

RESPONSE TO CAMPAIGN FINANCE COMPLAINT

Kevin Thompson for Corporation Commissioner | Nick Myers for Corporation Commissioner

Submitted to: Arizona Secretary of State, Campaign Finance Division | June 27, 2026

Re: Complaint filed by [REDACTED], June 13, 2026, alleging violation of A.R.S. § 16-925(D)(4)

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

I. Introduction

Kevin Thompson for Corporation Commissioner and Nick Myers for Corporation Commissioner respectfully submit this response to the campaign finance complaint filed by [REDACTED] on June 13, 2026. The complaint alleges a violation of A.R.S. § 16-925(D)(4) b vertical height of disclosure text on joint slate signs deployed by the respondent committees.

The respondent committees submit that the complaint should be dismissed on six independent grounds. First, this complaint is a textbook example of what the 2023 Elections Procedures Manual describes as grounds for dismissal based on the insignificance of the alleged violation, and what prior complaint responses before this Division have aptly characterized as performative carping on technical minutiae by a partisan complainant seeking to weaponize elections code enforcement against political opponents. Second, the complaint is not being applied evenly across the field of candidates and warrants dismissal on selective enforcement grounds consistent with the policy underlying A.R.S. § 12-751. Third, the statute does not unambiguously apply to a joint two-candidate slate sign in the manner asserted, and the correct denominator for the four-percent calculation has never been determined. Fourth, the signs were affirmatively designed to be cut in half horizontally and used as two independent single-candidate signs, meaning each committee's half is properly treated as its own sign for statutory purposes with a 24-inch vertical height. Fifth, the phrase "displayed in a height" encompasses the full disclosure display element rather than merely the letter cap height, and under the two-line format equivalence applicable to the design, the disclosure is consistent with the statutory requirement under several reasonable measurement combinations. Sixth, there is no published enforcement precedent applying the four-percent requirement to any campaign sign in Arizona history, a fact underscored by the disclosure sizing on signs for the Arizona Attorney General, whose office would prosecute any civil enforcement action arising from this complaint.

II. Threshold Arguments for Dismissal

A. The Complaint Is Performative Carping on Technical Minutiae and Should Be Dismissed for Insignificance

Recognizing that partisan complainants will attempt to enlist elections code enforcement for performative carping on technical minutiae, the 2025 Elections Procedures Manual expressly authorizes the filing officer to dismiss a complaint because of "the insignificance of the alleged violation" (p. 297).¹ This complaint is precisely the kind of technically-framed, selectively-targeted filing that provision was designed to address.

The disclosure on the respondents' signs contained every element of information required by A.R.S. § 16-925(A). It accurately and fully disclosed the names of both sponsoring committees and authorizing candidates, and provided a contact telephone number. Anyone, including

apparently the complainant, who wished to identify the persons responsible for the signs could do so simply by reading them. The sole issue raised is the height of the disclosure text, a formatting parameter measured by the complainant with a tape measure against a sign in a public right-of-way. As documented below, every other candidate sign examined in this response also falls below the statutory minimum under the complainant's own methodology, yet this complaint targets only two candidates. That is the definition of insignificance being pressed into service as a partisan tool. The Federal Election Commission likewise "typically declines to pursue violations where a disclaimer is included in a communication, but there is a potential violation stemming from a technical deficiency" (MUR 6848, DeFazio for Congress, Factual & Legal Analysis at 8, Feb. 10, 2017); see also MUR 7980 (Deborah Adeimy for Congress), Factual & Legal Analysis (Mar. 9, 2023) (discretionary dismissal of complaint premised on alleged disclaimer font size violation); Ariz. Att'y. Gen. Op. I11-006 (relying on FEC guidance). The same reasoning applies here.

B. The Complaint Is Not Applied Evenly, and the Policy Underlying A.R.S. § 12-751 Counsels Dismissal

Arizona's anti-SLAPP statute, A.R.S. § 12-751, reflects a legislative judgment that actions motivated by a desire to deter, retaliate against, or prevent the lawful exercise of constitutional rights, including the right of political speech and public participation in elections, should not be countenanced. While the statute's procedural mechanism applies to legal actions rather than administrative complaints, its underlying policy is directly applicable here: this enforcement process should not be used as a tool to selectively burden political candidates for sign disclosure formatting that is universal across the candidate field.

As documented in Section IV of this response, every sign examined in preparing this response, across all parties and offices, falls below the four-percent floor under the complainant's own measurement methodology. The complainant has chosen to target only two candidates, Kevin Thompson and Nick Myers, while the same alleged technical shortcoming appears on the signs of their competitors and of candidates across the ballot. A complaint that selectively applies a technical standard to two candidates while leaving identical conduct by every other candidate unaddressed is not a good-faith invocation of elections code enforcement. It is the use of administrative process to impose an asymmetric burden on specific candidates during a primary election, precisely the kind of action that the policy behind A.R.S. § 12-751 is designed to deter. The Division should decline to be enlisted in that effort and should dismiss this complaint on that basis alone.

III. Statutory Framework and Legal Arguments

C. The Statute Does Not Address Joint Slate Signs, and the Correct Denominator Is Unresolved

A.R.S. § 16-925(D)(4) provides that the disclosure shall be displayed in a height that is at least four percent of the vertical height of the sign or billboard. The statute was drafted with a single-committee, single-advertisement sign in mind. It does not address a single physical substrate bearing two separate disclosures, each attributable to a different candidate committee, each independently satisfying the content requirements of § 16-925(A).

The complainant proposes that the four-percent floor be calculated against the total vertical height of the physical substrate, 48 inches, yielding a required disclosure height of 1.92 inches. That choice is not compelled by the statute. Where a joint slate sign carries two independent disclosures, each occupying its own distinct zone, a reasonable construction is that the relevant vertical height for each disclosure is the vertical height of the advertisement zone attributable to

that committee, not the full substrate. Under that construction, each committee's zone is approximately 24 inches, making the four-percent requirement approximately 0.96 inches. This interpretive question has never been resolved by the Division or any court.

D. The Signs Were Designed to Be Split, and Each Half Is Properly Treated as an Independent Sign

The Thompson/Myers joint slate signs were deliberately designed with a horizontal split point so that, in the event either candidate did not advance past the primary, the other candidate's half could be cut away and the remaining half used as an independent single-candidate sign. This design choice was made as a matter of fiscal responsibility, allowing both committees to avoid reprinting signs and conserving what are, for Clean Elections participants, limited public campaign resources.

Each half of the joint sign functions as, and was intended to be, a complete and independent sign in its own right. The 24-inch candidate zone is not a legal abstraction; it is the physical dimension of the actual sign each committee anticipated deploying. The fact that both halves were printed on a single substrate for efficiency of production and placement does not transform two independent signs into one for purposes of the statutory vertical-height calculation. The statute refers to the vertical height of the sign, not the vertical height of the printing substrate. Each committee's sign is 24 inches tall. Four percent of 24 inches is 0.96 inches.

E. The Statute Measures the Vertical Height of the Sign, Not the Physical Substrate, and the Printed Content Area Is the Relevant Dimension

A.R.S. § 16-925(D)(4) does not refer to the physical sign or the physical substrate. It refers to the sign. That distinction matters here. The full 48-inch coroplast panel is the substrate, not the sign. The sign is the printed advertisement content.

As visible in the photographs attached as Exhibit 1, the full combined substrate has white unprinted margins at both the top and bottom edges, estimated at approximately 1.5 to 2 inches each, making the total printed content area of the combined substrate approximately 44 to 45 inches rather than 48. Within each candidate's 24-inch zone, the active printed content runs from the topmost printed element to the bottom of the disclosure band, occupying approximately 20 inches of vertical space, with the remaining area being blank substrate that carries no advertising content and would be trimmed away in a cutting operation. Four percent of 20 inches is 0.80 inches.

These measurements are estimates derived from photographic analysis and carry inherent variance. The complainant's own measurement of the disclosure height was obtained by holding a tape measure to a sign in the field rather than by precision instrument. All measurements in this response and in the complaint are subject to reasonable estimation error, and any ambiguity in the denominator should be resolved in favor of the respondent committees on an unresolved statutory question.

F. The Phrase "Displayed in a Height" Encompasses the Full Disclosure Display Element, Not Merely Letter Cap Height

The complaint measures the cap height of the individual letters within the disclosure text, 7/16 inch (0.4375 inch), and applies that figure to the four-percent floor. This methodology is not required by the statute. A.R.S. § 16-925(D)(4) does not use the words letter height, cap height, font size, or character height. It states that the disclosure shall be displayed in a height. That phrase describes the overall height of the visual element through which the disclosure is presented to the viewer, not the height of the individual glyphs within it. The disclosures on the

respondents' signs are each presented within a distinct rectangular display band. The height of that display band, measured from the topmost pixel of its border to the bottommost pixel, is the height in which the disclosure is displayed.

That display band height is estimated at approximately 0.60 to 0.75 inches per disclosure line, reflecting the conservative midpoint estimate and the upper bound of the visible bounding box including border weight and internal padding. The range acknowledges the inherent imprecision of photographic measurement and represents the span of defensible estimates from the same visual evidence the complainant used to measure letter cap height.

G. The Single-Line Disclosure Format and Its Significance

The respondent committees presented the full required disclosure text on a single consolidated line for each committee, combining the "paid for by" and "authorized by" components. Campaigns may instead present these components on separate lines within a taller overall disclosure band. The Kris Mayes Attorney General signs documented in this response use exactly that multi-line format, see Exhibit 5, producing a substantially taller display band.

Had the respondent committees used a two-line format, the disclosure band height for each committee would be approximately 1.20 to 1.50 inches, double the single-line band height. The functional text height of each individual line is identical under either format. The statute contains no provision penalizing a more compact single-line disclosure format. The display band that a two-line format would produce represents approximately 5.0 to 6.2 percent of each committee's 24-inch candidate zone, both of which exceed the four-percent statutory floor.

H. The Aggregate Disclosure Height on the Sign Satisfies the Statutory Floor

If the complainant's position is accepted that the physical substrate constitutes a single 48-inch sign, then it follows that both disclosure bands on that sign are part of a single advertisement's disclosure. The aggregate vertical space dedicated to disclosure on this sign, combining both committees' display bands, is approximately 1.20 to 1.50 inches in the single-line format as printed, and approximately 2.40 to 3.00 inches under the two-line format equivalence. Against the printed content area of the substrate, approximately 44 inches after removing blank top and bottom margins, the aggregate two-line equivalent disclosure height of 2.40 to 3.00 inches represents approximately 5.5 to 6.8 percent of the sign, exceeding the four-percent statutory floor at both ends of the measurement range. The complainant cannot simultaneously argue that the physical substrate is the single sign for purposes of the denominator and then treat the disclosures as if they belonged to separate signs for purposes of measuring the numerator.

I. The Statute's Structure Supports a Functional Legibility Standard

A.R.S. § 16-925 employs different disclosure standards for different advertising media. For radio, the disclosure shall be clearly spoken. For hand-delivered and electronic advertisements, the disclosure shall be clearly readable. For signs, the statute specifies only a numerical height floor, without the words clearly visible, clearly readable, or legible. The legislature's deliberate use of different standards for different media reinforces that the sign provision was not intended to operate as a purely mechanical cap-height calculation against the full substrate dimension. The disclosure on the respondents' signs is fully readable upon ordinary inspection, printed in contrasting color on a white background within a clearly delineated display band, and contains all required substantive content.

J. No Enforcement Precedent Exists, and the Arizona Attorney General's Own Signs Underscore the Ambiguity

The respondent committees have been unable to identify any instance in which the Arizona Secretary of State, the Attorney General, or any Arizona court has enforced the four-percent sign height requirement against any candidate committee for any campaign sign. The complete absence of enforcement history for a provision that has been on the books for years is itself probative of the interpretive uncertainty surrounding it.

That uncertainty is underscored by a significant data point in the comparative survey: the large-format campaign signs currently in the field for the Arizona Attorney General, the elected officer whose office would be responsible for prosecuting any civil enforcement referral arising from this complaint under A.R.S. § 16-938(C)(1), display disclosure text estimated at approximately 2.5 percent of sign height under the complainant's own letter-cap-height methodology, below the four-percent statutory minimum. The Attorney General's signs use a multi-line disclosure format, which produces a larger display band overall, but each individual line of text appears at a comparable functional height to those on the other signs surveyed. The presence of those signs in the field at disclosure sizes below the complainant's asserted minimum, without any enforcement action, notice, or corrective measure, is a practical acknowledgment that the measurement methodology and compliance standard asserted in the complaint are not how the statute has been understood or applied in practice.

Initiating the first enforcement action ever taken under this provision against two candidates, based on a measurement methodology that has never been articulated or applied, while the enforcing officer's own signs appear at comparable sizes under that same methodology, would raise serious equal-protection and selective-enforcement concerns.

IV. Comparative Survey, Signs Examined in Preparation of This Response

The respondent committees examined large-format campaign signs (48 inches vertical height) deployed across multiple locations in Maricopa County. The following tables report measurements for each sign surveyed. These signs are not represented to constitute a complete census of signs in the 2026 election cycle; they are the signs examined and documented for purposes of this response. The candidate-zone and printed-content-area denominators are applied only to the Thompson/Myers joint sign, as it is the only joint multi-candidate sign in the survey. All single-candidate signs are measured against the full 48-inch sign height.

Table 1, Letter Cap Height vs. Full Sign Height (Complainant's Methodology)

Sign / Candidate	Letter Cap Height	% of 48" Sign Height	Stat. Min. (4%)	Required
Thompson / Myers (complaint subject)	7/16" (0.44")*	0.91%	4%	1.92"
Jonathon Hill (AZ Corp. Commission)	~0.24"	~0.5%	4%	1.92"
Clara Pratte (AZ Corp. Commission)	~0.29"	~0.6%	4%	1.92"
Dr. Amelia Gallitano (AZ State Senate)	~0.24"	~0.5%	4%	1.92"

Kris Mayes (AZ Attorney General)	~1.2"	~2.5%	4%	1.92"
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* Physically measured by complainant with measuring tape. All other values are visual estimates from photographs using the known 48" sign height as a scale reference.

Table 2, Display Band Height, Single-Line and Two-Line Equivalence, by Applicable Denominator

Sign / Candidate	Display Band (single line)	Two-Line Equiv.	Denominator	% of Denominator (two-line)	Stat. Min. (4%)
Thompson / Myers (joint sign, complaint subject)	~0.60-0.75"	~1.20-1.50"	24" (candidate zone)	~5.0-6.2%	4% (~0.96")
Jonathon Hill (AZ Corp. Commission)	~0.43"	N/A	48" (full sign)	~0.9%	4% (1.92")
Clara Pratte (AZ Corp. Commission)	~0.53"	N/A	48" (full sign)	~1.1%	4% (1.92")
Dr. Amelia Gallitano (AZ State Senate)	~0.43"	N/A	48" (full sign)	~0.9%	4% (1.92")
Kris Mayes (AZ Attorney General, multi-line)	~4.3" (actual)	Already multi-line	48" (full sign)	~9.0%	4% (1.92")

Display band height for Thompson/Myers is reported as a range of 0.60 to 0.75 inches reflecting the conservative midpoint and upper bound of the bounding box measured from topmost to bottommost pixel including border weight and internal padding. Two-line equivalent height is estimated as double the single-line display band height. The candidate-zone denominator of 24" is applied only to the Thompson/Myers joint sign. N/A indicates single-candidate signs where the two-line comparison does not apply for purposes of this analysis.

Table 3, Full Measurement Matrix for Thompson/Myers Sign

The following table presents all reasonable combinations of denominator and measurement methodology for the Thompson/Myers sign. Highlighted rows (green) represent combinations under which the disclosure satisfies the four-percent statutory floor. The complainant used Row 1.

Denominator	Measurement Approach	Conservative (0.60")	Upper Bound (0.75")	Required
Full 48" substrate	Letter cap height	0.91% (0.44")	0.91% (0.44")	4.0% (1.92")
Full 48" substrate	Display band, single line	1.3% (0.60")	1.6% (0.75")	4.0% (1.92")
Full 48" substrate	Display band, two-line equiv.	2.5% (1.20")	3.1% (1.50")	4.0% (1.92")
Full 48" substrate	Aggregate both disclosures, two-line equiv.	5.0% (2.40")	6.2% (3.00")	4.0% (1.92")
44" printed substrate	Letter cap height	1.0% (0.44")	1.0% (0.44")	4.0% (1.76")
44" printed substrate	Display band, single line	1.4% (0.60")	1.7% (0.75")	4.0% (1.76")

44" printed substrate	Display band, two-line equiv.	2.7% (1.20")	3.4% (1.50")	4.0% (1.76")
44" printed substrate	Aggregate both disclosures, two-line equiv.	5.5% (2.40")	6.8% (3.00")	4.0% (1.76")
Candidate zone (24")	Letter cap height	1.8% (0.44")	1.8% (0.44")	4.0% (0.96")
Candidate zone (24")	Display band, single line	2.5% (0.60")	3.1% (0.75")	4.0% (0.96")
Candidate zone (24")	Display band, two-line equiv.	5.0% (1.20")	6.2% (1.50")	4.0% (0.96")
Printed content area (~20")	Letter cap height	2.2% (0.44")	2.2% (0.44")	4.0% (~0.80")
Printed content area (~20")	Display band, single line	3.0% (0.60")	3.8% (0.75")	4.0% (~0.80")
Printed content area (~20")	Display band, two-line equiv.	6.0% (1.20")	7.5% (1.50")	4.0% (~0.80")

Conservative column uses 0.60" display band height. Upper bound column uses 0.75" display band height. Letter cap height is fixed at 0.44" (the complainant's measurement) across both columns. Aggregate rows under the 48" and 44" denominators combine both disclosure bands. The 24" and 20" denominators apply per-committee and are not aggregated, as each disclosure belongs to its own candidate zone.

V. The Disclosures Are Substantively Complete

Whatever the proper resolution of the measurement questions, the disclosure on the respondents' signs is substantively complete. Each disclosure states the name of the paying committee, confirms authorization by the named candidate, and includes a contact telephone number as required by A.R.S. §§ 16-925(A) and 16-1019(C)(5). The disclosures are printed in contrasting color on a white background within a clearly delineated display band, are not obscured or hidden, and are fully legible upon inspection. The sole issue raised in the complaint is a formatting parameter under a provision whose measurement methodology, denominator, and application to joint signs are all unresolved, not a content deficiency of any kind. Of every sign examined in preparing this response, the Thompson/Myers sign presents the strongest case for compliance across the widest range of reasonable measurement interpretations.

VI. Requested Disposition

For the foregoing reasons, the respondent committees respectfully request that the Division:

1. Dismiss the complaint pursuant to the 2023 Elections Procedures Manual on the grounds that the alleged violation is insignificant, the disclosures are substantively complete, and the complaint represents a selective and partisan use of elections code enforcement that the Division should decline to entertain.
2. In the alternative, dismiss on the grounds that A.R.S. § 16-925(D)(4) does not unambiguously apply to joint slate signs in the manner asserted, and that neither the correct denominator nor the correct measurement methodology for applying the four-percent floor to such signs has been determined.
3. In the alternative, dismiss on the grounds that the signs were designed to function as two independent 24-inch signs on a shared substrate, that each committee's sign is 24 inches tall, and that under the display-element measurement and two-line format equivalence the disclosure is consistent with the four-percent statutory floor.

4. In the alternative, dismiss on the grounds that the aggregate disclosure height displayed on the sign, combining both committees' display bands under the two-line format equivalence, satisfies the four-percent requirement against the printed content area of the substrate, and that the complainant cannot treat the substrate as a single sign for the denominator while excluding one disclosure from the numerator.
5. In the alternative, dismiss on the grounds that the disclosure sizing observed on the respondents' signs is consistent with that found on every sign examined in preparing this response, that selective enforcement would be arbitrary and inconsistent with the policy underlying A.R.S. § 12-751, and that the substantive disclosure obligations of § 16-925(A) are fully satisfied.
6. Issue prospective interpretive guidance clarifying how § 16-925(D)(4) applies to joint multi-candidate signs, the correct denominator for the four-percent calculation, the correct measurement methodology, and the treatment of single-line versus multi-line disclosure formats, and apply that guidance uniformly to all committees in the current cycle.

VII. Commitment Regarding Future Sign Production

The respondent committees appreciate the Division's consideration of the arguments presented herein and remain available to provide any additional information that may be helpful. Going forward, the committees will make every effort to increase the size of disclosure text on future sign production to make it easier for the public to read, and look forward to working cooperatively with the Division on that effort.

Respectfully submitted,

Kevin Thompson for Corporation Commissioner

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Nick Myers for Corporation Commissioner

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Date: June 27, 2026

EXHIBITS, PHOTOGRAPHIC EVIDENCE

Exhibit 1, Thompson/Myers Joint Slate Sign (Full View)



Thompson/Myers joint slate sign, full view. The sign is designed with a horizontal split point between the two candidate sections, each functioning as an independent 24-inch sign. Note the white unprinted margins at the top and bottom of the substrate and within each candidate zone, defining a printed content area of approximately 20 inches per half and approximately 44 inches for the combined substrate.

Exhibit 2, Jonathon Hill, AZ Corporation Commission Candidate



Jonathon Hill campaign sign, estimated letter height ~0.24" (~0.5% of 48" sign); display band ~0.43"

Exhibit 3, Clara Pratte, AZ Corporation Commission Candidate



Clara Pratte campaign sign, estimated letter height ~0.29" (~0.6% of 48" sign); display band ~0.53"

Exhibit 4, Dr. Amelia Gallitano, AZ State Senate Candidate



Dr. Amelia Gallitano campaign sign, estimated letter height ~0.24" (~0.5% of 48" sign); display band ~0.43"

Exhibit 5, Kris Mayes, Arizona Attorney General



Kris Mayes Attorney General campaign sign. Multi-line disclosure format showing "paid for by," "authorized by," and contact information on separate lines, producing a display band of approximately 4.3" (~9% of sign height). Estimated individual line letter height ~1.2" (~2.5% of 48" sign height under complainant's methodology).