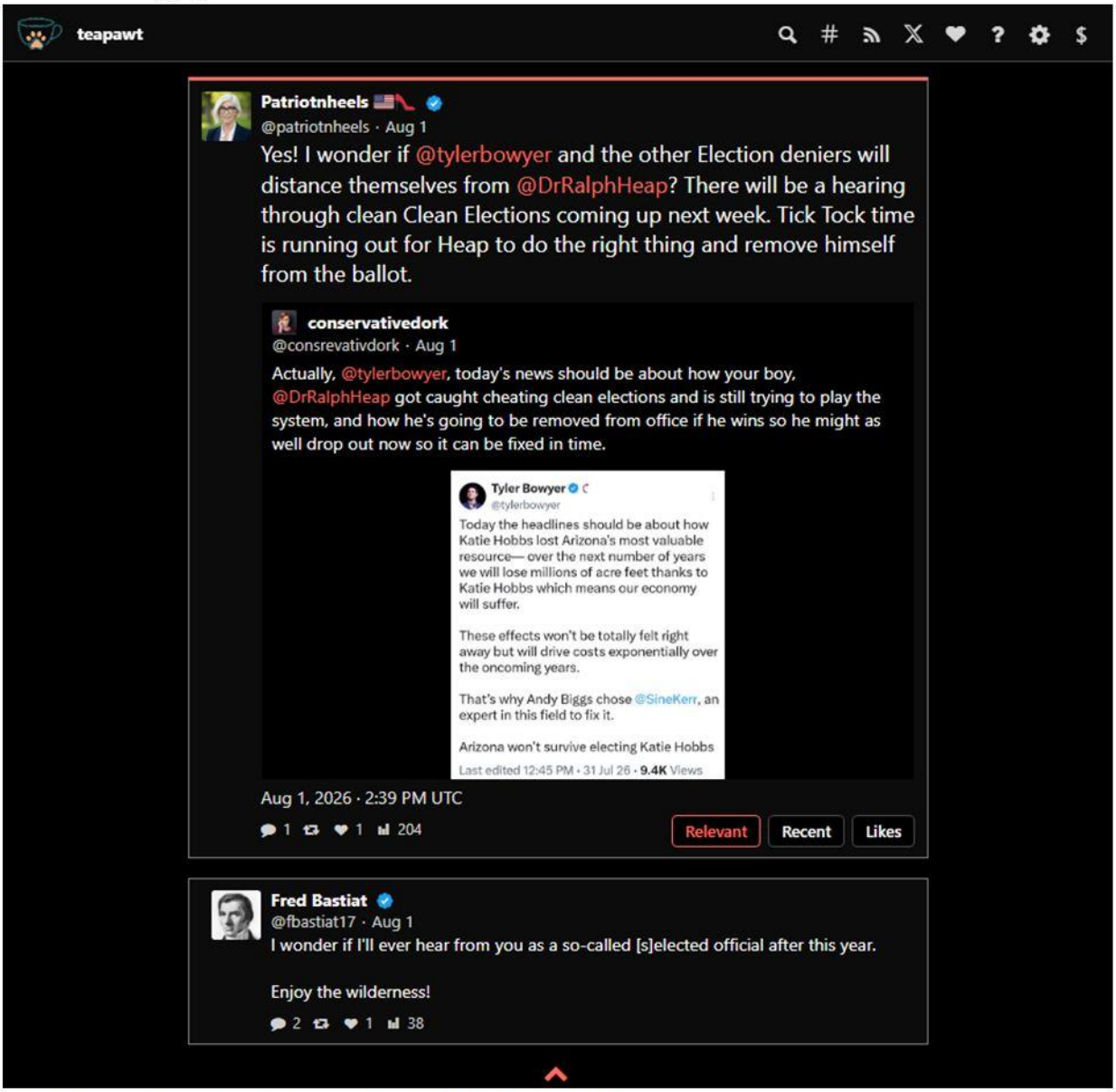
https://x.com/kimowens/status/2083933654284370148

51. Repost · Aug 1, 2026 · 5:08 PM UTC



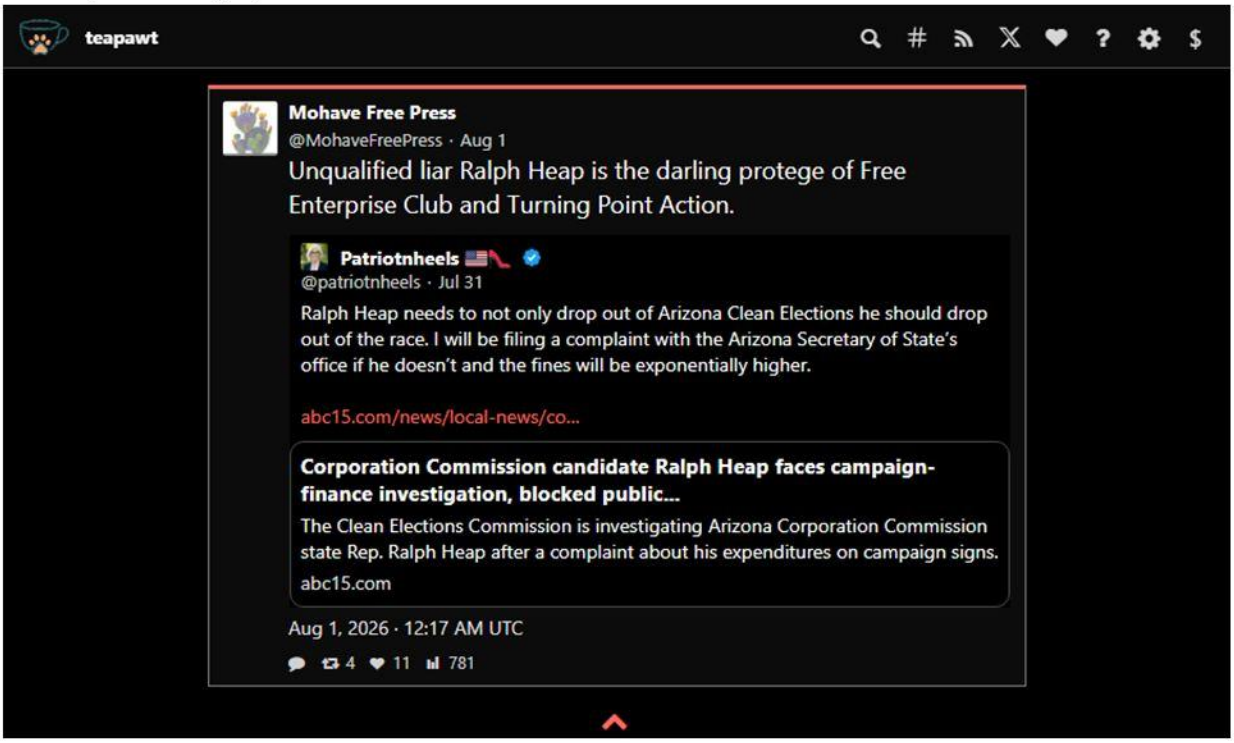
https://x.com/MohaveFreePress/status/2083600782663037075

52. Post · Aug 1, 2026 · 2:39 PM UTC



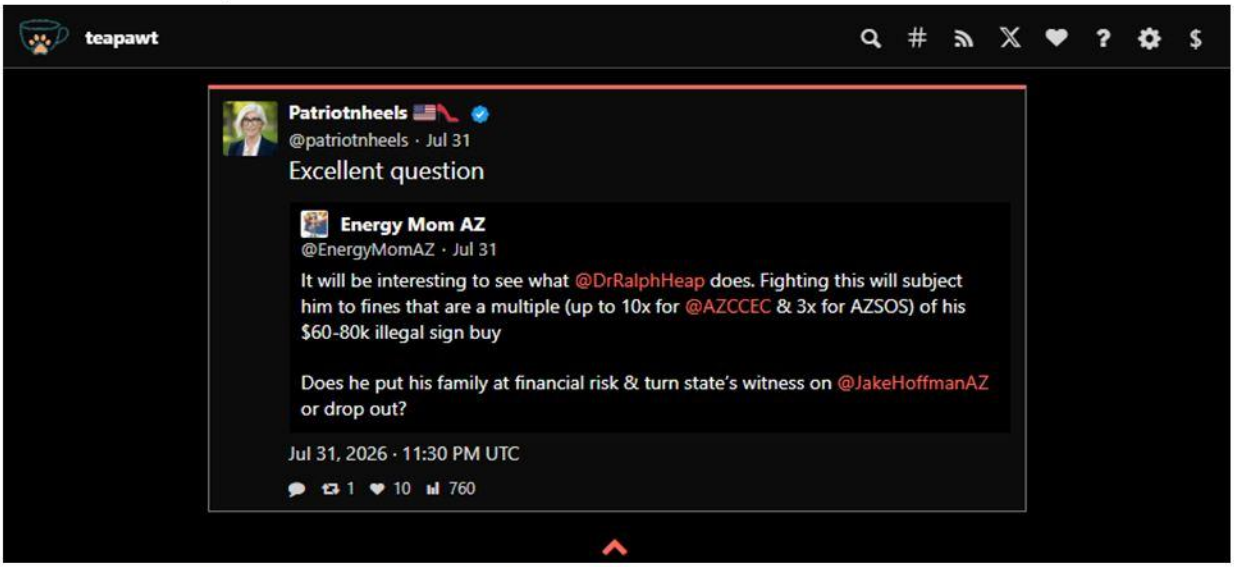
https://x.com/patriotnheels/status/2083563326068678888

53. Repost · Aug 1, 2026 · 12:17 AM UTC



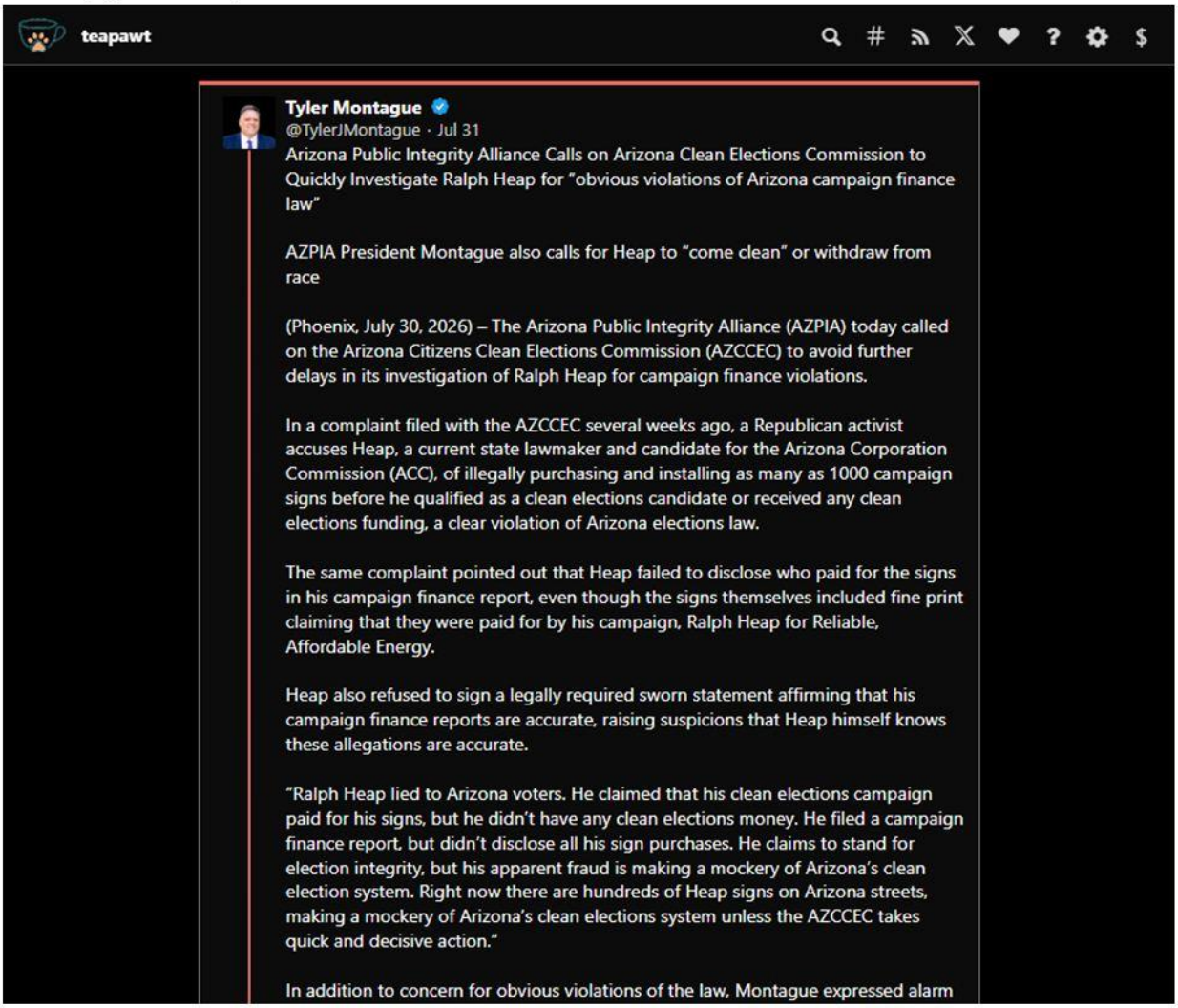
https://x.com/MohaveFreePress/status/2083346459215511761

54. Post · Jul 31, 2026 · 11:30 PM UTC

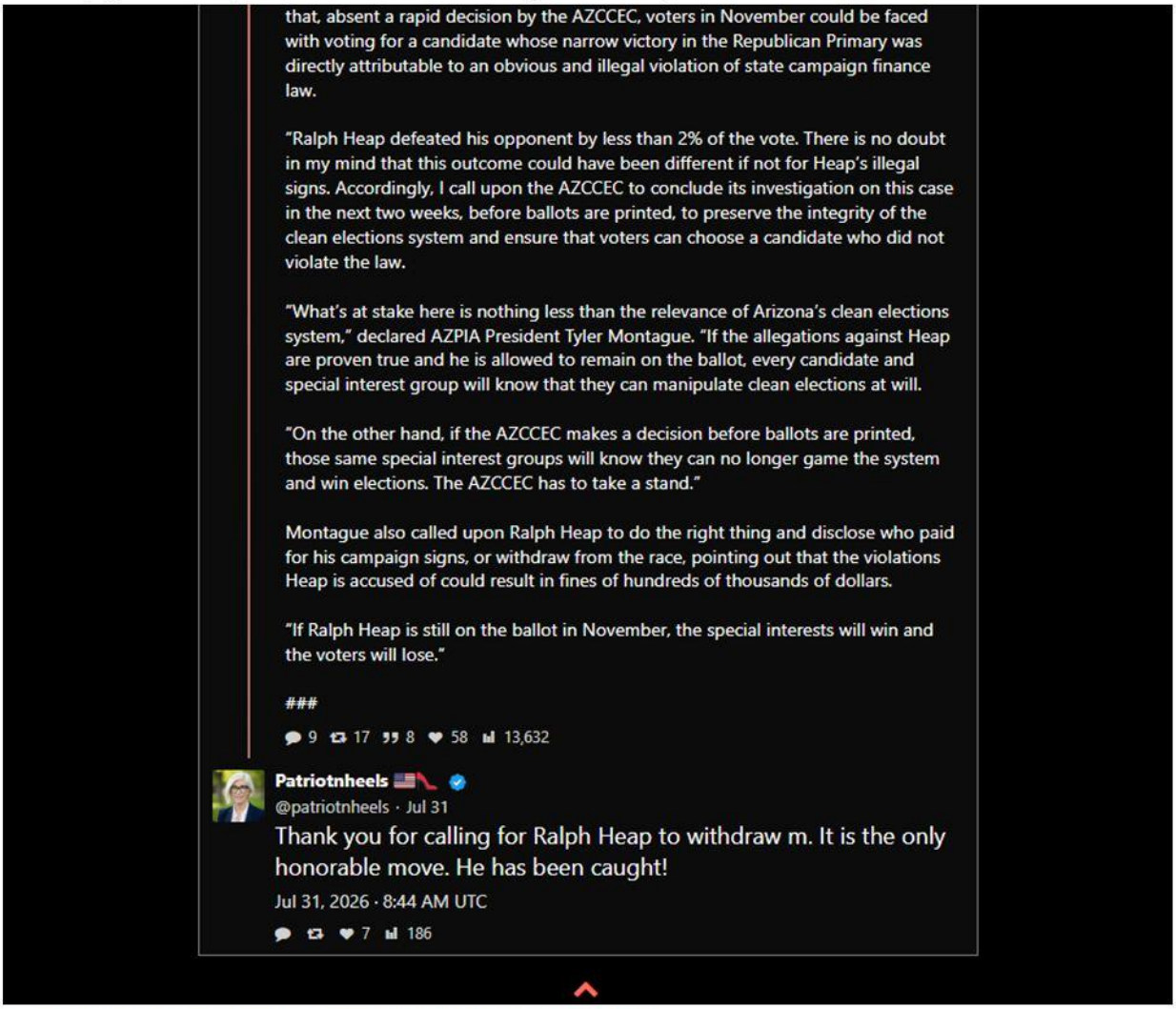


https://x.com/patriotnheels/status/2083334594854826193

55. Reply · Jul 31, 2026 · 8:44 AM UTC

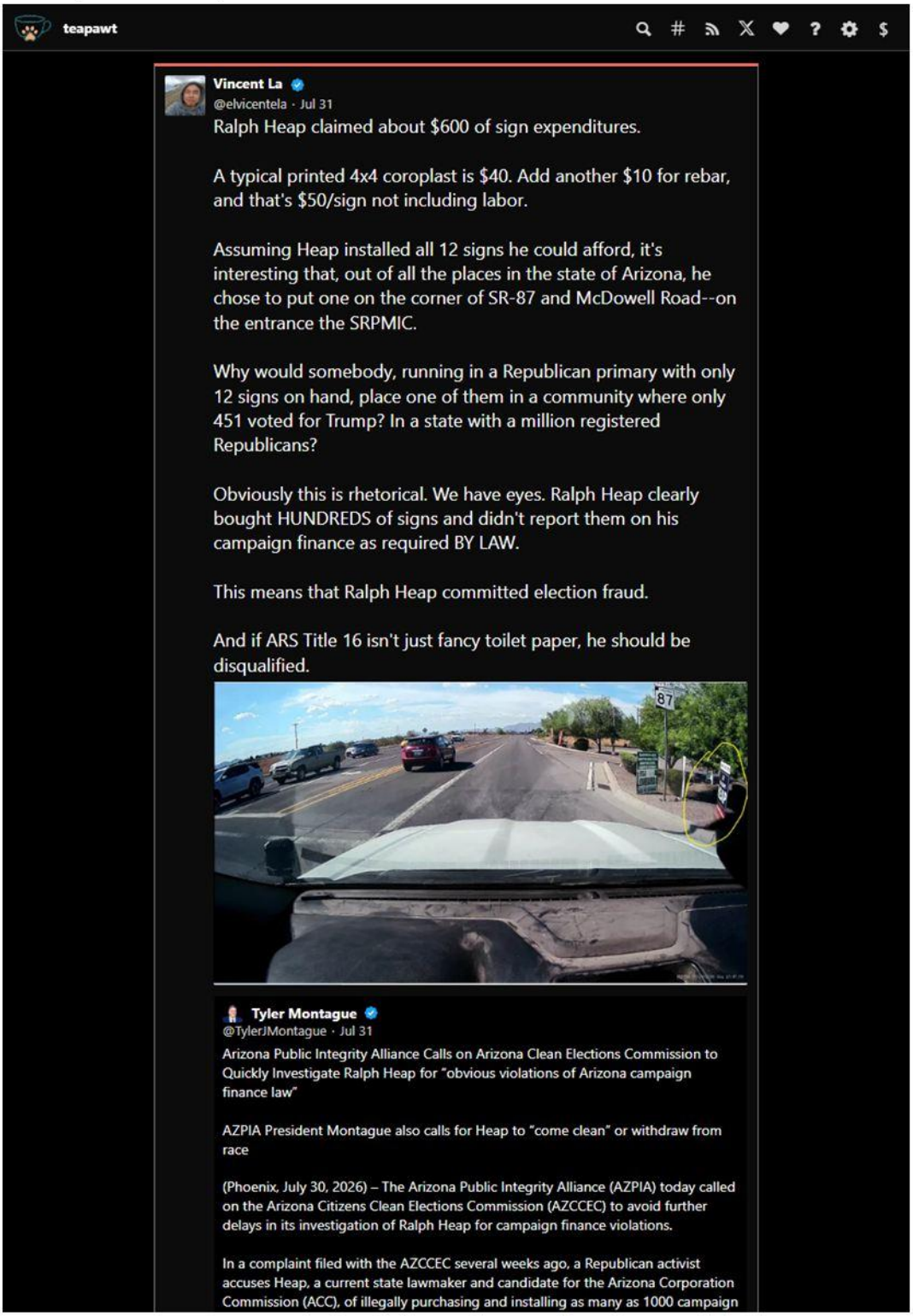


55. Reply · Jul 31, 2026 · 8:44 AM UTC (continued)

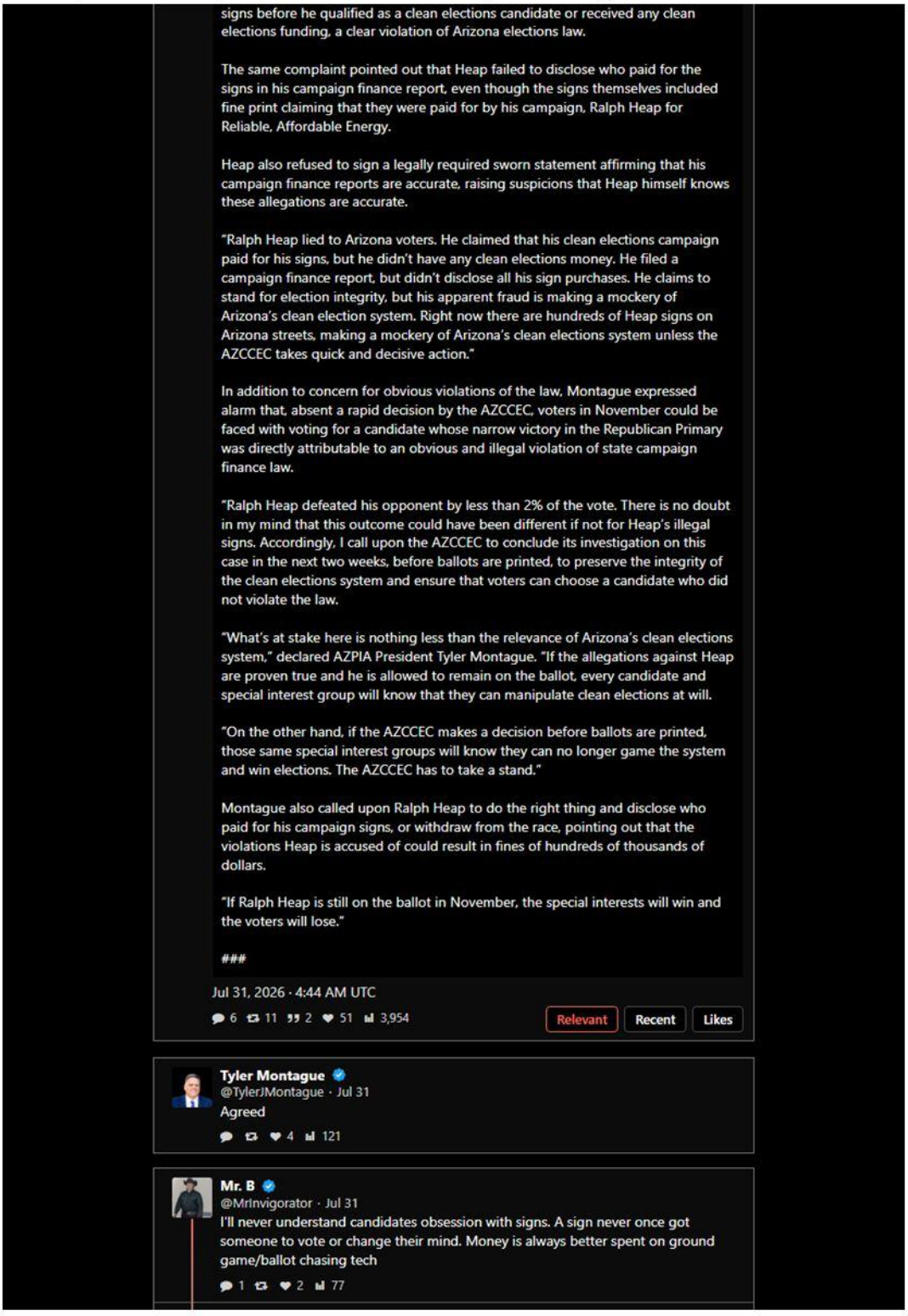


https://x.com/patriotnheels/status/2083111525372629253

56. Repost · Jul 31, 2026 · 4:44 AM UTC



56. Repost · Jul 31, 2026 · 4:44 AM UTC (continued)



signs before he qualified as a clean elections candidate or received any clean elections funding, a clear violation of Arizona elections law.

The same complaint pointed out that Heap failed to disclose who paid for the signs in his campaign finance report, even though the signs themselves included fine print claiming that they were paid for by his campaign, Ralph Heap for Reliable, Affordable Energy.

Heap also refused to sign a legally required sworn statement affirming that his campaign finance reports are accurate, raising suspicions that Heap himself knows these allegations are accurate.

"Ralph Heap lied to Arizona voters. He claimed that his clean elections campaign paid for his signs, but he didn't have any clean elections money. He filed a campaign finance report, but didn't disclose all his sign purchases. He claims to stand for election integrity, but his apparent fraud is making a mockery of Arizona's clean election system. Right now there are hundreds of Heap signs on Arizona streets, making a mockery of Arizona's clean elections system unless the AZCCEC takes quick and decisive action."

In addition to concern for obvious violations of the law, Montague expressed alarm that, absent a rapid decision by the AZCCEC, voters in November could be faced with voting for a candidate whose narrow victory in the Republican Primary was directly attributable to an obvious and illegal violation of state campaign finance law.

"Ralph Heap defeated his opponent by less than 2% of the vote. There is no doubt in my mind that this outcome could have been different if not for Heap's illegal signs. Accordingly, I call upon the AZCCEC to conclude its investigation on this case in the next two weeks, before ballots are printed, to preserve the integrity of the clean elections system and ensure that voters can choose a candidate who did not violate the law.

"What's at stake here is nothing less than the relevance of Arizona's clean elections system," declared AZPIA President Tyler Montague. "If the allegations against Heap are proven true and he is allowed to remain on the ballot, every candidate and special interest group will know that they can manipulate clean elections at will.

"On the other hand, if the AZCCEC makes a decision before ballots are printed, those same special interest groups will know they can no longer game the system and win elections. The AZCCEC has to take a stand."

Montague also called upon Ralph Heap to do the right thing and disclose who paid for his campaign signs, or withdraw from the race, pointing out that the violations Heap is accused of could result in fines of hundreds of thousands of dollars.

"If Ralph Heap is still on the ballot in November, the special interests will win and the voters will lose."

###

Jul 31, 2026 · 4:44 AM UTC

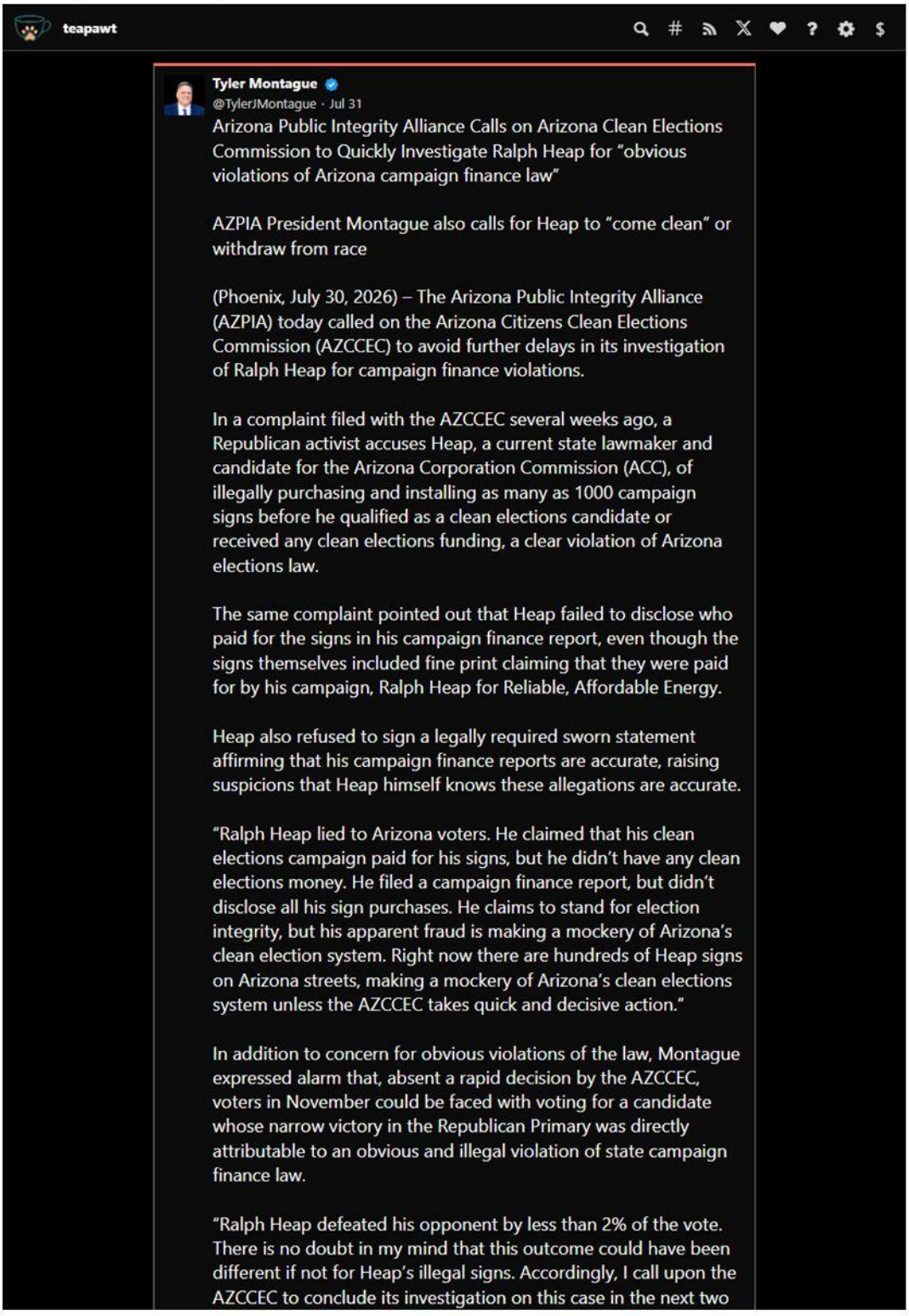
6 11 2 51 3,954 Relevant Recent Likes

Tyler Montague
@TylerJMontague · Jul 31
Agreed
4 121

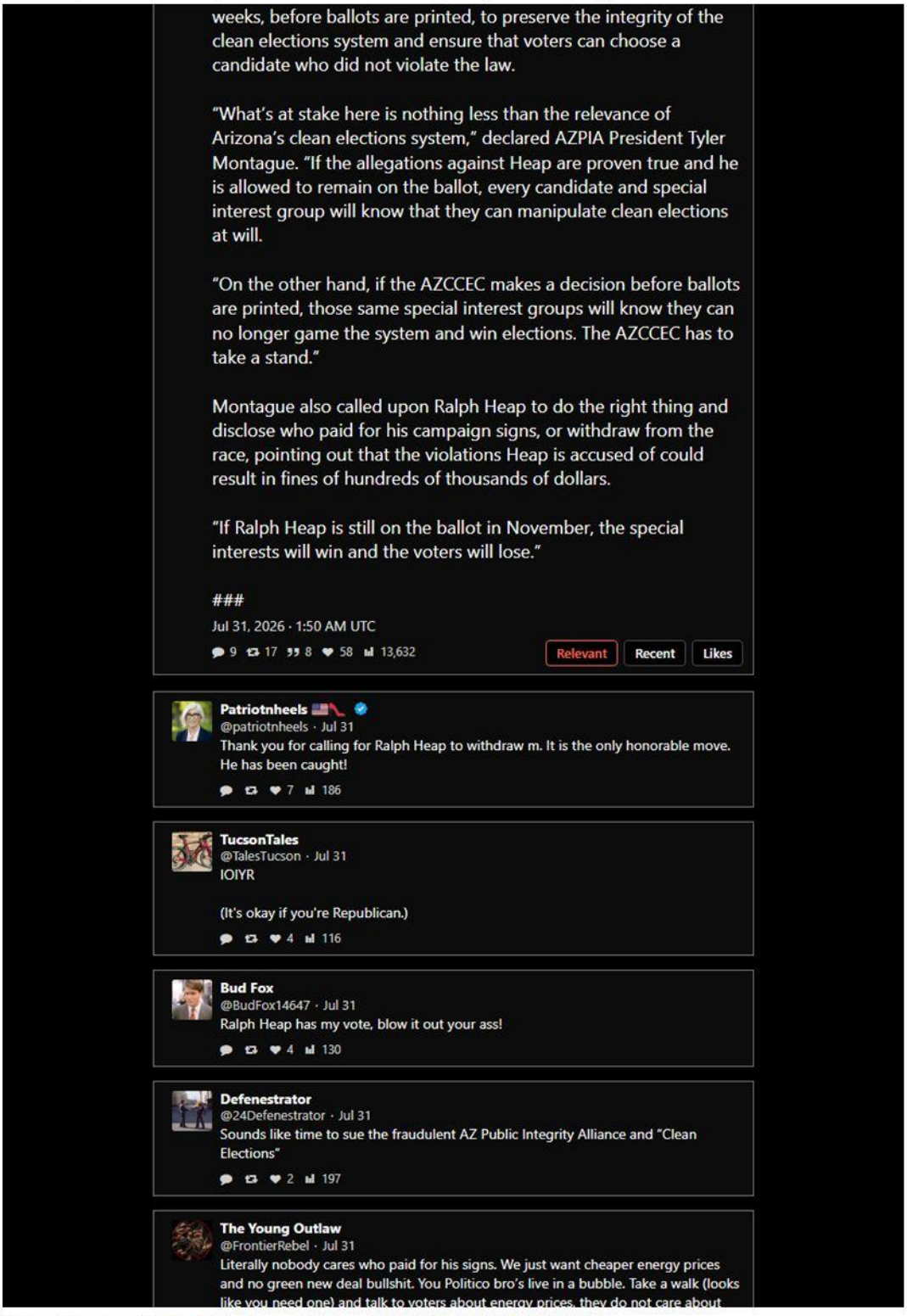
Mr. B
@MrInvigorator · Jul 31
I'll never understand candidates obsession with signs. A sign never once got someone to vote or change their mind. Money is always better spent on ground game/ballot chasing tech
1 2 77

https://x.com/elvicentela/status/2083051142964191539

57. Repost · Jul 31, 2026 · 1:50 AM UTC

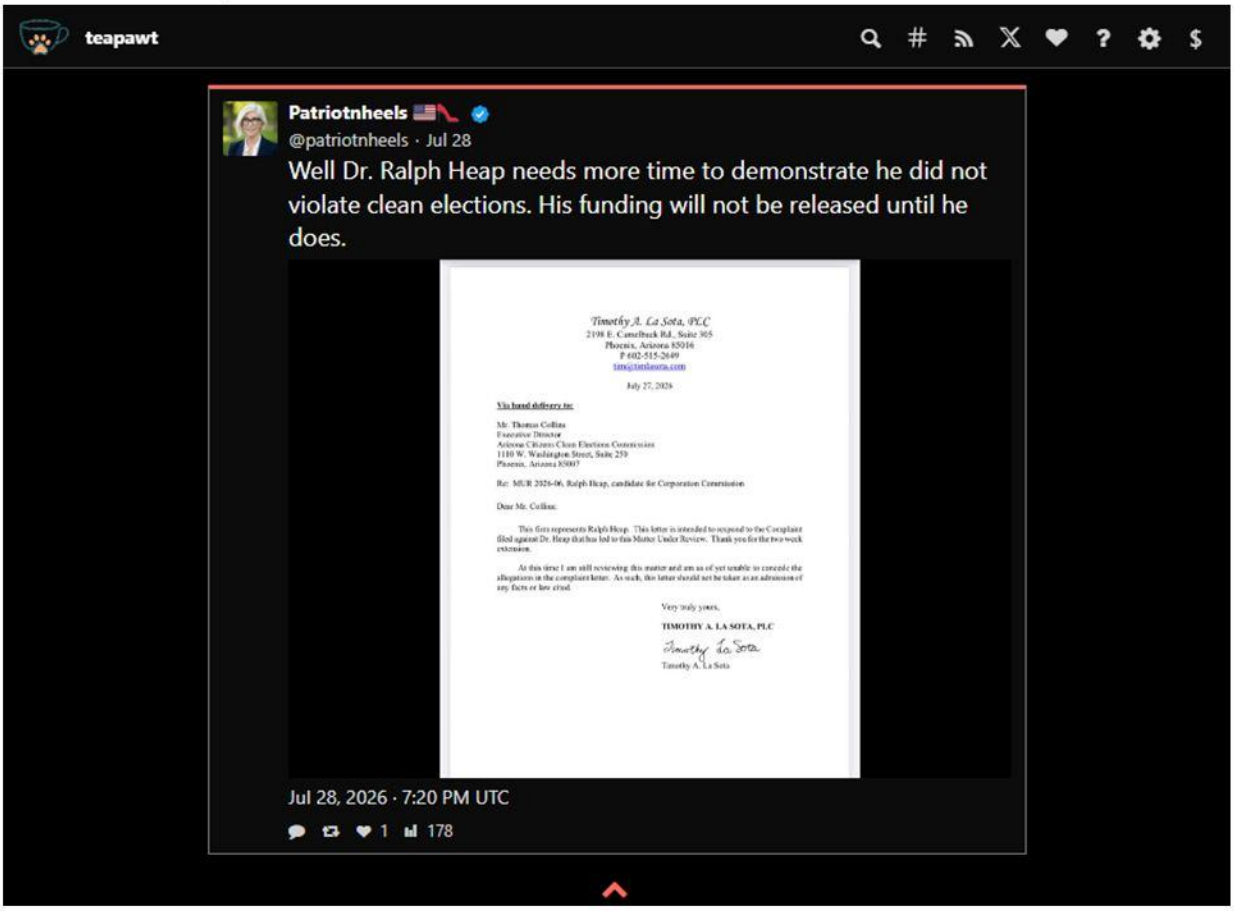


57. Repost · Jul 31, 2026 · 1:50 AM UTC (continued)



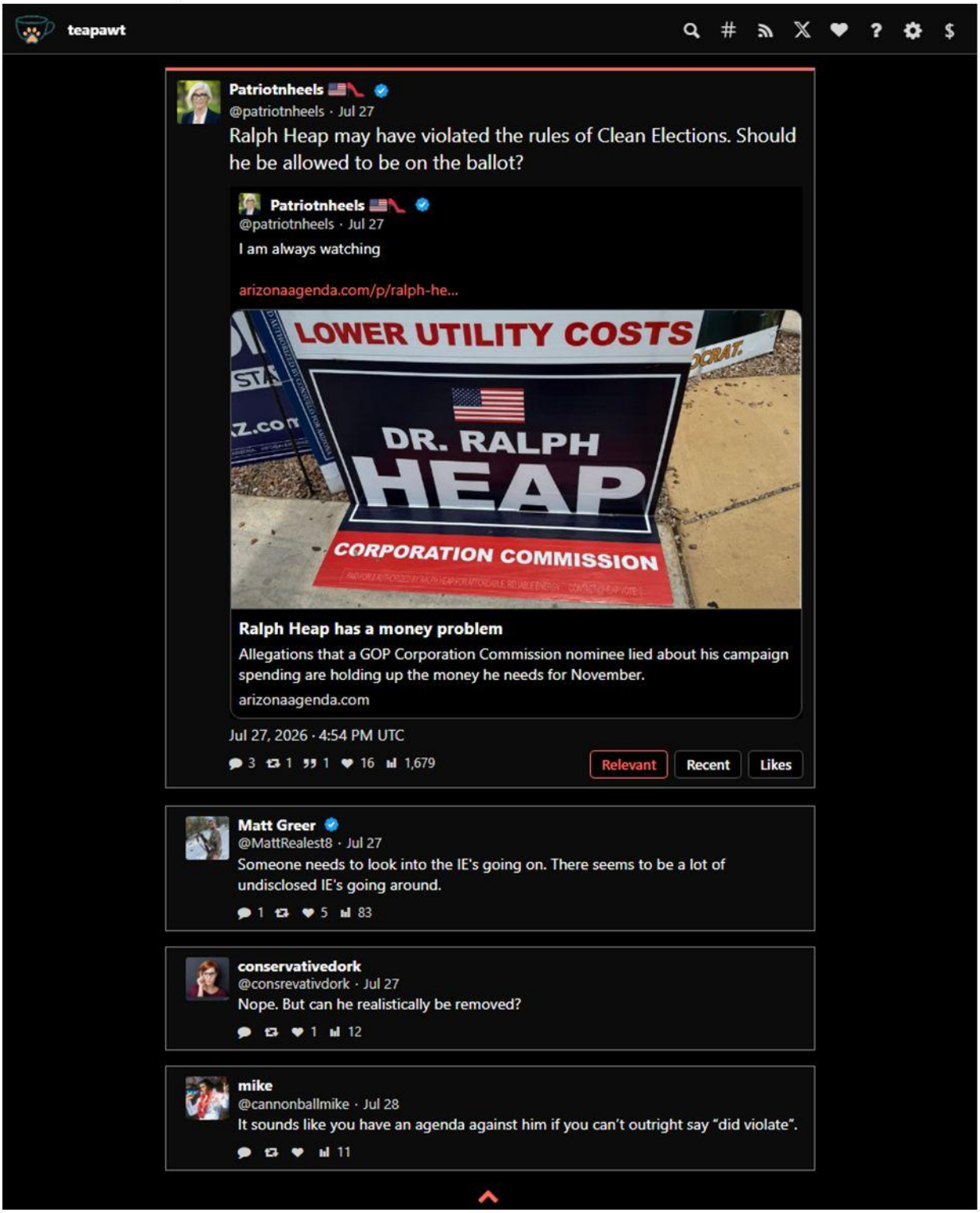
https://x.com/TylerJMontague/status/2083007312068063630

58. Post · Jul 28, 2026 · 7:20 PM UTC



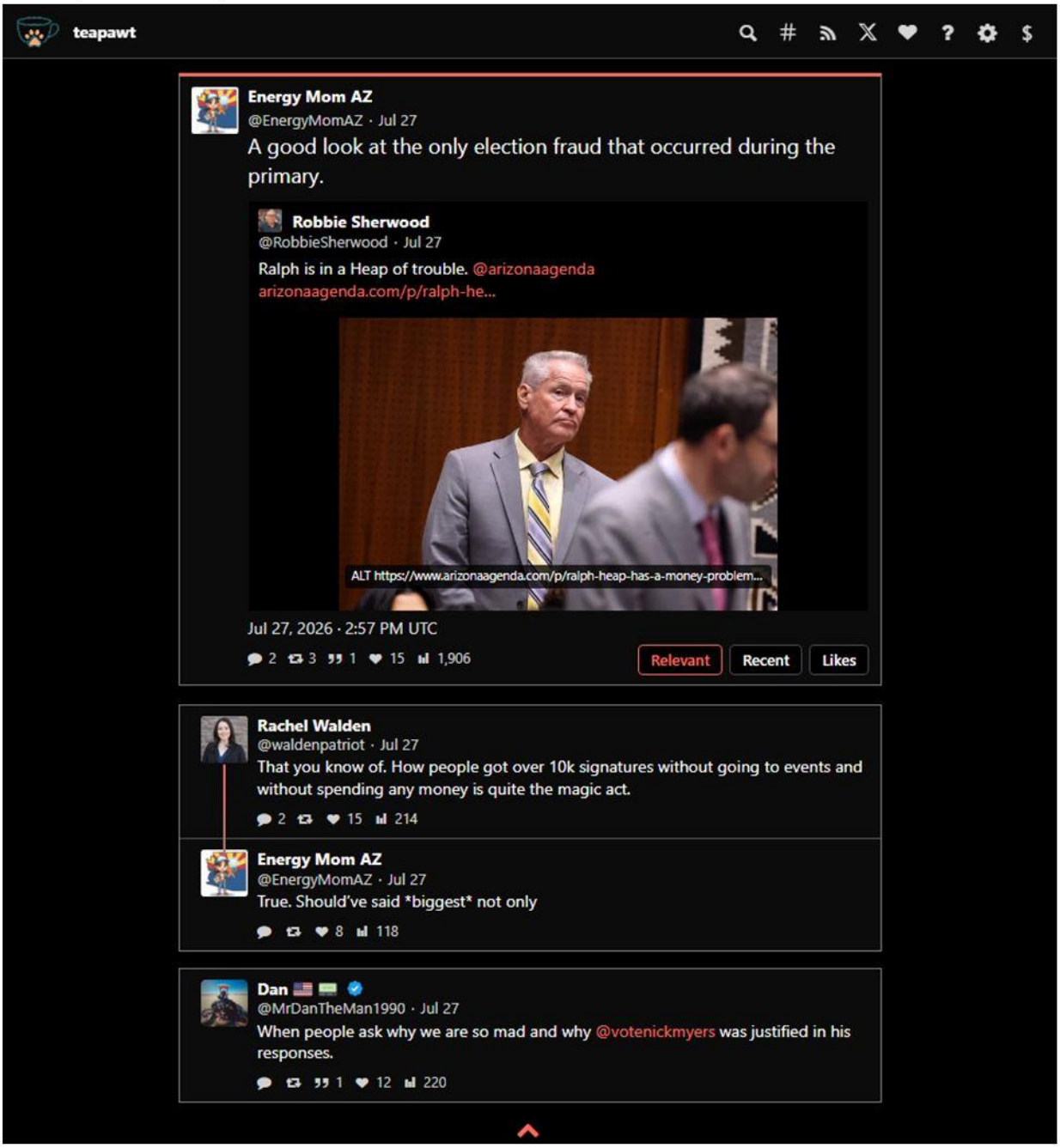
https://x.com/patriotnheels/status/2082184554295824844

59. Post · Jul 27, 2026 · 4:54 PM UTC



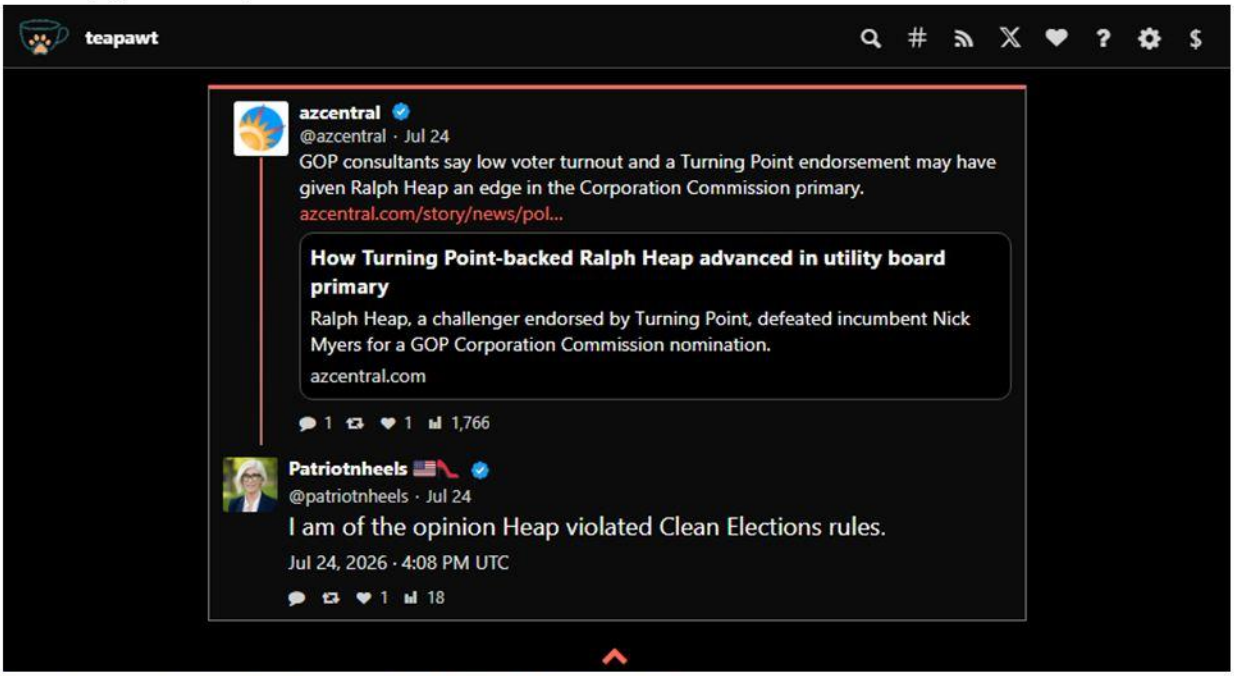
https://x.com/patriotnheels/status/2081785347256762733

60. Repost · Jul 27, 2026 · 2:57 PM UTC



https://x.com/EnergyMomAZ/status/2081755983626277315

61. Reply · Jul 24, 2026 · 4:08 PM UTC



https://x.com/patriotnheels/status/2080686522941296826

62. Repost · Jul 18, 2026 · 1:28 AM UTC



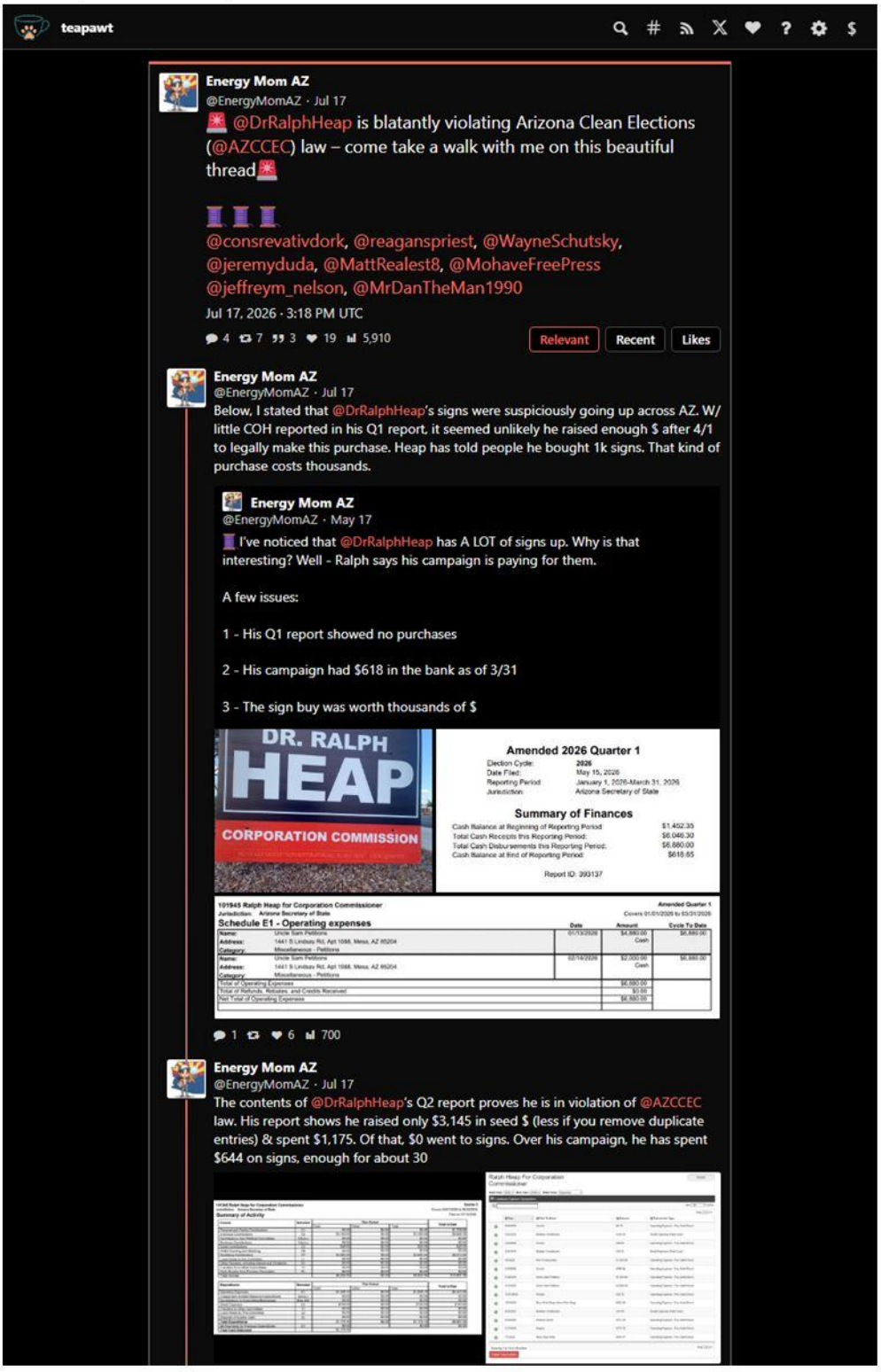
https://x.com/EnergyMomAZ/status/2078290816351846425

63. Repost · Jul 17, 2026 · 3:56 PM UTC

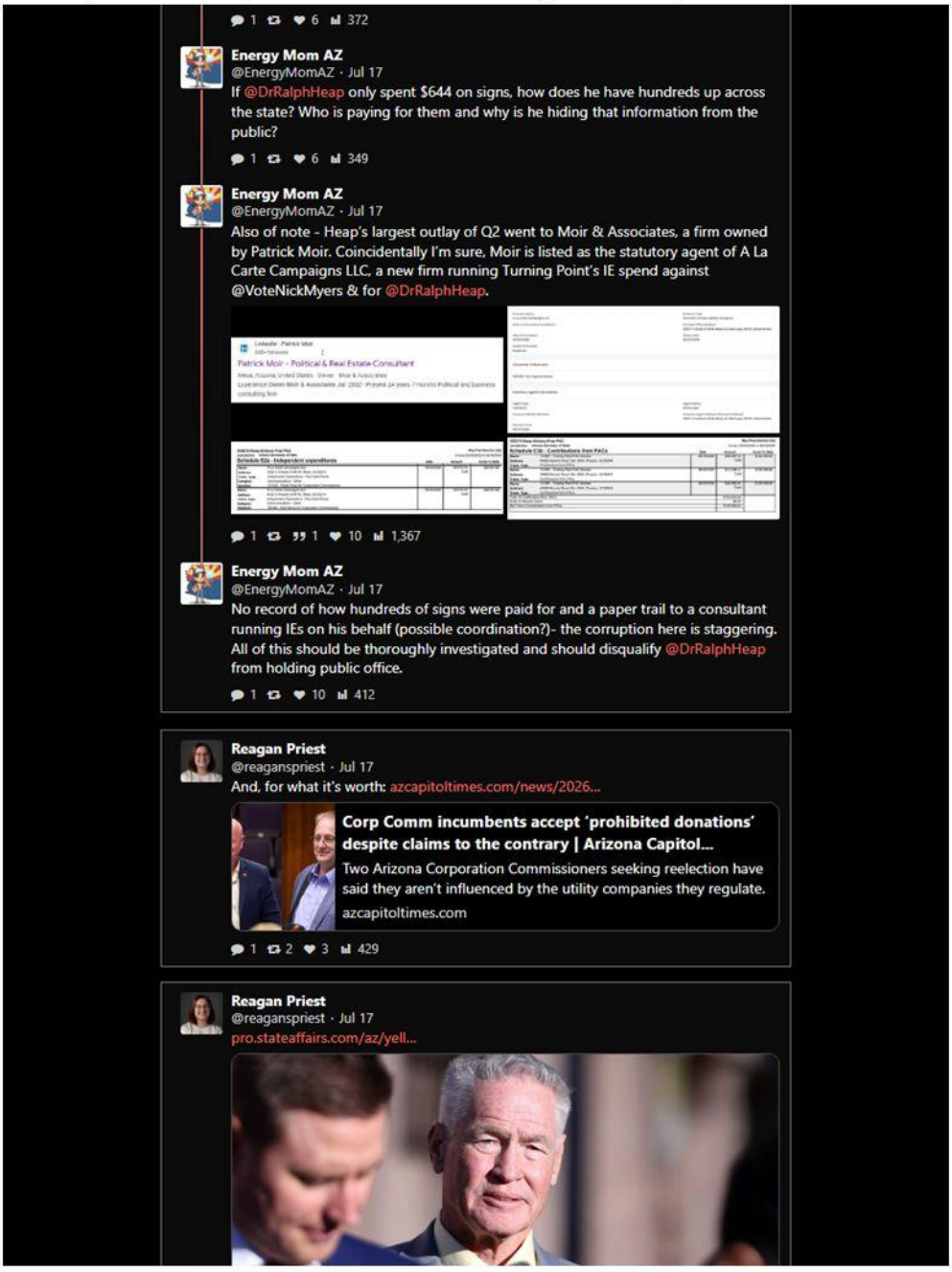


https://x.com/nickmyersaz/status/2078146889212703155

64. Repost · Jul 17, 2026 · 3:18 PM UTC



64. Repost · Jul 17, 2026 · 3:18 PM UTC (continued)

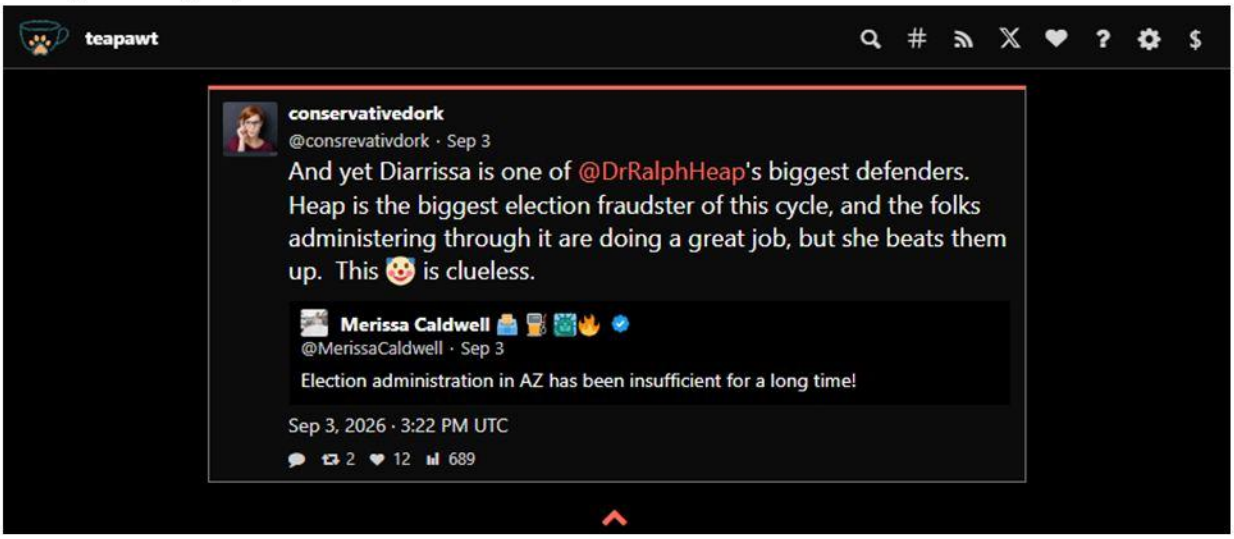


https://x.com/EnergyMomAZ/status/2078137382600372228

Tyler Montague

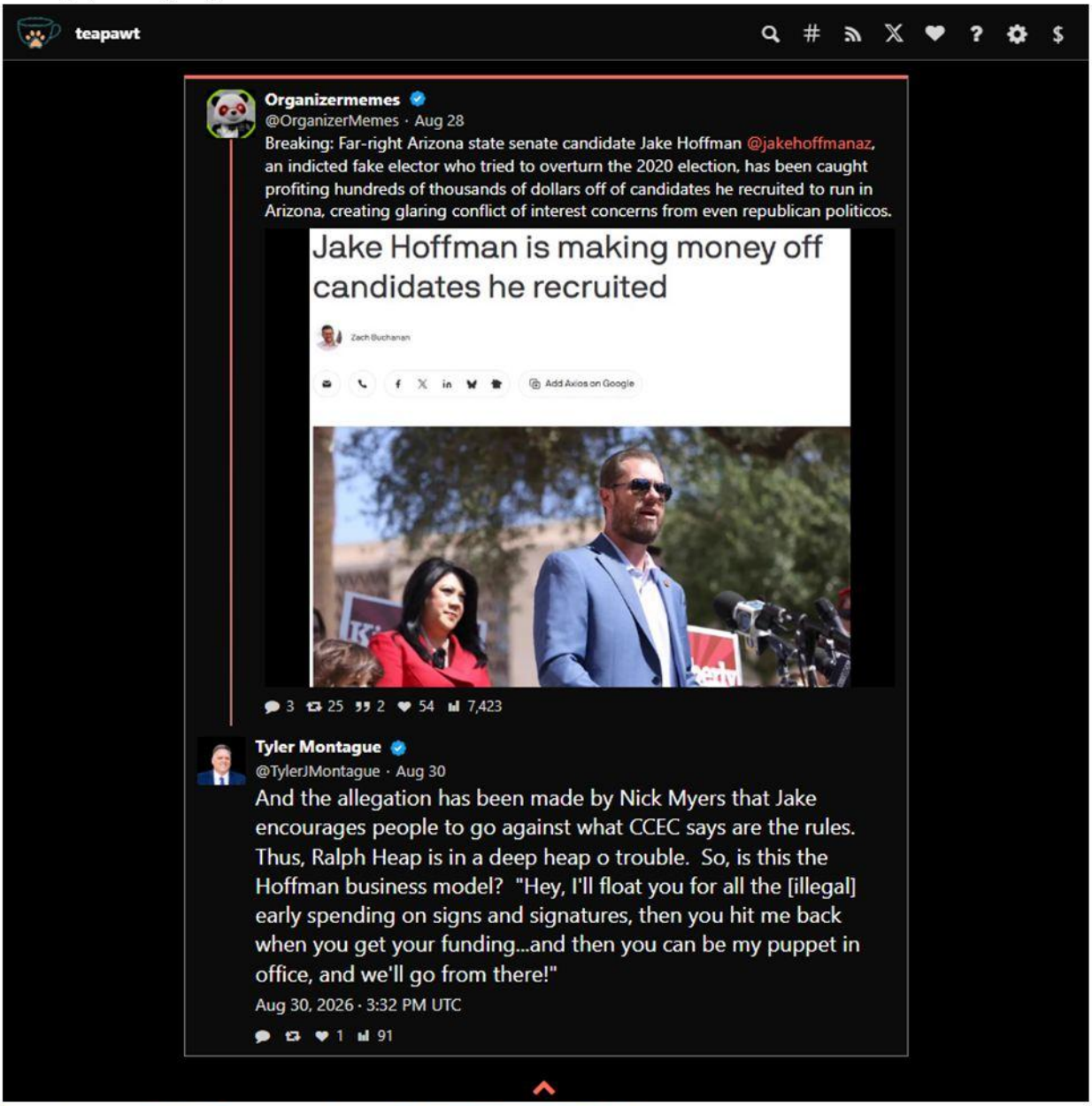
@TylerJMontague. 16 post(s), newest first.

1. Repost · Sep 3, 2026 · 3:22 PM UTC



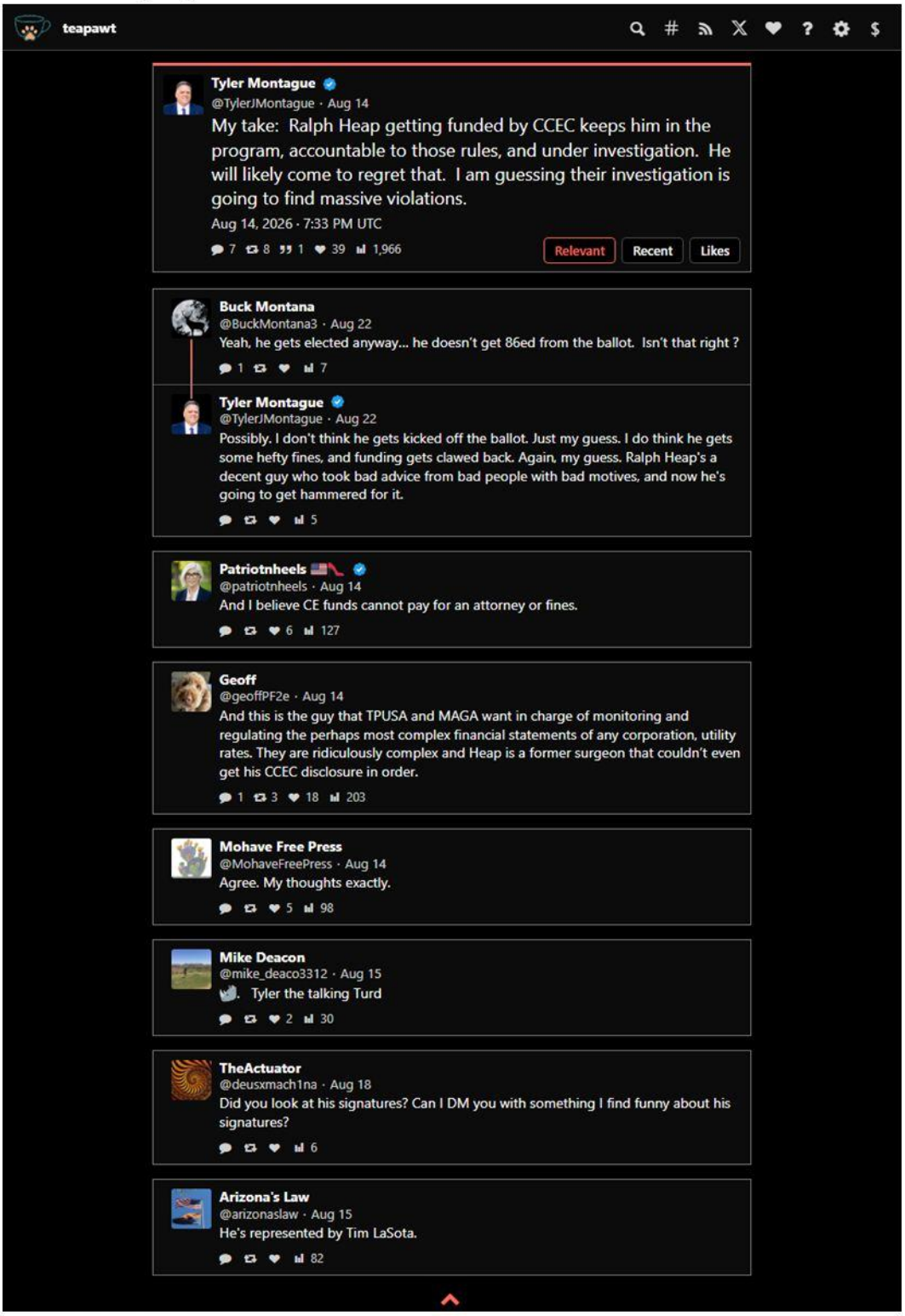
https://x.com/consrevativdork/status/2095532970622996872

2. Reply · Aug 30, 2026 · 3:32 PM UTC



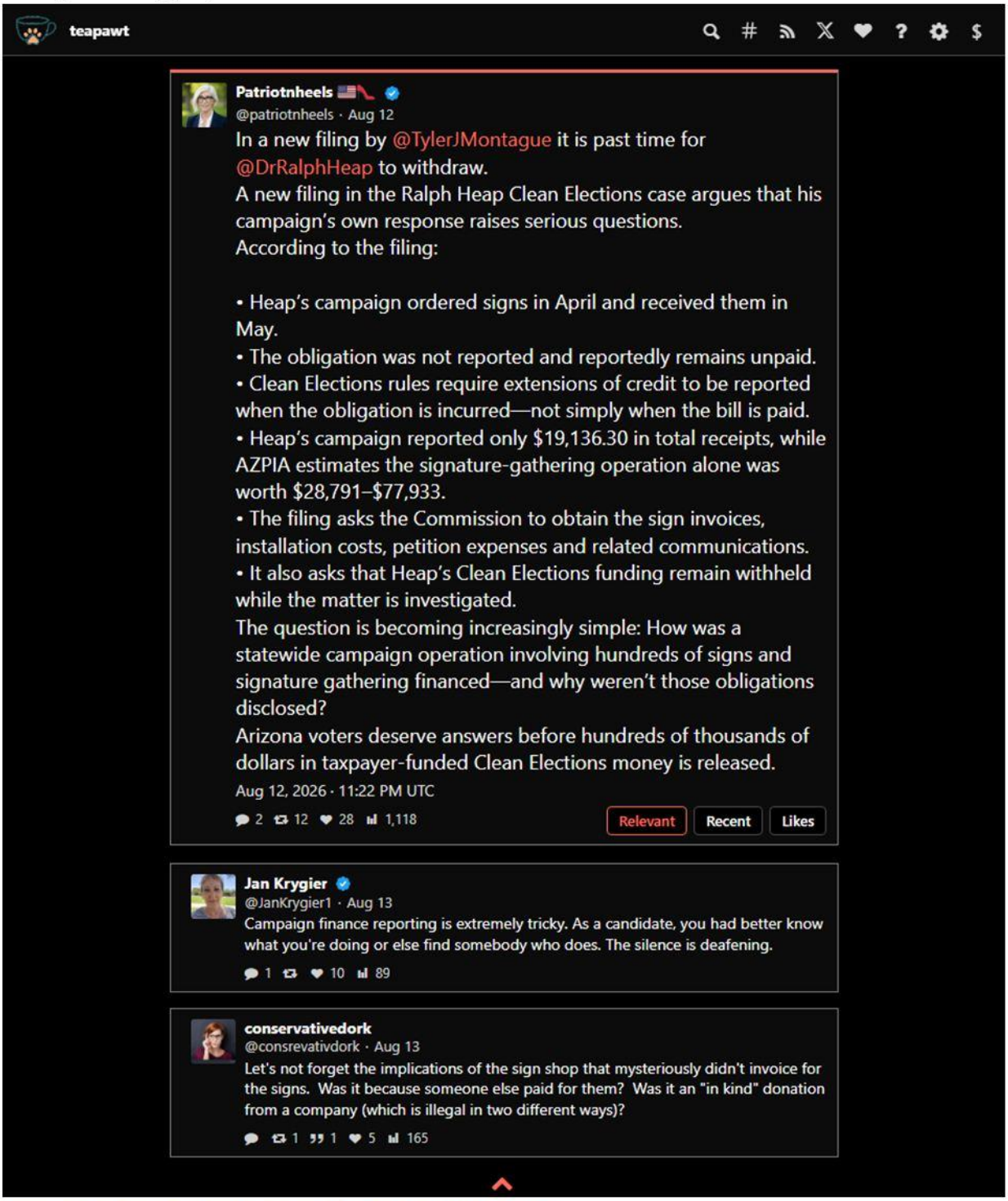
https://x.com/TylerJMontague/status/2094085784995537315

3. Post · Aug 14, 2026 · 7:33 PM UTC



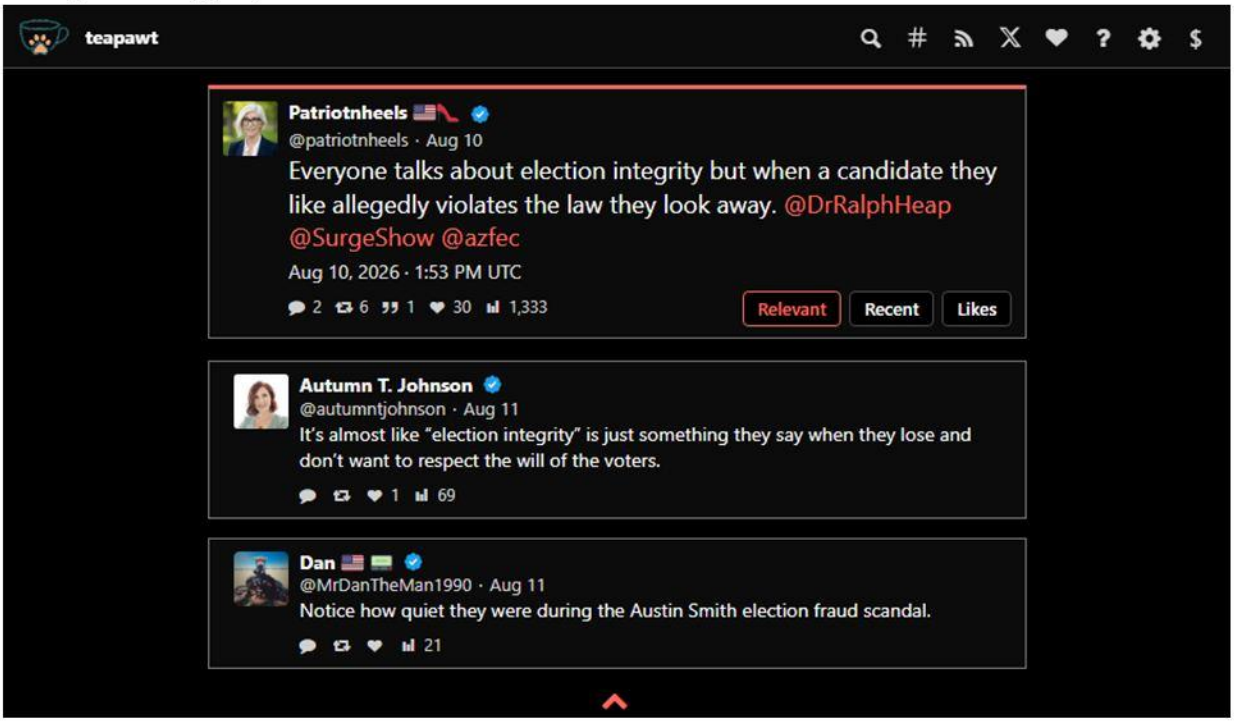
https://x.com/TylerJMontague/status/2088348312806252987

4. Repost · Aug 12, 2026 · 11:22 PM UTC



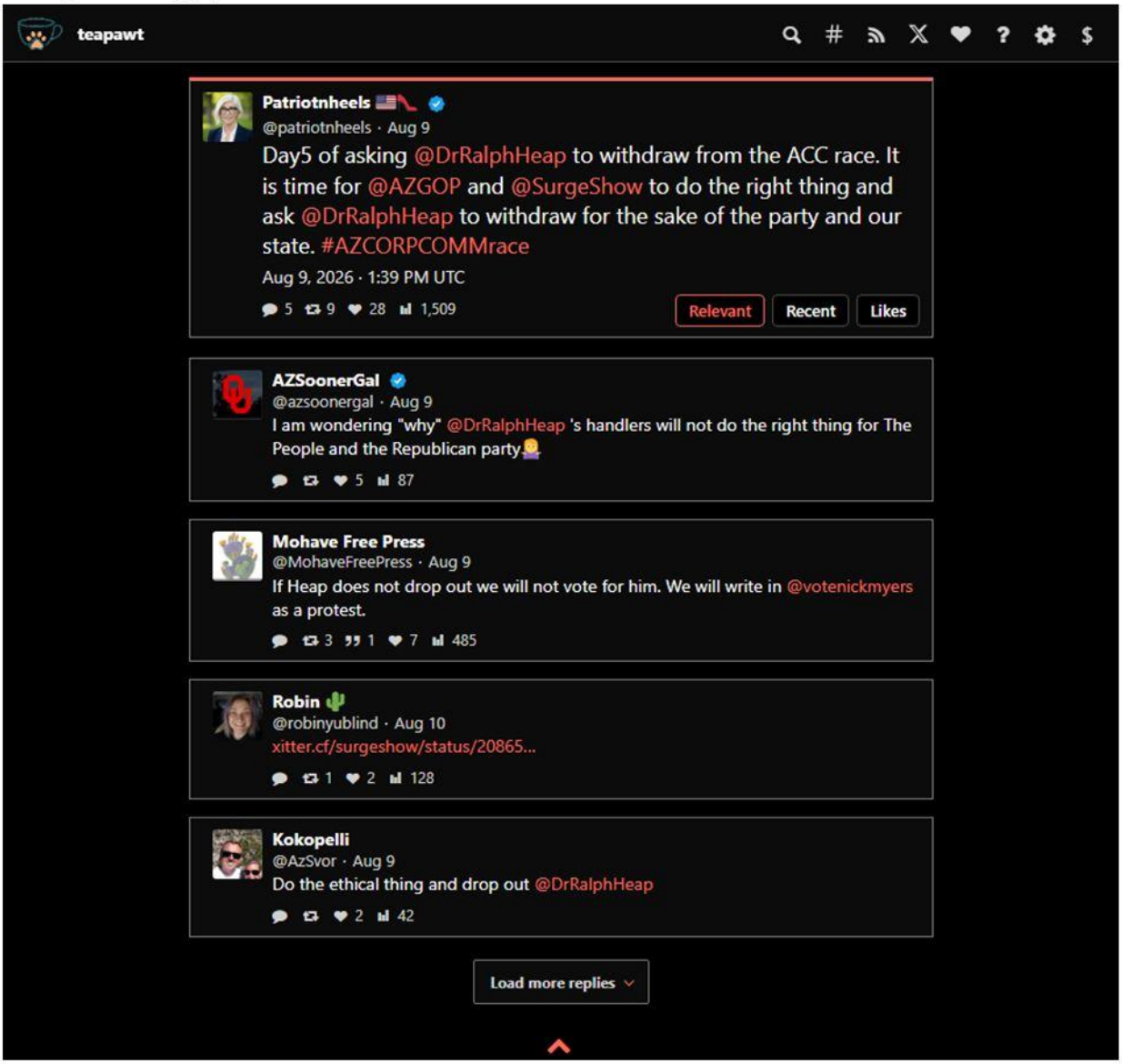
https://x.com/patriotnheels/status/2087681060184494238

5. Repost · Aug 10, 2026 · 1:53 PM UTC



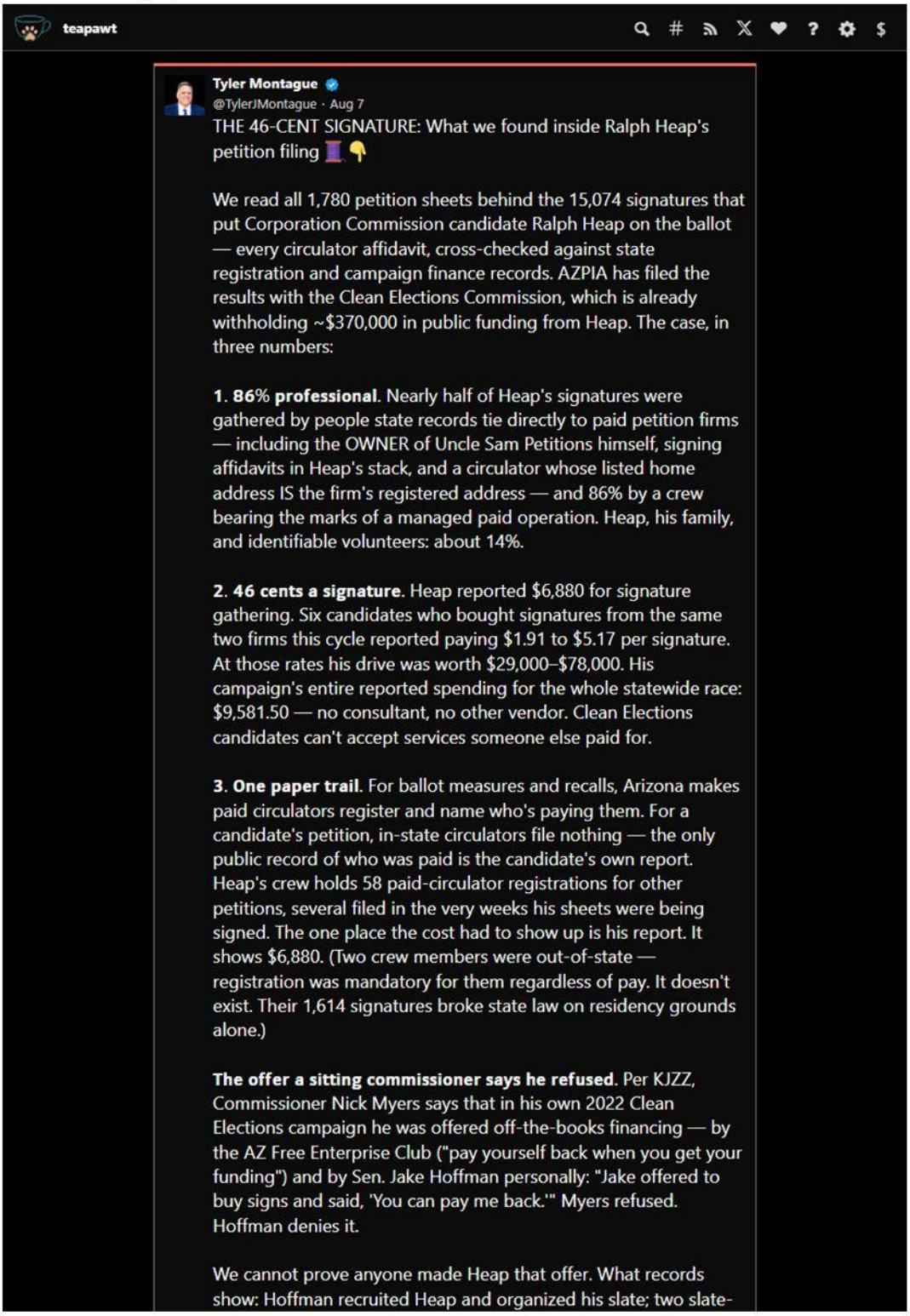
https://x.com/patriotnheels/status/2086813117724381199

6. Repost · Aug 9, 2026 · 1:39 PM UTC

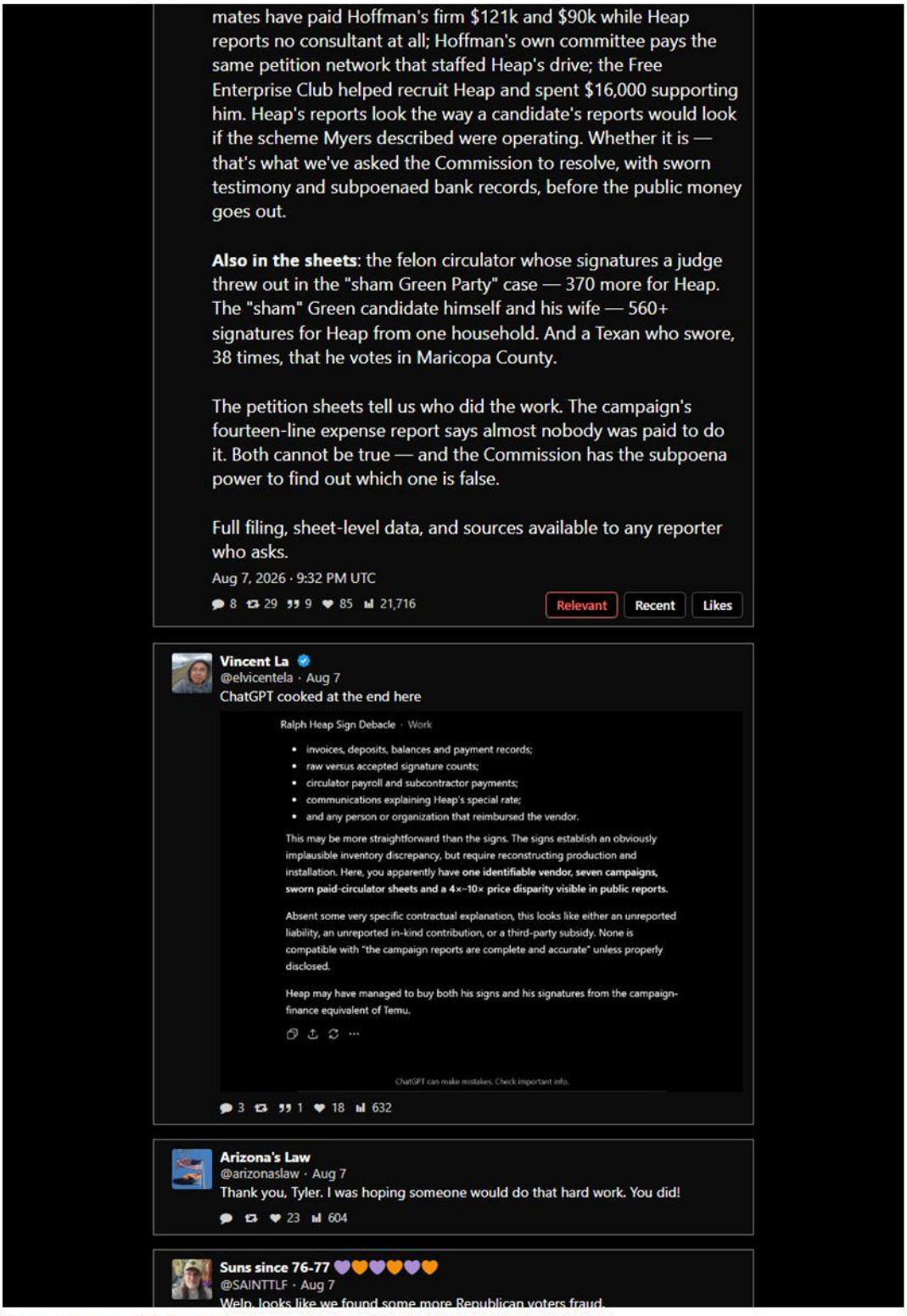


https://x.com/patriotnheels/status/2086447185369944544

7. Post · Aug 7, 2026 · 9:32 PM UTC

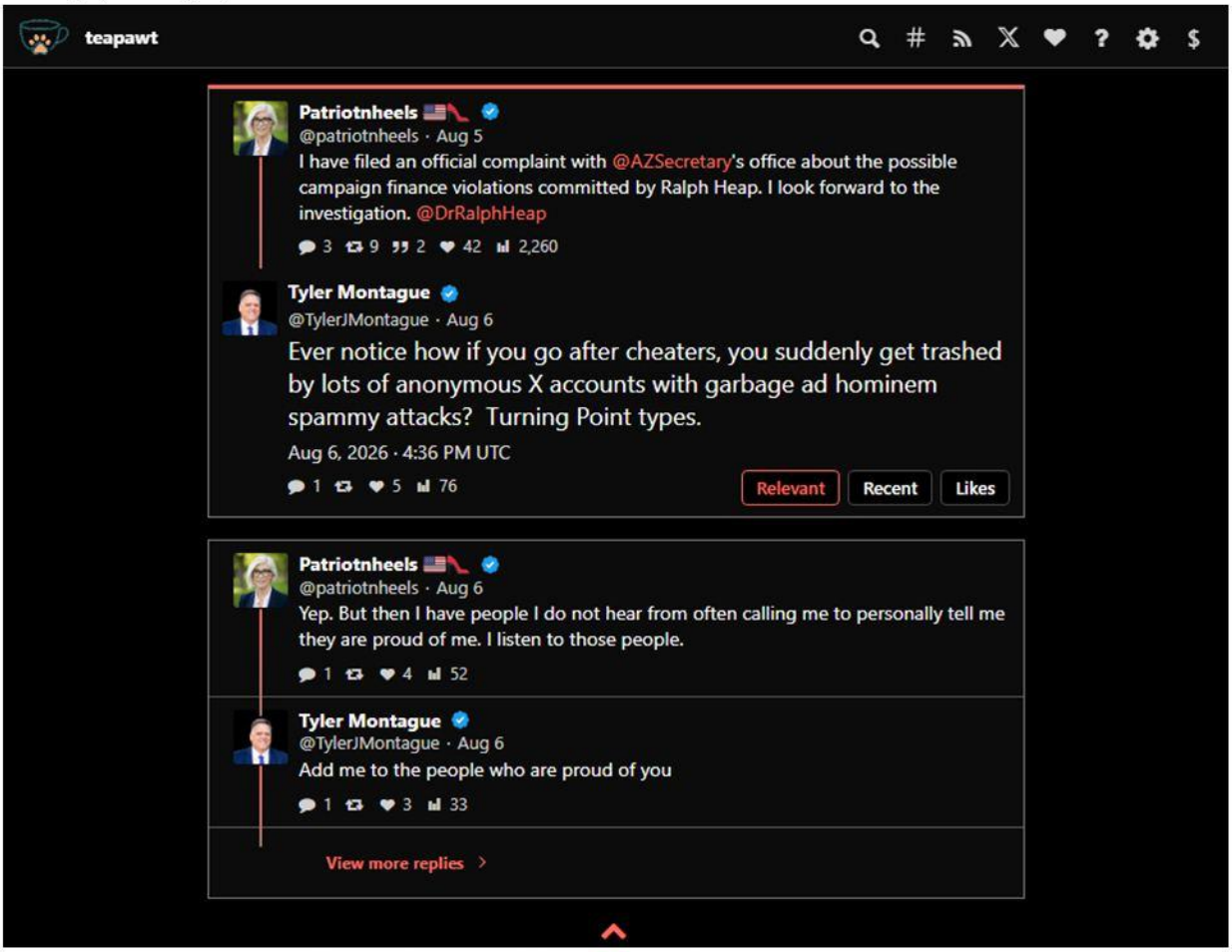


7. Post · Aug 7, 2026 · 9:32 PM UTC (continued)



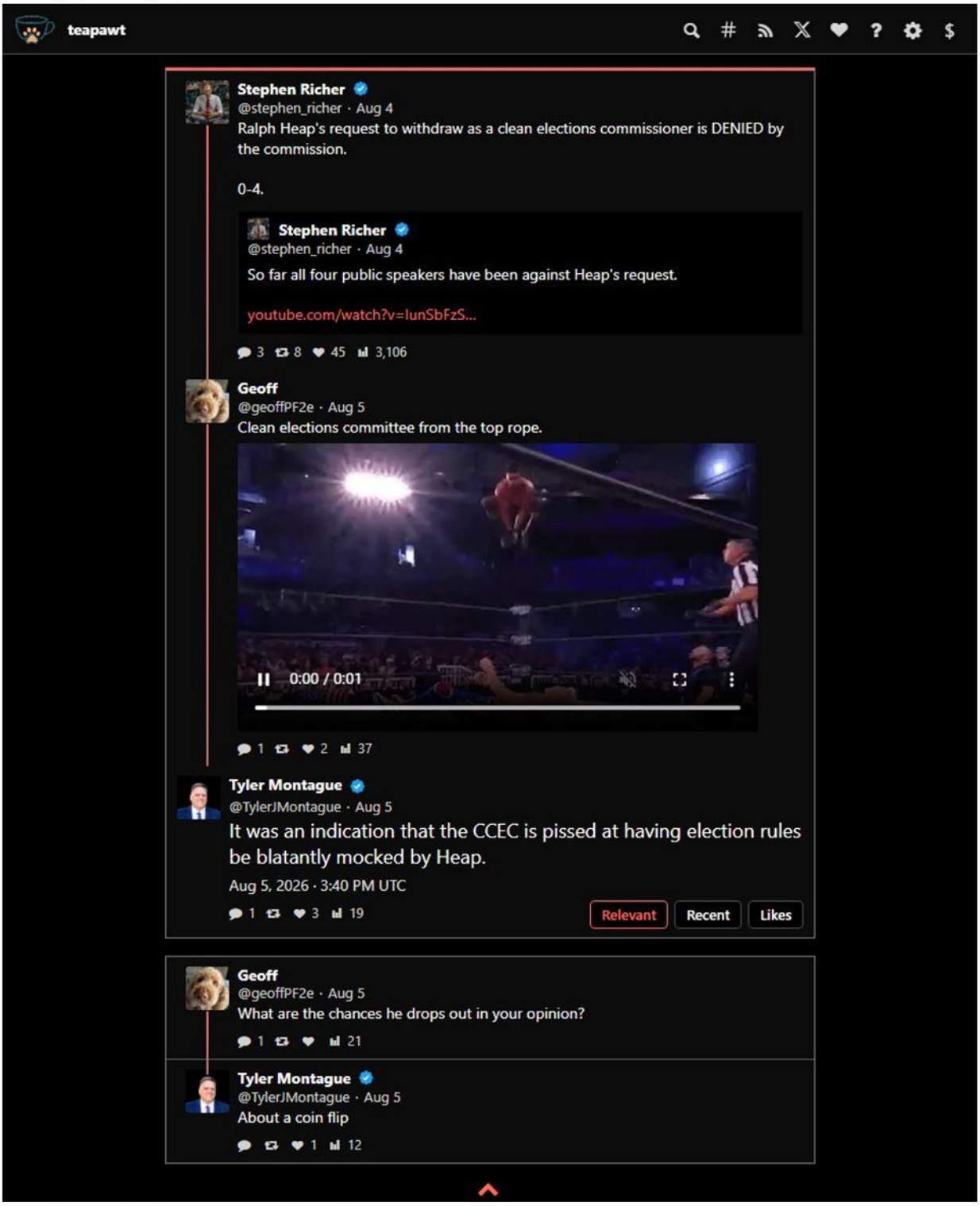
https://x.com/TylerJMontague/status/2085841638715486419

8. Reply · Aug 6, 2026 · 4:36 PM UTC



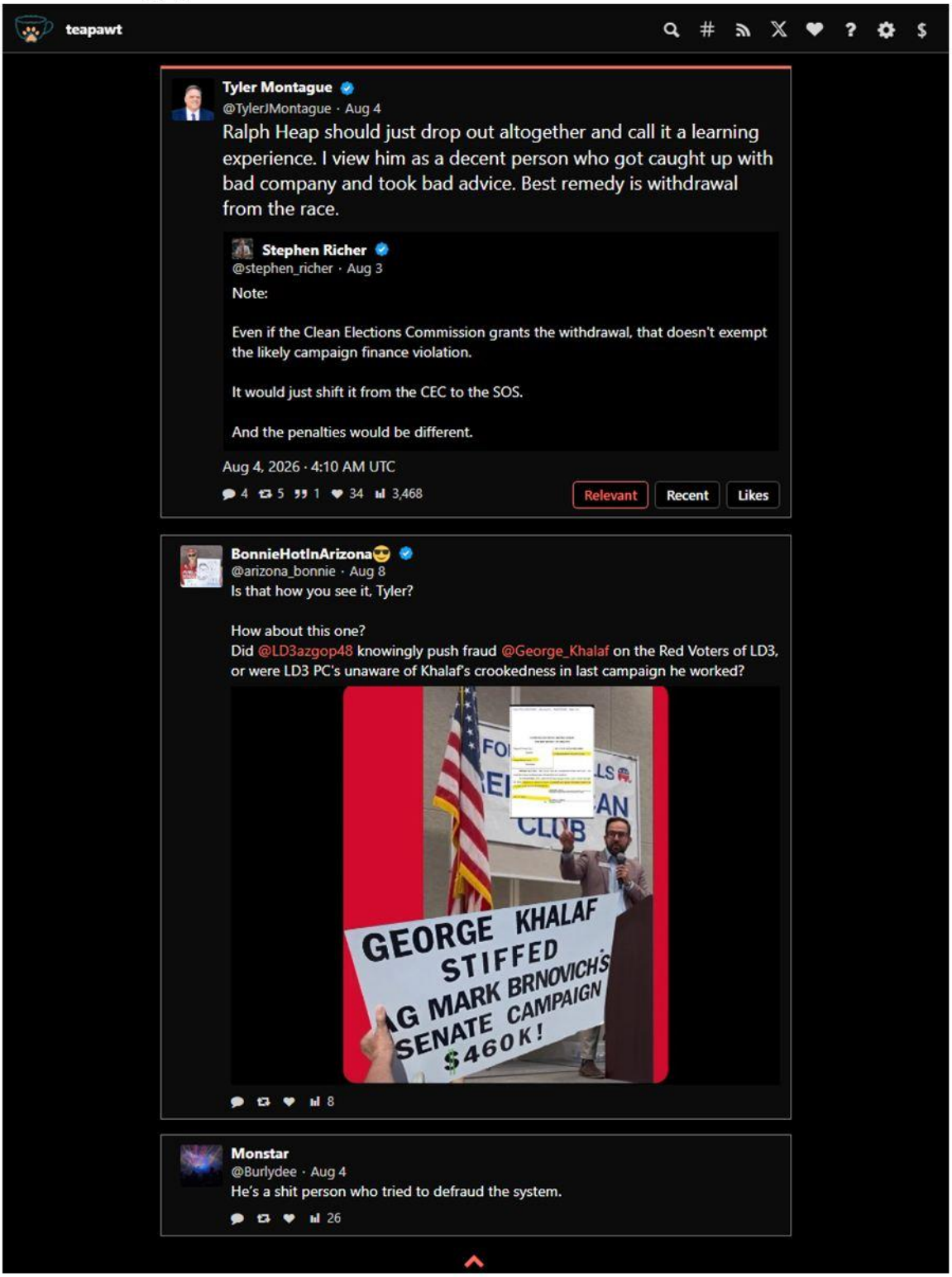
https://x.com/TylerJMontague/status/2085404638015320159

9. Reply · Aug 5, 2026 · 3:40 PM UTC



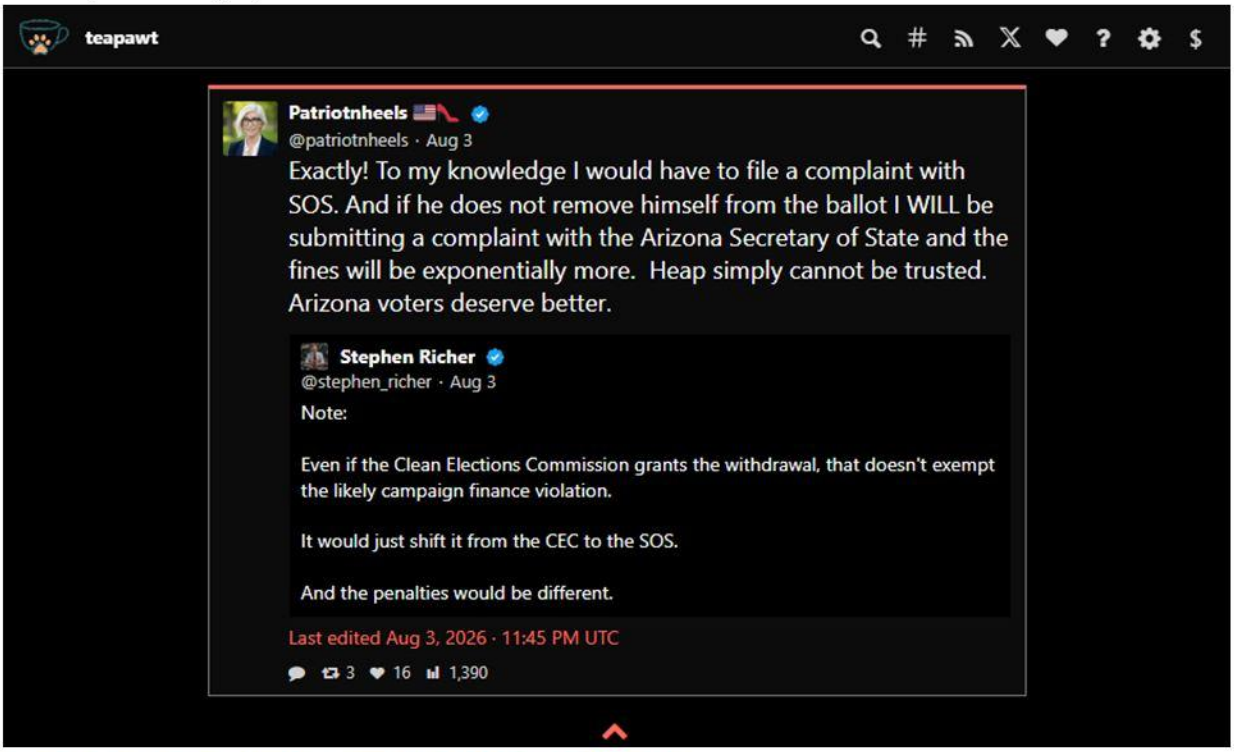
https://x.com/TylerJMontague/status/2085028167245521159

10. Post · Aug 4, 2026 · 4:10 AM UTC



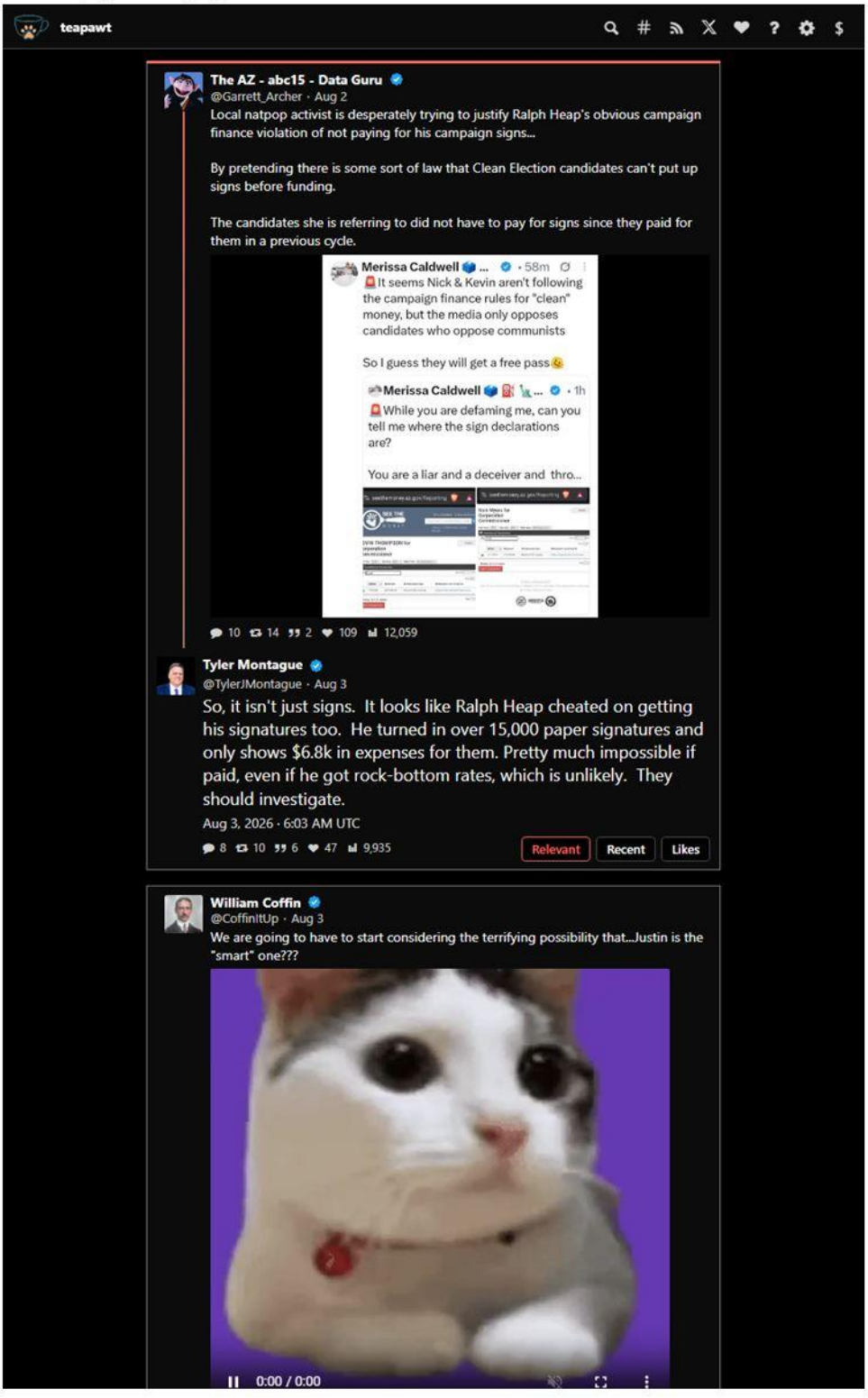
https://x.com/TylerJMontague/status/2084492093251264736

11. Repost · Aug 3, 2026 · 11:45 PM UTC

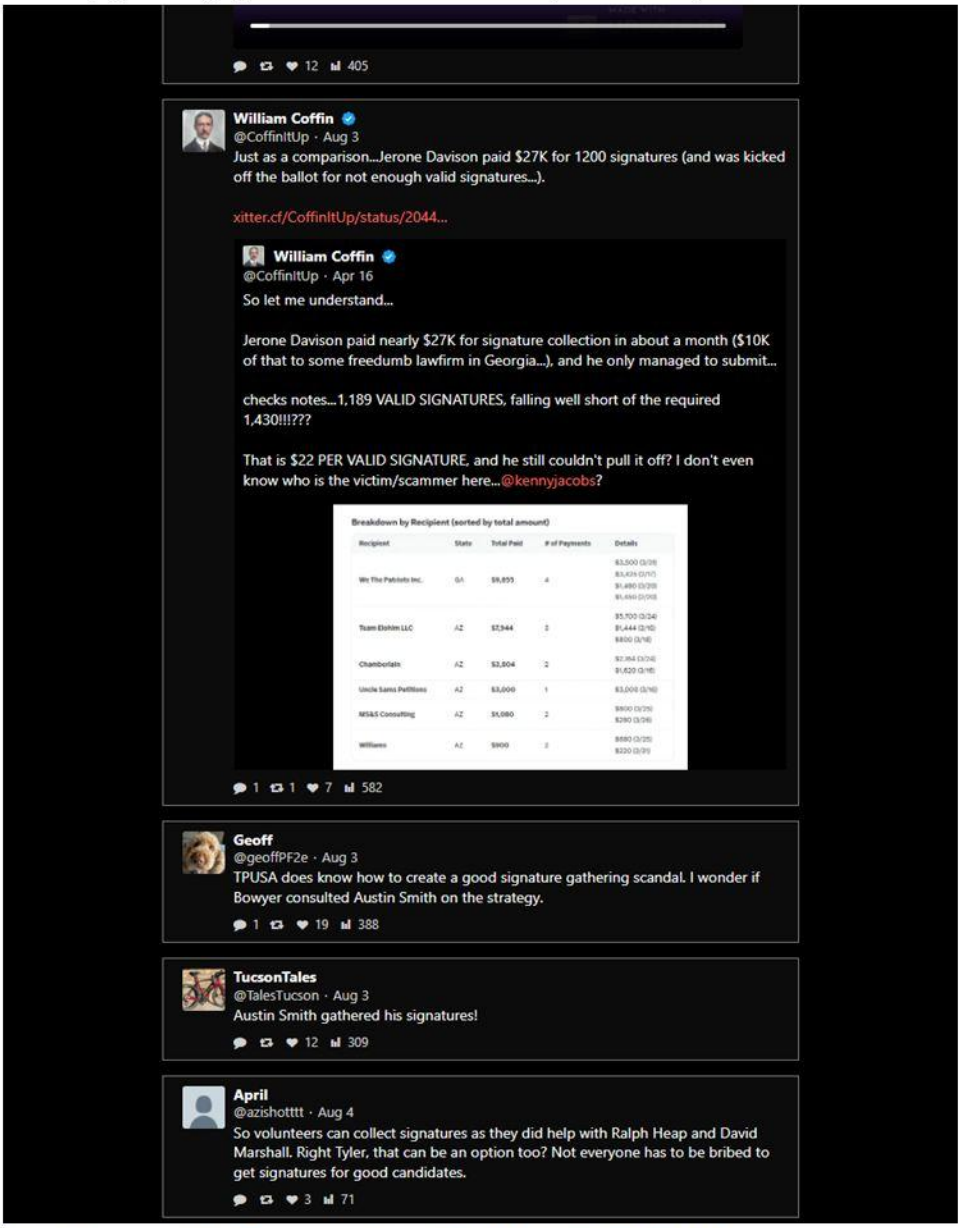


https://x.com/patriotnheels/status/2084425473329942832

12. Reply · Aug 3, 2026 · 6:03 AM UTC

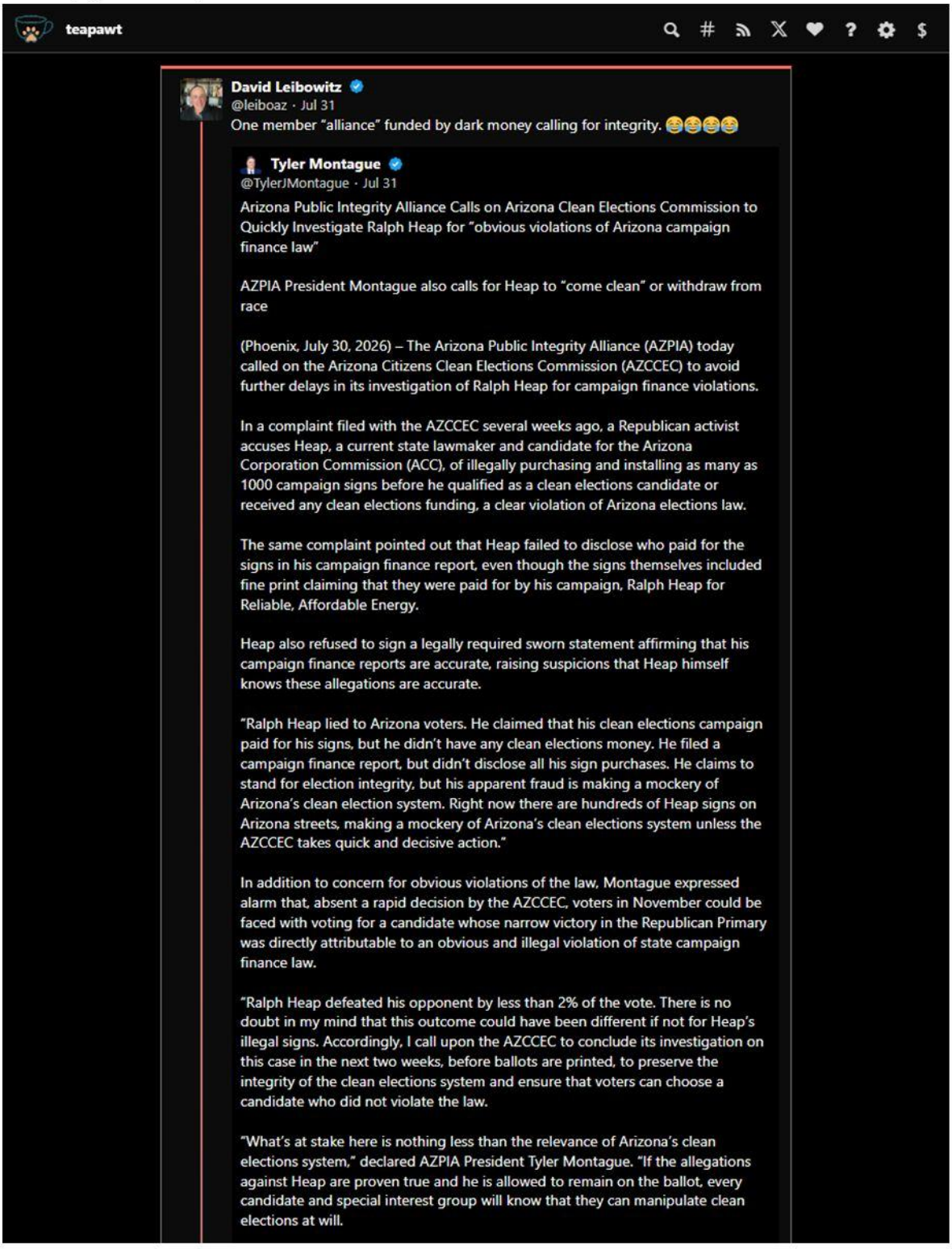


12. Reply · Aug 3, 2026 · 6:03 AM UTC (continued)

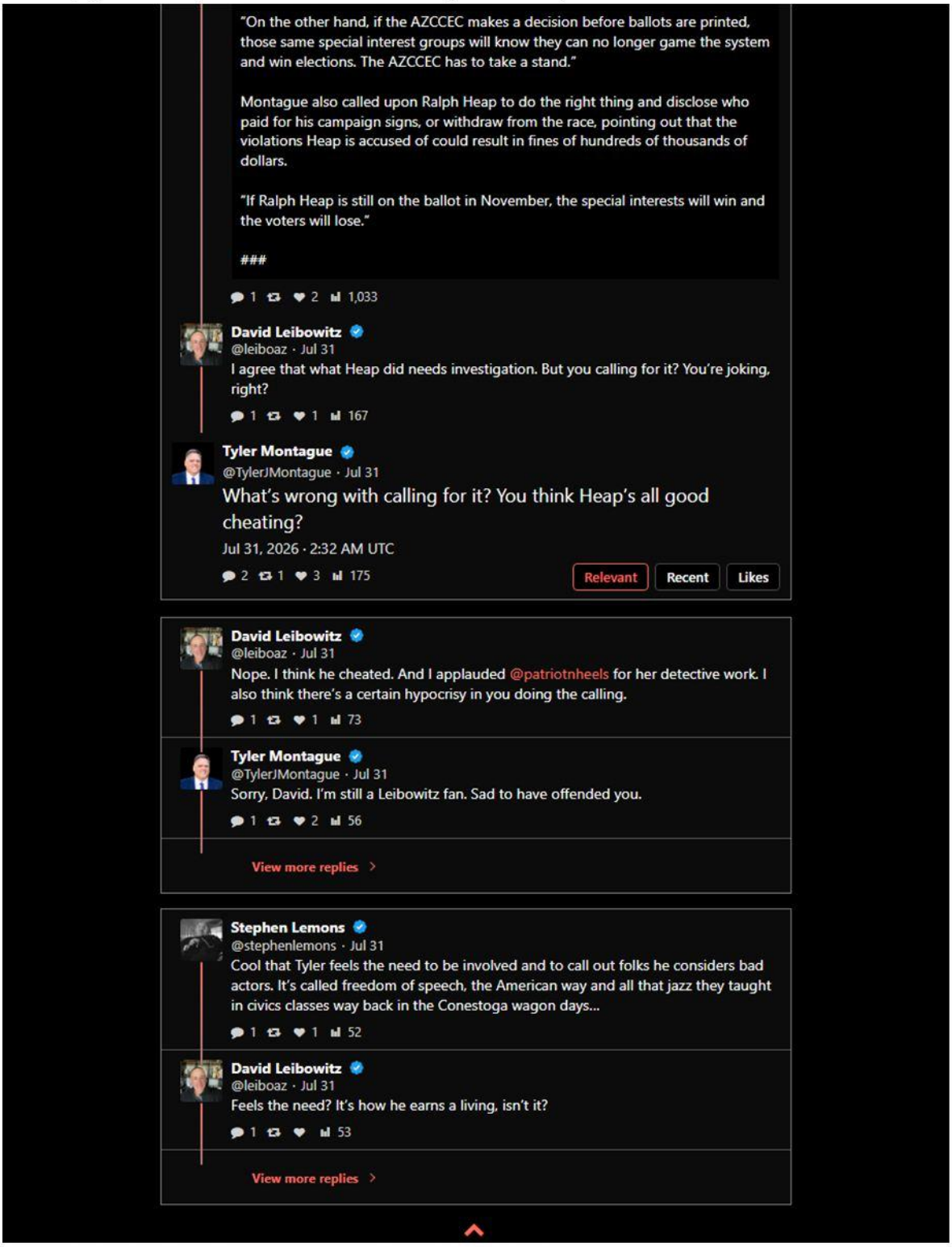


https://x.com/TylerJMontague/status/2084158083144843460

13. Reply · Jul 31, 2026 · 2:32 AM UTC

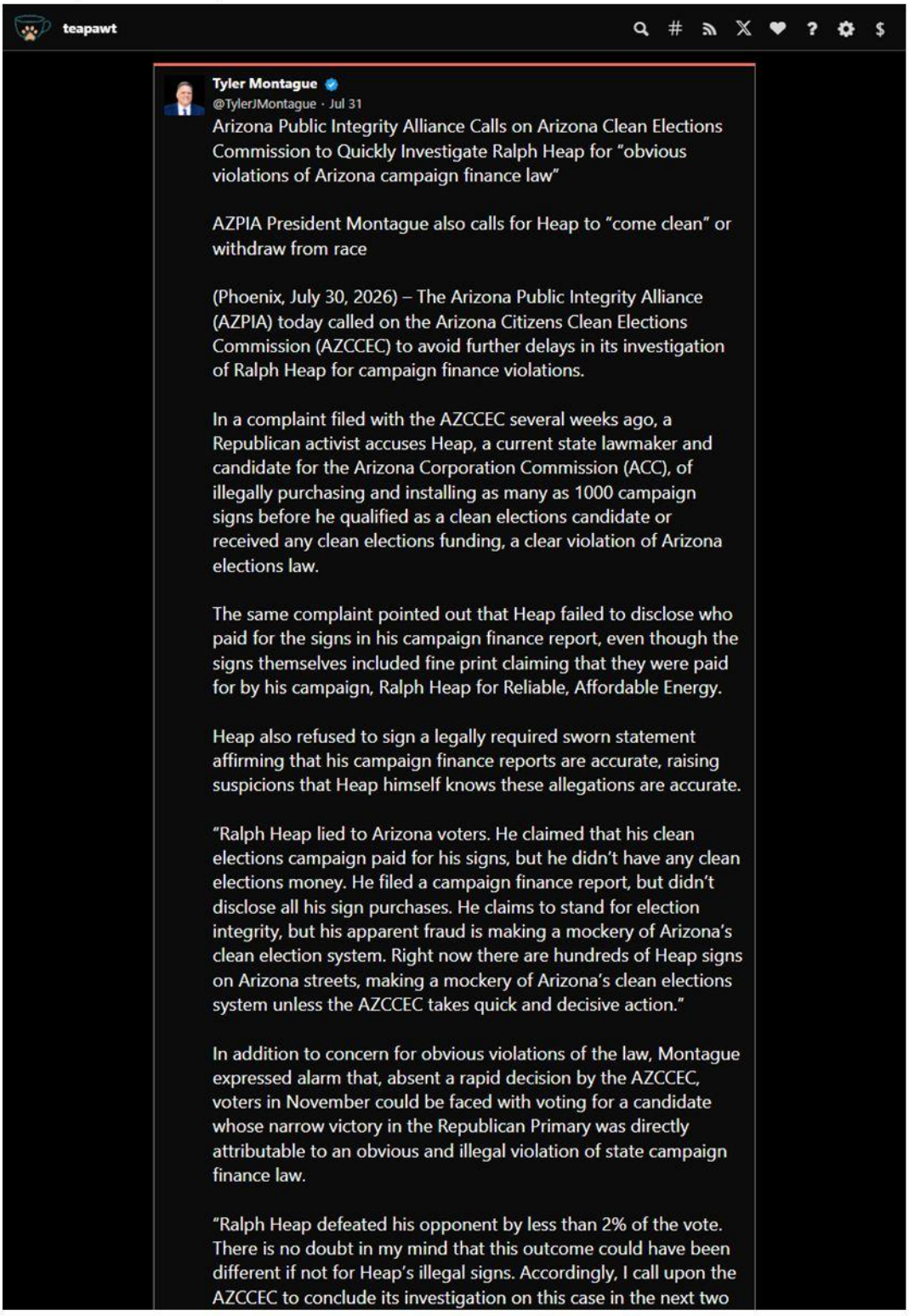


13. Reply · Jul 31, 2026 · 2:32 AM UTC (continued)

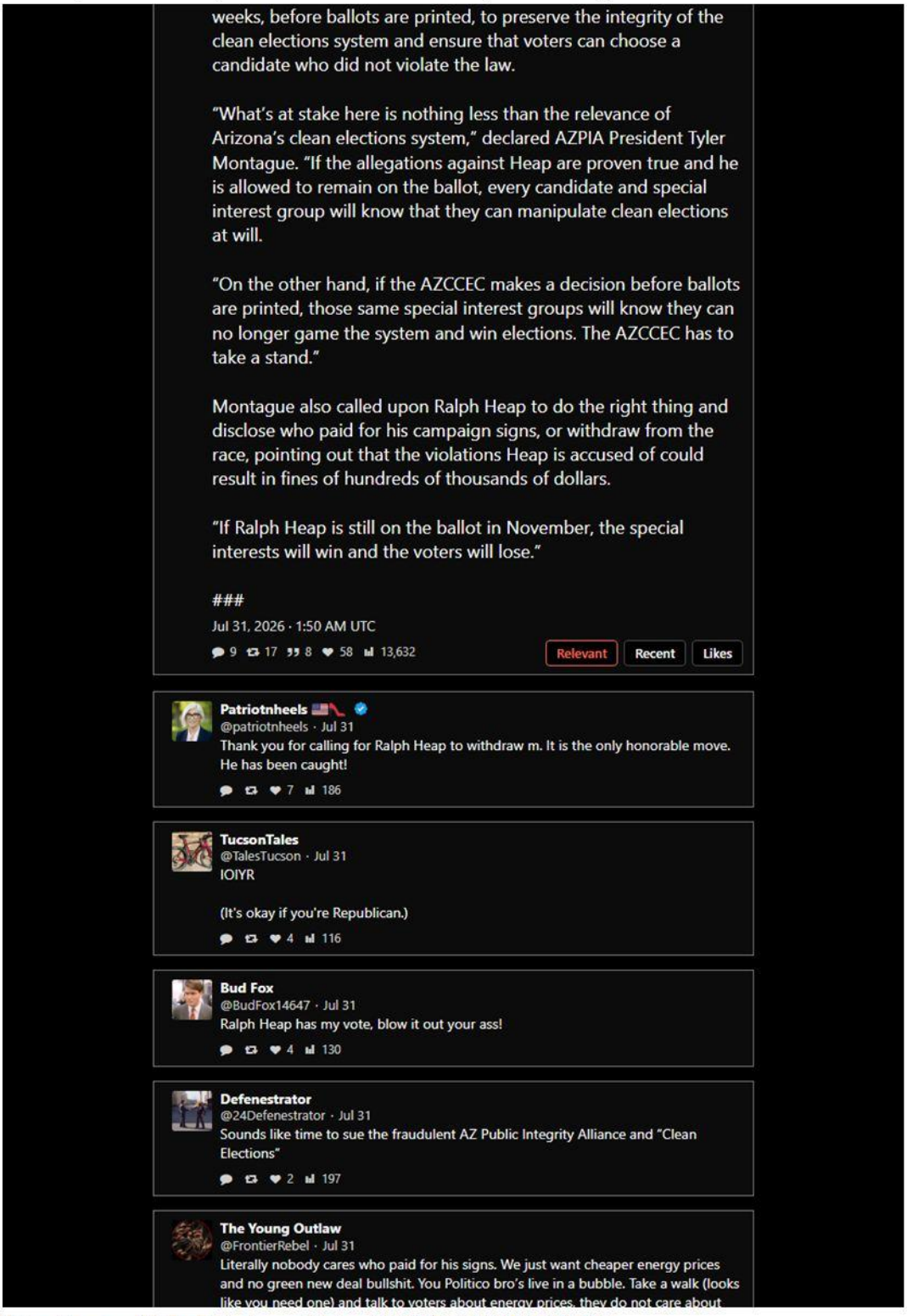


https://x.com/TylerJMontague/status/2083017950269968892

14. Repost · Jul 31, 2026 · 1:50 AM UTC

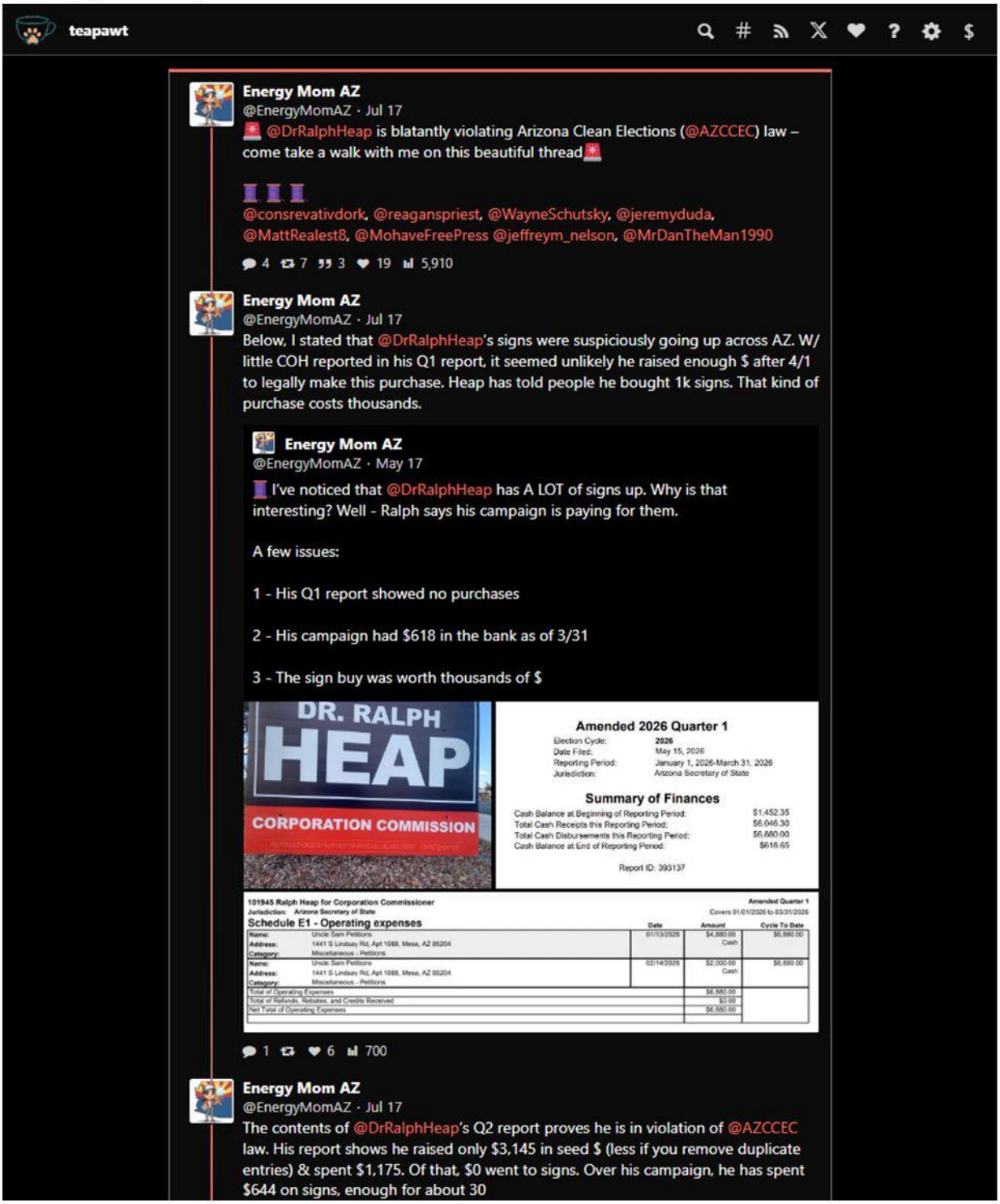


14. Repost · Jul 31, 2026 · 1:50 AM UTC (continued)

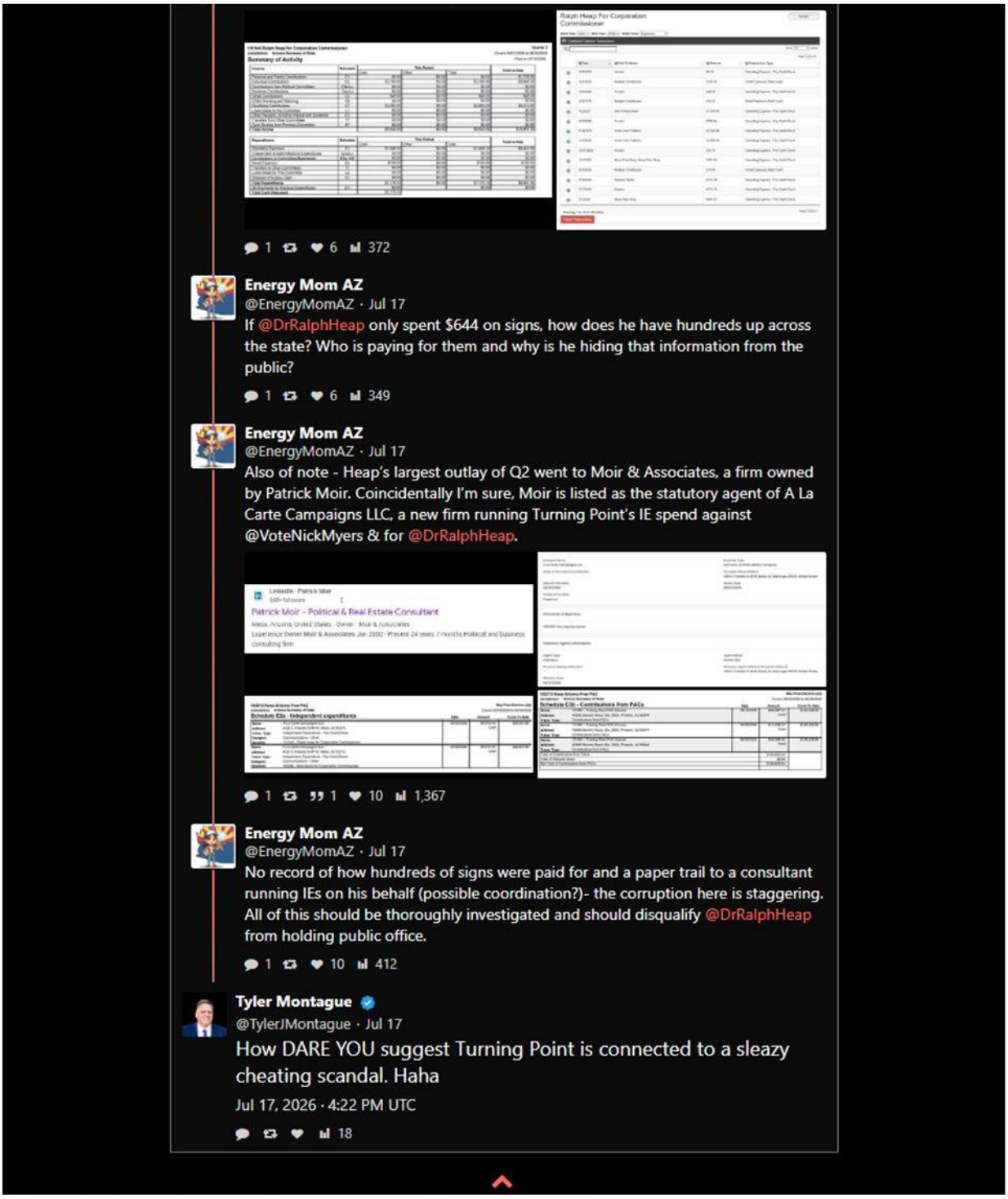


https://x.com/TylerJMontague/status/2083007312068063630

15. Reply · Jul 17, 2026 · 4:22 PM UTC

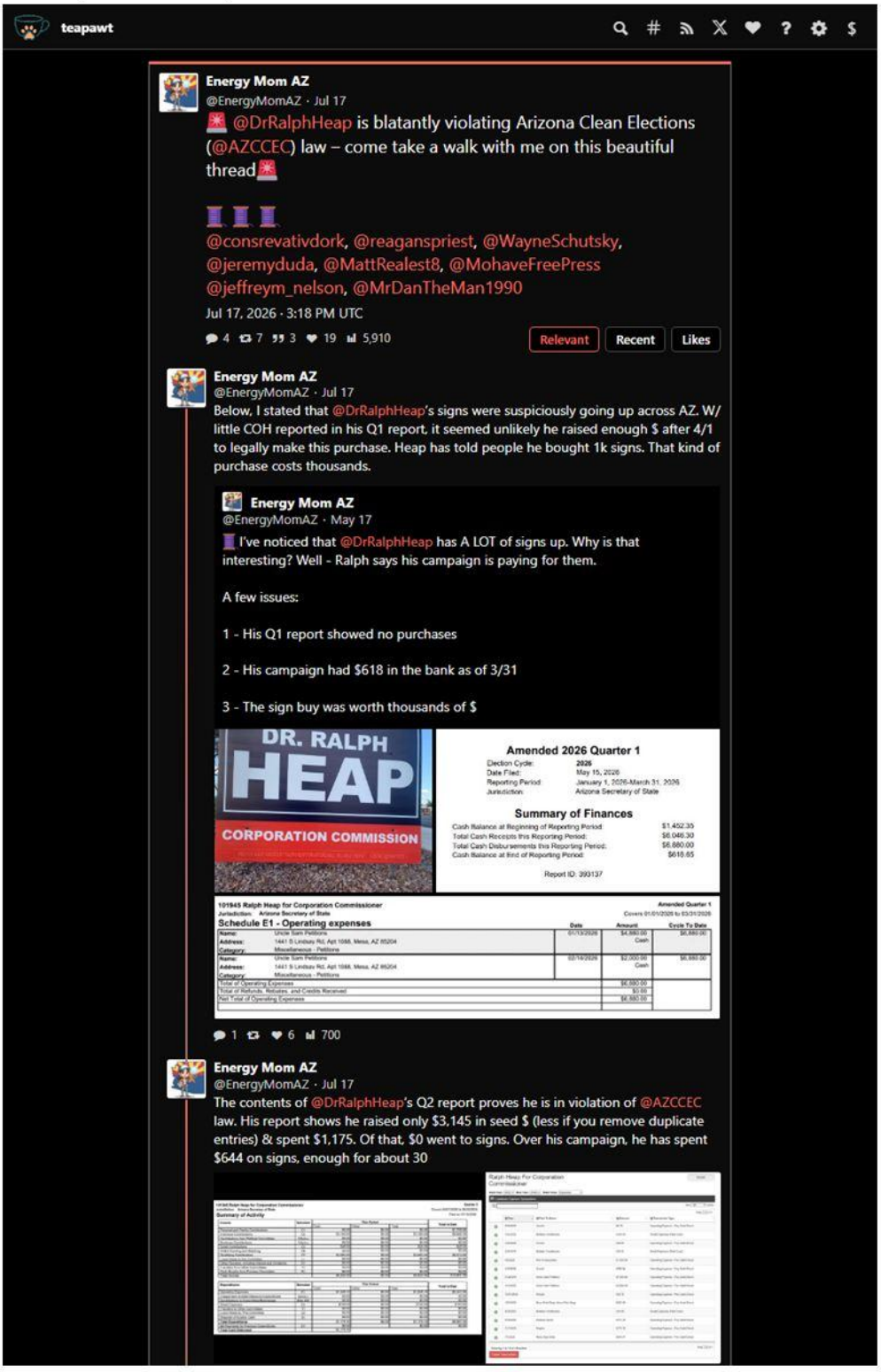


15. Reply · Jul 17, 2026 · 4:22 PM UTC (continued)

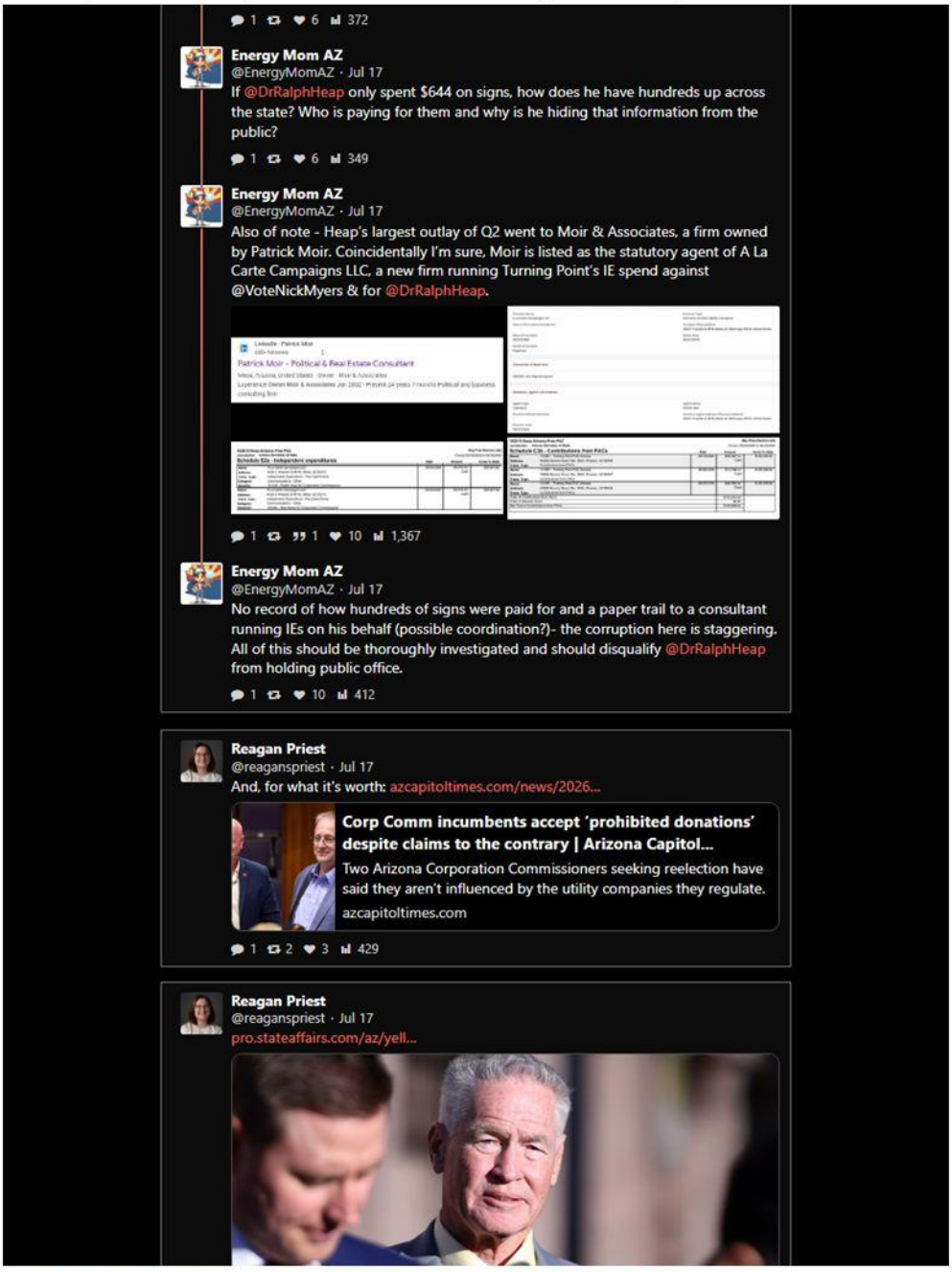


https://x.com/TylerJMontague/status/2078153394615980317

16. Repost · Jul 17, 2026 · 3:18 PM UTC



16. Repost · Jul 17, 2026 · 3:18 PM UTC (continued)

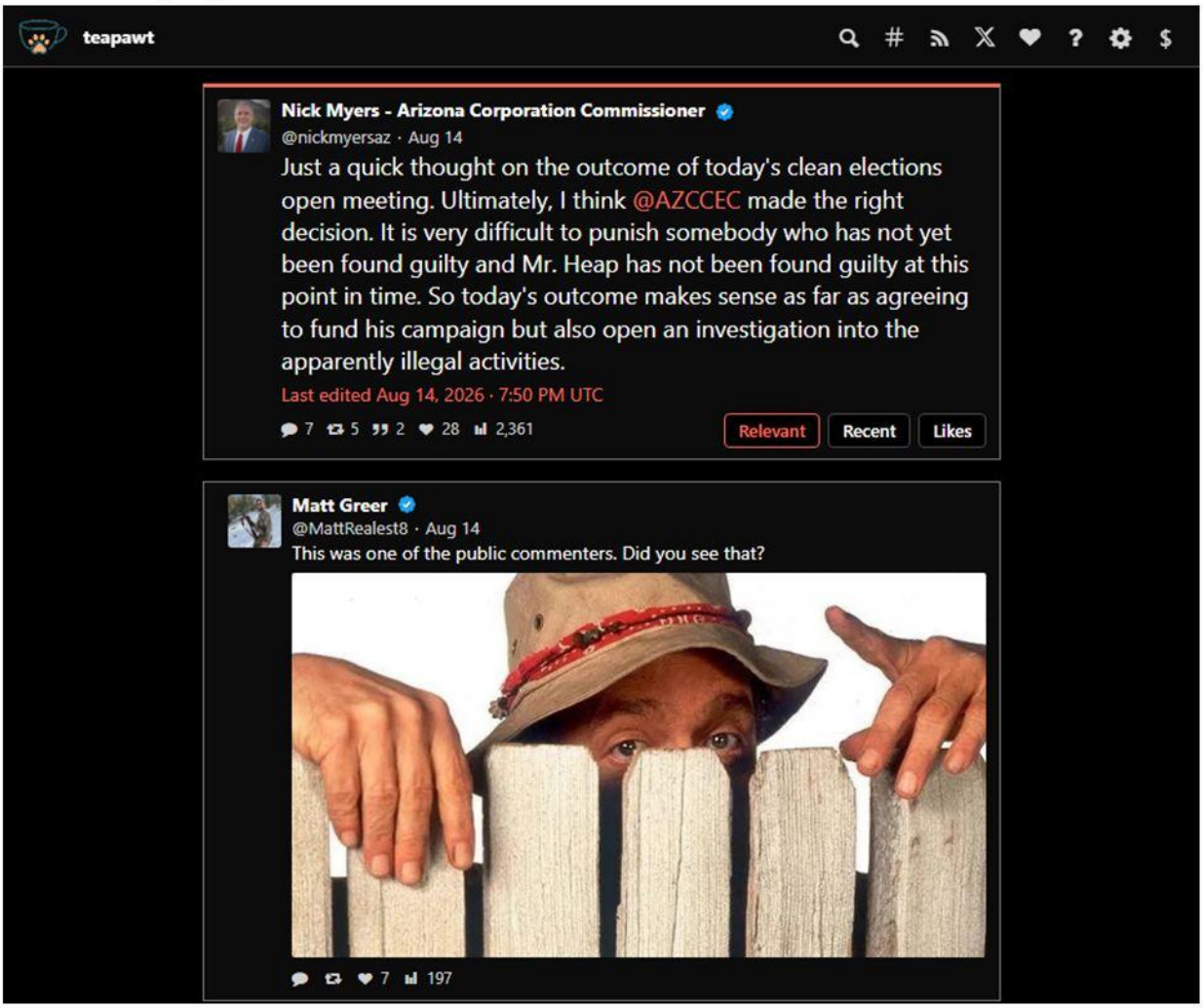


https://x.com/EnergyMomAZ/status/2078137382600372228

Nick Myers

@nickmyersaz. 7 post(s), newest first.

1. Post · Aug 14, 2026 · 7:50 PM UTC

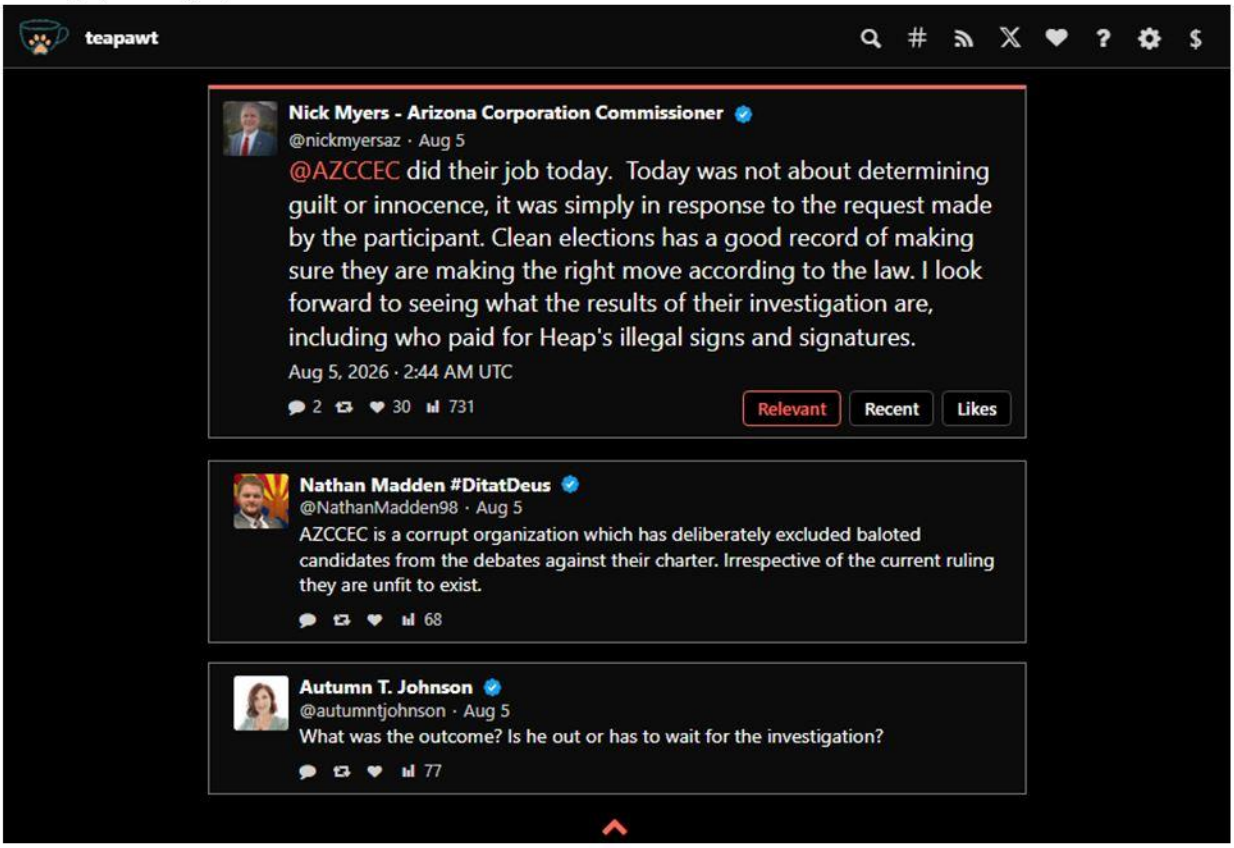


1. Post · Aug 14, 2026 · 7:50 PM UTC (continued)



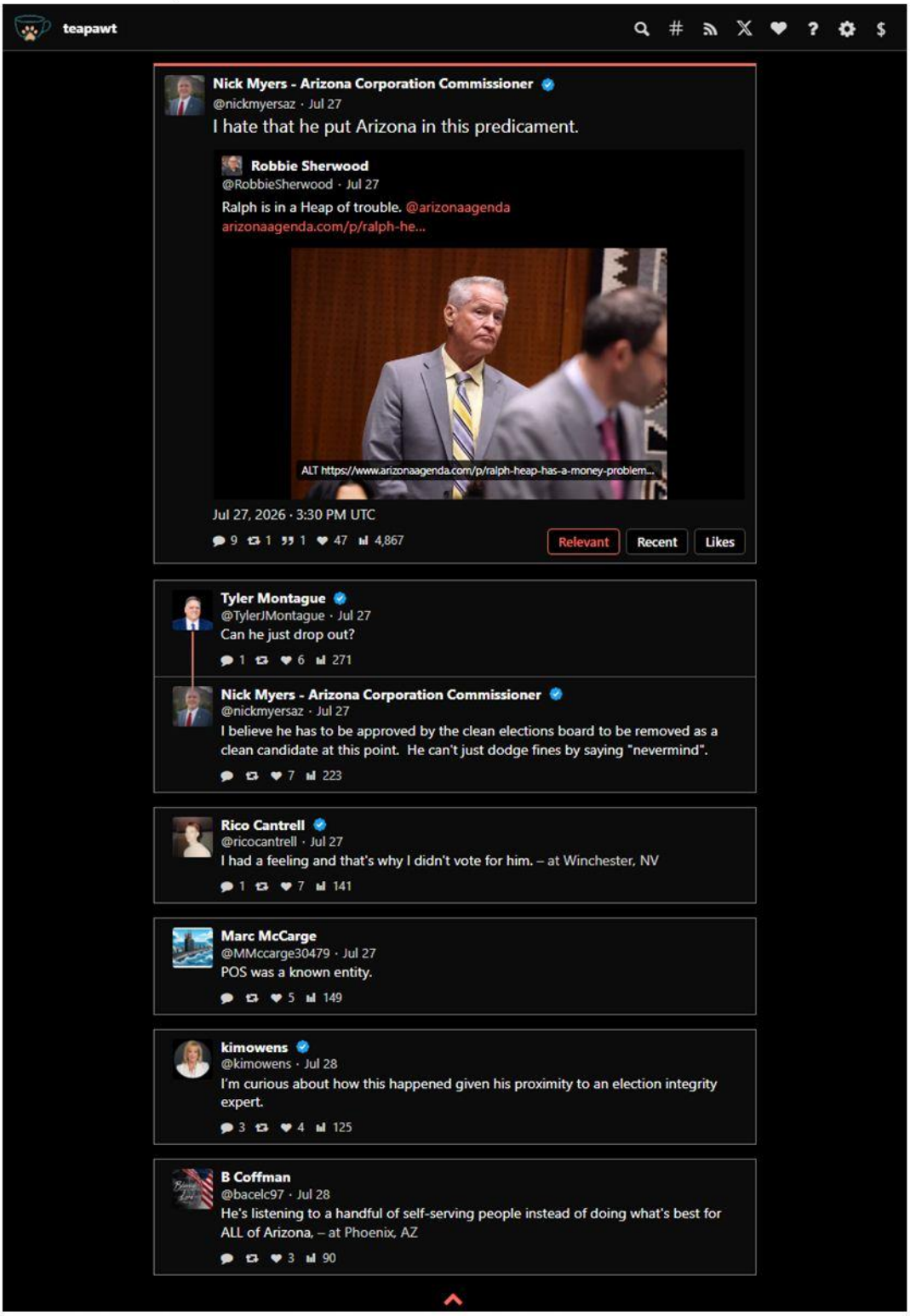
https://x.com/nickmyersaz/status/2088352609367363615

2. Reply · Aug 5, 2026 · 2:44 AM UTC



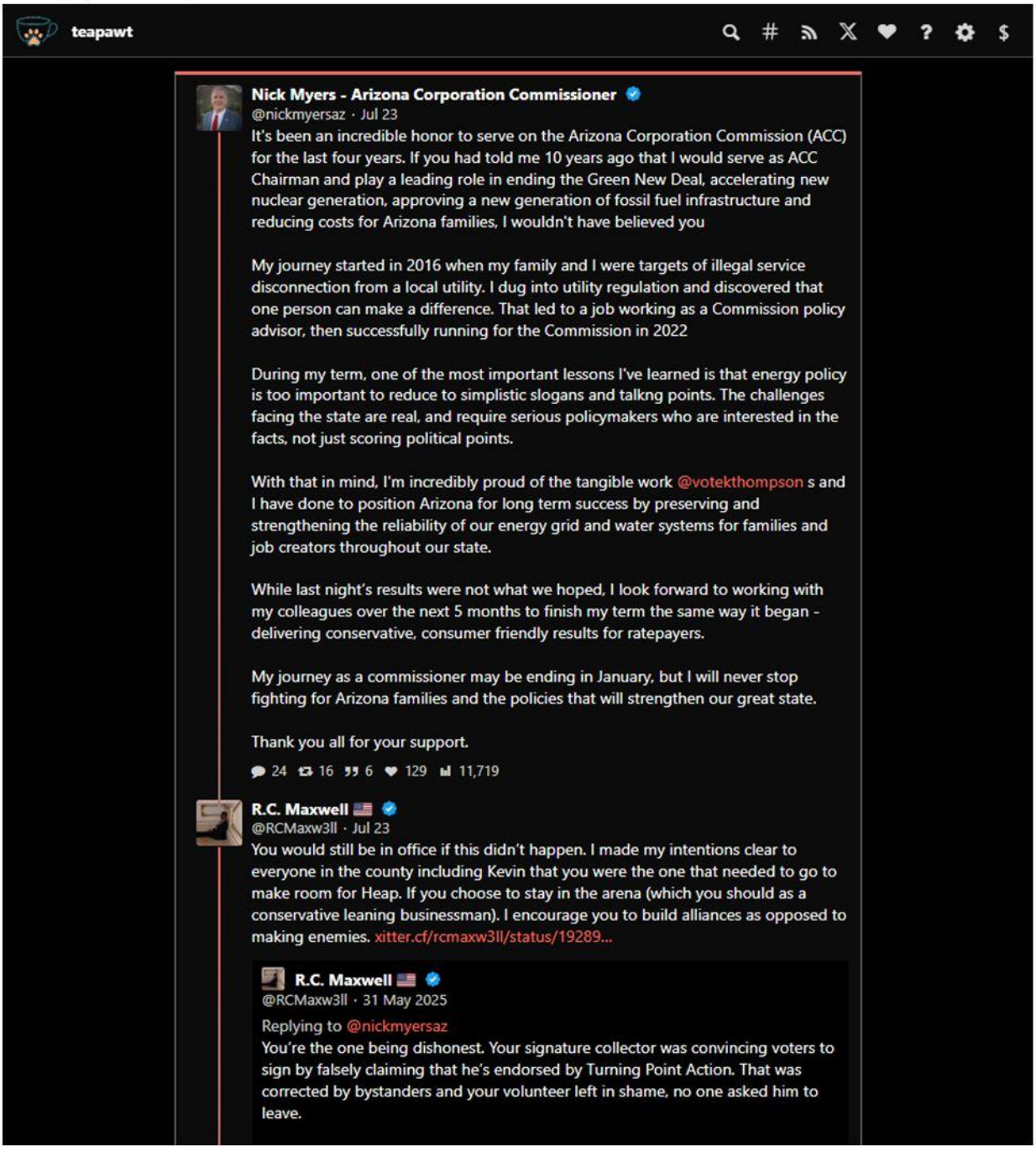
https://x.com/nickmyersaz/status/2084832949426335919

3. Post · Jul 27, 2026 · 3:30 PM UTC

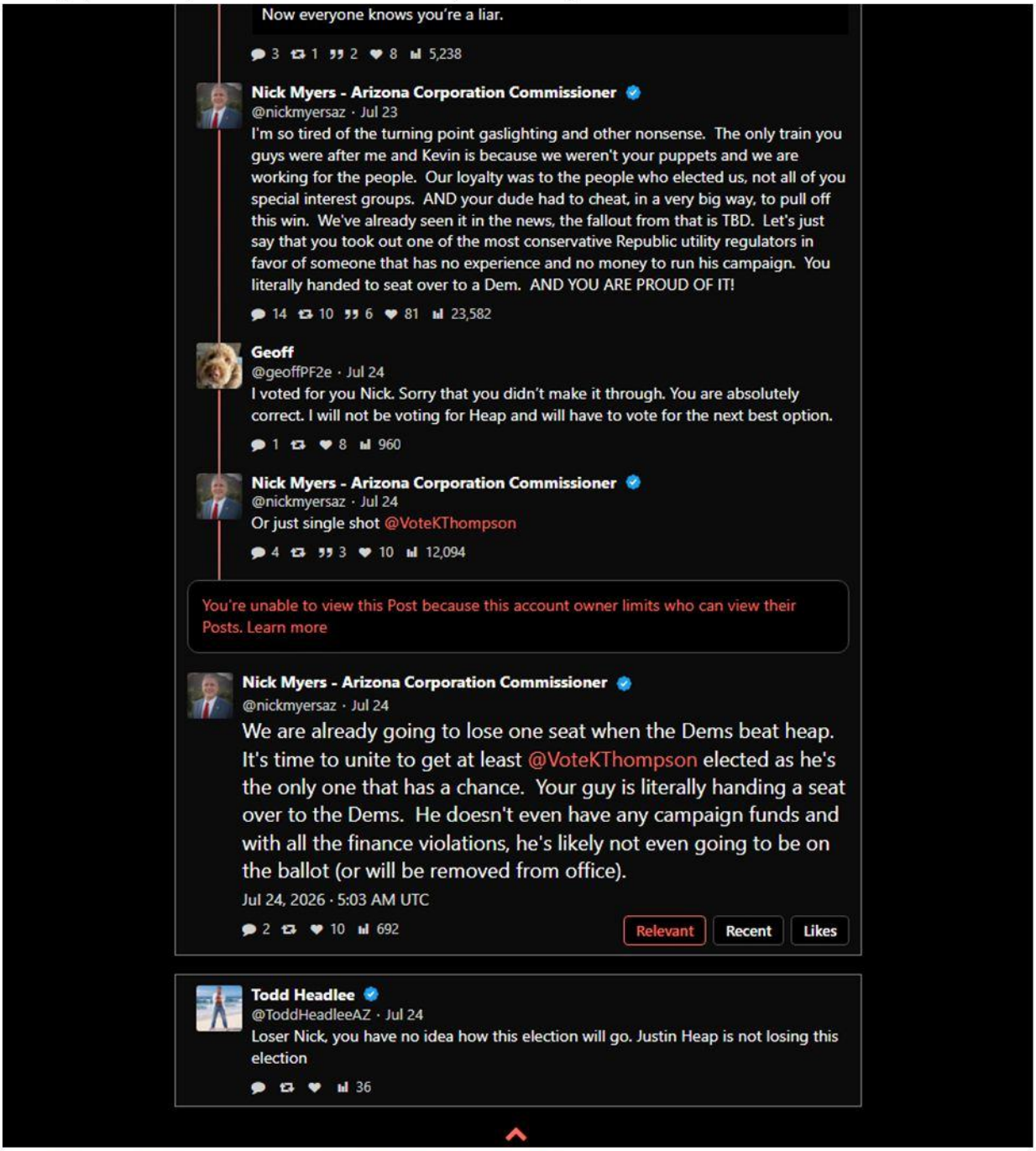


https://x.com/nickmyersaz/status/2081764173793608144

4. Reply · Jul 24, 2026 · 5:03 AM UTC



4. Reply · Jul 24, 2026 · 5:03 AM UTC (continued)



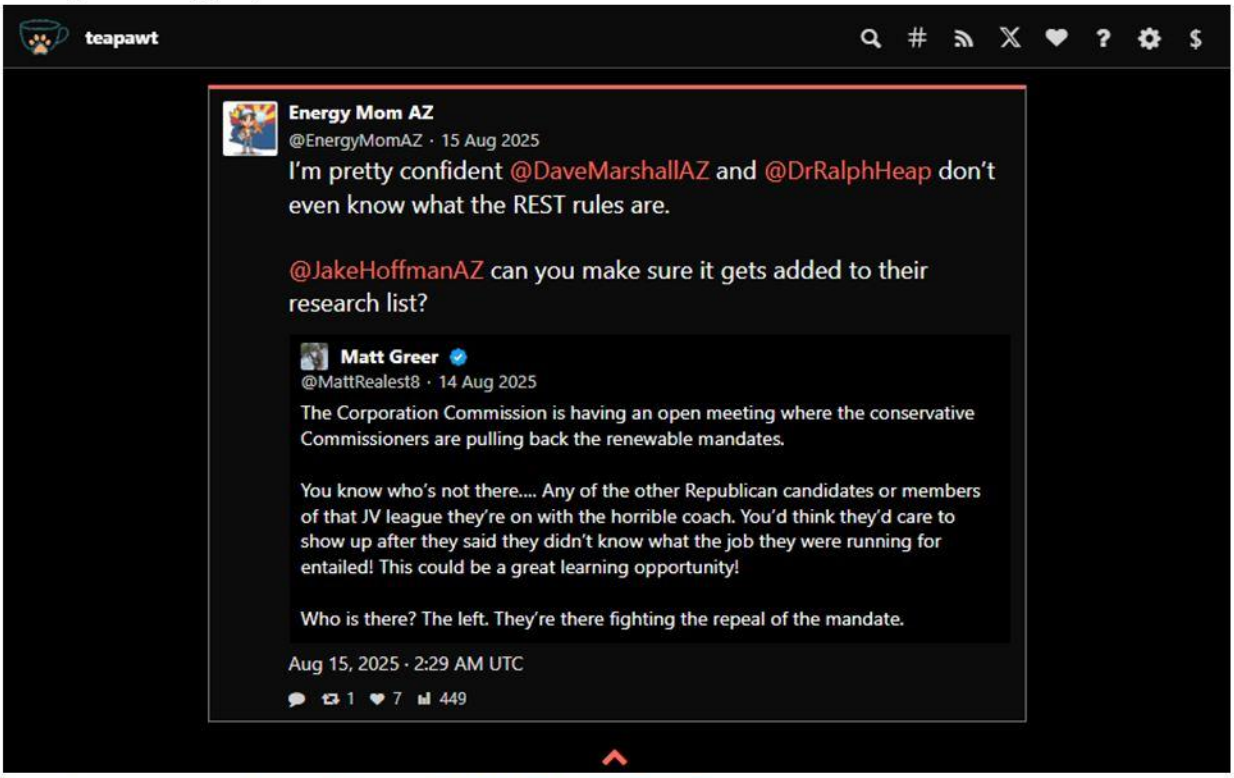
https://x.com/nickmyersaz/status/2080519134090068267

5. Post · Jul 17, 2026 · 3:56 PM UTC



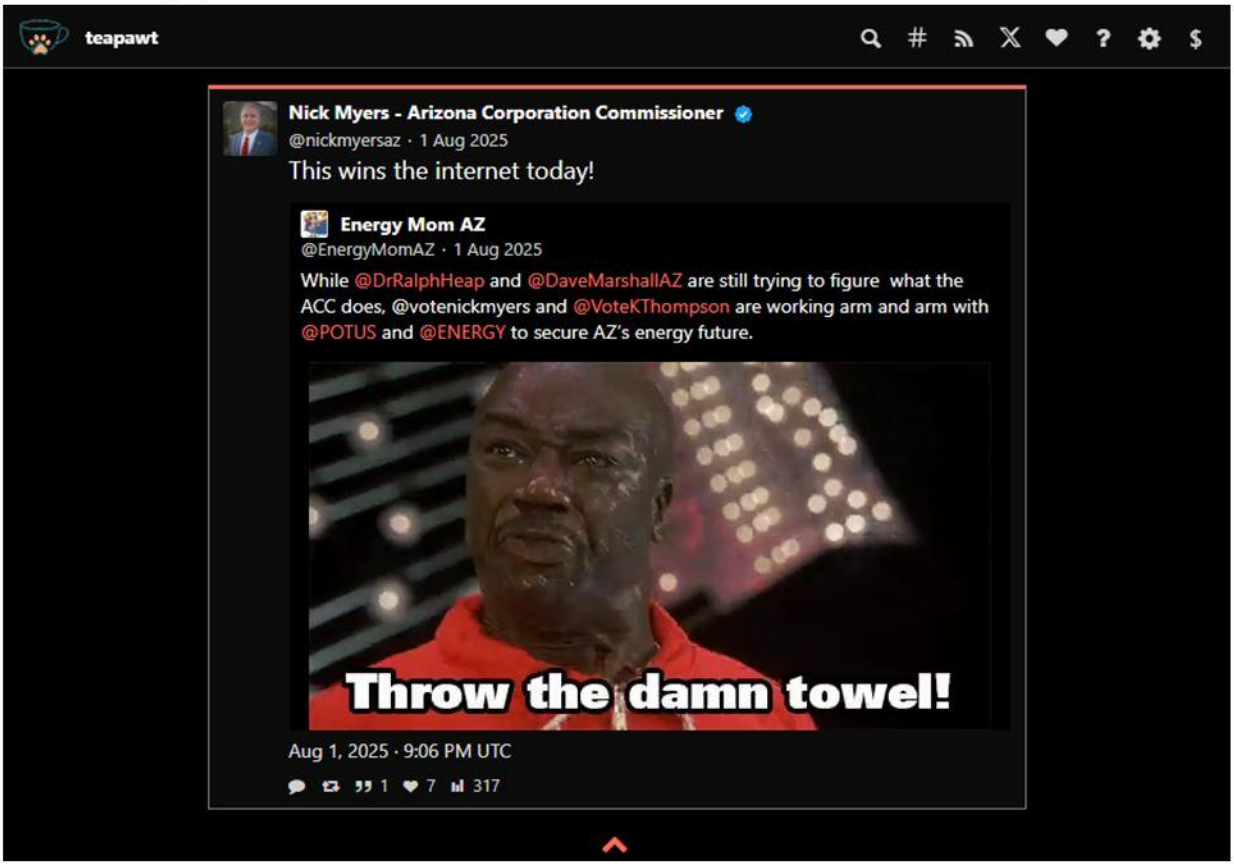
https://x.com/nickmyersaz/status/2078146889212703155

6. Repost · Aug 15, 2025 · 2:29 AM UTC



https://x.com/EnergyMomAZ/status/1956181304699224467

7. Post · Aug 1, 2025 · 9:06 PM UTC

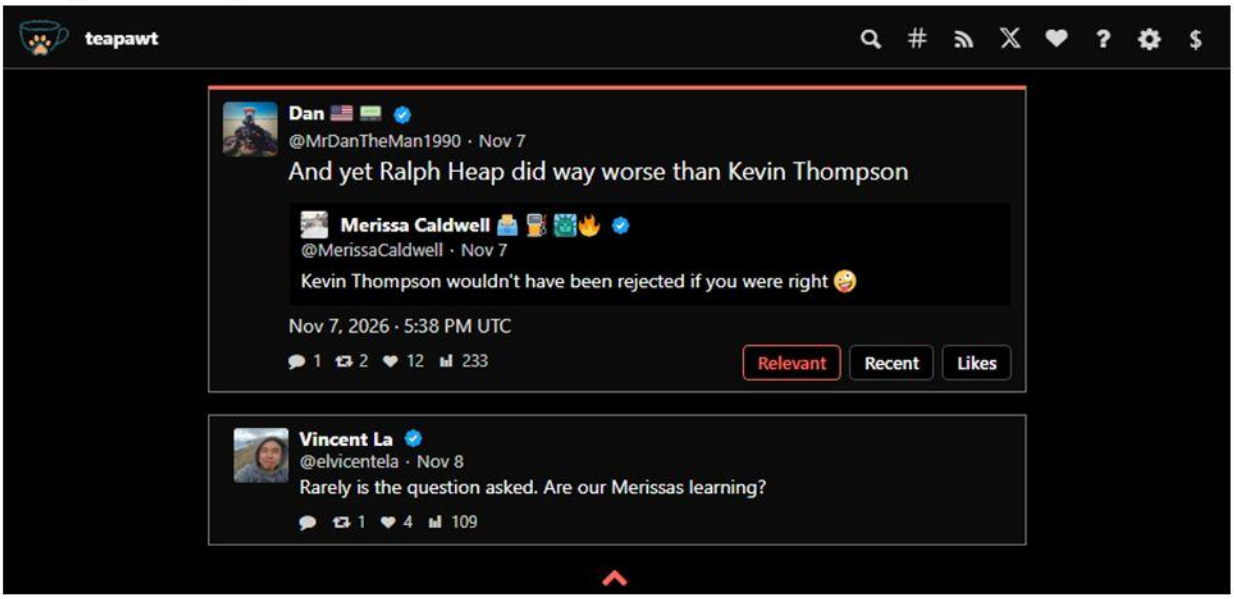


https://x.com/nickmyersaz/status/1951389120359432578

Gina Swoboda

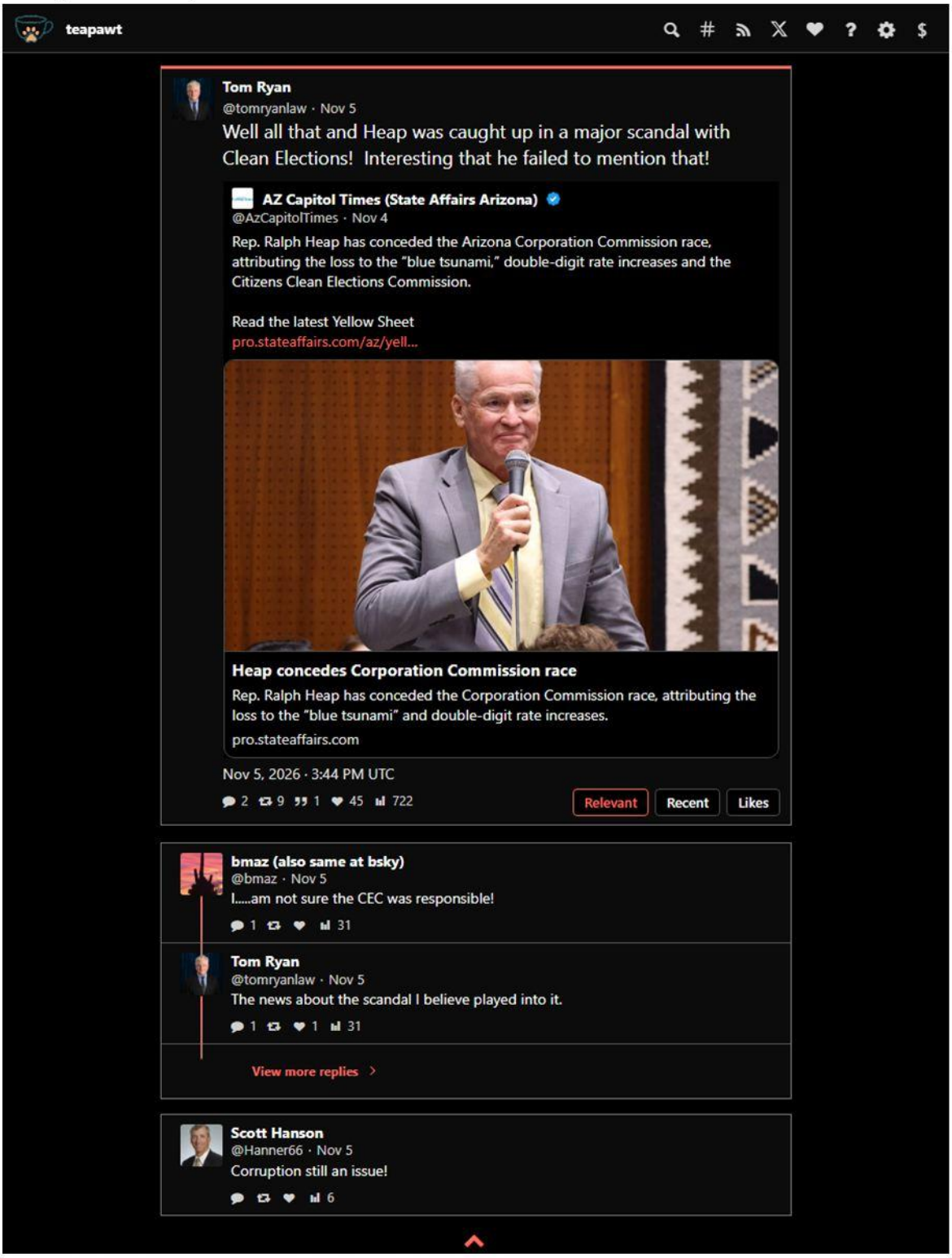
@GinaSwoboda. 2 post(s), newest first.

1. Repost · Nov 7, 2026 · 5:38 PM UTC



https://x.com/MrDanTheMan1990/status/2119122322804371691

2. Repost · Nov 5, 2026 · 3:44 PM UTC



https://x.com/tomryanlaw/status/2118368934001057953

Altman
LAW & POLICY

Kurt M. Altman, P.L.C. – Attorney at Law
Kurt M. Altman • Owner & Principal

September 30, 2026

Sent via Email

Mary O'Grady
Allie Karpurk
Osborn Maledon
2929 N. Central Ave., Suite 2000
Phoenix, Arizona 85012
mogrady@omlaw.com
akarpurk@omlaw.com

RE: In the Matter of 26-06: Subpoena Duces Tecum
Mesa Sign Shop, LLC (c/o James Torgenson)

Ms. Karpurk:

Please find Mesa Sign Shop, LLC's second document production. Disclosure No. 2 consists of the following:

- One (1) PDF document consisting of five (5) pages, reflecting Mesa Sign Shop's summary report of account balances due from numerous political and non-political clients. It also includes a screenshot of work orders received and completed on behalf of Ralph Heap in connection with his candidacy for the Arizona Corporation Commission.

- The email also includes 12 links to artwork prepared on behalf of Ralph Heap in connection with his candidacy for the Arizona Corporation Commission.

Again, some materials provided contain information relating to other candidates and non-political clients of Mesa Sign Shop that is not relevant to your current investigation. We trust that the information concerning other candidates and non-political clients will be maintained as confidential because it is unrelated to the current investigation.

We believe this disclosure exhausts all the documents and materials in Mesa Sign Shop, LLC possession that are responsive to the subpoena. In an abundance of caution, our client is continuing to search to ensure there is nothing else. Should something additional be found that is responsive to the subpoena, we intend to promptly produce it.

Please let us know if you have any difficulty opening the file.

Sincerely,

KURT M. ALTMAN, P.L.C.

/s/ Kurt M. Altman

Kurt M. Altman
Attorneys for Mesa Sign Shop, LLC

Altman
LAW & POLICY

Kurt M. Altman, P.L.C. – Attorney at Law
Kurt M. Altman • Owner & Principal

September 25, 2026

Sent via Email

Mary O'Grady
Allie Karpurk
Osborn Maledon
2929 N. Central Ave., Suite 2000
Phoenix, Arizona 85012
mogrady@omlaw.com
akarpurk@omlaw.com

RE: In the Matter of 26-06: Subpoena Duces Tecum
Mesa Sign Shop, LLC (c/o James Torgenson)

Ms. Karpurk:

Please consider this letter as Mesa Sign Shop, LLC's answer to the subpoena referenced above as well as written objection to specific requests. As you are aware, Disclosure No. 1 consisted of the following:

- One (1) PDF document consisting of nine (9) pages, reflecting invoices for signs and other printing ordered and completed on behalf of Ralph Heap in connection with his candidacy for the Arizona Corporation Commission.

Mesa Sign Shop, LLC believes Disclosure No. 1 contains all relevant information required from it for the Arizona Citizens Clean Elections Commission's investigation. Nevertheless, Mesa Sign Shop, LLC addresses the subpoena requests below in the order of the numbered paragraphs. Mesa Sign Shop, LLC reserves all objections not expressly stated herein, including objections based on relevance, burden, scope, privilege, confidentiality, and proportionality.

- **Paragraph 1**: Documents provided on September 22, 2026; Disclosure No. 1.

- **Paragraph 2**: Mesa Sign Shop, LLC does not possess any documents "sufficient to establish standard pricing during the 2025-2026 election cycle for 4-foot by 4-foot coroplast signs." Disclosure No. 1 provides the best evidence related to that request.

- **Paragraph 3**: Disclosure No. 1 consists of documents sufficient to establish pricing for political customer orders. To the extent Mesa Sign Shop, LLC possesses documents establishing pricing for non-political customers, Mesa Sign Shop, LLC objects to the request as not relevant because it does not seek information "material to the performance" of the Commission's duties under A.R.S. § 16-956(B).

- **Paragraph 4**: Mesa Sign Shop, LLC is not in possession of any documents that reflect a standard practice for establishing customer creditworthiness.

- **Paragraph 5**: Mesa Sign Shop, LLC objects to this request as not relevant as it is not information "material to the performance" of the Commission's duties under A.R.S.§ 16-956(B).

- **Paragraph 6**: Mesa Sign Shop, LLC objects to this request as not relevant because it does not seek information "material to the performance" of the Commission's duties under A.R.S. § 16-956(B). To the extent any part of the request is deemed relevant, any responsive materials in Mesa Sign Shop, LLC's possession were provided in Disclosure No. 1 on September 22, 2026.

- **Paragraph 7**: Mesa Sign Shop, LLC objects to this request as not relevant because it does not seek information "material to the performance" of the Commission's duties under A.R.S. § 16-956(B). Additionally, the request is overbroad and burdensome. Should the Commission continue to assert its relevance, Mesa Sign Shop, LLC requests a more specific and narrower request for production. *See* State ex rel. Goddard v. Western Union Financial Services, Inc., 216 Ariz. 361 (App. 2007).

- **Paragraph 8**: Mesa Sign Shop, LLC does not possess any documents sufficient to establish the policies, standards, criteria, or practices used to determine customer creditworthiness.

- **Paragraph 9**: Mesa Sign Shop, LLC does not possess any documents or communications that reflect an assessment of the creditworthiness of Dr. Heap.

- **Paragraph 10**: Mesa Sign Shop, LLC does not possess any documents requested in this paragraph.

- **Paragraph 11**: Mesa Sign Shop, LLC does not possess any documents requested in this paragraph.

- **Paragraph 12**: Beyond those documents disclosed in "Disclosure No. 1," Mesa Sign Shop, LLC does not possess any additional documents requested in this paragraph.

Mesa Sign Shop, LLC believes additional relevant materials may exist that are subject to disclosure pursuant to the subpoena. Those materials may include copies of work orders, emails, and completion dates. If available, those materials will be disclosed by September 30, 2026, or as soon as possible thereafter as Disclosure No. 2.

Please let us know if you have any questions. We are happy to set up a time to discuss.

Sincerely,

KURT M. ALTMAN, P.L.C.

/s/ Kurt M. Altman
Kurt M. Altman
Attorneys for Mesa Sign Shop, LLC

Gmail

Exhibit 14

Compliance Notice as Approved 8_27

1 message

Thomas Collins <thomas.collins@azcleanelections.gov> Thu, Aug 27, 2026 at 5:01 PM
To: "tim@timlasota.com" <tim@timlasota.com>, "Morgan, Craig" [redacted]

Mr. La Sota and Mr. Morgan
Please find for your use and records the order as approved.
Thank you
Tom

--
Thomas M. Collins
Executive Director
Arizona Citizens Clean Elections Commission
www.azcleanelections.gov
Office: 602-364-3477
Mobile: 602-397-6362

MUR 2606 Heap Compliance Order 8_27_26 as a approved.pdf
147K

In re: MUR 26-06, Ralph Heap
DRAFT Compliance Order

Pursuant to A.R.S. § 16-957 and A.A.C. R2-20-208, the following compliance order is issued:

Background

1. Dr. Ralph Heap is a participating candidate for the Arizona Corporation Commission.

2. As a participating candidate, Dr. Heap agreed to the requirements of the Citizens Clean Elections Act and Commission rules, including restrictions on the source and amount of contributions, limits on personal monies, the requirement to conduct campaign financial activity through a single campaign account, campaign-finance reporting requirements, and restrictions on incurring debt before qualifying for Clean Elections funding.

3. The Commission received a complaint from Lisa Everett alleging that Dr. Heap authorized campaign signs placed throughout the state but did not account for the expense of those signs on his campaign-finance reports. The Commission also received sworn statements concerning the signs and a sworn response submitted by Dr. Heap's counsel.

4. Jim Torgeson, owner of Mesa Sign Shop, stated that Mesa Sign Shop received an order for signs for Dr. Heap's candidacy in April 2026 and completed the order in late May 2026. His declaration did not state the number of signs ordered or the price. It stated that an invoice had been prepared but had not yet been sent to Dr. Heap.

5. Dr. Heap was certified as a participating candidate on March 20, 2026. He was notified on July 20, 2026 that he had submitted sufficient qualifying contributions to qualify for Clean Elections funding, but funding was not authorized because he had not submitted the declaration required by A.A.C. R2-20-106(A).

6. The Commission found reason to believe that violations of the Citizens Clean Elections Act and Commission rules may have occurred and authorized an investigation. The Executive Director's Recommendation along with its exhibits are attached hereto and incorporated by this reference.

The sworn statement of Gina Swoboda is attached hereto and incorporated by reference.

Violations

I. There is reason to believe that Dr. Heap violated A.R.S. § 16-941(A).

Section 16-941(A) limits the sources and amounts of contributions a participating candidate may accept and limits the amount of the candidate's personal monies that may be contributed to the campaign.

A. Mesa Sign Shop contribution.

Mesa Sign Shop produced campaign signs ordered for Dr. Heap's candidacy in April 2026 and completed the order in late May 2026. The transaction was not reported by the campaign. The available evidence indicates that Mesa Sign Shop provided an advance, loan, or other thing of value for the purpose of influencing Dr. Heap's election. The extension-of-credit exemption does not apply because the evidence does not establish that credit was extended on the committee's behalf, on substantially similar terms to nonpolitical debtors of similar risk and size of obligation, or that Mesa Sign Shop made a commercially reasonable attempt to collect the debt.

Rather, Mesa Sign Shop Declaration emphasized that the advance or loan was offered because of Dr. Heap's personal credit, without consideration for the campaign or its circumstances at all. Because there is no exception to allow Dr. Heap to accept such a loan or advance from an LLC, for his campaign there is reason to believe that Dr. Heap violated A.R.S. §16-941(A).

B. Dr. Heap's loan or expenditure

Mesa Sign Shop's declaration states that it relied on Dr. Heap's personal character, profession, financial capacity, and creditworthiness in extending credit. To the extent Dr. Heap personally assumed or financed the campaign obligation, that transaction was a contribution or loan to his campaign and was subject to the limits in A.R.S. § 16-941(A), including the applicable limit on personal monies.

II. There is reason to believe that Dr. Heap violated A.R.S. § 16-948(A).

Section 16-948(A) requires a participating candidate to conduct all financial activity through a single campaign account of the candidate's campaign committee. Mesa Sign Shop's declaration indicates that the extension of credit was based on Dr. Heap personally rather than on the committee. Additionally, the transaction is omitted from Dr. Heap's campaign finance reports. There is therefore reason to believe that a campaign financial transaction occurred outside the campaign's single campaign account in violation of A.R.S. § 16-948(A).

III. There is reason to believe that Dr. Heap violated A.R.S. §§ 16-947 and 16-942(B) by failing to report the Mesa Sign Shop transaction.

The campaign-finance reports do not account for the April 2026 sign order, the resulting obligation to Mesa Sign Shop, or any related personal loan or contribution by Dr. Heap. Because the extension-of-credit exemption does not apply, the transaction was reportable. The agreement with Mesa Sign Shop should have been reported when it was made. Failure to include this information in the campaign finance reports establishes reason to believe that Dr. Heap violated A.R.S. §§ 16-947 and 16-942(B).

IV. There is reason to believe that Dr. Heap violated A.A.C. R2-20-104(D)(6).

Before qualifying for Clean Elections funding, a participating candidate may not incur debt or make an expenditure in excess of cash on hand. Dr. Heap's campaign reports indicate that the campaign did not have sufficient cash on hand to pay for the Mesa Sign Shop order when it was placed in April, when the order was completed in late May, or before Dr. Heap qualified for Clean Elections funding. The available evidence therefore provides reason to believe that the campaign incurred debt in excess of cash on hand before qualification in violation of A.A.C. R2-20-104(D)(6).

Order

Within fourteen (14) days after service of this Order, Dr. Heap shall:

1. Amend his campaign-finance reports to disclose the Mesa Sign Shop transaction, including the date the obligation was incurred, the full amount of the obligation, and the nature of the transaction, consistent with the Act and Commission rules.

2. Amend his campaign finance reports to disclose any personal loan, advance, payment, or other contribution by the candidate arising from or used to satisfy the Mesa Sign Shop obligation, including the amount and date of each transaction.

3. Conduct all campaign financial activity through the single campaign account required by A.R.S. § 16-948(A), including any payment to Mesa Sign Shop and any repayment of a loan or advance by Dr. Heap.

4. Provide documentation sufficient to establish the accuracy of any amended campaign finance reports, which shall include the complete terms and amount of the Mesa Sign Shop transaction ("Heap Sign Order"), including

a. All Documents relating to the Heap Sign Order, including any order, work order, quote, estimate, invoice, proof, production record, unit price, total price, date ordered, date completed, and date made available for pickup, pickup or delivery record, account statement, and the payment terms applicable to the Heap Sign Order, including but not limited to information referenced in paragraphs 3, 4, and 5 of Mr. Torgeson's Declaration. All Documents and Communications relating to the content, design, placement, or distribution of the signs comprising the Heap Sign Order, including any Communication between Mesa Sign Shop and Dr. Heap, including but not limited to information referenced in paragraph 11 of Mr. Torgeson's Declaration, and communications with any other person concerning the Heap Sign Order.

b. All Documents and Communications reflecting Mesa Sign Shop's assessment of the creditworthiness of Dr. Heap or its decision to produce or release the Heap Sign Order without prepayment, including Documents concerning his reputation, professional standing, occupation, financial capacity, cash on hand, anticipated revenues, ability to pay, or any other factor considered in making that decision, including but not limited to information referenced in paragraphs 8, 9, and 10 of Mr. Torgeson's Declaration. This paragraph only applies to the the participating candidate and his campaign committee.

5. All Documents created after August 7, 2026 relating to invoicing, payment, collection, forgiveness, adjustment, write-off, or other disposition of the amount owed for the Heap Sign Order.

6. Provide documentation sufficient to establish that the campaign is using a single campaign account for all of its transactions:
a. Copies of any and all statements from any financial accounts that have been used for campaign purposes, including copies of all electronic transactions or cleared/cancelled checks issued.
b. Copies of any and all agreements to provide any services to the candidate or the campaign.
c. Copies of any and all receipts, invoices, or records regarding any service provided to the campaign, any in-kind contribution, any use of personal monies or any other transaction of value.
With respect to this paragraph, if Dr. Heap or any agent of his committee did not receive a receipt or written agreement or confirmation for a particular transaction or in-kind contribution, please specify the nature of the transaction or in-kind contribution, the persons involved and the date Dr. Heap or any agent of his committee received the particular good or service.

7. Provide an explanation regarding Dr. Heap's apparent violations of A.R.S. §§ 16-941, 16-947, 16-948, and A.A.C. R2-20-104(D)(6).

The Commission's investigation shall continue during and after the compliance period as provided by law and Commission rules. This is not an appealable agency action.

Approved this 27th day of August

Vote of the Clean Elections Commission

EXHIBIT F

to the Declaration of Analea Castro

Excerpts from the posted meeting transcripts and meeting packets

of the Arizona Citizens Clean Elections Commission

INDEX

Pages	Document
2–7	Reporter's Transcript of Videoconference Public Meeting, August 14, 2026: transcript pages 1–4, 29–36, 45–48, and 69–75
8–14	Reporter's Transcript of Virtual Public Meeting, August 27, 2026: transcript pages 1–4, 17–24, and 57–72
15–19	Meeting packet, August 14, 2026: page 1 (notice of meeting); pages 20 and 35 (Statement of Reasons of Executive Director, MUR 26-06, pages 1 and 16); pages 248 and 252 (Arizona Public Integrity Alliance memorandum of August 12, 2026, page 1 and Part V)
20–27	Meeting packet, September 2, 2026: page 1 (notice of meeting); pages 5–9 (memorandum from Tom Collins, August 31, 2026); pages 38–39 (emails of August 27, 2026, Exhibits 12 and 13 to that memorandum)
28–31	Meeting packet, October 29, 2026: page 1 (notice of meeting); pages 34, 36, and 37 (Executive Director Report, October 29, 2026, pages 1, 3, and 4)

The Commission posts each transcript in condensed form, four transcript pages to a sheet. Packet page numbers are the page numbers of the posted PDF.

Posted at https://www.azcleanelections.gov/clean-elections-commission-meetings

THE STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Phoenix, Arizona

August 14, 2026

10:30 a.m.

Prepared By:
Angela Furniss Miller, RPR
Certified Reporter
Certificate No. AZ50127

MILLER CERTIFIED REPORTING, LLC
RRF Number R1058
12725 West Indian School Road
Suite F-100
Avondale, Arizona 85392
623-975-7472
Office@MillerCertifiedReporting.com

PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION, convened at 10:30 a.m. on August 14, 2026, via videoconference, in the presence of the following Board Members:

Mr. Mark S. Kimble, Chairman
Mr. Galen Paton
Ms. Christina Werther
Mr. Steve Titla
Mr. Sam Crump

OTHERS PRESENT:

Thomas Collins, Executive Director
Paula Thomas, Executive Officer
Mike Becker, Policy Director
Gina Roberts, Voter Education Director
Alec Shaffer, Web Content Manager
Avery Xola, Voter Education Manager
Craig Morgan, Taft Law
Alexandria Karpurk, Osborn Maledon
Angela Miller, Miller Certified Reporting
Cathy Herring, KCA

MEMBERS OF THE PUBLIC:

Tim LaSota, Timothy LaSota PLC
Sorella Barbara Parker
Lisa Everett
Merissa Caldwell
Laura Goodell
Beverly A. Goldstein
Carey Davis
Scott & Maria Grainger
Nick Myers
Mary Maybeno
Gina Swoboda
Lynda Patrick-Hayes
Ben Stafford
Alex Logvin
Doni Bond
Daryl Groves
Sherry Walton
Megan Rubino
John Davison
Tyler Montague

(CONTINUED)

MEMBERS OF THE PUBLIC:

Jennifer Esposito, Mohave Free Press
Alaina Mencinger
April Smith
Arizona Family News
Art Fesler-Butts
Barrett Marson
Brenda Gifford
Ciara Anderson
Dennis Liles
Erica Lowe
Gayle Peters
Jason Hall
Jeff Klusmann
Jeremy Hall
Jeremy Duda
Julie Ryan
Ken Berger
Lisa Green
John & Thia
Jennifer Esposito
Julie Ryan
Ken Berger
Laura Goodell
Manuela C.
Maria Grainger
Nancy Hawkins
Patricia Moore
Rivko Knox
Thomas M. Ryan, Esq.
Wayne Schutsky, KJZZ
Zach Buchanan

P R O C E E D I N G

CHAIRMAN KIMBLE: Good morning. I'm Mark Kimble, Chair of the Citizens Clean Elections Commission. It is 10:30 a.m. on Friday, August 14th, 2026. I call this meeting of the Citizens Clean Elections Commission to order.

With that, we'll take attendance. Commissioners, please identify yourselves for the record.

COMMISSIONER PATON: Galen Paton.

10:30:35 COMMISSIONER WERTHER: Christina Werther.

COMMISSIONER CRUMP: Sam Crump.

COMMISSIONER WERTHER: Christina Werther. Sorry.

COMMISSIONER TITLA: Good morning, Steve Titla.

CHAIRMAN KIMBLE: Good morning. We have all five Commissioners with us this morning.

Also present are Tom Collins, the Executive Director of the Arizona Citizens Clean Elections Commission,

10:30:52 and Craig Morgan from Taft Law acting solely as the Commission's independent legal advisor.

Item II. Review, consideration, discussion, analysis and possible action on release of clean funding to Dr. Ralph Heap pursuant to A.A.C. R2-20-106(A) and A.A.C. R2-20-106(G) and August 7th request to withdraw as a

Thank you.

CHAIRMAN KIMBLE: Thank you, Mr. Davis.

Next, Scott Grainger.

MR. GRAINGER: Yes, we're here. That's Scott and Maria Grainger. I did ask to have my wife's name added, but that didn't seem to happen.

MRS. GRAINGER: That's okay.

MR. GRAINGER: Commissioners and members of the public. We, Scott and Maria Grainger, captain and both PCs of Precinct LD-10 have the following comments regarding the subject of Dr. Ralph Heap, candidate for Arizona Corporation Commission as a very successful candidate in the 2026 Republican primary election.

We live in a constitutional republic that uses a democratic process to elect our leaders in an election such a primary election was held recently. The results, Candidate Heap won overwhelmingly against two incumbents. Candidate Heap is now set to represent us in a general election.

The Clean Elections Commission has not provided any funds to Candidate Heap's campaign. There are no tax dollars to recover, no money that was misspent by Candidate Heap. Candidate Heap fully understands that he is responsible for his financial responsibilities.

The Commission is being weaponized in that it is being used in an attempt to overturn the results of the

recent primary election. Candidate Heap won his primary by a healthy margin. We voted for him and have volunteered to support his campaign to become a member of the Arizona Corporation Commission.

Removing Candidate Heap from the ballot would not merely punish him, it would negate all of the hundreds of thousands of votes of his supporters that support him. We believe that even an attempt to remove Candidate Heap is unjust, antidemocratic, unconstitutional and very un-American.

This also creates a terrible precedent. Unsuccessful candidates and their allies should never be able to weaponize an unelected administrative commission to nullify our votes. This Commission should not attempt to keep a candidate, in this case Dr. Heap, in limbo by refusing to fund Candidate Heap while refusing to allow him to leave the program and finance his own campaign with no Commission funding.

This is particularly onus when the Candidate Heap has met the requirements for Commission funding. We voted for Heap, and he won the election fair and square without any input from the Commission.

The Commission has no right to steal the hundreds of thousands of votes of his supporters that brought Candidate Heap to victory in the primary election.

CHAIRMAN KIMBLE: Mr. Grainger, your time has expired.

MR. GRAINGER: Thank you for your attention to this matter, Scott and Maria Grainger.

CHAIRMAN KIMBLE: Thank you both Scott and Maria Grainger for your comments.

MRS. GRAINGER: Thank you.

CHAIRMAN KIMBLE: Next we have Nick Myers. Mr. Myers?

MR. MYERS: Yes, thank you. Good morning, Chairman and Commissioners. My name is Nick Myers, and I currently serve as the chairman of the Arizona Corporation Commission.

I am the immediate past candidate in this race and I am here today to raise additional concerns regarding the Heap campaign's compliance with Clean Elections' requirement.

I want to start with the most basic rule of the system. The Clean Elections -- the Citizens Clean Elections Candidate Guide states on the very first substantive page what may be the single most fundamental requirement of participating in the program. And I quote: A participating candidate must adhere to expenditure limits and may not make expenditures in excess of cash on hand. Cash on hand includes both early contributions received and candidate funding.

It is presented to every candidate as Rule 1. And by the Respondent's own counsel's letter, that rule was broken.

I don't believe that's where the concerns end. There have been a number of additional questions raised that simply cannot be resolved without the Commission examining the campaign's finances directly. One example, Mr. Heap and his running mate did not file their statement of organization until the night before their public announcement press conference. Yet, at that press conference, they already had signs bearing both names in a design and color -- color scheme substantially similar to several other campaigns around the Valley, including the Biggs, Farnsworth and Hendrix campaign and in Gilbert.

That similarity isn't necessarily improper on its own, but it raises real questions the Commission should be positioned to answer. Was there a coordination between these campaigns? Was this an independent expenditure or an in-kind contribution? Did the order and timing of that printed -- printing violate spending limits or contribution limits? Did the sign printer extend credit for that order? It was placed over a year ago at this point and I don't -- I ask whether the invoice for that has even been sent.

I won't know until -- or, we won't know until the full financial picture is accounted for, every receipt and

complete timeline of fundraising against spending. It seems clear that the activities supporting these campaigns was coordinated presumably by a single consultant.

While we don't -- we can't know with certainty until Clean Elections obtains financial records and invoices, it's reasonable to conclude that Jake Hoffman played a central role given his publicly acknowledged -- acknowledgment recruiting of Heap and Marshall and his role as Mr. Kolodin and Ms. Yee's consultant, both of whose signs 11:13:24 were placed next to each other at the same time as Mr. Heap's.

This is, of course, assuming the printing vendor's records reflect what actually occurred. That assumption is exactly what I'd ask the Commission to test. The sworn statement submitted by Mesa Sign Shop leaves more questions than answered -- than answers. It's worth the Commission asking directly whether the statements hold up, because the incentives matter here. A relatively unknown, first-time statewide candidate is not, in my assessment, the kind of 11:13:52 customer that a reputable sign shop would put its business on the line for. Someone who --

CHAIRMAN KIMBLE: Mr. Myers, your time is expired.

MR. MYERS: Okay. Thank you. Thank you for your attention.

CHAIRMAN KIMBLE: Thank you. Thank you, Mr. Myers.

Next we have Mary Maybeno. I apologize if I mispronounced your name.

MS. MAYBENO: Yes. It's Mary Maybeno.

CHAIRMAN KIMBLE: Okay. Thank you.

MS. MAYBENO: Hi. And these are my thoughts. Honestly, I've never seen in my life such vitriol and obsession being directed towards a candidate who just won his 11:14:23 primary. Dr. Ralph Heap is a well-respected retired orthopedic surgeon who has even used his skills doing charitable work overseas. He's being accused of not fully reporting campaign costs and of inadvertently making a Clean Election mistake. But the facts also show that he has never received a dime from any Clean Elections money and that there is no taxpayer money -- money to recover.

He has asked to be released from this program so that he can finance his own campaign.

I voted for Dr. Heap and not because of any sign. 11:15:03 Thousands of other voters put their trust in him to be their choice on the Arizona Corporation Commission. He won by a healthy margin. Please don't take away our voice in this matter.

Losing candidates should not use their machinations to pressure this Commission to remove Dr. Heap from his

general election race. Release him from Clean Elections and let the voters' choice stand.

Thank you for listening.

CHAIRMAN KIMBLE: Thank you very much for your comments.

Next is Gina Swoboda.

Ms. Swoboda?

MS. SWOBODA: Thank you, Mr. Chairman. Can you hear me okay?

11:15:43 CHAIRMAN KIMBLE: Can hear you fine, yes.

MS. SWOBODA: Thank you. Thank you, Mr. Chair, members of the Commission.

I did -- I filed a declaration. I -- I just wanted to say that it appears based on the vendor's affidavit that the line of credit reflecting what the candidate's counsel indicates he feels would not become an expenditure until some point in the future, that that occurred in April. So we're in August, and to my knowledge the campaign finance reports have not been amended to reflect what the amount of that line 11:16:15 of credit is. It would appear that that is to avoid a further rule violation, because based on common, reasonable, customary costs, it would exceed the amount of cash on hand.

So I would ask the Commission to make sure that the candidate is fully in compliance should they continue as a Clean Elections candidate, and that their campaign finance

reports need to be amended to reflect all of the expenditures, whether future or current.

Thank you so very much.

CHAIRMAN KIMBLE: Thank you, Ms. Swoboda.

Next, Lynda Patrick-Hayes.

MS. PATRICK-HAYES: Good morning, Mr. Chairman and Commission members.

I'm going to probably just reiterate what everyone else has said. Thousands of people across the State of 11:17:00 Arizona voted for Dr. Heap in this most recent primary. He never spent one dime of Clean Election money or taxpayers' money for his campaign. Please do not set a precedent with this particular case. Do what the reasonable man would do. If you don't give him the money, then release him from the Clean Elections. Let Dr. Heap raise his own money. Let him pay his own campaign expenses, and don't disenfranchise all of us Arizonans who gave him a primary victory.

Thank you so much.

CHAIRMAN KIMBLE: Thank you very much for your 11:17:32 comments.

Next, Ben Stafford.

MR. STAFFORD: All right. Can you hear me?

CHAIRMAN KIMBLE: Can hear you fine, yes.

MR. STAFFORD: All right, super. Outside working on a car here.

I believe that would be profoundly unjust, antidemocratic and unconstitutional. It would also create a terrible precedent. Losing candidates and their allies should never be able to weaponize an administrative commission to accomplish after an election what they could not accomplish at the ballot box.

The Commission also cannot keep a candidate trapped indefinitely, refusing to fund him while refusing to let -- to let him leave the program and finance his own campaign.

11:29:16 There is a simple and fair solution: Release him from Clean Elections. Let him raise his own money. Let him bear his own campaign expenses. He never touched Clean Elections dollars.

I voted for Ralph Heap and this is silencing the hundreds of thousands of people who voted for him and bringing him to victory in the primary election.

Most importantly, let the voters' decision stand.

Thank you.

CHAIRMAN KIMBLE: Thank you, Ms. Walton.

11:29:48 Next, Meg Rubino.

MS. RUBINO: Yes, sir. Thank you, Mr. Chairman and commission members. It's Megan Rubino, PC for Legislative District 10, Dr. Ralph Heap.

I'm here for more of a character reference. I've worked for him for many years, and Dr. Heap has just only

shown me the utmost respect for his constituents. He's highly respected. His door was always open to any issues that I ever had that were extremely important to me. I've worked with him for many years.

And I just don't want you guys to take away my vote. I voted for him, along with so many others. Please don't silence us.

Thank you.

CHAIRMAN KIMBLE: Thank you.

11:30:28 Next is someone identified only as "John."

John, could you state your last name?

MR. DAVISON: Can you hear me?

CHAIRMAN KIMBLE: Yes, I can hear you. John, state your last name.

MR. DAVISON: I'm sorry, my dogs just see something out there.

But my name is John Davison and I'm a -- I'm a Mesa resident. And I'll voice what many have said here. Number one, thank you so much for allowing us all to speak. And

11:31:05 please release Dr. Heap from Clean Elections. That would be the simplest thing to do. Allow him to raise his own money. Let him pay for his own campaign expenses. My goodness.

He's never used Clean Election money, and, of course, many have voiced that, and I'm going to voice it also. And -- and I voted for -- for Dr. Heap. My voice and

thousands of, I mean, upon thousands of others need to be heard.

And -- and -- and please -- please look at this closely, all right. It can be dealt with so simply.

And -- and thank you so much for having me. And God bless you all.

CHAIRMAN KIMBLE: Thank you, Mr. Davidson.

Next we have Tyler Montague.

Mr. Montague?

11:32:01 MR. MONTAGUE: Thank you, Mr. Chairman, members of the Commission.

I think when you sign up to be a Clean Elections candidate, you sign up to follow the rules. And I think there are very clear rules violations here and evidence that there may be additional rule violations that could be discovered upon subpoena of various records from vendors. And I think we shouldn't only focus on the signs but should focus also on the signature-gathering process.

I submitted a supplement to my original complaint

11:32:38 detailing what I think those are. There is solid evidence for professional gathering of at least 45 percent. Those gatherers, those circulators, are also registered, paid circulators. And then another additional approximately 40 percent of the signatures gathered by people who appear to be professional gatherers. That's something that the

Commission could determine.

And also I noted the market value charged by the same vendors to other candidates in the same time period, and that would put that expenditure well beyond what is allowed by the Clean Elections' rules.

A further comment, if we can avoid reporting by simply doing all the spending that a candidate does on credit, then I guess we wouldn't have to report anything, right? We can just do all on credit and not report any of

11:33:36 it. And then -- that can't be it. That's kind of a silly proposition.

Furthermore, harm has been done. Other candidates following the rules lost by close margins. This should not be dismissed. I -- I -- I don't even think Dr. Heap has to have intentions to break the rules, but he did. And harm was done so that has to be addressed. Otherwise, the playbook could be: Come in, cheat the rules, if you don't get caught, great. You get your money. If they catch you say, oh, I'm sorry, just let me drop out of the program.

11:34:14 That can't be it. That's not fair. That's not what the public designed when they created this process and these rules.

And so I think for the integrity of this system, the rules should be enforced and there should be penalties for -- for severely breaking the rules, which is what appears

comments with, oh, well, you know, this is really, really preliminary, and, you know, this is not any kind of a finding. There is a whole process and this is preliminary and we need to -- to really get into the details, and -- but it's cut off Dr. Heap's money based on that preliminary finding that he poo-poos.

So now in terms of -- the other thing that he doesn't mention is the statute makes a comparison not between political debtors or people who are extended credit --

12:21:36 debtors is the wrong word -- not between politicals. It makes the distinction between political and nonpolitical.

And if you saw Mr. Torgeson's affidavit, it talked about a large institutional investor -- excuse me, not investor. Large, large institutional player that orders signs from him, that I think is 120 days overdue.

So, I mean, you know, again we shift around. Now we've settled on this distinction, and we have this analogy with buying a Buick. That is just -- I don't really even understand what he's saying. It's not true. It's not

12:22:11 commercially realistic. It's once again trying to find something to seize on.

Now the last thing -- I also wanted to say that -- yeah. I mean, if -- if Heap is out, then he can raise personal funds.

And -- and he could have withdrawn before, right?

I mean, just because, you know, he chooses to -- to -- to not go through this process. And he made the application to withdraw before. I mean, he could have just decided right in the middle of it he wanted to raise private money, and then could, you know, in any -- anything that there was that extension of credit on he could pay with -- with private funds to raise.

So I -- I think that -- I think we're -- we're sort of grasping for a reason to -- to stick it to Dr. Heap as a

12:22:57 matter of first impression, a nice euphemism that Mr. Collins used at the outset.

So I don't know if the fact that we just went straight to Item III means we're not making a decision on Item I. But, you know, I think the committee needs to -- needs to release the funds. And if it fails to do the job it's legally required to do, then -- then we would ask that he be released from the overall program.

And I think this is a word to the wise, especially those of a certain political persuasion about, you know, you

12:23:35 might want to think twice about becoming a Clean Elections candidate. Because -- and I know what you said, Mr. Chairman. I disagree with you completely. This Commission has always been more interested in complaints against Republicans than complaints against Democrats.

So I would ask that you -- that you release Dr. --

release the funds. If you don't, then I would ask that you -- you discharge him from the program.

Thank you.

CHAIRMAN KIMBLE: Thank you, Mr. LaSota.

Any comments from members of the Commission, or does any member of the Commission wish to make a motion?

COMMISSIONER WERTHER: Mr. Chairman, I don't need to go into executive session, but I didn't want to speak for anybody else in case someone else wanted to do that.

12:24:22 CHAIRMAN KIMBLE: I -- I didn't -- I haven't heard any motion from anyone that we go into executive session.

COMMISSIONER WERTHER: Okay. So Mr. Chairman, I wanted to make a motion, but before I did that, I just wanted to thank all those who were speaking today, especially those voters. Specifically, I just wanted to clarify we were never here to remove anybody from the ballot. I just wanted to make that clarification. This is just about funding.

And so my motion would be -- there's going to be

12:24:52 two separate motions I think is what I -- I think is probably the best course of action.

So one is to move to release the Clean funding to Dr. Heap pursuant to that rule, R2-20-106(A). Yeah, that's the first motion.

CHAIRMAN KIMBLE: Okay. Thank you,

Commissioner Werther.

Is there a second?

Commissioner Paton, were you seconding that?

COMMISSIONER PATON: I'll second it, yes.

CHAIRMAN KIMBLE: Okay. Thank you.

It's been moved and seconded that we release the funds to Dr. Heap. I will call the roll.

Commissioner Werther.

COMMISSIONER WERTHER: Aye.

12:25:30 CHAIRMAN KIMBLE: Commissioner Paton.

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: Commissioner Crump.

COMMISSIONER CRUMP: No.

CHAIRMAN KIMBLE: Chair votes aye.

Commissioner Titla had a commitment and had to leave. So the motion passes 3-to-1.

Am I correct about that? Yes.

Okay. Commissioner Werther, you said you had a second motion.

12:25:58 COMMISSIONER WERTHER: Yes, Mr. Chairman. And I'm just trying to make sure I have the right language here for how to do this. I'm looking at the...

I'd like to move that the Commission finds there is reason to believe that Dr. Heap has violated a statute or rule of which the Commission has jurisdiction and to proceed

with an investigation.

CHAIRMAN KIMBLE: Is there a second to Commissioner Werther's motion?

COMMISSIONER PATON: I'll second it. It's Paton.

CHAIRMAN KIMBLE: Thank you.

It's been moved and seconded that we find that there's reason to believe in MUR 26-06 that he has -- can you restate?

12:26:50 COMMISSIONER WERTHER: Violated a statute or rule for which the Commission has jurisdiction.

CHAIRMAN KIMBLE: -- violated a statute or rule.

It's been moved and seconded. I will call the roll.

Commissioner Werther.

COMMISSIONER WERTHER: Aye.

CHAIRMAN KIMBLE: Commissioner Paton.

COMMISSIONER PATON: Aye.

12:27:01 CHAIRMAN KIMBLE: Commissioner Crump.

COMMISSIONER CRUMP: Aye.

CHAIRMAN KIMBLE: Chair votes aye.

The motion is approved 4-to-nothing.

We're going to move straight to adjournment. Item V, adjournment.

If there's no further business, I would entertain a motion to adjourn.

COMMISSIONER WERTHER: Mr. Chairman, I move to adjourn.

CHAIRMAN KIMBLE: Thank you, Commissioner Werther.

Is there a second?

COMMISSIONER PATON: I'll second it. Paton.

CHAIRMAN KIMBLE: Thank you, Commissioner

12:27:26 Paton.

It's moved and seconded that we adjourn. I will call the roll.

Commissioner Werther.

COMMISSIONER WERTHER: Aye.

CHAIRMAN KIMBLE: Commissioner Paton.

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: Commissioner Crump.

COMMISSIONER CRUMP: Aye.

CHAIRMAN KIMBLE: Chair votes aye.

12:27:39 We are adjourned. Thank you.

(Proceedings conclude at 12:27 p.m.)

CERTIFICATE

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 17th of August, 2026.

Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 17th of August, 2026.

Miller Certified Reporting, LLC
Arizona RRF No. R1058

THE STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona

August 27, 2026

10:01 a.m.

Prepared By:
Angela Furniss Miller, RPR
Certified Reporter
Certificate No. AZ50127

MILLER CERTIFIED REPORTING, LLC
RRF Number R1058
12725 West Indian School Road
Suite F-100
Avondale, Arizona 85392
623-975-7472
Office@MillerCertifiedReporting.com

VIRTUAL PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION, convened at 10:01 a.m. on August 27, 2026, in the presence of the following Board Members:

Ms. Christina Werther, Acting Chair
Mr. Galen Paton
Mr. Steve Titla
Mr. Sam Crump

OTHERS PRESENT:

Thomas Collins, Executive Director
Paula Thomas, Executive Officer
Mike Becker, Policy Director
Gina Roberts, Voter Education Director
Avery Xola, Voter Education Manager
Alec Shaffer, Web Content Manager
Craig Morgan, Taft Law
Bill Richards, Richards & Moskowitz
Samantha Fox, Richards & Moskowitz
Angela Miller, Miller Certified Reporting
Cathy Herring, KCA

MEMBERS OF THE PUBLIC:

Aaron Borders
Caitlin Sievers
Gina Swoboda
Jane Evans
Jeremy Duda
Jon Ralston, AZ Green Party
Lisa Everett
Nancy Hawkins
Nick Myers
Richard Grayson
Scott Neely
Tim LaSota, Timothy LaSota PLC
Thomas M. Ryan, Esq.
Wayne Schutsky, KJZZ

P R O C E E D I N G

ACTING CHAIR WERTHER: Okay. Good morning, everyone. I'm Christina Werther, Acting Chair today, and I call this meeting of the Citizens Clean Elections Commission to order. It is 10:01 a.m. on August 27th, 2026.

Today's meeting is being held virtually. With that, we'll take attendance. Commissioners, please identify yourselves for the record.

00:00:24 COMMISSIONER CRUMP: Sam Crump.

COMMISSIONER PATON: Galen Paton.

COMMISSIONER TITLA: Steve Titla.

ACTING CHAIR WERTHER: And Mark Kimble is absent, so we have four Commissioners who are present, and we have a quorum.

For Item Number II, discussion and possible action on the meeting minutes for July 23rd, August 4th, and August 14th. Commissioners, you have the minutes in your packets. Is there any discussion?

00:00:47 (No audible response.)

ACTING CHAIR WERNER: Hearing none, is there a motion to approve the minutes for these three meetings?

COMMISSIONER CRUMP: I'll move their approval.

COMMISSIONER TITLA: Second. Steve Titla.

ACTING CHAIR WERTHER: Commissioner Crump has

made motion to approve the minutes. Commissioner Titla has seconded. I'll call the roll.

Commissioner Crump.

COMMISSIONER CRUMP: Aye.

ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: And Chair votes aye.

00:01:18 So the minutes are approved 4-to-0.

Item Number III is the Executive Director's report, including enforcement and regulatory updates and an update on participating candidates.

Tom, would you please provide the highlights of your report?

MS. HERRING: Tom, you are muted.

MR. COLLINS: I apologize. Chair Werther, members of the Commission, I just want to make a few highlights from the Executive Director report.

00:02:23 First, the general election voter education guide had -- has gone to print. We had 208 candidates eligible for inclusion. And, importantly, we were able to include the lieutenant governor candidates in the guide, so we did cancel the supplemental mailing. I think we'd provided some notice that we were anticipating that might happen if this came to

(No audible response.)
ACTING CHAIR WERTHER: Okay. Mr. LaSota, did you want to make any further comments?
MR. LA SOTA: No, thank you, Madam Chair.
ACTING CHAIR WERTHER: Thank you.
So any discussion from the Commissioners, or is there a motion from the member of the Commission to move into executive session for legal advice?
COMMISSIONER CRUMP: I make a motion we move
00:21:13 into closed section for legal advice on this matter.
ACTING CHAIR WERTHER: Is there a second?
COMMISSIONER TITLA: I second that motion. Steve Titla.
ACTING CHAIR WERTHER: Okay. Commissioner Crump has made the motion for executive session; Commissioner Titla has seconded. I'll call the roll.
Commissioner Crump.
COMMISSIONER CRUMP: Aye.
ACTING CHAIR WERNER: Commissioner Paton.
00:21:29 COMMISSIONER PATON: Aye.
ACTING CHAIR WERNER: Commissioner Titla.
COMMISSIONER TITLA: Aye.
ACTING CHAIR WERTHER: And Chair votes aye.
So with a 4 -- vote of 4-to-0, we're moving into executive session.

For this e-session those attending are the Commissioners, Craig Morgan who is our Independent legal counsel, and then I believe Angela for our minute taking.
(Whereupon the proceeding is in executive session from 10:23 a.m. until 10:32 a.m.)

* * * * *

(Whereupon all members of the public are present
00:29:40 and the proceeding resumes in general session.)

ACTING CHAIR WERTHER: Thank you. Does any Commissioner want to make a motion regarding the order in MUR 26-06?
COMMISSIONER TITLA: Yeah, this is Steve Titla. I'd like to make a motion to issue the order.
ACTING CHAIR WERTHER: Issue the compliance order?
COMMISSIONER TITLA: Yes.
00:30:47 ACTING CHAIR WERTHER: Is there a second?
COMMISSIONER CRUMP: Madame Chair?
COMMISSIONER PATON: I'll second it, Paton.
COMMISSIONER CRUMP: Sorry.
ACTING CHAIR WERTHER: I'm sorry I heard two at the same time.

Do you want to -- Commissioner Crump, do you want to...
COMMISSIONER CRUMP: I just, I wanted to propose an amendment to the motion. I don't know if you want to get the second first and then.
COMMISSIONER PATON: No, I'll take the second off.
ACTING CHAIR WERTHER: Okay.
COMMISSIONER CRUMP: Okay. I -- I wanted to
00:31:17 propose an amendment. I think Commissioner Titla's motion was to approve the proposed order; is that what I heard? Okay.
ACTING CHAIR WERTHER: Yes.
COMMISSIONER CRUMP: And I would like to propose that we amend it by removing Roman IV, paragraph Roman IV subpart -- sorry. Well, I guess it's under the actual order language at the end of page 2. So numeral 4 subpart (b) which starts out: "All documents and communication reflecting Mesa Sign Shop."
00:32:00 ACTING CHAIR WERTHER: So you want to remove that from the compliance order, number 4(b)?
COMMISSIONER CRUMP: Correct.
ACTING CHAIR WERTHER: And Craig, maybe help me just to make sure, is it fine to just adopt that amendment, or does Commissioner Titla need to restate his

motion?
MR. MORGAN: I think the appropriate thing to do is there's a motion that wasn't seconded, restate the motion -- restate the motion as it relates to -- if someone wants to make another motion. I think you make a record that the first motion was not seconded, all right. I think someone makes a new motion with this new amendment. And I think as I understand the amendment, Madam Chair, it's to -- I'm sorry, did I miss? Was it to strike the entire paragraph
00:32:48 or just clarify that the paragraph only applies to the candidate? I'm sorry.
COMMISSIONER CRUMP: Yeah, thank you, Mr. Morgan. That would be helpful I think.
So my -- my proposed amendment to the motion is that number 4(b) be amended so that it's clear it only applies to the participating candidate and his campaign.
MR. MORGAN: So, Madam Chair, if I may, members of the Commission, I think the appropriate move then is just to clarify, make the motion to approve as amended --
00:33:29 as amended by Commissioner Crump and then go from there.
ACTING CHAIR WERTHER: Okay. So do we need to restate it then?
MR. MORGAN: I would just to be careful, yes.
ACTING CHAIR WERTHER: Okay. So should Commissioner Titla do that since he did the first one or does

it matter?
(Simultaneous crosstalk.)
MR. MORGAN: I don't know it matters at this point. The first motion didn't get a second, so.
ACTING CHAIR WERTHER: Sure. Okay. Commissioner Crump, do you want to make that motion?
COMMISSIONER CRUMP: Sure. If it's all right with Commissioner Titla, then I'll just go ahead and do that.
So I would make a motion that we approve MUR 26-06,
00:34:08 the draft compliance order, that we approve that with the amendment in number 4(b) that that paragraph be amended to state that it only apply to the participating candidate and his campaign committee.
ACTING CHAIR WERTHER: And there is a --
COMMISSIONER PATON: I'll second that, Paton.
ACTING CHAIR WERTHER: Okay. So Commissioner Crump has made the motion to approve MUR 26-06, draft compliance order, with the amendment 4(b) be amended that it only applies to participating candidate and his campaign.
00:34:50 Commissioner Paton has seconded the motion, so I'll call the roll.
Commissioner Crump.
COMMISSIONER CRUMP: Aye.
ACTING CHAIR WERNER: Commissioner Paton.
COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.
COMMISSIONER TITLA: Aye.
ACTING CHAIR WERTHER: And Chair votes aye. With a vote of 4-to-0, the motion passes.
Okay. Item V is review, consideration, discussion, analysis and possible action on repayment recommendation involving three participating candidates: Risa Lombardo is participating candidate for governor; Scott Neely, a participating candidate for governor; and Duwayne Collier,
00:35:31 participating candidate for Secretary of State.
Commissioners, you have the letters sent by the Executive Director in your packet. The Commission's independent legal advisor for this matter is Bill Richards and Samantha Fox of Richards & Moskowitz.
My -- a suggestion would be that we at least hear from Tom Collins, our Executive Director, and then if the Respondents and the representative -- which I believe Mr. LaSota said he's representing them, or at least maybe one of them today -- and then we may want to go into executive
00:36:04 session just since this is the first time we're hearing about this item to at least get some legal advice without sort of the framework of this process.
So Tom if you'd like to proceed, please just come with your opening statement on this matter.
MR. COLLINS: Thank you, Madam Chair,

Commissioners.
So as Madam Chair mentioned, I want to bring the Commission up to date on our efforts to understand how Ms. Lombardo, Mr. Collier, and Mr. Neely obtained and used in some cases Clean Elections Fund.
Before I begin I want to also make sure the record is clear on where we are procedurally. As you mentioned, the Commission has its own legal counsel, and I have counsel assisting me with this. And so, I'm obviously not here to
00:37:06 provide you legal advice, the Commission, or tell you what you can or can't do.
Obviously, we sent notice to the campaign at the e-mail addresses that they use. And by virtue of -- I see Mr. Neely and Mr. LaSota that it appears for all of the --
UNKNOWN MALE: Is this for lunch again?
COMMISSIONER TITLA: Where?
UNKNOWN MALE: Oh. We're taking orders --
ACTING CHAIR WERTHER: Commissioner Titla, can you just mute yourself? Thank you.
00:37:30 Sorry, Tom.
MR. COLLINS: No, no. So, and there's a reason we're proceeding this way. Because this is an ongoing effort and, you know, ordinarily there would be good reason not to disclose anything sooner than we have to. Doing so creates some risk of evidentiary loss, you know, some

compromise. But we have set this here in order to ensure that Respondents have additional notice of the concerns we have identified. And they will have, as you identified already, Madam Chair, have an opportunity to respond to that.
And I think that this is appropriate given the repayment -- potential repayment obligations that we noted.
It doesn't mean that I -- what I present today reflects the entirety of the evidence we have or other evidence that we may obtain. As I mentioned in the letter
00:38:25 specifically, you know, we're not anticipating asking the Commission to take action today. But I think that we have developed sufficient evidence that the Commission needs to understand where we are and where I expect this to go.
Now let me be precise about what the issue is here. This is not a request that the Commission impose a penalty because it believes fraud occurred. This is a narrower question. The question is, under the rules were these candidates entitled to the public funds they received.
Clean Elections Funding is not money to which
00:39:06 candidate's automatically entitled. The candidate has to satisfy the statutory requirements for qualification before becoming entitled to public funding. And among the most fundamental requirements are the $5 contribution. Those $5 contributions are not simply paperwork, but they're a mechanism by which a candidate demonstrates the required

reporting issue, you know, where the campaign finance report need -- you know, could be amended to provide that additional detail. That's not a fine; that's just an amended report. That's another nothing burger.

And, oh, by the way, I brought Mr. Collins evidence of significant omissions in -- in the -- in the campaign finance reports of -- of certain candidates, and he told me he's not -- he's not doing anything about it.

So, you know, it -- it's -- this is -- this is

01:28:21 something out of *The Twilight Zone*. He's got this theory and how did this happen and how did that happen, and a lot of words I, frankly, didn't understand. Like the -- was it the block in the chain of presumptions and the inferences.

Look, that's -- that's -- there's nothing but smoke and mirrors in Mr. Collins's letter. There are nothing -- there's nothing to rely on.

And I -- I think you should take action. I think you should reject this recommendation so you don't leave these candidates in a state of limbo. As it is, we're not

01:28:55 giving the money back. Period. End of story. It was earned. It was properly certified by Adrian Fontes who did the job he was supposed to do, despite Mr. Collins claiming now three months later that he didn't. Obviously a claim that's been made in error.

And these candidates do not deserve this.

Mr. Neely doesn't deserve it either. I don't represent him, but I can certainly under why -- why he's not in a hurry to give more names to -- to Mr. Collins. Because every name he gets sort of a -- is another subpoena, another interview. And I think this has gone way too far.

It's the job of this Commission to put a stop to it. Now we're talking about donors are gon- -- are being investigated. We're talking about volunteers. And -- and the sin of the donors is that they didn't donate before.

01:29:50 So I think it's time for this to end. The letter is nothing but smoke and mirrors and -- and sort of -- well, unsupported conspiracy theories. So with that, I'll stop talking.

ACTING CHAIR WERTHER: Thank you, Mr. LaSota. I think you're still sharing your screen. Oh, there we go. Thank you.

Does any Commissioner want to make a motion for executive session?

COMMISSIONER CRUMP: I'll make a motion that

01:30:25 we move to executive session for legal advice on this matter.

ACTING CHAIR WERTHER: Is there a second?

COMMISSIONER PATON: I'll second. Paton.

ACTING CHAIR WERTHER: Commissioner Crump has made the motion for executive session for legal advice. Commissioner Paton has seconded. I'll call the roll.

Commissioner Crump.

COMMISSIONER CRUMP: Aye.

ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: And Chair votes aye. So by 4-to-0, we're going to move into executive session.

For those attending, again, it's the Commissioners,

01:31:04 Bill Richards and Samantha Fox are our independent legal advisors, and then Angela for our minutes.

(Whereupon the proceeding is in executive session from 11:32 a.m. until 11:58 a.m.)

* * * * *

MS. HERRING: We are back from executive session.

ACTING CHAIR WERTHER: Perfect. Thank you.

01:57:37 Just making sure all the Commissioners made it here. Okay.

So we're back in open session. Any further discussion by the Commissioners?

(No audible response.)

ACTING CHAIR WERTHER: If not, is there a motion regarding the repayment recommendations?

COMMISSIONER CRUMP: Yeah. Madam Chair, I would like to make a motion.

ACTING CHAIR WERTHER: Yes, Commissioner Crump.

COMMISSIONER CRUMP: All right. So I would move that the Commissioners vote to provide the following direction to the Executive Director regarding the information contained in his letter dated August 25, 2026, to Candidate Risa Lombardo the information provided to the Commissioners in Executive Director Collins' August 25th, 2026, letter provides sufficient cause to initiate proceedings that include completion of an investigation and submission to the Commissioners of a final report and recommendation regarding whether to issue. And, if so, the appropriate terms for a repayment order to Candidate Risa Lombardo in connection with matters addressed by the Executive Director's letter.

Therefore, the -- under this motion, the Commission directs the Executive Director to complete the investigation discussed in his August 25th, '26, letter to Candidate Lombardo, and provide the Commissioners by hopefully by September regular meeting, but no later than our October regular meeting of 2026, a final report and recommendation regarding whether to issue. And, if so, the appropriate terms for a repayment order to Candidate Risa Lombardo so that the Commission may consider and/or act upon any such

recommendation at an appropriately noticed meeting of the Commission.

And the Executive Director is authorized to utilize all powers and authority of the Commission in completing his investigation regarding Candidate Lombardo, including issuance and enforcement of subpoenas to witnesses to compel attendance and testimony, and issuance and enforcement of subpoenas for production of books, papers, records, or other material records all as authorized by A.R.S. Section 16-956(B).

01:59:55

ACTING CHAIR WERTHER: Is there a second?

COMMISSIONER TITLA: I second that motion.

ACTING CHAIR WERTHER: Okay. Commissioner Crump has made a motion to provide direction to the Executive Director regarding Risa Lombardo as Commissioner Crump has explained. Commissioner Titla has seconded the motion. I'll call the roll.

Commissioner Crump.

COMMISSIONER CRUMP: Aye.

02:00:16 ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: Chair votes aye.

A vote of 4-to-0 on that motion, it passes.

Is any Commissioner have another motion?

COMMISSIONER CRUMP: Yes, Madam Chair. With your indulgence, I have a second motion.

ACTING CHAIR WERTHER: Yes, Commissioner Crump. Please proceed.

COMMISSIONER CRUMP: I move that the Commission vote to provide the following direction to the Executive Director regarding information contained in his letter dated August 25, 2026, to Candidate Duwayne Collier. The information provided to the Commissioners in Executive Director Collins' August 25th, 2026, letter provides sufficient cause to initiate proceedings that include completion of an investigation and submission to the Commissioners of a final report and recommendation regarding whether to issue. And, if so, the appropriate terms for a repayment order to Candidate Duwayne Collier in connection with matters addressed by the Executive Director's letter.

Therefore, the Commission directs the Executive Director to complete the investigation discussed in his August 25th, '26, letter to Candidate Collier, and provide the Commissioners hopefully by the September regular meeting of this year, but no later than our October regular meeting of this year, a final report and recommendation regarding whether to issue. And, if so, the appropriate terms for a repayment order to Candidate Duwayne Collier so that the

Commission may consider -- excuse me. Back to where I was -- so that the Commission may consider and/or act upon any such recommendation at an appropriately noticed meeting of the Commission.

The Executive Director is authorized to utilize all powers and authority of the Commission in completing his investigation regarding Candidate Collier, including issuance and enforcement of subpoenas to witnesses to compel attendance and testimony, and issuance and enforcement of subpoenas for production of books, papers, records, and/or other material records all as authorized by A.R.S. 16-956(B).

ACTING CHAIR WERTHER: Commissioners, is there a second?

COMMISSIONER TITLA: I second.

ACTING CHAIR WERTHER: Okay. Commissioner Crump has made a motion to provide direction to the Executive Director regarding Duwayne Collier, and Commissioner Titla has seconded that motion. I'll call the roll.

Commissioner Crump.

02:02:45 COMMISSIONER CRUMP: Aye.

ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: Chair votes aye.

With a vote of 4-to-0, the motion passed.

And do we have any other motions?

COMMISSIONER CRUMP: Yes, Madam Chair. I got one third motion.

ACTING CHAIR WERTHER: Yes, continue.

COMMISSIONER CRUMP: I move that the Commission vote to provide the following direction to the Executive Director regarding information contained in his letter dated August 25, 2026, to Candidate Scott Neely. The information provided to the Commissioners in Executive Director Collins' August 25th, 2026, letter provides sufficient cause to initiate proceedings that include completion of an investigation and submission to the Commissioners of a final report and recommendation regarding whether to issue. And, if so, the appropriate terms for a repayment order to Candidate Scott Neely in connection with matters addressed by the Executive Director's letter.

Therefore, the Commission directs the Executive Director to complete the investigation discussed in his August 25th, 2026, letter to Candidate Lombardo -- I'm sorry, Candidate Neely and provide the Commissioners hopefully by the September regular meeting of this year, but no later than the October regular meeting of this year, a final report and recommendation regarding whether to issue. And, if so, the appropriate terms for a repayment order to Candidate Scott

Neely so that the Commission may consider or act upon any such recommendation at an appropriately noticed meeting of the Commission.

The Executive Director is authorized to utilize all powers and authority of the Commission in completing his investigation regarding Candidate Neely, including issuance and enforcement of subpoenas to witnesses to compel attendance and testimony, and issuance and enforcement of subpoenas for production of books, papers, records, and/or other material records all as authorized by A.R.S. 16-956(B).

02:04:44

ACTING CHAIR WERTHER: Thank you, Commissioner Crump.

Is there a second?

COMMISSIONER TITLA: I second.

ACTING CHAIR WERTHER: Okay. Commissioner Crump has made a motion to provide direction to the Executive Director regarding Scott Neely. Commissioner Titla has seconded. I'll call the roll.

Commissioner Crump.

COMMISSIONER CRUMP: Aye.

ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: And Chair votes aye.

With a vote of 4-to-0, the motion passes.

That concludes that item. We're going to be moving now to Item Number VI, which is a discussion and possible action on an administrative fine involving Gwendalyn "Gwen" Johnston, a participating candidate for legislature for failure to appear at a Commission sponsored debate.

Commissioners, you have the relevant materials in your packets. And then I'll have the Executive Director make a statement. If Ms. Johnson or her representative is here, they may speak.

02:05:44

So Tom, if you want to please proceed.

Oh. And if we can just make sure everyone is muted. Thank you.

MR. COLLINS: Madam Chair, thank you.

So this is a little bit different thing. We have a rule, Rule 107, that says that, you know, if you are a participating candidate, you're obligated to attend a Commission debate unless you've sought a prior excuse.

In this case, Johnston did not attend and -- you know. And as I noted in my letter to her, she hadn't taken the training before this, the training goes into this. But, you know, on the other hand she is working with a very experienced former Clean Elections candidate.

02:06:26

You know, you -- you have her response. I don't know that I -- I feel like I ought to categorize it all,

unless you have questions about it.

You know, the sta- -- the rule here is not very complicated. It says if you -- if you -- having missed, if you're excuse, you're later excuse, doesn't fit within the categories there then you have -- you're fined $500.

My read on the response is I don't really think it gets at those -- those excuses. But, you know, so I think the $500 fine is appropriate.

But I'll take any questions.

02:07:25

ACTING CHAIR WERTHER: Commissioners, do you have any questions?

(No audible response.)

ACTING CHAIR WERTHER: Tom, I just want to confirm. So there, I guess, it looks like in her statement, it seems that she said she was first notified on May 16th. But it does not look like she reached out to any staff before the May 19th debate; is that --

MR. COLLINS: No, we don't -- we don't have any -- anything -- any record until the records we provided respecting staff member's efforts to contact her on the day of.

02:08:03

So our log, contact log that I think is in the packet --

ACTING CHAIR WERTHER: Yes.

MR. COLLINS: -- that's -- that's the complete

communication.

Part of this has to do with the expectation that the candidate, you know, is to know what the candidate's obligations are, you know. So, you know, we do try -- we do outreach, but we do rely on candidate having awareness of their obligations.

I mean --

ACTING CHAIR WERTHER: Okay.

MR. COLLINS: So, I mean, I'm not -- I'm not -- so I don't know that that -- it was not a failure of notice if that makes.

02:08:41

ACTING CHAIR WERTHER: Sure.

MR. COLLINS: If the notice is not the notice that the candidates would have preferred, I don't know that's the standard the rule articulates.

ACTING CHAIR WERTHER: Did any Commissioners have any questions for Tom?

(No audible response.)

ACTING CHAIR WERTHER: Is Ms. Johnston or any representative for Ms. Johnston online wishing to speak?

02:09:05

(No audible response.)

ACTING CHAIR WERTHER: I don't know that I see anybody.

Okay. Is there any motion from Commissioner regarding the administrative fine?

COMMISSIONER CRUMP: Madam Chair, I would make a motion that we impose administrative fine of $500 on Participating Candidate Gwen Johnston for failure to appear at the debate.

ACTING CHAIR WERTHER: Is there a second?

COMMISSIONER PATON: I'll second. Paton.

ACTING CHAIR WERTHER: Commissioner Crump has made the motion to -- for the administrative fine of $500 to Gwendalyn "Gwen" Johnston for failing to appear for a debate.

02:10:00 Commissioner Paton has seconded. I'll call the roll.

Commissioner Crump.

COMMISSIONER CRUMP: Aye.

ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: Chair votes aye.

So vote of 4-to-0. The motion passes.

This is the time now Item Number VII, for

02:10:17 consideration of comments and suggestions from the public. Please limit your comments to no more than three minutes.

So if you're a member of the public and wish to make a comment, please use that raise hand feature in the icon in the Zoom, and I'll call on individuals one at a time. When your name is called, please unmute yourself and state

your name for the record before beginning your comments.

Does anyone on Zoom wish to make a comment?

(No audible response.)

ACTING CHAIR WERTHER: Okay. I don't see any.

So action taken as a result of public comment, of course, was always limited to directing staff, studying the matter, rescheduling for further consideration.

Since we have none, public may also submit comments by e-mail at ccec@azcleanelections.gov.

02:11:08 Item Number VIII, at this time I'm open to a motion to adjourn.

COMMISSIONER CRUMP: Madam Chair, I move that we adjourn.

ACTING CHAIR WERTHER: Is there a second?

COMMISSIONER PATON: I'll second. Paton.

COMMISSIONER TITLA: I'll second.

ACTING CHAIR WERTHER: Okay. I heard Mr. Paton.

So, Commissioner Crump has made the motion to

02:11:26 adjourn with Commission Paton seconding. I'll call the roll.

Commissioner Crump.

COMMISSIONER CRUMP: Aye.

ACTING CHAIR WERNER: Commissioner Paton.

COMMISSIONER PATON: Aye.

ACTING CHAIR WERNER: Commissioner Titla.

COMMISSIONER TITLA: Aye.

ACTING CHAIR WERTHER: Chair votes aye.

With a vote of 4-to-0, the motion passes and the meeting is adjourned. Thank you, everyone.

(Whereupon the meeting concludes at 12:13 p.m.)

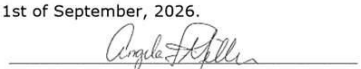
CERTIFICATE

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 1st of September, 2026.



Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 1st of September, 2026.



Miller Certified Reporting, LLC
Arizona RRF No. R1058

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

Virtual Meeting:	**Citizens Clean Elections Commission**
	Zoom Meeting: https://us02web.zoom.us/j/87997316858
	Meeting ID: 879 9731 6858
	One tap mobile: +1-669-900-6833,,87997316858#
	Commission Address: 1110 W. Washington, Suite 250, Phoenix, Arizona 85007
Date:	**Friday, August 14, 2026**
Time:	**10:30 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 August 14, 2026. **This meeting will be held at 10:30 a.m. This meeting will be held virtually. The Zoom meeting room will be open by 10:15 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.

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

Join Zoom Meeting

https://us02web.zoom.us/j/87997316858

Meeting ID: 879 9731 6858

One tap mobile

+1-669-900-6833,,87997316858# US

STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

MUR: No. 26-06

STATEMENT OF REASONS OF EXECUTIVE DIRECTOR

On behalf of the Citizens Clean Elections Commission (the "Commission"), the Executive Director hereby provides the Statement of Reasons for the recommendation that the Commission find reason to believe that violations of the Citizens Clean Elections Act and Commission rules (collectively, the "Act") occurred.

Background

Lisa Everett filed a Complaint alleging that Dr. Ralph Heap had authorized campaign signs for his campaign that were placed throughout the state but had not accounted for the expense of those signs on his campaign finance reports. Exhibit 1. The Commission received other sworn statements regarding the signs. These documents have been provided to Tim La Sota, counsel to Dr. Heap.

The Complaint argues that Dr. Heap should have reported expenditures for signs and did not report contributions sufficient to cover the signs that were posted throughout the state. Complaint at 1. Under the Clean Elections Act, participating candidates agree to certain limits under A.R.S. § 16-941(A) and are obligated to account for their campaign activity under A.R.S. §§ 16-947, -948, and related rules. The Complainant also provided photos and locations of 184 signs deployed that are authorized by Dr. Heap. Nick Myers, a competing candidate, provided a sworn statement that Dr. Heap told Commissioner Myers he had 1,000 signs deployed. Exhibit 2 (Myers's statement).

Reports of payments to Dr. Heap's sign provider, reproduced below, show that signs for a statewide campaign cost more than what Dr. Heap reported. The campaign finance reports did not disclose any contributions or expenditures related to the signs that close to the amount paid by other candidates. Heap disclosed one payment of $644.47 on July 7, 2025 to Mesa Sign Shop, but no payments during the timeframe relevant to the Complaint. In his qualifying period recap report, Dr. Heap reported having raised a total of about $17,000, about $8,500 of which were turned over to the Commission as qualifying contributions.

Conclusion

For the forgoing reasons the Commission should determine there is a reason to believe a violation of the Act and Rules may have occurred.

If the Commission determines by an affirmative vote of at least three (3) of its members that it has reason to believe a respondent has violated a statute or rule over which the Commission has jurisdiction, the Commission shall notify such respondent of the Commission's finding setting forth: (i) the sections of the statute or rule alleged to have been violated; (ii) the alleged factual basis supporting the finding; and (iii) an order requiring compliance within fourteen (14) days. During that period, the Respondent may provide any explanation to the Commission, comply with the order, or enter into a public administrative settlement with the commission. A.R.S. § 16-957(A) & A.A.C. R2-20-208(A).

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

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

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

AZPIA REPLY TO RESPONDENT'S AUGUST 7 SUBMISSION

ARIZONA PUBLIC INTEGRITY ALLIANCE

534 N. Orange • Mesa, Arizona 85201 • tjmontague@gmail.com • 602-717-3518

August 12, 2026

Submitted Via Electronic Mail

Thomas M. Collins, Executive Director

Citizens Clean Elections Commission

1110 W. Washington St., Suite 250

Phoenix, Arizona 85007

RE: AZPIA Complaint of August 3, 2026 (as supplemented August 8, 2026) — Second Supplement and Memorandum Responding to Respondent's August 7, 2026 Submission in MUR-26-06

Dear Director Collins and Members of the Commission:

Respondent's August 7, 2026 submission in MUR-26-06 responds to Ms. Everett's complaint, but the legal theory it advances reaches the same sign program at the center of AZPIA's own pending complaint, and its concluding request — dismissal and release of $370,000 in public funds — would resolve issues raised in both matters. AZPIA therefore submits this memorandum in further support of its complaint and for the Commission's consideration in MUR-26-06.

Respondent asks the Commission to dismiss, and to release $370,000 in public funds, on the theory that a statewide sign deployment was a vendor "extension of credit" that is "neither a contribution ... nor an expenditure ... until such time as payment is made." The theory rests on a single misunderstanding, so AZPIA begins with the rules that govern it — because once they are stated, the rest follows.

I. THREE RULES DECIDE THIS MATTER

Rule 1 — Spending happens when the campaign obligates itself, not when it pays. "An expenditure or disbursement is deemed made either on the date the committee **authorizes the monies to be spent** or the date the monies are withdrawn from the committee's account." A.R.S. § 16-926(C)(2). The Commission's rules say the same thing for participating candidates: an expenditure is made "as of the date upon which the candidate or campaign **promises, agrees, contracts or otherwise incurs an obligation to pay** for goods or services," R2-20-110(A)(5), and an extension of credit must be reported "**as an expenditure, in an amount equal to the full future payment obligation, as of the date the contract, promise or agreement is made**," R2-20-110(B)(1). This is how spending works everywhere: a purchase on a credit card is spending when the card is swiped, not when the statement is paid. No one's December shopping happens in January because that is when the bill came due.

Rule 2 — Payment is not the reporting trigger; the obligation is — and even unpaid credit is itself a mandatory line item. Every campaign finance report must itemize

PUBLIC COMMENT 2

campaign placed an order," which concedes a campaign obligation and triggers Parts I–III). Whatever the reason, an obligation on which no demand has ever issued, with no written terms and no stated amount, cannot be found "substantially similar" to commercial credit; from the campaign's side it is indistinguishable from value received free of charge unless and until someone elects to collect.

Nor does the affidavit reach the conduct complained of. It describes the printing of one order, "made available for pickup." It says nothing about who transported and installed hundreds of four-foot signs across multiple counties — the major unreported cost the complaints identify — nothing about signs documented in the field relative to this order's timeline, nothing about earlier orders, and nothing about the signature-gathering operation in AZPIA's August 8 supplement. An affidavit about one print job cannot support dismissal of any complaint, still less the release of $370,000.

V. THE QUESTION THE SUBMISSION RAISES: WHO STRUCTURED THIS

The arrangement has a shape: the campaign received and deployed the benefit during the capped primary period; no obligation appeared on any certified report; no invoice issued; and the statute's deemed-contribution date arrives only after the general election. A print shop does not design campaign-finance timing; candidates rarely do either. Someone decided how this purchase would be papered, when it would be billed, and that it need not be reported — the same categories of decision at issue in the sign-installation and petition operations described in AZPIA's supplement, for a campaign whose reports disclose **no consultant of any kind**. AZPIA does not allege who that was; it asks the Commission to find out. The Commission should compel the campaign to identify every person who advised it concerning the sign purchase, the financing or billing arrangement, or the position that the obligation was not reportable, and to produce the related communications — and should take the same evidence up through the examination AZPIA proposed in Sections III–IV of its supplement.

VI. REQUESTED ACTION

AZPIA respectfully requests that the Commission: (1) decline to dismiss, and treat the admitted omission of the outstanding extension of credit as a reporting violation accruing under § 16-942(B); (2) compel production of the sign order records — order date and orderer, artwork transmittal, quantity and invoice amount, the unsent invoice, pickup identity, and all arrangements for transport and installation, together with all Mesa Sign Shop orders for the committee in 2025–2026; (3) compel identification of every person who advised the campaign on the purchase, its financing or billing, or its reporting treatment, with the related communications; (4) determine the total of unreported expenditures and in-kind value received — sign obligation, installation, and the signature operation valued in AZPIA's supplement — and compare that total to the $36,959 threshold of § 16-942(C) and the $147,836 adjusted primary spending limit; and (5) continue withholding Clean Elections funding pending resolution of this matter and AZPIA's August 8 supplement.

Respectfully submitted,

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF.

Executed this ____ day of August, 2026.

_____

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

Virtual Meeting:	**Citizens Clean Elections Commission**
	Zoom Meeting: https://us02web.zoom.us/j/83417755836
	Meeting ID: 834 1775 5836
	One tap mobile: +1-669-444-9171,,83417755836# US
	Commission Address: 1110 W. Washington, Suite 250, Phoenix, Arizona 85007
Date:	**Wednesday, September 2, 2026**
Time:	**2:00 p. m.**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on September 2, 2026. **This meeting will be held at 2:00 p.m. This meeting will be held virtually. The Zoom meeting room will be open by 1:45 p.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.

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

Join Zoom Meeting

https://us02web.zoom.us/j/83417755836

Meeting ID: 834 1775 5836

One tap mobile

+1-669-444-9171,,83417755836# US

Memorandum

To: Clean Elections Commissioners

From: Tom Collins

CC: Tim La Sota, Attorney for Ralph Heap

Craig Morgan, Independent Legal Advisor to the Commission MUR 26-06

Paula Thomas Executive Officer

Date: August 31, 2026

Re: MUR 26-06 Chronology of Actions and Communications Since August 14.

This memorandum is intended solely to provide the Commission with a chronology of staff actions, communications, and material developments following the Commission's August 14, 2026 Reason to Believe determination in MUR 26-06. It does not address the merits of the pending investigation.

Background

The Commission staff received a complaint regarding sign production and distribution against Dr. Ralph Heap, a participating candidate, in June.

Dr. Heap was notified he had qualified for funding on July 20, but that he had not submitted the sworn statement required by R2-20-106(A).

Dr. Heap requested to withdraw from the program July 31, but the Commission denied the request on August 4.

Dr. Heap submitted the statement under R2-20-106(A).

On August 14, the Commission directed that Dr. Heap's campaign receive funding.

In a separate action, the Commission determined there was reason to believe Dr. Heap had violated the Clean Elections Act and Rules.'

Chronology

August 17 —Request for Campaign Records

On August 17, staff sent Dr. Heap, through counsel, a written request for records in MUR 26-06. The request cited A.R.S. § 16-956(A)(7), A.A.C. R2-20-104(C)(6),

and Dr. Heap's agreement to participate in the Clean Elections program, and initially requested production by 5:00 p.m. August 24. Exhibit 1.

The request concerned the campaign's finances and the transaction underlying the Reason to Believe determination. It requested: campaign-account statements and records of transactions from accounts used for campaign purposes; agreements for services provided to the campaign; receipts, invoices, or other records supporting services, in-kind contributions, use of personal monies, or other transactions of value; and communications concerning the purchase and placement of the Mesa Sign Shop signs. *Id.* If a transaction lacked a written receipt or agreement, staff asked only that Heap identify the transaction, the persons involved, and the date the good or service was received. *Id.*

August 20–24 — Mesa Sign Shop Subpoena and Contact with Owner Jim Torgeson

On August 20, staff transmitted a subpoena directed to Mesa Sign Shop and owner Jim Torgeson to Mr. La Sota, along with a request that Dr. Heap return unspent primary monies pursuant to A.R.S. § 16-953 and communicate with the Commission staff regarding his debate obligations. Exhibit 2

The subpoena was tied specifically to Mr. Torgeson's August 7 declaration and to the Commission's August 14 reason-to-believe determination. It sought the underlying business records concerning the Heap sign order, including the order, quote or estimate, invoice, production records, dates of completion and availability, pickup or delivery records, account statements, payment terms, and related communications. Exhibit 3

Mr. La Sota advised staff on August 22 that he did not represent Mesa Sign Shop and could not accept service of the subpoena on its behalf. Exhibit 4. Staff acknowledged that response and proceeded to communicate directly with Mr. Torgeson concerning service and the subpoena.

Following direct communication with Mr. Torgeson, staff sent him a follow-up email on August 24. Exhibit 5. Staff expressly told Torgeson that it was not permitted to give him legal advice and explained that his declaration had been submitted as part of the response of a party whom staff was investigating. Staff advised Torgeson he should consider obtaining counsel.

August 22–24 — Dr. Heap Requests and Receives Additional Time

On August 22, Mr. La Sota responded to the August 17 document request by stating, without waiving objections, that production by the following Monday was "completely unrealistic." Exhibit 6. He requested an extension until the next Monday. *Id.*

On August 24, staff granted the requested one-week extension. Exhibit 7. In granting the extension, staff noted that campaign-account statements and records supporting approximately $8,500 in reported campaign expenses appeared to be materials Dr. Heap should have had available as candidate and treasurer, but nevertheless granted the requested additional time. *Id.*

August 24 — La Sota Seeks Discussion of Resolution

Also on August 24, Mr. La Sota invoked the Commission's rules concerning settlement and conciliation and asked staff to discuss resolution of MUR 26-06. Exhibit 8. He observed that the alternative appeared to be a lengthy enforcement process in the middle of an election. *Id.*

Staff responded by asking Mr. La Sota provide a written proposal to the attorney engaged by Staff for purposes of MUR 26-06. Exhibit 9.

August 25 — Staff circulates enforcement process details and Proposed Order

On August 25, in response to Mr. La Sota's August 18 demand for the notice required by R2-20-208(A), staff provided Mr. La Sota, Commission counsel, and the Commission with a detailed memorandum explaining the enforcement process under A.R.S. § 16-957 and the Commission's rules, together with a proposed compliance order. Exhibit 10.

The memorandum explained that following a reason-to-believe determination, a respondent may provide an explanation, comply with the order, or enter into a public administrative settlement; that the reason-to-believe determination also begins an investigation; and that the rules thereafter provide for probable-cause briefing, Commission consideration, conciliation, and possible penalties. Exhibit 11.

August 27 — Torgeson Requests and Receives Additional Time

On the morning of August 27, Mr.Torgeson contacted staff and stated that he was attempting to retain an attorney, was encountering conflicts, and needed a few additional days. Exhibit 12. He expressly stated that he was not attempting to obstruct the investigation and intended to comply with the subpoena with the assistance of counsel. *Id.*

Staff granted the request that afternoon. It extended the deadline for objections to September 7 and the deadline for compliance with the subpoena to September 15. Exhibit 13.

August 27 — Commission Acts on Heap's Request for a Compliance Order

On August 27, the Commission considered the compliance-order issue that La Sota had asked it to address. The Commission approved an order consistent with the Reason to Believe determination.

At the Commission Meeting, Mr. La Sota addressed the Commission. *August 27, 2026 Clean Elections Commission Meeting*, YouTube, beginning at 15:21 (Aug. 27, 2026), https://youtu.be/xvu1Zl16fxQ?t=921. During the course of his statement, Mr. La Sota said that Dr. Heap has been "bombarded" with Complaints, that the process was "byzantine" and that "Dr. Heap does not want to anything to do with this program anymore and he's requesting now that he be allowed to withdraw." He also objected to Staff's response to his request to discuss a conciliation or public administrative settlement.[1]

The order expressly stated that the investigation would continue during and after the compliance period. Exhibit 14. Staff transmitted the approved order to La Sota and the Commission's independent legal advisor for MUR 26-06 afternoon. *Id.*

August 28 — Renewed Withdrawal Request

On August 28, Mr. La Sota transmitted a letter signed by Heap stating that Heap elected to withdraw as a participating candidate under R2-20-108(A), that his reasons were those stated at the prior day's hearing, and that he would return all Clean Elections funds unspent. Exhibit 15.

[1] One additional complaint concerning Dr. Heap, MUR 26-09, is pending. Mr. La Sota has submitted a response, and staff is reviewing that matter separately in the ordinary course.

Staff immediately circulated the request to the Commission, quoted the provision on which Dr. Heap's request relied. Exhibit 16. Staff stated in an email to the Commission, it's independent advisor, and Mr. La Sota, that the request raised the same issue the Commission had considered previously. *Id.* Staff recommended that the Commission consider the renewed request within one week. Exhibit 17.

Dr. Heap's campaign delivered a check to the Commission's Mail and Delivery address August 28.

Gmail Exhibit 12

Thomas Collins <thomas.collins@azcleanelections.gov>

Mesa Sign Shop Subpeona

1 message

Admin . [redacted] Thu, Aug 27, 2026 at 9:52 AM
To: thomas.collins@azcleanelections.gov

Sir,

I am trying to retain an attorney for this situation. I will say that I am not trying to be difficult nor obstruct your investigation in any way, shape or form.

It's in my best interest to make sure I comply with the best and most relevant information and will do so as told with an attorney involved. It does appear that many attorneys have conflicts, so give me a few days as to not be "non-compliant."

Respectfully,

Jim Torgeson
[redacted]

[redacted]

Mesa Sign Shop

For all your Sign & Printing Needs | *Experts in Real Estate & Political printing*

signs - banners - business/palm cards - flyers/brochures - decorated apparel - vehicle graphics

Check out MesaSignPromotions.com for your Advertising & Promotional needs

[redacted]

MesaSignShop.com

[redacted]

NEED SWAG?

Gmail Exhibit 13

Thomas Collins <thomas.collins@azcleanelections.gov>

Re: Mesa Sign Shop Subpeona

1 message

Thomas Collins <thomas.collins@azcleanelections.gov> Thu, Aug 27, 2026 at 1:38 PM
To: "Admin ." [redacted]

Mr. Torgeson (Jim)

We can extend the deadline for objections and compliance by one week. That would make your objections due Monday September 7, 2026, and the deadline for compliance with the subpoena would be Tuesday, September 15, 2026.

Thank you for reaching out,

Tom

On Thu, Aug 27, 2026 at 9:53 AM Admin . <[redacted]> wrote:

> Sir,
>
> I am trying to retain an attorney for this situation. I will say that I am not trying to be difficult nor obstruct your investigation in any way, shape or form.
>
> It's in my best interest to make sure I comply with the best and most relevant information and will do so as told with an attorney involved. It does appear that many attorneys have conflicts, so give me a few days as to not be "non-compliant."
>
> Respectfully,
>
> Jim Torgeson
> [redacted]
>
> --
>
> **Mesa Sign Shop**
> For all your Sign & Printing Needs | *Experts in Real Estate & Political printing*
> signs - banners - business/palm cards - flyers/brochures - decorated apparel - vehicle graphics
> Check out MesaSignPromotions.com for your Advertising & Promotional needs
>
> 480-593-7500
> admin@mesasignshop.com
> MesaSignShop.com
> 756 W Main st. Mesa, Az 85201
>
> NEED SWAG?

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

Location: **Citizens Clean Elections Commission**
1110 W. Washington, Suite 250
Phoenix, Arizona 85007

Date: **Thursday, October 29, 2026**

Time: **10:00 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 October 29, 2026. This meeting will be held at 10:00 a.m. **This meeting will be held in person and virtually. The meeting location will be open by 09:45 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.

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

Join Zoom Meeting

https://us02web.zoom.us/j/89185604881

Meeting ID: 891 8560 4881

One tap mobile

+1-719-359-4580,,89185604881# US

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

CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
October 29, 2026

Announcements:

The General Election is November 3, 2026. Voters can find their voting location at azcleanelections.gov/voter-dashboard.

Key dates

- Polls are open from 6am-7pm on November 3. Ballots must be returned by 7 p.m. to be counted.
- Unofficial results will be released and ongoing beginning at 8pm on election night.
- ID is required to vote in person on Election Day.
- A list of acceptable ID is on the website or voters can use our ID at the Polls tool to ensure they are prepared. https://www.azcleanelections.gov/how-to-vote/what-id-do-i-need-at-the-polls
- The signature curing deadline is November 8. Counties will make efforts to contact voters whose signature requires curing. Signature curing is when there is an issue matching the signature on an mail ballot affidavit envelope with a voter's record.
- The deadline for providing ID for conditional provisional ballots is November 8.
- The statewide canvass is November 23.

Voter Education and Outreach:

Clean Elections staff continued voter education efforts through community events, media appearances, and partnerships ahead of the General Election.

- **Community Outreach**
  - Avery, Gina, and Tom hosted Coffee Talks with Clean Elections at Showtime Cafe in Phoenix. Attendees worked through sample ballots and voter research exercises and discussed their priorities and engagement with local government.
  - Staff also provided election information and voter education resources at the Tempe Public Library Volunteer Fair and the City of Phoenix Future Leaders Town Hall.
  - Captain Activate! appeared at the Tempe City Departments Family Day event.

- Arizona Citizens Clean Elections Commission v. Fontes, Arizona Court of Appeals, 2 CA-CV 2026-0185
    - The Court of Appeals now has jurisdiction over the party's appeal.

- Center for Arizona Policy v. Arizona Secretary of State, Maricopa Superior Court, CV2022-016564
    - This is the matter on remand after the Arizona Supreme Court upheld the Voters' Right to Know Act against a facial challenge under the Arizona Constitution. The Court remanded to allow consideration of Plaintiffs' as applied challenge.
- Americans for Prosperity v. Meyer, No. 24-2933 (9th Cir.).
    - The Court upheld VRKA on a 2-1 vote. Plaintiff declined to seek en banc review from the full Ninth Circuit Court of Appeals, there is still time for Plaintiff to file a petition for certiorari with the U.S. Supreme Court.
    - The podcast Advisory Opinions recently discussed the Ninth Circuit decision
- Montenegro v. Fontes, Arizona Court of Appeals, No. 1 CA-CV 26-0154.
    - Briefing is underway on this appeal regarding appeal from Superior Court.

- 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. Plaintiff filed a form of judgment and application for attorneys' fees. Defense filed an objection to the form and a response to attorneys' fees application.

- Branch et al. v. Collins, et al., CV2024-004136, Superior Court for Maricopa County. Ongoing.

Appointments:

- Staff continues to monitor appointments, and direct interested applicants to the appropriate officials.

Complaints:

- MUR 25-04, Turning Point (Prop. 211).
- MUR 25-05, Turning Point (Prop. 211).
- MUR 26-03, Turning Point (Prop. 211).
- MUR 26-04, Fortify AZ (Prop. 211), please see dismissal report under AAC R2-20-811(F), Exhibit 1 to this report. The Commission may set this matter for review at a later meeting if chooses.
- MUR 26-05, Arizona Values Fund (Clean Elections Act Trigger Report), please see dismissal letter pursuant to AAC R2-20-206, Exhibit 2 to this report. The Commission may set this matter for review at a later meeting if chooses.
- MUR 26-06 Ralph Heap (participating candidate).

- MUR 26-07 Kevin Thompson & Nick Myers (participating candidates), this agenda.
- MUR 26-09 Ralph Heap Heap (participating candidate).
- MUR 26-10 Kevin Thompson & Nick Myers (participating candidates), this agenda.

2026-2027 Regulatory Agenda:

The Commission may conduct a rulemaking even if the rulemaking is not included here.

Commission staff will begin working on how it might address the Arizona Supreme Court's decision *in Ctr. for Ariz. Pol'y, Inc. v. Ariz. Sec'y of State*. No. CV-24-0295-PR, slip op. (Ariz. June 29, 2026). In that case, the Court indicated that the Voters' Right to Know Act "The Act . . . cannot be properly interpreted as compelling disclosure of donors who were never given the opportunity to opt out of having their donations used for campaign media. *Id.* at ¶ 82. The Court explained that A.R.S. § 16-972 "does not expressly specify who must provide upstream donors notice of the opt-out opportunity or require a covered person to investigate whether an immediate donor's contribution includes original monies from upstream donors." *Id.* It stated that a Commission rule or as applied challenges could clarify the responsibilities associated with notice. *Id.*

The following information is provided under A.R.S. § 41-1021.02:

- Notices of Docket Opening:
  - 32 A.A.R. 694 (candidate statement pamphlet), https://apps.azsos.gov/public_services/register/2026/12/contents.pdf.
  - 32 A.A.R. 266 (use of funds), apps.azsos.gov/public_services/register/2026/4/contents.pdf.
  - 31 A.A.R. 2255 (revision and addition of funding rules), https://apps.azsos.gov/public_services/register/2025/27/contents.pdf.
- Notices of Proposed Rulemaking:
  - 32 A.A.R. 669 (candidate statement pamphlet) https://apps.azsos.gov/public_services/register/2026/12/contents.pdf
  - 32 A.A.R. 245 (use of funds), apps.azsos.gov/public_services/register/2026/4/contents.pdf.
  - 31 A.A.R. 2141 (revision and addition of funding rules), https://apps.azsos.gov/public_services/register/2025/27/contents.pdf.
- Supplemental Notices 31 A.A.R.3917 (setting our next meeting to consider rules related to campaign finance report and monitoring of clean candidate funds). https://apps.azsos.gov/public_services/register/2025/40/contents.pdf.
- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **Five Year Report Approved 9/2/2025**
- Notice of Final Rulemaking: Notice of final rulemaking for
  - 32 A.A.R. 807 (revision and addition of funding rules), apps.azsos.gov/public_services/register/2026/14/contents.pdf
  - 32 A.A.R. 1440 (use of funds), https://apps.azsos.gov/public_services/register/2026/26/contents.pdf.

Alexander Kolodin (State Bar No. 030826)
KOLODIN LAW GROUP PLLC
4105 North 20th Street, Suite 110
Phoenix, AZ 85016
Telephone: (602) 730-2985
alexander.kolodin@kolodinlaw.com
Attorneys for Plaintiff 1Ten LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

1Ten LLC, a Delaware limited liability company,

Plaintiff,

v.

Thomas M. Collins, in his official capacity as Executive Director of the Arizona Citizens Clean Elections Commission, et al.,

Defendants.

No. _____

DECLARATION OF JAMES ROGERS IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY AND PERMANENT INJUNCTION

I, James Rogers, declare:

1. I am over eighteen years old and make this declaration from personal knowledge.

2. During the 2026 election cycle, I was a candidate for the Arizona House of Representatives in Legislative District 10, and I won that election. I ran with "traditional" financing, meaning that at no time was I a "participating" candidate under the Citizens Clean Elections Act. I neither sought nor received money from the Clean Elections Fund.

3. I used 1Ten LLC ("1Ten") to procure campaign materials, including my campaign's signs.

4. In working with 1Ten, I communicated with its principal about strategy, messaging, timing, budgets, the identities of supporters and volunteers, and other sensitive

campaign matters. For example, we discussed which messages to put on my signs and other materials, where and when the signs should go up, and how much of my budget to commit to them. An opponent who knew those things would have known how my campaign planned to win. I spoke candidly because I understood those communications to be private. I would not have shared the same information with 1Ten if I had expected it to be turned over to a state agency.

5. I am not a party to MUR 26-06 before the Arizona Citizens Clean Elections Commission (the "Commission"). I have never been the subject of a complaint before the Commission. The "JAMES ROGERS" signs listed on Mesa Sign Shop Invoice No. 2947 were for my campaign. I understand that Mesa Sign Shop gave that invoice to the Commission in response to a subpoena. No one from the Commission told me that records of my campaign's purchases had been subpoenaed or produced. That invoice also lists signs for Dr. Ralph Heap and is one of the invoices identified in the Subpoena described below.

6. I have read the Subpoena Duces Tecum and for Deposition that the Commission's Executive Director signed on November 3, 2026 and directed to 1Ten (the "Subpoena"). It seeks records concerning Dr. Heap's campaign, including communications about campaign materials and their cost, records identifying who picked up signs and payments to those who handled them, and records of other goods or services. It also seeks, for specified Mesa Sign Shop invoices including Invoice No. 2947, records of each payment and "the payor and source of funds for each payment," to the extent they concern Dr. Heap. Because my campaign's signs are on the same invoice, I understand that records of the payments on that invoice would include payments for my campaign's signs.

7. The Subpoena contains no provision requiring that the information produced be kept confidential. I am aware that the Commission posts its meeting packets on its website and that those packets have included materials gathered in its investigations.

8. The Subpoena makes me less willing to speak candidly with 1Ten and other political consultants in future campaigns. I would be more guarded in discussing strategy,

messaging, timing, budgets, and the identities of supporters and volunteers because those discussions might be demanded by a state agency. I expect to be a candidate again. In a future campaign I would put less in writing to a consultant, I would hesitate to give a consultant the names of supporters and volunteers, and I would think twice before placing an order alongside other candidates, because this Subpoena shows that sharing an invoice with another candidate can draw my campaign's records into an investigation of his.

9. The supporters and volunteers who helped my campaign did so expecting that their help was between them and the campaign. I believe some of them would be reluctant to help again if they thought their names could end up in the records of a state investigation.

10. My concern is not limited to public disclosure. My campaign complied with all applicable laws, and my concern is not that its records would show otherwise. I would be less willing to speak candidly with 1Ten even if the information went only to the Commission. The Commission regulates political campaigns, and those who file complaints with it include political opponents of candidates and causes I support or have supported.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 17, 2026.

James Rogers
James Rogers (Nov 17, 2026 13:15:38 EST)

James Rogers

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

1Ten LLC, a Delaware limited liability company, Plaintiff, v. Thomas M. Collins, in his official capacity as Executive Director of the Arizona Citizens Clean Elections Commission, et al., Defendants.	No. _____ **[PROPOSED] ORDER AND PERMANENT INJUNCTION**

The Court has considered Plaintiff 1Ten LLC's Motion for Preliminary and Permanent Injunction and to Consolidate the Hearing with Trial on the Merits (Doc. ___), the response and reply, and the evidence and argument presented at the hearing. The Court advanced the trial on the merits and consolidated it with the hearing on the Motion. Fed. R. Civ. P. 65(a)(2). For the reasons stated on the record,

IT IS ORDERED that the Motion is granted as follows:

1. The Subpoena Duces Tecum and for Deposition directed to Plaintiff and signed on November 3, 2026 (the "Subpoena") violates the First and Fourteenth Amendments to the United States Constitution.

2. Defendants, their officers, agents, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order, are

permanently enjoined from (a) enforcing or seeking to enforce the Subpoena against Plaintiff, including by any application under A.R.S. § 12-2212(B); (b) treating Plaintiff's non-compliance with the Subpoena as a default or violation; and (c) issuing further process in MUR 26-06 that seeks the same information from Plaintiff or from its members, managers, employees, or agents.

3. The Clerk shall enter judgment accordingly.