SNELL
& WILMER

Eric Spencer
[redacted]

Charlene A. Warner
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May 13, 2026

VIA E-MAIL

Arizona Citizens Clean Elections Commission
Mr. Thomas M. Collins, Executive Director
1110 W. Washington St., Suite 250
Phoenix, Arizona 85007
ccec@azcleanelections.gov

Re: Response to Logvin Voter's Right to Know Act Complaint, MUR 26-03

Dear Executive Director Collins:

This firm represents Turning Point PAC, Inc. ("TPPAC") and Turning Point Action ("TPA") with respect to MUR 26-03 (the "Complaint"), submitted by Alex Logvin ("Petitioner"). The Complaint alleges that TPPAC and TPA allegedly violated the Voter's Right to Know Act, A.R.S. §§ 16-971, *et seq.* ("Prop 211" or the "Act") by failing to file Prop 211 disclosures or use certain advertising disclaimers with regard to the Salt River Project ("SRP") Agriculture Improvement and Power District election, which was held on April 7, 2026.

The Commission has requested that TPPAC and TPA address a series of questions in their response. TPPAC and TPA have provided responses to those questions below. In short, the Complaint lacks any basis to establish that either TPPAC or TPA violated the Act.

As explained below, an agricultural improvement district election is not logically capable of falling within Prop. 211's purview. The registration, reporting, and disclaimer requirements under the Act all depend on calculating whether certain financial thresholds have been reached during the "election cycle," which is measured from one "general election" to another every two years.[1] But agricultural improvement districts like SRP do not conduct "general elections." Therefore, it is impossible to jam that square peg into a round hole; namely, into a regulatory regime premised on Title 16 / Title 19-like election calendars.

Furthermore, the campaign signs distributed by TPPAC and the canvassing, voter registration, and ballot chasing conducted by TPA all fall outside the concept of "public communications" that constitute "campaign media spending." And without campaign media spending to speak of, TPPAC and TPA cannot become "covered persons" under the Act.

For these global reasons, and for the specific reasons outlined in response to the Commission's questions below, TPPAC and TPA respectfully request that the Commission take no enforcement action against them, and that the Commission dismiss the Complaint with prejudice.

[1] A.R.S. § 16-971(8).

Legal Framework

Under Prop 211, a "covered person" who surpasses a specified threshold of "campaign media spending" is required to disclose to the Arizona Secretary of State a litany of information regarding certain large donors.[2] A "covered person" includes "any person whose total campaign media spending or acceptance of in-kind contributions to enable campaign media spending" in a single "election cycle" exceeds:

- $50,000 in statewide campaigns; or
- $25,000 in any other type of campaign[3]

The term "campaign media spending" includes "spending monies or accepting in-kind contributions to pay for" a variety of political advertisements, including:

- A public communication[4] that:
    - (i) "expressly advocates for or against the nomination or election of a candidate";
    - (ii) "promotes, supports, attacks or opposes a candidate" within six months of an election involving the candidate;
    - (iii) refers to a "clearly identified candidate" in the ninety days before a primary election through the general election, if the communication is disseminated in the candidate's jurisdiction;
    - (iv) "promotes, supports, attacks or opposes the qualification or approval of any state or local" ballot measure;
    - (v) "promotes, supports, attacks or opposes the recall of a public officer"; or
    - (vi) "supports the election or defeat of candidates of an identified political party or the electoral prospects of an identified political party, including partisan voter registration, partisan get-out-the-vote activity or other partisan campaign activity";
- "An activity or public communication that supports the election or defeat of candidates of an ***identified political party*** or the electoral prospects of an identified political party, including ***partisan*** voter registration, ***partisan*** get-out-the-vote activity or other ***partisan*** campaign activity"; and

[2] *Id.* §§ 16-971(7)(a), 16-973(A)(6), 16-971(10)(a)–(b).
[3] *Id.* § 16-971(7).
[4] *Id.* § 16-971(17)

- "Research, design, production, polling, data analytics, mailing or social media list acquisition or any other activity conducted in preparation for or in conjunction" with the above types of communications.[5]

In this context, "public communication" is specifically defined to mean:

> [A] paid communication to the public by means of broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing or another mass distribution, telephone bank or any other form of general public political advertising or marketing, regardless of medium[.]

Once an entity reaches the relevant spending threshold, the Act requires a "covered person" to file a report and disclose the "original source" of campaign donations exceeding $5,000 used for "campaign media spending."[6] Specifically, "[w]ithin five days after first spending monies or accepting in-kind contributions totaling $50,000 or more during an election cycle on campaign media spending in statewide campaigns or $25,000 or more during the election cycle in any other type of campaigns," a covered person is required to disclose "[t]he identity of each donor of original monies *who contributed … more than $5,000* of traceable monies or in-kind contributions for campaign media spending *during the election cycle* to the covered person."[7]

Additionally, the Act has a "top three donor" advertising disclaimer requirement for public communications, in which a covered person also must list the names of the top three donors who contributed more than $5,000 to it during the election cycle.[8]

Responses to Commission Questions

1. Is TPPAC "established, financed, maintained or controlled by" TPA?

No, TPPAC is not "established, financed, maintained or controlled by" TPA. While both organizations are nominally affiliated, TPPAC is a federal hybrid PAC registered with the Federal Election Commission (C00814152) and is both financially and operationally independent from TPA.[9] TPA is not the parent company of TPPAC and does not have any control over either TPPAC's campaign media spending or any other expenditures. Moreover, TPPAC is not primarily financed by TPA, but from independent fundraising—mainly from individual donors.[10]

Petitioner's suggestion that TPPAC and TPA "share leadership, infrastructure, and operational identity" is based primarily on a misunderstanding. Turning Point PAC Arizona, the entity on which Petitioner bases his allegations of organizational homogeneity, is distinct from TPPAC and did not conduct the independent expenditures in the SRP election. Further, TPPAC's treasurer is Joshua Parker, not

[5] *Id.* § 16-971(2)(a) (i)–(vii).
[6] *See id.* § 16-973(A).
[7] *Id*. § 16-973(A)(6) (emphasis added).
[8] *Id.* § 16-974(C); A.A.C. R2-20-805(B).
[9] Statement of Organization: https://docquery.fec.gov/pdf/314/202604209866625314/202604209866625314.pdf.
[10] Application for Authority, https://arizonabusinesscenter.azcc.gov/b5b69a88-ee63-412a-9537-63410d89b88e.

Mercede Carbajal.[11] Thus, contrary to Petitioner's implications, there is no basis to impute TPPAC's campaign media spending to TPA.[12]

2. **Was TPPAC subject to reporting under Prop 211 for spending in the SRP Agricultural Improvement and Power District campaign? Did it file reports with the Arizona Secretary of State's office under that law?**

No, TPPAC was not subject to the Act's reporting requirements with regard to the SRP election and therefore did not file Prop 211 reports with the Arizona Secretary of State.

First, Prop 211 cannot be interpreted to apply to agricultural improvement district elections under Title 48 due to the conflicting conceptions of (a) an election cycle based on "general elections" under Prop 211 versus (b) the "regular elections" used to elect SRP officers.

The very applicability of Prop 211 hinges on whether certain financial activity takes place during the current "election cycle," namely:

- A person only becomes a "covered person" if its total campaign media spending exceeds $50,000 statewide or $25,000 locally "in an election cycle."[13]
- A covered person must file a disclosure report under A.R.S. § 16-973 only after spending at least $50,000 statewide or $25,000 locally "during an election cycle."[14]
- If a disclosure report is required, a covered person need only disclose the identity of an individual donor if that donor contributed at least $5,000 in traceable monies "during the election cycle" to the covered person.[15]
- The Act goes on to specifically exempt any "public disclosure of or a disclaimer regarding" a particular donor if that donor contributes $5,000 or less "during an election cycle" to a covered person.[16]

Prop 211 defines the "election cycle" to mean "the time beginning the day after *general election* day in even-numbered years and continuing through the end of *general election* day in the next even-numbered year."[17] The "general election" has a well-understood meaning in the context of Title 16 and Title 19 elections, which universally runs from November-to-November for statewide, legislative, county, and city/town elections.[18] This consistency allows a potential covered person to draw a bright line and easily calculate when Prop 211 obligations are triggered by accepting contributions and making expenditures.

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[11] *Supra*, n.10.
[12] A.R.S. § 16-971(7).
[13] *Id.* § 16-971(7)(a).
[14] *Id.* § 16-973(A).
[15] *Id.* § 16-973(A)(6).
[16] *Id.* § 16-973(G).
[17] *Id.* § 16-971(8) (emphasis added).
[18] *See id.* §§ 9-821, 16-211.

On the other hand, agricultural improvement district elections (like SRP elections) are conducted at a "regular election" held on an April-to-April timeline.[19] And these "regular elections" are different than "general elections"—because the Legislature said so. In the rare case of a tie vote between two candidates, "then as to that office the [regular] election shall be considered to be a primary election for the nomination of candidates for that office, and a second or general election shall be held not less than thirty days following the canvassing of election returns, to vote for a candidate to fill that office."[20] The fact that the Legislature intentionally differentiated between a "regular election," "primary election," and "general election" for agricultural improvement district elections has significance.[21] At minimum, it means that SRP "regular elections" are not the same as "general elections."

Special taxing district elections were never mentioned in the publicity pamphlet for Prop 211.[22] Nor are they addressed in Commission regulations or advisory opinions. As such, there is no controlling or persuasive guidance whether an agricultural improvement district election was envisioned under this law.

TPPAC acknowledges that Prop 211 implicitly applies to *all* elections by virtue of the $50,000 registration and reporting trigger applicable to "statewide campaigns" juxtaposed with the $25,000 trigger for "*any other type of campaigns.*"[23] However, for the reasons outlined above, there is no yardstick to measure when an election cycle begins and ends for the purpose of calculating the $25,000 spending threshold for SRP elections. As such, the term "any other type of campaign" must be limited to the type of county, city, and town campaigns that are subject to *general elections*. SRP campaigns are not one of them.

Second, even if SRP elections were subject to Prop 211 notwithstanding the absence of a definable "election cycle," TPPAC did not trigger any registration or reporting obligations because expenditures for campaign signs did not constitute "campaign media spending" under the Act.

Prop 211 compliance hinges on the existence of "campaign media spending," which, in turn, is tied to a "public communication."[24] A "public communication" is defined as a "paid communication to the public by means of broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing or another mass distribution, telephone bank or any other form of general public political advertising or marketing, regardless of medium."[25] Street signs or yard signs are

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[19] *See id.* §§ 48-2364, 48-2365.
[20] *Id.* § 48-2392(A).
[21] *See State v. Cota*, 234 Ariz. 180, 185 ¶ 15 (App. 2014) ("We presume that when the legislature uses different words in the subsections of a statute, the legislature intends to attach different meanings and consequences to the words used."); *Comm. for Pres. of Established Neighborhoods v. Riffel*, 213 Ariz. 247, 249–50 ¶ 8 (App. 2006) ("we assume that when the legislature uses different language within a statutory scheme, it does so with the intent of ascribing different meanings and consequences to that language.").
[22] *See* https://apps.azsos.gov/election/BallotMeasures/2022/azsos_2022_publicity_pamphlet_standard_english_web_version.pdf.
[23] *See* A.R.S. §§ 16-971(7)(a), 16-973(A).
[24] *Id.* § 16-971(2)(a).
[25] *Id.* § 16-971(17)(a).

conspicuously absent from this list. Nor do Commission regulations or advisory opinions address whether street signs or yard signs are considered "any other form of general public political advertising."

There is good reason to conclude that street signs and yard signs do not qualify. The statutory definition enumerates specific mass-distribution media and "outdoor advertising facilit[ies]," then adds "any other form of general public political advertising." Under the interpretive principle of *ejusdem generis*, a general phrase should be limited to things of the same kind as the listed items.[26] A hand-placed sign on a street corner does not use an "outdoor advertising facility" and is unlike mass media such as broadcast, print buys, mass mail, or telephone banks.

Federal law is instructive since the Federal Election Campaign Act likewise defines the term "public communication" as "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising."[27] In its most recent Explanation and Justification for the "public communication" rules, the FEC repeatedly framed "general public political advertising" as mass-public advertising, anchoring the definition to channels comparable to the enumerated media.[28] The FEC explained:

> The forms of mass communication enumerated in the definition of "public communication" . . . , including television, radio, and newspapers, each lends itself to distribution of content through an entity ordinarily owned or controlled by another person. Thus, for an individual to communicate with the public using any of the forms of media listed by Congress, he or she must ordinarily pay an intermediary (generally a facility owner) for access to the public through that form of media each time he or she wishes to make a communication. This is also true for mass mailings and telephone banks, which are other forms of "public communication"[.] A communication to the general public on one's own website, by contrast, does not normally involve the payment of a fee to an intermediary for each communication.[29]

That understanding confirms the *ejusdem generis* reading: the catchall does not sweep in every public-facing message; rather, it captures mass-media advertising akin to the listed categories.

With respect to campaign signs in particular, the FEC has contrasted smaller "campaign materials" like yard signs with "general public communication or political advertising" such as newspapers, magazines, billboards, and direct mail.[30] That structural distinction supports the view that simple signs are

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[26] *Wilderness World, Inc. v. Dep't of Revenue State of Arizona*, 182 Ariz. 196, 199 (1995) ("where general words follow the enumeration of particular classes of persons or things, the general words should be construed as applicable only to persons or things of the same general nature or class of those enumerated.") (citation omitted).
[27] 52 U.S.C. § 30101(22); 11 C.F.R. § 100.26.
[28] *See* 71 Fed. Reg. 18589, 18612 (Apr. 12, 2006) (explaining that "general public political advertising" excludes most internet communications except those placed on another's website for a fee).
[29] *Id*. at 18594.
[30] *See* 11 C.F.R. 100.88(a) (exempting candidate "yard signs" used in connection with volunteer activities from the definition of "contribution" as long as "the payment is not for the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising").

not in the general-public-advertising bucket unless they use an advertising facility (*e.g.*, a rented billboard).

In short, the FEC's declination to treat street signs or yard signs as "public communications" under 52 U.S.C. § 30101(22) and 11 C.F.R. § 100.26 should cause this Commission to tread lightly. While the Commission may wish to engage in a future rulemaking to clarify what other types of "general public political advertising" will subject political actors to regulation under Prop 211, an enforcement action is not the appropriate forum to make that new announcement. As such, TPPAC should not be deemed to have engaged in "campaign media spending" by virtue of the street signs featured so prominently in Petitioner's complaint.

3. Did TPPAC spend more than $25,000 on signs that constitute campaign media spending under Prop 211?

TPPAC likely spent more than $25,000 on signs related to its endorsements in the SRP election, but none of those signs constituted reportable campaign media spending. As noted above, crossing that financial threshold for campaign signs is not legally relevant because SRP elections are not subject to Prop 211, and campaign signs—in particular—do not satisfy the "public communications" component of "campaign media spending" under the Act. Accordingly, TPPAC's spending on campaign signs did not trigger the Act regardless of how much was spent.

4. Was TPA subject to reporting under Prop 211 for spending in the SRP Agricultural Improvement and Power District campaign? Did it file reports with the Arizona Secretary of State's office under that law?

No, TPA has no reporting obligations under Prop 211 and did not file anything with the Secretary of State.

First, and foremost, TPA is not subject to Prop 211 for the same reason TPPAC is exempt: an agricultural improvement district election does not have an "election cycle" that dovetails with Prop 211 and therefore falls outside the ambit of the Act. The same reasoning described in response to Question 2 above applies with equal force to TPA.

Second, and unique to TPA, its activities in the SRP election did not constitute "campaign media spending" and therefore TPA never became a "covered person."

As further explained in the answer to Question 6 below, TPA's spending related to the SRP election was limited to activities such as non-partisan canvassing, voter registration, and ballot chasing. None of these activities fall within the statutory definition of "campaign media spending" and thus TPA has not surpassed the required $25,000 threshold to trigger any disclosure requirements under the Act.

5. Did TPPAC have any donors of original money greater than $5,000 in the election cycle that were subject to disclosure on campaign advertisements such as signs?

No. While Petitioner asserts that TPPAC should have included "top three donor" disclaimers on "campaign signs, mailers, and digital communications in connection with the 2026 SRP election," that conclusion assumes that TPPAC was subject to Prop 211 in the first place. For the reasons explained above, Prop 211 has no application to TPPAC campaign signs in the SRP election—both because SRP elections are not covered whatsoever and because signs are not "public communications" that implicate "campaign media spending." Therefore, it is irrelevant whether any donors contributed over $5,000 to TPPAC.

6. Are TPA's activities, such as canvassing, voter registration, and ballot chasing, "campaign media spending" under A.R.S. § 16-971(2)?

The independent expenditures associated with canvassing, voter registration, and ballot chasing are not "campaign media spending" under Prop 211 for at least three reasons.

First, none of those activities qualify as "public communications," and therefore cannot constitute "campaign media spending." As noted above, a "public communication" means "a paid communication to the public by means of broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing or another mass distribution, telephone bank or any other form of general public political advertising or marketing, regardless of medium."[31] This definition clearly refers to different kinds of traditional mass media advertisements, which are fundamentally different from voluntary, in-person communications with various members of the public.

Indeed, not all interactions with the public are "public communications." If that were the case, even activities like signature collection for ballot petitions would fall within the definition of campaign media spending, "given that ballot measure sponsors print petitions and seek signatures from members of the public."[32] But as the Commission has already recognized, "the Act's definition of public communications and the specific language governing ballot measures in the definition of campaign media spending" are simply "not that broad."[33]

In analogous circumstances, the FEC has also agreed that activities such as door-to-door canvassing are not considered to be "public communications," as defined in 11 C.F.R. § 109.21(c).[34] In AO 2024-01, the Texas Majority PAC ("TMP") sought an FEC advisory opinion about whether its paid canvassing program to support Democratic Party candidates, in which TMP would retain and pay third-party vendors to design and produce canvassing literature and a script to distribute to preselected voters, was required to be reported as an in-kind "coordinated communication," which is defined to include both "electioneering communications" and "public communications."[35]

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[31] *Id.* § 16-971(17).
[32] AO 2023-01 at 5.
[33] *Id.*
[34] AO 2024-01 at 4–6.
[35] *See* AO 2024-01 at 1–2; 11 C.F.R. § 109.21(c).

Because the paid door-to-door canvassing program would not involve any "broadcast, cable, or satellite communications,"[36] nor would it involve "any other form of general public political advertising," the paid canvassing program was neither an "electioneering communication" nor a "public communication."[37] Accordingly, the FEC determined that TMP's proposal did not involve "coordinated communications" because, unlike a television or newspaper company, the canvassing vendors would have "no preexisting relationship with the canvass's audience" and would simply "act as TMP's agents in carrying out a canvassing program that TMP controls."[38] Additionally, "door-to-door canvassing," which involves "individual people talking face-to-face with voters," is a "traditional grassroots activity fundamentally different from the types of mass media enumerated in the statutory definition of 'public communication.'"[39]

Second, TPA's canvassing, voter registration, and ballot chasing activities with respect to the SRP election are not "activit[ies] . . . that support[] the election or defeat of candidates of an ***identified political party*** or the electoral prospects of an ***identified political party***," and therefore likewise do not comprise "campaign media spending." As a special taxing district, SRP elections are definitionally non-partisan, meaning that none of TPA's activities can possibly have been related to an identified political party.[40] And to the extent that the Act references voter registration, get-out-the-vote, or other campaign activities as examples of covered campaign media spending, the fact that the Act specifies that those activities must be "partisan" necessarily indicates the exclusion of any ***non-partisan*** canvassing, voter registration, and ballot chasing activities.[41]

Third, while the Act indicates that certain voter identification information (such as "[r]esearch, design, production, polling, data analytics, mailing or social media list acquisition") can be treated as "campaign media spending" if it is "*specifically* conducted in preparation for or in conjunction with" any of the public communication activities listed in the Act,[42] the Complaint offers no evidence that TPA's efforts to canvass, register voters, or vote chase were done *for the specific purpose of facilitating* future public communications. Nor does the Complaint provide any evidence that these activities carried any monetary value that might somehow facilitate future public communications—let alone that the value of those activities exceeded the $25,000 spending threshold.

Thus, even if TPA were subject to Prop 211 based on its participation in an agricultural improvement district election, none of TPA's activities can possibly qualify as "campaign media spending" on the merits under A.R.S. § 16-971(2).

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[36] AO 2024-01 at 5 (citing 52 U.S.C. § 30104(F)(3); 11 C.F.R. § 100.29(a)).
[37] *Id*. at 4–6.
[38] *Id.* at 6.
[39] *Id.*
[40] *See* SRP governance and elections, https://www.srpnet.com/about/governance-leadership/governance-elections.
[41] *Horne v. Hobbs*, 576 P.3d 108, 113 n.3 (App. 2025), *review denied* (Jan. 6, 2026) ("A statute's 'expression of one or more items of a class indicates an intent to exclude all items of the same class which are not expressed.'")
[42] A.A.C. R2-20-801; A.R.S. § 16-971(2)(a)(vii).

7. **Did canvassing, voter registration, and ballot chasing involve "paid communication to the public by means of . . . mass mailing or another mass distribution, telephone bank or any other form of general public political advertising or marketing, regardless of medium" that would constitute "campaign media spending" respecting "candidates"? Which entity spent money for the preparation of the materials to be distributed? Which entity spent money for the distribution?**

All expenditures associated with TPA's canvassing, voter registration, and ballot chasing activities, including the preparation of materials to be distributed and the distribution itself, were incurred by TPA.

As explained in the response to Question 6 above, canvassing, voter registration, and ballot chasing are not "public communications" within the meaning of A.R.S. § 16-971(17) because they do not qualify as the type of traditional forms of political advertising that would fall within the definition of "campaign media spending." Nor was the preparation or distribution of any materials associated with those activities done "in preparation for or in conjunction with" any other kind of public communication. Accordingly, these types of voter mobilization activities do not constitute "campaign media spending" that Prop 211 was intended to regulate.

But again, whether these sorts of activities can trigger reporting obligations is secondary to the main point: SRP elections are not subject to Prop 211 in the first place.

8. **Is the website https://www.tpaction.com/srp a "public communication" that constitutes "campaign media spending" under A.R.S. § 16-971(2), (17)? Did the Action Fund spend more than $25,000 on the website?**

Yes, the TPA website at issue is a "public communication" that constitutes "campaign media spending" because it is "a paid communication to the public by means of . . . internet or another digital method,"[43] and it "expressly advocates for" and/or clearly refers to a slate of candidates that TPA endorsed in the SRP election within the statutory timeframes.[44] TPA did not, however, spend more than $25,000 on the website during the current election cycle. The webpage at issue is contained within TPA's existing website architecture and took only nominal, in-house time to create. It is not possible to quantify or attach any specific monetary value to that modest effort.

Conclusion

For the foregoing reasons, the Complaint fails to provide any factual basis demonstrating that either TPPAC or TPA violated Prop 211. Quite simply, they are not subject to Prop 211 in the first place for having participated in an SRP election. Accordingly, TPPAC and TPA respectfully request that the Commission take no enforcement action with respect to the Complaint, and dismiss the Complaint with prejudice.

[43] A.R.S. § 16-971(17).
[44] *Id.* § 16-971(2)(i)–(iii).

Very truly yours,

Snell & Wilmer

[redacted]

Charlene Warner

VERIFICATION

I declare under penalty of perjury that I have read the foregoing Response to Voter's Right to Know Act Complaint, MUR 26-03, and that it is true and correct to the best of my knowledge and belief.

Executed this 11th day of May, 2026.

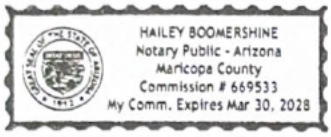
By: [redacted]
Tyler B

State of Arizona

County of Maricopa

Subscribed and sworn to me under the penalty of perjury on this 11 day of May, 2026, Tyler Bowyer (name of signer), who personally appeared before me and whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document.

Seal:



[redacted]
Notary Public

My Commission Expires:
March 30, 2028