COMPLAINANT'S REPLY TO RESPONDENTS' RESPONSE

Arizona Secretary of State, Campaign Finance Division

Re: SOS-CF-2026-018 (A.R.S. § 16-925(D)(4) sign-disclosure height)

July 28, 2026

Via Email (campaignfinance@azsos.gov)

Campaign Finance Division

Arizona Secretary of State

1700 W Washington St, Floor 7

Phoenix, AZ 85007

Complainant: [REDACTED], [CITY REDACTED], [EMAIL REDACTED], [PHONE REDACTED]

Respondents: Kevin Thompson for Corporation Commissioner (#101859); Nick Myers for Corporation Commissioner (#100484)

I. Introduction

When I was a child, my parents had a phrase for this: "If all of your friends jumped off a cliff, would you?" Apparently that lesson did not reach Mr. Myers. The centerpiece of the respondents' twenty-page response is that other candidates' signs are also too small, so this one should be excused. That is not a defense. "Everybody violates this law" does not mean the law is insignificant. It means the process to report and enforce it is onerous enough that most people never bother. The remedy for a widely ignored disclosure law is enforcement, not permission.

Strip away the rhetoric and the respondents concede everything that matters. This reply does not need new evidence, because the respondents supplied it themselves. It rests entirely on their own admissions.

II. The respondents concede the dispositive facts

The respondents do not dispute a single fact in the complaint. They concede:

1. The disclosure lettering is 0.44 inches tall. The respondents accept the complainant's tape-measure figure of 7/16 inch (0.4375 inch) as the letter cap height and build their entire response around it (Response, Table 1; Table 3, Row 1).

2. The signs were deployed as 48-inch joint slate signs. The respondents do not claim any sign was ever cut in half or deployed as a 24-inch sign. They argue only that the signs were "designed" to be splittable at some future point (Response § III.D). Every sign in the record, including the respondents' own Exhibit 1 and the complainant's Exhibit D, is a single 48-inch panel bearing both disclosures.

3. Four percent of 48 inches is 1.92 inches; four percent of 24 inches is 0.96 inches (Response §§ III.C, III.D). The respondents agree on the arithmetic. They dispute only which number is the denominator.

On the plain reading of the statute, the analysis ends here. A.R.S. § 16-925(D)(4) requires the disclosure on a sign to be "displayed in a height that is at least four percent of the vertical height of the sign." The sign is 48 inches. The disclosure lettering is 0.44 inches. That is **0.91 percent**, less than a quarter of the four-percent floor. The respondents do not deny it.

III. Even under the respondents' own theories, the disclosure still fails

The respondents ask the Division to shrink the denominator from 48 inches to 24 inches by treating each candidate's half as an independent sign. **Grant them that theory in full, and the disclosure still fails.** By their own arithmetic, four percent of 24 inches is 0.96 inches. Their disclosure lettering is 0.44 inches. That is **less than half of what their own theory requires.** A committee that is off by more than 50 percent under the most favorable denominator it can invent has not identified an ambiguity; it has confirmed a violation.

The respondents escape their own math only by abandoning it. To reach four percent, they stop measuring the height of the disclosure lettering and start measuring the height of a rectangular "display band," and then they double that figure to a "two-line equivalent" for a disclosure they printed on one line. That is the only combination that clears the floor (Response, Table 3, green rows). It requires three separate reinterpretations stacked on top of each other:

- the denominator must shrink from 48 inches to 24 inches (or 20 inches);

- the numerator must switch from letter height to "display band" height, including border and padding; and
- that display band must then be doubled to a "two-line equivalent" for a one-line disclosure the respondents never printed.

Remove any one of the three and the disclosure is under four percent. The respondents' own Table 3 proves it: even accepting their 24-inch split theory **and** their display-band measurement of the disclosure **as actually printed on a single line**, the result is 2.5 to 3.1 percent, still below the floor. The only way to compliance runs through a two-line sign that does not exist. A statute is not "unresolved" because a respondent can reach a different answer by measuring a hypothetical version of the advertisement instead of the one in the public right-of-way.

The respondents also observe that they placed all required content on the signs (Response §§ II.A, V). That is a different requirement. Subsection (A) governs what the disclosure must say; subsection (D)(4) governs how large it must be displayed. Satisfying the first does not excuse failing the second, or the height requirement would be meaningless.

IV. "Everyone violates it" is not insignificance, and it is not a defense

The respondents' central theme is that other candidates' signs are also below four percent, so enforcing the statute against them would be selective and the violation is insignificant. Three answers.

First, a widely disregarded law is not an insignificant one; it is an under-enforced one. The four-percent floor exists so that voters can identify who is paying for the political messages in their neighborhoods. The respondents' own survey shows disclosures across the field that voters cannot easily read. That is the problem the statute addresses, and it is the reason this complaint was brought, not a reason to excuse it.

Second, selective enforcement is not a defense to a facial violation. A complainant is entitled to choose which conduct to report, and the answer to "others also violate the law" has never been to dismiss the one case in front of the officer. It is to bring more. The respondents are themselves free to file complaints against any sign they believe violates the statute; the complainant has filed multiple complaints against multiple committees across the political spectrum and does not treat the code as a one-way weapon. If the respondents believe the Kris Mayes signs or any others violate § 16-925(D)(4), the same complaint process is open to them.

Third, the respondents' star comparison undercuts them. They tout the Attorney General's signs as proof that everyone falls short, but by their own measurements those signs use lettering roughly 1.2 inches tall, nearly three times the respondents' 0.44 inches, in a multi-line display band they measure at about nine percent of sign height (Response § III.J; Table 1; Table 2). Under the very "display band" standard the respondents are urging, the Mayes signs comply and the respondents' do not. Their best comparator is an example of the rule being met, not flouted.

V. The respondents' closing concession

The respondents end by committing to "increase the size of disclosure text on future sign production to make it easier for the public to read" (Response § VII). A committee does not promise to enlarge a disclosure it believes already complies. That commitment is a recognition that the current disclosure is too small, which is the entire point of the complaint.

VI. On the respondents' request for interpretive guidance

The respondents ask the Division to issue prospective guidance on how § 16-925(D)(4) applies to signs (Response § VI, item 6). The complainant agrees that guidance would be useful, and welcomes it, but it should confirm the reading the statute already compels rather than the one the respondents propose. The respondents' core theory is that the four-percent floor can be satisfied by the height of a rectangular "display band," independent of the size of the text inside it. That theory should be rejected in any guidance the Division issues, because it defeats the only purpose the statute serves: letting a person who sees the sign identify who paid for it.

Two examples show why measuring the container instead of the text cannot be the law:

- **Tiny text in a large box.** Under the respondents' rectangle theory, a committee could print a one-tenth-inch line of text, unreadable from any distance, centered inside a two-inch bordered box. The box would be roughly 4.2 percent of a 48-inch sign and would "pass," while no voter could actually read the disclosure. The height requirement would become a test of how large a border a committee draws, not how legible its disclosure is.

- **A disclosure turned on its side.** If the measure is the vertical dimension of the "display element" rather than the readable text, a committee could rotate its disclosure ninety degrees and run it up the side of the sign in a tall, thin vertical strip. The display element would be forty inches tall, comfortably over four percent, while the text ran sideways in microscopic letters that no one driving past could read. Again, the container passes and transparency fails.

Both results are absurd, and they are absurd for the same reason: the statute exists so that the disclosure can be **read**, not so that a shape of a certain height can be drawn around it. A.R.S. § 16-925 confirms this throughout. For radio it requires the disclosure to be "clearly spoken"; for mail and electronic advertisements, "clearly readable." The common thread is communication to a real audience. Reading the sign provision to measure an empty rectangle instead of the legible text would make the sign the one medium where a committee can satisfy the disclosure law while defeating its purpose. The complainant respectfully suggests that any guidance the Division issues state plainly that the four-percent floor is measured against the height of the disclosure text as displayed to the viewer, and that a committee cannot manufacture compliance by enlarging a border, a background band, or the empty space around an unreadable disclosure.

VII. Requested determination

The complainant does not ask the Division to referee an academic measurement dispute. The complainant asks the Division to answer a straightforward question that the respondents have squarely presented: **will A.R.S. § 16-925(D)(4) be enforced, or does the Division agree with the respondents that a candidate may disregard a disclosure requirement he considers inconsequential because others disregard it too?**

On the facts the respondents concede, the disclosure is 0.91 percent of the sign, less than a quarter of the statutory minimum, and less than half of the minimum even under the respondents' own 24-inch theory measured honestly. The complainant respectfully requests that the Division:

1. Find that the respondents' signs violated A.R.S. § 16-925(D)(4);

2. Decline the respondents' request to dismiss the complaint as insignificant, and decline to treat the prevalence of non-compliant signs as a reason not to enforce the statute; and

3. Order the respondents to bring their sign disclosures into compliance for the remainder of the cycle, consistent with the commitment they have already offered in § VII of their response; and

4. To the extent the Division elects to issue the prospective interpretive guidance the respondents request, confirm that the four-percent floor of A.R.S. § 16-925(D)(4) is measured against the height of the disclosure text as displayed to the viewer, and that a committee cannot satisfy the requirement by enlarging a border or the empty space around an unreadable disclosure.

I appreciate the Division's attention to this matter and am available for any questions.

Respectfully,

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