

YELLOW SHEET REPORT

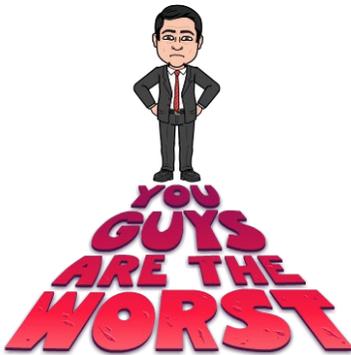
·NEWS NOTES AND GOSSIP·

BRNOVICH HAS BEEN WAITING FOR THIS MOMENT

Brnovich's Office is investigating whether Ducey broke a state law by using government resources to tell business leaders to vote against Prop 208 following our reporting on the topic earlier this month ([YS, 10/1](#)). During a call with business leaders in late September – a call he made from the Executive Tower, with multiple staffers on hand, using a state phone – Ducey repeatedly told them to not only vote against the income tax hike for education, but to go on the No on 208 website to get more information. Ducey's Office denied to our reporter that he had broken any law about using public resources to influence the outcome of an election ([YS, 10/1](#)). But shortly after our report landed, Roopali Desai, the attorney representing Invest in Education aka Prop 208, filed a complaint with the AG's Office saying they were disturbed to read about Ducey's potential violation. "It's difficult to imagine a more blatant and brazen violation of A.R.S. § 16-192," Desai wrote, adding that Ducey "plainly used 'public resources'" and his "words were unquestionably 'for the purposes of influencing the outcome' of an election." The AG's Office confirmed to our reporter that it was investigating the issue, but said the office cannot comment further since it is "ongoing."



"AREN'T YOU ASHAMED?" SHOULD BE A STANDARD QUESTION



In his first press briefing since Sept 24, Ducey today doubled down on not imposing further restrictions to help prevent the increasing coronavirus caseload from getting even worse. The governor has been consistent on keeping Arizona "open," even as numbers continue to increase at levels that almost mirror the worst spikes the state saw over the summer. Today's press conference didn't carry the hallmarks of his coronavirus briefings – it included no numbers, no presentations and was ostensibly about the state's efforts to fill foodbanks leading up to the holidays. And when reporters started questioning Ducey about the massive MAGA rallies he's been attending – which have been categorized as "super spreader events" in other states since they are packed with thousands of unmasked individuals standing shoulder-to-

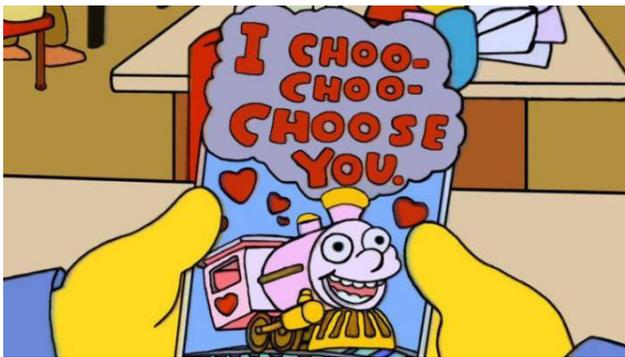
shoulder – he got combative with reporters who questioned him over attending multiple Trump rallies. Ducey initially deflected questions by saying reporters didn't ask him about the safety of the George Floyd protests. Capitol scribe Howie Fischer ripped into Ducey, attempting to cut off his pre-packaged response to the question. "I understand constitutionally the First Amendment, but what the hell kind of example is that setting when you've got thousands of people like that in Arizona, superspreader events, as Dr. Fauci called it? Aren't you a little ashamed to be setting that example?" Ducey snapped back. "There's five days left in the election cycle, and we'll continue to protect people's rights... That's the answer," he said. "We were outside and I saw a lot of people wearing masks as well."

YOU CAN HAVE FREEDOM AND SAFETY, TOO

When reporters turned their questions about the Trump rallies on Dept of Health Services Director Cara Christ, she also refused to condemn the mostly maskless mass gatherings, and instead recommended people get tested if they feel they’ve been exposed. “What I would recommend to Arizonans is if they are going to attend a large gathering, or even go somewhere that has people that they don’t live in their household with, make sure that you are taking precautions and staying six-feet away from others,” she said. None of Trump’s rallies follow those recommendations, while Biden’s events do. For example, the Biden campaign hosted an outdoor event with Cher this week that included limited attendance, enforced social distancing, a temperature check, and attendees had to fill out a form so that event organizers could contact trace them if there was an outbreak. Our reporter has been to half a dozen or more Trump events this year, and only one, a Mesa event for Mormon supporters that was held inside, even required masks. Social distancing was not enforced, and at several other pro-Trump events here, distancing and masks have been actively discouraged, even in indoor settings ([LINK](#)). Christ refused to say whether the crowded, mostly unmasked rallies concerned her. “I think that there’s a lot of different things that are playing a role into the increase of the cases,” she said. After reporters asked her a third time, Ducey cut her off to say Arizona’s numbers may be increasing, but not as much as other states.



WELCOME, SHEREEN!

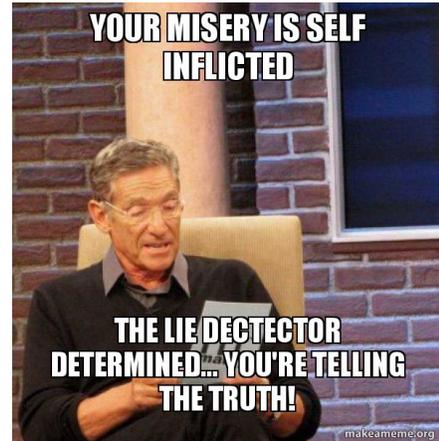


Fernandez picked Democrat Shereen Lerner to serve on the IRC, a decision that came only a few hours after a Maricopa County Superior Court judge denied her and Bradley’s request for a temporary restraining order to halt the nomination process. She filed the suit after Bowers announced his pick of David Mehl last week ([YS, 10/22](#)). Lerner, a professor of anthropology at Mesa Community College and historic preservationist who’s active in Tempe civic life, wrote in her application that she had studied election systems from an

anthropological perspective and was interested in applying that knowledge at the IRC. “Shereen Lerner was far and away the most qualified candidate we interviewed, and I’m proud to select her for this vital role in our state’s history,” Fernandez said today in a written statement that didn’t address the failure of her request for a TRO. The pick of the first candidate from Maricopa County still leaves some flexibility for Fann and Bradley, who pick next in that order. No more than two of the picks from legislative leaders can be from Maricopa County or from either party. Fann must make her choice within the next seven days. “Creating fair and competitive legislative and Congressional districts that reflect Arizona’s diverse population and communities of interest is an incredible responsibility, and I will carry out those duties to the best of my abilities at all times,” Lerner said.

IT'S A SELF-INFLICTED IRREPARABLE INJURY

Fernandez would have preferred not to make the pick today, as Democrats argued that Bowers' pick – the earliest a House Speaker has made their choice since the committee's inception – was premature and designed to put them at a disadvantage. But Judge Janice Crawford ruled today that while the Arizona Constitution sets a deadline for IRC picks, it says nothing about how early the process can begin. Crawford also said that Democrats failed to explain why they did not file their request for a TRO prior to Bowers' pick, given that their legal argument for why the order is necessary is that two of the independent candidates – Thomas Loquvam and Robert Wilson – are not qualified, a case that Democrats have been pleading for weeks. “As set forth above, Plaintiffs had acted to oppose Mr. Loquvam’s and Mr. Wilson’s applications and, thus, knew the facts on which they contend Mr. Loquvam and Mr. Wilson are unqualified,” Crawford wrote. “Any irreparable injury is caused by Plaintiffs waiting until after the Speaker made his appointment to seek the Court’s intervention.”



TRUMP RALLIES ARE EDUCATIONAL EVENTS, RIGHT?



In explaining her ruling on the TRO, Crawford signaled that she did not believe that the case to remove Loquvam and Wilson from consideration for the IRC was likely to succeed on its merits. Democrats filed the suit a day after Bowers made his pick, alleging that because Loquvam was a lobbyist with EPCOR and Wilson held a Trump rally in Flagstaff – which he claims was purely educational – they were not qualified to chair the IRC. The state Constitution bans paid lobbyists from serving on the commission if they were active in the prior three years. While the Commission on Appellate Court Appointments winnowed out IRC candidates who were registered as legislative lobbyists, they did not do the same for Loquvam, who is registered with the Arizona Corporation Commission. “It is undisputed that Mr. Loquvam disclosed that he was registered as a lobbyist with the ACC. While the Court, at this stage, may

consider Plaintiffs’ position to have some merit, the Court declines to substitute its opinion on the qualifications of a nominee who was fully vetted by the CACA,” Crawford wrote. She added that the plaintiffs failed to demonstrate that they would be “deprived of making their selection or will have lost an opportunity to select a candidate that did not become part of the pool because of Mr. Loquvam’s nomination.” As for Wilson, who owns a gun store in Flagstaff, Crawford said it’s “undisputed that Mr. Wilson has been registered as an Independent for three or more years prior to the appointment” and that “it is unlikely that the CACA was not fully apprised on the facts under which Plaintiffs contend Mr. Wilson is not unbiased.” In general, she seems intent to respect the role of CACA in vetting candidates, writing that the CACA’s process secures the public’s interest by ensuring that the IRC is composed of “qualified individuals.” Earlier this week, Jim Barton, the attorney representing Democratic legislative leadership, told our reporter that the case wouldn’t become “moot” even if the judge denies the TRO, as the plaintiffs wanted to ensure that Bradley has a qualified pool of applicants. “I understand the court’s ruling ... but I don’t think it has any impact on our ability to litigate against two candidates who in our opinion are not qualified,” Barton said today.

BLOOMBERG IS THE NEW APS

Outside spending has broken records in Arizona this election cycle, including for two of the Democrats vying for seats on the Corporation Commission who received the most help from independent expenditure groups in the state’s history. Bill Mundell and Anna Tovar each are closing in on \$4 million spending on their behalf – mostly coming from a Michael Bloomberg-funded solar group and CHISPA. Mundell has received \$3.94 million so far and Tovar is closely behind with \$3.7 million. Those numbers have roughly doubled since we reported on it one week ago ([YS, 10/21](#)). The previous record for an independent expenditure favoring a candidate came in the 2016 Corp



Comm race where APS spent millions to elect the Republican slate of Bob Burns, Andy Tobin and Boyd Dunn so it could get votes to increase rates the following year. Only Burns voted against the rate hike, but he still received the most money, with \$2.6 million. Mundell ran that year as well and received roughly \$2 million in outside support. The only other candidate who came close in the state’s history with outside spending was David Garcia in his 2018 gubernatorial bid, when outside groups spent \$2.4 million on his behalf. Garcia still holds the record for outside spending against him, though, with an astonishing \$8.3 million. Without APS playing in the Corp Comm race, the help Democrats are receiving far exceeds any outside spending for Republicans in the race. Shea Stanfield, the third Dem running, also received more than \$1 million in support, while Republicans – Lea Marquez Peterson, Eric Sloan and Jim O’Connor – only have roughly \$131,000 combined to support them. The three GOP candidates also have seen \$776,000 spent against them, with the most going toward defeating Sloan, who used to chair an APS independent expenditure committee to help elect Republican candidates to Corp Comm. In total, Beyond Carbon Victory Fund (the Bloomberg group) spent at least \$6 million in support of the Democrats so far, but even with the high spending, internal polling conducted on the race has shown voters still don’t know much about the race or candidates.

THEY’RE WALKING THROUGH GLASS AS WE SPEAK



GOP pollster George Khalaf’s prediction about Republican 4x4 voters lying in wait in last week’s *Yellow Sheet* seem to be coming to fruition, as reliable Republican voters have started turning out. Khalaf warned that Democratic optimism about early ballot returns is overblown, as reliable Republican voters had yet to cast ballots ([YS, 10/22](#)). Sam Almy, the data whiz at Democratic campaign firm Saguardo Strategies, told our reporter today that the most recent data shows a greater potential for growth among high-propensity GOP voters than their Democratic counterparts in the final week of election. Roughly 84 percent of Democratic voters who participated in each of the last four elections – hence the 4x4 moniker – have already voted in this election, Almy said, while

only 69 percent of Republican 4x4 voters have turned in their ballots so far. (Up from 50 percent last week.) This lines up with predictions from across the political spectrum that Republicans are holding onto their ballots later than usual this year, and that Democrats are returning them earlier than usual. Still, Democrats are leading Republicans among low-propensity voters, which could presage success if they continue to turn out this demographic.

·PRESS RELEASES AND NEWS CLIPS·

Biden for President Arizona and Charlene Fernandez to Host Press Conference On Early Voting Options in Yuma County

Tomorrow in Yuma, *Biden for President Arizona* will host a press conference in Spanish with Arizona House Minority Leader Charlene Fernandez and local community leaders. Together they will urge Arizonans to vote early by bringing their mail ballots back to any early voting location or Election Day voting site in Yuma County by 7:00PM on November 3.

Participants will also highlight the expansion of early voting sites in Yuma County, as well as Arizonans' voting options between now and Election Day.

LOGISTICAL INFORMATION

Details are subject to change

FRIDAY, OCTOBER 30

***Biden for President Arizona* Press Conference on Early Voting Options in Yuma County with Charlene Fernandez**

Start Time: 10:00 AM AZ Time.

Press RSVP: Media interested in attending **must** [RSVP HERE](#). Attendance will be limited.

Media interested in participating in covering the press conference must RSVP and will be required to adhere to COVID-19 safety precautions, including wearing masks and practicing social distancing.

Note: This is an in-person event and will not be streamed live. Cameras should RSVP to capture footage.

House Democratic Leader Fernandez Selects Shereen Lerner for Independent Redistricting Commission

PHOENIX – House Democratic Leader Charlene Fernandez has chosen Dr. Shereen Lerner of Tempe to serve on the Arizona Independent Redistricting Commission. Lerner is an award-winning anthropology and archeology professor at Mesa Community College, as well as a deeply committed community leader and volunteer.

"Shereen Lerner was far and away the most qualified candidate we interviewed, and I'm proud to select her for this vital role in our state's history," said Fernandez, D-Yuma. "Redistricting is an intense and highly challenging process that requires a combination of intelligence, communication skills and strength of character to succeed. That is exactly what Dr. Lerner will bring to the Commission. As an anthropologist and historic preservationist, she has a great sense of the history and of the people of Arizona, and she has built deep long-lasting relationships with diverse communities throughout the entire state that will serve her well. And lastly, Dr. Lerner understands that, of all the leadership roles she has taken on to better her community, this could be the most important and impactful for her state."

Lerner earned her Ph.D. from Arizona State University in 1984. She has held nearly a dozen volunteer posts on City of Tempe advisory boards and is currently a member of the Tempe Census 2020 Committee. She has also held several leadership roles in the Society for American Archaeology and has served in board or leadership capacities on the National Conference of State Historic Preservation Officers and National Park Service National Historic Landmarks Advisory Board. Lerner has taught at Mesa Community College for 29 years and was inducted into its Hall of Fame in 2016.

"I truly appreciate the honor of serving on the Independent Redistricting Commission and look forward to important work that lies ahead," Lerner said. "Creating fair and competitive legislative and Congressional districts that reflect Arizona's diverse population and communities of interest is an incredible responsibility, and I will carry out those duties to the best of my abilities at all times."

State Board of Education adds Holocaust instruction to required courses of study

(Phoenix, State Capitol) ---- The Arizona State Board of Education has approved the mandatory instruction of the Holocaust and other genocides at Arizona public schools in response to bipartisan bills offered in the 2020 legislative session. Senate President Karen Fann sponsored [SB 1143](#) and Rep. Alma Hernandez sponsored [HB 2682](#), mirror bills requiring mandatory instruction about the Holocaust and other genocides to public school students at least twice between 7th and 12th grades. As the bills moved through the legislative process, Holocaust survivors testified in support of the bills. Although SB 1143 and HB 2682 gathered broad bipartisan support, the bills died when the Covid-19 outbreak caused a premature end to the legislative session.

"I am thrilled that the State Board of Education took proactive action to bring Holocaust education to the classroom," said President Karen Fann. "I also know how much this meant to Rep. Hernandez. This is yet another example of how important working across the aisle is to passing policies that have meaningful impact on society."

Secretary of State's Office releases statewide voter registration report as of Oct. 15 registration deadline for 2020 General Election

Description automatically generated PHOENIX – Arizona has more than 4.7 million registered voters who are eligible to participate in the 2020 General Election. Voter registration has increased by more than 388,000 Arizonans since the quarterly voter registration update in January, and by close to 246,000 since the last quarterly voter registration update in August.

"More than two million voters have already voted early, which is really impressive," Secretary of State Katie Hobbs said. "Voters who are eligible to vote in this election but have still not cast their ballot should make a plan as we head into Election Day."

In addition to an increase in the number of registered voters, the quarterly report shows that about 4.2 million voters are active. This means their voter information is up to date. The number of inactive registered voters decreased by about 46,000, to just over 454,000 voters since the quarterly voter registration update in August. Inactive voters are still registered and eligible to participate in elections, but are labeled inactive because:

Two election mailings sent to the registration address were returned undeliverable; and

The voter has not yet submitted a new registration form or otherwise updated their address.

The complete quarterly voter registration report that includes county, legislative district and congressional district information is available at <http://go.azsos.gov/hx2z> or by calling 1-877-THE-VOTE.

Registered voters have until 5 p.m. on Friday, Oct. 30, 2020 to vote early in person for the General Election. Voters should contact their county recorder's office with questions about emergency voting options this weekend and on Nov. 2.

Voters who are still holding on to their early ballot can return it to the following locations by 7 p.m. on Election Day:

The county recorder's office

An authorized ballot drop-off location or drop-box

An early voting location

An Election Day voting location

Election Day is Tuesday, Nov. 3, 2020. For more information, visit [Arizona.Vote](#).

As Election Day Nears a Broad Coalition of Republicans Support Sheriff Paul Penzone

(MARICOPA COUNTY, ARIZ.) – With Election Day less than a week away, a strong coalition of Republicans support Sheriff Penzone's re-election. The group is composed of some of Arizona's most influential and successful business and community leaders.

"We have built a coalition of support across Maricopa County and across party lines. I am thankful to my supporters for putting public safety over politics," said Sheriff Paul Penzone. "As Sheriff of Maricopa County, I have removed politics and focused on restoring the Office to an ethical, professional, and transparent organization. I have been committed to a foundation of integrity, with an unwavering focus on public safety. Under my leadership, we have made considerable strides in the federal court orders, we have reduced lawsuits and reckless costs to taxpayers while

implementing innovative and effective enforcement tactics to target dangerous fugitives. We have rebuilt trust with all communities,” concluded Sheriff Penzone.

Sheriff Penzone has also been endorsed by key public safety organizations including The Arizona Conference of Police and Sheriffs, the Phoenix Police Sergeant and Lieutenant Association, and the National Latino Peace Officer Association.

Republicans for Sheriff Penzone supporters include:

David Adame, Bob Anderson, John Augustine, Christine Augustine, Lawrence Bain, Kathy Bain, Drew Brown, Don Budinger, Cassidy Campana, Amy Cohn, Andrew Cohn, Jerry Colangelo, Jacqueline Dorrance, Laurie Florkiewicz, Dick Foreman, Sam Fox, Brian Frakes, Phil Francis, Bonsal Glascock, Barry Goldwater, Jr., James Gordon, John Graham, Kathleen Graham, Rod Grandberry, Victoria Grandberry, Wes Gullett, Brian Hall, Hugh Hallman, Glen Hamer, Sharon Harper, Dr. Oliver Harper, Carol Hebets, James Hebets, Kate Hickman, Paul Hickman, Bob Hubbard, Kathy Hubbard, Mike Ingram, Normal Kafer, Randy Kendrick, Earl Kendrick, Eric Kufel, Kristy Kufel, Barton LaBelle, Sara LaBelle, Beau Lane, Jerry Lewkowitz, Joey Maggiore, Mac McGruder, Kelly McKone, Sue McKone, Robert Milligan, Steve Moak, Jerry Moyes, James Nathan, Bettina Nava, Ted Purdy, Robert Ramsey, Eric Risser, David Rousseau, Jason Rowley, Robert Sarver, Edward Shoen, Sylvia Shoen, Mel Shultz, Brian Stoll, Kristine Thompson, Steve Trussell, Steve Twist, Andrew Unkefer, Mike Watts, Cindy Watts

“I support the best person for the job, regardless of party affiliation – and Sheriff Penzone is the best man for the job, which is why I wholeheartedly support his re-election,” said Sharon Harper, a leading Republican and co-chair of the Penzone for Sheriff campaign. “Sheriff Penzone took a broken office and restored it to professional law enforcement. He puts the needs of the community before his own. The Sheriff’s Office is now an organization that serves and protects the people of Maricopa County rather than serve and protect the needs of the sheriff,” concluded Harper.

The Sheriff has also been endorsed by The Arizona Building and Construction Trades Council, Arizona Pipe Trades, the Arizona Rock Products Association, Consular Corps of Arizona, Latino Political Action Committee Del Rio Salado, Stonewall Democrats, and the Southwest Carpenters.

“The work is not yet done, but we are well on our way to building a law enforcement organization that represents Maricopa County values. With all that has been accomplished the future is bright. I look forward to continuing to engage with voters from across Maricopa County as we head towards Election Day and on to a second term,” concluded Sheriff Penzone.

Chispa AZ PAC Major Player in Building Cleaner Future for Arizona

Phoenix, AZ — Chispa AZ PAC is a major player in the Arizona Legislature and the Arizona Corporation Commission races, which will influence Arizona’s energy future and the future of our environment.

“Latinx voters are climate voters – we are at the forefront of a climate crisis, disproportionately impacted by air pollution and extreme heat, especially in Arizona,” **said Gloria Montañó Greene, Political Director of Chispa AZ PAC.** “This year alone we faced a global pandemic, record unemployment, and over 100 days with triple-digit heat. The environment is not a special interest. It impacts our health, our families, and our pocketbooks. This year, environmental justice is on the 2020 ballot, and the Latinx community will show up strongly to elect pro-environment and pro-community elected officials.”

1 million calls to voters across AZ in less than 30 days

672,000 households received our mail on the ACC race

\$2.7 Million Spent to Elect the Solar Team to the Arizona Corporation Commission

\$825K Spent to Flip the Switch in State Legislature Races

4 weeks of Spanish Radio Ad

18 Digital Ads

15 newspapers with a print ad in 3 districts: LD 6, 11, 21

144 days of 100+ record heat in 2020

\$184 million proposed APS rate increase to be decided by the new ACC members

1 climate denier: ACC candidate Jim O’Connor

3 ACC candidates to vote for: Anna Tovar, Bill Mundell, Shea Stanfield

President Signs McSally's PTSD Treatment Bill Into Law

U.S. SENATE – President Trump recently signed into law U.S. Senator Martha McSally's (R-AZ) bill to expand mental health treatment options for veterans to seek innovative therapies to combat PTSD and other mental health issues as part of a larger package known as the Commander John Scott Hannon Veterans Mental Health Care Improvement Act.

"Every veteran is impacted by their service differently and we owe them the best possible access to care," **McSally said.** "I was pleased to see my bill to help veterans access innovative and potentially life-changing therapies signed into law as part of broader mental health legislation. My bill requires the VA to launch a study into posttraumatic growth therapy, which can help turn veterans lives around. In addition, the broader bill will increase much-needed funding for state and local suicide prevention groups and improve VA telehealth access. This is a crucial initiative to save lives and improve mental health care for veterans in our country."

McSally's Vote For Justice Barrett Proves Fact-Checkers Right On Her Health Care Record

PHOENIX — Appointed Senator Martha McSally's vote this week to confirm Supreme Court Justice Amy Coney Barrett proves fact-checkers were right: McSally has not protected Arizonans' health care and has voted multiple times to repeal protections for people with pre-existing conditions, despite claiming otherwise. Justice Barrett has a track record of [hostility towards the Affordable Care Act](#) and is slated to hear arguments to throw out the law late next week based on votes McSally has taken to set up the lawsuit.

“QUOTE
OF THE DAY”

“Aren't you a little ashamed to be setting that example?”

- *Howie Fischer, Capitol scribe, to Ducey on the Trump rallies he has been attending*