

★  
arizona  
**DEMOCRATIC  
P A R T Y**

2910 North Central Avenue  
Phoenix, AZ 85012  
Phone: (602) 298-4200  
Fax: (602) 298-7117  
www.azdem.org

May 20, 2008

Todd Lang  
Executive Director  
Citizens Clean Elections Commission  
1616 W. Adams, Suite 110  
Phoenix, Arizona 85007

**Re: Robo-calls for Senator Huppenthal**

Dear Mr. Lang:

This is a formal request for the Citizens Clean Elections Commission (“Commission”) to examine the recent robo-calls that were made supporting State Senator John Huppenthal, but which did not comply with the disclaimer requirement for such election-related expenditures, leaving voters to guess at the source of these expenditures. *See* A.R.S. § 16-912(A). In late April and early May of 2008, the calls, which are both transcribed below, were received by voters in legislative district 20, which is Senator Huppenthal’s district. The calls appear to be in response to robo-calls that the Arizona Democratic Party made in March to residents in district 20 informing them that Senator Huppenthal voted against emergency funding to clean up Corona del Sol high school. The school’s ventilation system has been linked to student illnesses, and Senator Huppenthal’s vote against fixing the system generated significant negative publicity

While the calls do not ask listeners to vote for Senator Huppenthal, they were made in “a general public communication . . . referring to one or more clearly identified candidates and targeted to the electorate of that candidate(s).” A.R.S. § 16-901.01(A)(2). The calls placed Senator Huppenthal “in a favorable . . . light” and “can have no reasonable meaning other than to advocate” his election because there is no call for any action, no reference to any pending legislative action, and the sole purpose is to view Senator Huppenthal as a good senator. *See id.* § 16-901.01(2)(a). The only reason to distribute such

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to the limitations and prohibitions of the Federal Election Campaign Act.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation  
and name of employer of individuals whose contributions exceed \$200 per calendar year.

Not authorized by any candidate or candidate's committee.

**Don Bivens**  
Chairman

**Maria Weeg**  
Executive Director



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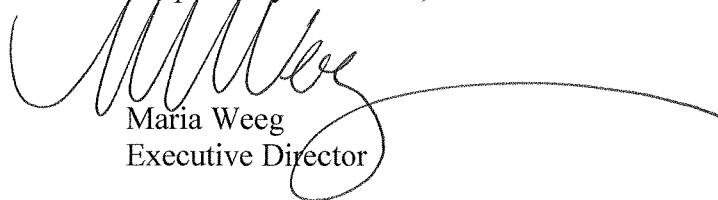
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a message is to encourage people to vote for him. The calls, therefore, are expenditures that expressly advocate the election of Senator Huppenthal.

Because the origin of these calls is unknown, I am asking the Citizens Clean Elections Commission to investigate the source of these calls and determine whether they were created in coordination with Senator Huppenthal's campaign. If these calls are deemed to be expenditures (independent or otherwise) in support of Senator Huppenthal's campaign, they should trigger matching funds for his participating opponents. If, however, the Commission determines that Senator Huppenthal's campaign made these calls, I ask that the campaign be levied the appropriate sanctions for failing to properly disclose that information on the calls. Please do not hesitate to contact me if I can be of any further assistance.

Respectfully submitted,



Maria Weeg  
Executive Director

STATE OF ARIZONA     )  
  )ss.  
County of Maricopa     )

Maria Weeg, being duly sworn, acknowledged the foregoing instrument was true and

**Don Bivens**  
Chairman

**Maria Weeg**  
Executive Director

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correct to the best of his knowledge before me this 20<sup>th</sup> day of May, 2008.



*Kaye L. Leach*  
\_\_\_\_\_  
Notary Public

Transcript for Call #1:

**Barbara:** Hello, I'm Barbara Taylor. Our son Aubrey wanted to share this important information with you.

**Aubrey:** Hi my name is Aubrey Taylor and I'm eleven years old. I have a rare form of joint disease that left me in a wheelchair.

**Barbara:** We were desperate, so we called State Senator, John Huppenthal. Senator John Huppenthal responded immediately.

**Aubrey:** Senator John Huppenthal arranged my surgery and medical care. I can now even walk, run and play with other kids.

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**Barbara:** We are forever grateful to John Huppenthal.

**Aubrey:** He changed my life!

**Barbara:** Senator John Huppenthal is always willing to help.

**Aubrey:** He rocks!

Transcript for Call #2:

**Barbara:** Hi, I'm Barbara Taylor. My adopted son, Aubrey, suffers from a severe form of dwarfism which left him wheelchair bound. Out of desperation, I called Senator John Huppenthal. Senator John Huppenthal responded immediately. Senator John Huppenthal arranged for the surgery and medical care for our son. Our son is now able to walk, play and even run with other children. My husband and I are forever grateful for Senator Huppenthal. Senator Huppenthal is always willing to help.

**Aubrey:** Yippee !

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