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October 14, 2014

Tom Collins  
Executive Director  
Citizens Clean Elections Commission  
1616 West Adams, Suite 110  
Phoenix, AZ 85007

**Re: Legacy Foundation Action Fund's Response to MUR 14-007**

Dear Mr. Collins:

This letter is in response to the compliance order issued by the Arizona Citizens Clean Elections Commission ("CCEC"), dated September 26, 2014. The compliance order indicated that Legacy Foundation Action Fund ("LFAF") had 14 days under A.A.C. R2-20-208(A) to comply with the CCEC's alleged violations of Arizona campaign finance law. Please accept this letter as confirmation that LFAF believes that the CCEC is violating the First Amendment rights of LFAF and is exceeding the scope of its authority under Arizona's statutes both to investigate this matter and to issue any fines or penalties.

As LFAF initially indicated in its response to Mr. Langhofer's complaint, the CCEC should dismiss the matter at hand for two straightforward reasons: (1) the CCEC lacks jurisdiction over the matter; and (2) LFAF's advertisement constituted genuine issue advocacy outside the purview of A.R.S. § 16-940(D). LFAF's arguments made before the CCEC in its initial and supplemental responses to Mr. Langhofer's complaint, oral arguments and most recently its response to Mr. Collins' request for additional information are all reasserted by reference herein and remain applicable to LFAF's belief that it is not bound by the CCEC findings.

LFAF reiterates its belief that Jeffrey Messing, the attorney for the Maricopa County Elections Department representing the Arizona Secretary of State's Office, correctly found that the Arizona Secretary of State's Office did not have reasonable cause to believe a violation of A.R.S. § 16-901.01 occurred.

However, should the CCEC determine that it has reasonable cause to proceed in this matter, the CCEC may not issue any fines or penalties because we believe that the CCEC has no statutory authority to do so. As we have previously noted in correspondence, A.R.S. § 16-942(B) which the CCEC's compliance order relies upon to threaten penalties, by its own clear language, does not appear to apply to this matter. If the CCEC determines that it should assess a penalty, LFAF respectfully requests that the

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CCEC's penalty assessment identify the candidate LFAF's advertisement was "by or on behalf of" and which "candidate or candidate's campaign account" shall be "jointly and severally liable" for any civil penalty assessment. Without doing so, LFAF maintains that the language and penalty provisions of A.R.S. § 16-942(B) simply cannot apply here. We believe that the lack of any applicable civil penalty provision in the CCEC's authorizing statutes are further evidence that the CCEC has no jurisdiction over this matter in the first instance.

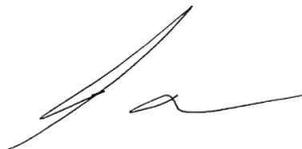
Throughout the process before the CCEC, LFAF has remained consistent in its arguments and will continue to fight to preserve its protected First Amendment right to engage in unencumbered issue advocacy speech. As evidence of its belief that Arizona's express advocacy law is facially unconstitutional at worst, and unconstitutional as applied in this case at best, LFAF has received permission from all parties and will submit an *amicus curiae* brief in support of the Committee for Justice & Fairness' Petition for Review before the Arizona Supreme Court in *Committee for Justice & Fairness v. Arizona Secretary of State's Office, et. al*, 332 P.3d 94 (Ariz. App. 2014).

Please accept this letter in response to your September 26, 2014 compliance order.

Respectfully submitted,



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