



# *Clean Elections Institute, Inc.*

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## CLEAN ELECTIONS SUPPORTERS CHALLENGE BIG MONEY SPECIAL INTERESTS AMENDMENT IN COURT

(Phoenix, July 1, 2004) The Clean Elections Institute has today filed suit against the “No Taxpayer Money for Politicians” (“NTMP”) campaign committee for violating both state law and the Arizona Constitution with their ballot initiative.

The lawsuit specifically alleges:

1. The proposed initiative violates the Arizona Constitution’s “single subject rule.”
2. The initiative petition forms failed to describe the principal provisions of the initiative as required by state law.

“This proposed amendment is fatally flawed,” said plaintiff Mike Valder, a board member of the Clean Elections Institute. “In their haste to protect special interest candidates from competition, the committee has tackled two issues at once, violating the very constitution they seek to amend.”

Arizona’s single-subject rule protects the public against “logrolling” separate constitutional amendments into one ballot measure and requires that the various provisions of an initiative to amend the state constitution “stand or fall as a whole.” Thus, if a reasonable voter may support one of the initiative’s provisions but oppose others, the initiative violates the single subject rule and cannot appear on the ballot. The NTMP contains two separate subjects:

- First, the NTMP initiative would prohibit public financing for political campaigns, rendering the established Clean Elections candidate funding system unconstitutional.
- Second, the initiative would transfer all of the money currently in the Clean Elections Fund and all future monies collected into the General Fund.

The second subject eliminates the Clean Elections Fund as an independent funding source, thereby requiring the Clean Elections Commission to seek funding from the legislature. The transfer also would strip the Commission of its ability to perform its other legally-mandated regulatory and education duties which are unrelated to public campaign finance, leaving such funding to the uncertainty of a legislative appropriation.

Clean Elections Supporters Challenge Big Money Special Interests.

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The Clean Elections Institute believes a voter could oppose public funding of campaigns but still support independent funding for the Commission’s regulatory and educational work.

On the matter of petition language, Arizona law says descriptions printed on petitions must describe the principal provisions of the initiative, be accurate, and be free from political argument. The description on the NTMP petitions fails to mention that the initiative will de-fund the Clean Elections system, de-fund the Clean Elections Commission and contains several misleading and inflammatory statements about the voter-approved Clean Elections Act.



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“Arizona voters already decided this issue in 1998” said Lydia Guzman, a Clean Elections candidate for the Arizona Senate. “The NTMP folks knew they couldn’t win an up or down vote on Clean Elections, so they tried to change the subject. Their petitions talk about money for education and senior health care, but their amendment has nothing to do with that,” said Guzman.

The Clean Elections Institute believes the petition language was neither an accurate nor a fair presentation of the matter, but instead was highly political and inflammatory, misleading voters into signing a petition they might otherwise oppose.

The Clean Elections Institute believes Arizona voters deserve a fair and clear choice on November 2. We believe the NTMP committee has tried to mislead and confuse voters by including more than one subject in their initiative and placing a misleading description on their petitions. The Clean Elections Institute will use every legal resource we have to keep this deceptive and duplicitous measure off the November ballot.

Plaintiffs: Clean Elections Institute, Inc., an Arizona non-profit corporation,  
Michael Valder, a qualified elector, Arizona taxpayer and Clean Elections Institute Board Member, Lydia Guzman,  
a qualified elector, Arizona taxpayer and candidate for  
the Arizona State Senate

Attorneys: Chuck Blanchard, Michael Mandell and Michael Liburdi of Perkins Coie Brown and Bain, P.A.