



June 9, 2026

VIA E-MAIL

[REDACTED]

[CITY REDACTED]

[EMAIL REDACTED]

Re: SOS-CF-2026-015 Campaign Finance Complaint

Dear Mr. Logvin:

Enclosed is the response received from Thomas Basile, on behalf of Fortify AZ. You have the option to submit a reply; if you would like to do so, please submit your reply by **June 23, 2026**.

Thank you for your attention to this matter. Please contact campaignfinance@azsos.gov or 602-542-8683 if you have any questions.

Sincerely,

Luke Douglas
Chief Legal Officer

Enclosures

June 1, 2026

Arizona Secretary of State's Office
Attn: Luke Douglas, Chief Legal Officer
1700 West Washington Street, Seventh Floor
Phoenix, Arizona 85007
campaignfinance@azsos.gov
VIA EMAIL ONLY

Re: SOS-CF-2026-015: Response to Complaint

Dear Mr. Douglas:

This firm represents Fortify AZ (committee ID 102154), a political action committee registered with the Secretary of State, in connection with the above-referenced complaint. The complaint alleges that Fortify AZ's Q1 2026 Report erroneously categorized as "operating expenses" in Schedule E1 certain disbursements for petition signature consulting and collection services, which the complainant argues should have been listed as "ballot measure expenditures" in the Schedule E2.¹ The Secretary should dismiss the complaint for four reasons.

First, it does not posit any articulable factual inaccuracy in the report. No statute defines the term "operating expense." Uses of the term in other provisions of the campaign finance code convey an expansive scope that encompasses field activities analogous to petition circulation, such as canvassing and voter registration. *See* A.R.S. § 16-911(A)(5) (defining a "political party's operating expenses" to include "voter registration, recruitment, polling and turnout efforts"). Accordingly, the complaint offers no colorable rationale for why disbursements associated with the solicitation of petition signatures cannot be properly denominated as "operating expenses," even if they alternatively could be classified as "ballot measure expenditures."

Second, funds spent prior to an initiative or referendum's qualification for the ballot do not constitute "ballot measure expenditures" at all. A "ballot measure expenditure" is "an expenditure made by a person that expressly advocates the support or opposition of a clearly identified ballot measure." A.R.S. § 16-901(4). An "expenditure," in turn, is a "purchase, payment or other thing of value that is made by a person for the purpose of influencing an election." *Id.* § 16-901(25). And an "election" includes "any election for any ballot measure." *Id.* § 16-901(17). Here, two condition precedents to a "ballot measure expenditure"—namely, a "ballot measure" and an "election"—do not exist. Fortify AZ's petition is seeking to qualify an initiative measure for the November 2026 general election ballot, but the petitioning process is inevitably antecedent to the ballot

¹ The complaint falsely characterizes a contribution to Fortify AZ as a "pass through." Because that falsity is both wholly speculative and immaterial to the gravamen of the complaint, however, Fortify AZ need not engage with it further.

measure itself, and the petition's ultimate qualification for the ballot in *any* election remains uncertain and contingent.

The statutory text's evolution corroborates its self-evident meaning. Prior to 2016, the definition of "expenditure" expressly encompassed disbursements for "supporting or opposing *the circulation of a petition* for a ballot measure, question or proposition." A.R.S. § 16-901(8) (2015) (emphasis added). By deleting this language, the Legislature manifested its intention to confine reportable ballot measure expenditures only to funds spent on communications that expressly advocate for or against a qualified initiative or referendum that will actually appear on the ballot at a particular election. *See Jangula v. Ariz. Prop. & Cas. Ins. Guar. Fund*, 207 Ariz. 468, 471 ¶ 16 (App. 2004) (reaffirming "the interpretive principle that when the legislature has amended a statute, 'we must presume they intended to change existing law rather than perform a futile act'").

Third, irrespective of whether it reaches pre-qualification activities, the term "ballot measure expenditure" denotes discrete public communications, such as mailers, television ads, digital ads, etc.—not operational activities, such as signature collection. A.R.S. § 16-926(H) specifies that any disclosure of a "ballot measure expenditure" must identify the "mode of advertising and first date of publication, display, delivery or broadcast of the advertisement." These informational items are inherently inapplicable to consulting services and field activities. Undoubtedly for that reason, other committees that are expending funds to collect initiative petition signatures—most notably the union-backed "Protect Education, Accountability Now" committee—likewise categorize these disbursements as "operating expenses."²

Fourth, recognizing that complainants with a surfeit of free time but a shortage of viable claims may abuse the campaign finance enforcement regime, the 2025 Elections Procedures Manual authorizes the filing officer to dismiss a complaint because of "the insignificance of the alleged violation" (p. 267). Fortify AZ's Q1 report fully and accurately discloses the date, amount, and recipient of the relevant disbursements. As discussed above, whether these outlays are more appropriately described as "operating expenses" or "ballot measure expenditures" is debatable, at best (assuming that the two classifications are mutually exclusive in the first place). Either way, the report contains no material misrepresentations or omissions.

The complaint accordingly should be dismissed without further proceedings pursuant to A.R.S. § 16-938. Alternatively, if the Secretary finds "reasonable cause" to believe a violation occurred, Fortify AZ fully expects that the Secretary will, in the interests of politically neutral and nonpartisan enforcement, pursue parallel action against the union-backed "Protect Education, Accountability Now" committee. *See* 2025 Elections Procedures Manual at 291 (stating that "[c]ampaign finance enforcement may be initiated . . . on the filing officer's own initiative.").

Please do not hesitate to contact me if you require any additional information.

Respectfully,

/s/ Thomas Basile

Thomas Basile

² *See* <https://seethemoney.az.gov/PublicReports/2026/391ED116-B6BB-4E81-8005-A792BC8BCE78.pdf>.