

## NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

### NOTICE OF EXEMPT RULEMAKING

#### TITLE 2. ADMINISTRATION

#### CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

*Editor's Note: The following Notice of Exempt Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1962.)*

[R11-150]

#### PREAMBLE

- 1. Sections Affected**  
R2-20-108
- Rulemaking Action**  
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 16-940, et seq.  
Implementing statute: A.R.S. § 16-956(C).
- 3. The effective date of the rules:**  
Following preclearance by United States Department of Justice dated August 25, 2011.
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rule:**  
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Todd Lang, Executive Director Colleen McGee, Deputy Director
Address:	Citizens Clean Elections Commission 1616 W. Adams St., Suite 110 Phoenix, AZ 85007
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E-mail:	todd.lang@azcleelections.gov colleen.mcgee@azcleelections.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

R2-20-702(C). Amends R2-20-108(A) and (C) to:

  - Amends the existing rule to permit a candidate to request to terminate his participating status in Arizona's public financing program.
  - Remove language stating that candidate shall immediately begin returning public funds after withdrawal to clarify that participants who have received public funds may not withdraw from participation.
  - Adds language permitting a person who has withdrawn from participating candidate status to reapply provided he or she is in compliance with other rules relating to the certification of participating candidates.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Notices of Exempt Rulemaking

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

Not applicable

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Changes between rules as initially proposed and as finally adopted by the Commission were primarily grammatical and stylistic.

**11. A summary of the comments made regarding the rule and the agency response to them:**

The Commissioners solicited public comment throughout the rulemaking process.

The Commissioners considered the rule in open meetings and took actions they deemed appropriate.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

Not applicable

**15. The full text of the rules follows:**

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Section

R2-20-108. Termination of Participating Candidate Status

ARTICLE 1. GENERAL PROVISIONS

**R2-20-108. Termination of Participating Candidate Status**

- A. A candidate may voluntarily ~~request termination of~~ terminate his or her participating candidate status at any time prior to notification by the Commission that such candidate has qualified for Clean Elections funding. To withdraw from participating candidate status, a candidate shall send a letter to the Commission stating the candidate's intent to withdraw and the reason for the withdrawal. The candidate shall not accept any private monies until the withdrawal is approved by the Commission. The Commission shall act on the withdrawal request within seven days. If the Commission takes no action ~~within~~ in the seven-day time period, the withdrawal is automatic ~~and the candidate shall immediately begin the process of returning public funds to the Fund.~~
- B. A candidate's participating candidate status shall automatically terminate if:
1. The candidate fails to make such submissions to the Secretary of State as prescribed in ~~A.A.C.~~ R2-20-105(B) within seven days after the end of the qualifying period, or
  2. The candidate is denied Clean Elections funding by the Secretary of State and the candidate is ineligible to make a supplemental filing with the Secretary of State in accordance with R2-20-105(G).
- C. A candidate whose participating candidate status has been terminated in accordance with this Section shall be ineligible to receive Clean Elections funding for that election cycle ~~unless he/she reapplies for certification and is in compliance with R2-20-104(A) and (C).~~
- D. In the event that a candidate who has collected qualifying contributions decides not to seek certification as a participating candidate, the candidate shall return all qualifying contributions received from contributors who have not given written permission to use their qualify contributions as campaign contributions. Written permission may include a check box on the original \$5 form that authorizes a candidate to treat the qualifying contribution as a general campaign contribution if he or she decides not to participate in the Clean Elections system. If a good faith attempt to return the funds to the contributor is unsuccessful, the contributions shall be submitted to the Fund.