

JAKE HOFFMAN
ARIZONA STATE SENATE
1700 WEST WASHINGTON, SENATE
PHOENIX, ARIZONA 85007-2844
PHONE: (602) 926-3292
jake.hoffman@azleg.gov
DISTRICT 15



COMMITTEES:
DIRECTOR NOMINATIONS
GOVERNMENT
TTMC
APPROPRIATIONS

Arizona State Senate

September 5, 2024

Dear Commissioners,

According to reporting by KJZZ ("[New rule shuts Arizona Green Party out of statewide, federal debates.](#)" 9/3/24), the Clean Elections Commission and its broadcast partner "adopted a new rule this year that requires candidates to receive at least 1% of the total ballots cast in all primaries for their office to qualify for general election debates in statewide and federal races."

The Senate Government Committee has purview over application of agency rulemaking and its compliance with statute. Based on our research, this rule was not submitted for approval to the Governor's Regulatory Review Council (GRRC) for approval under the Arizona Administrative Procedures Act.

The Commission does have a rule directly related to candidate invitations to general election debates. [R2-20-107](#) Paragraph C states:

C. The following candidates will not be invited to participate in debates as follows:

1. In the primary election, write-in candidates for the primary election, independent candidates, no party affiliation or unrecognized party candidates.

***2. In the general election, write-in candidates"* (emphasis added)**

Under [Prop 306 in 2018](#), Arizona voters required new rules of the Commission to be subject to the statutory rule-making requirements under the Administrative Procedures Act (notably, Clean Elections Commission Executive Director Thomas Collins was the top donor to the campaign opposing Prop 306). Because the existing rule directly relates to invitations for general election debates, the "new rule [adopted by the Clean Elections Commission]" arguably requires revisions to R2-20-107.

Had the Commission followed the Administrative Procedures Act as voters mandated under Prop 306, the Arizona Green Party would have had the opportunity to protest the unreasonableness of a rule that effectively precludes their participation based on party registration numbers. The Green Party could have also appealed to GRRC for fairness in application of Clean Elections Commission policies, citing the fact that the Libertarian U.S. Senate candidate was invited to participate in the 2022 General Election Debate.

At best, the Clean Elections Commission seems to be creatively, yet intentionally, subverting the will of the voters to require proper transparency in agency actions through the Administrative Procedures Act. At worst, the Commission has broken the law. Either action offends the non-partisan intent of the Clean Elections Act.

Voters deserve an explanation from the Commission as to why the intent, or the actual text, of the voter-approved Prop 306 was ignored by the Commission. As Chair of the Senate Government Committee, I request your formal response to the members of the Government committee by September 12th, 2024.

Respectfully,

A handwritten signature in blue ink, appearing to be 'J. Hoffman', written in a cursive style.

Senator Jake Hoffman
Senate Chair of Government
Legislative District 15