Amendment - People's Primary Policy

UPDATE on Process

Rationale: At our June 7th ADP state committee meeting we passed a <u>"Resolution to</u>" Establish a "People's Primary" Policy Banning Billionaires and Corporations from Buying or <u>Unduly Influencing Democratic Primaries</u>" by near-unanimous voice vote. As the resolution stated, such a policy will serve to ensure that "the candidates chosen in our primaries are not beholden to the same billionaires and corporations that are exploiting and hurting [the working class]" and "to strengthen our party's brand, win back trust from many voters, and empower our party to win elections and govern to deliver for the working class" by confronting "the crisis of big money corrupting our democracy within the arena under our direct authority: our primary elections". The resolution mandated the convening of an Ad Hoc Committee to develop an enforceable policy "to bar, to the greatest extent possible, the use of massive private wealth to buy or unduly influence our primary elections" and "ensure, to the greatest extent possible, that candidates in Democratic primaries are not benefited by, dependent on, or elected due to outside or independent electioneering spending funded by big donors who are circumventing legal limits on direct contributions to a candidate's campaign fund to spend tens or hundreds of thousands and even millions of dollars of private wealth to elect the candidates of their choice." The resolution mandated that the policy developed by the Ad Hoc Committee be "submitted for a vote at the September 2025 State Committee Meeting." For more reasons in favor and explanation, see **FAQ** section below.

Submitted by: The Ad Hoc Committee by majority vote — Members: Kai Newkirk, Co-Chair, Progressive Council; Eric Robbins, Chair, Pima County Dems; Martín J. Quezada, Former State Senator, LD 29; Emily Kirkland, PC, LD 8; Ben Armentrout, PC, LD 20;

Michael Slugocki, Chair, Rules Committee (dissenting); Paul Eckerstrom, Vice Chair (dissenting).

See full list of Co-Sponsors or Endorsers **HERE**

Have feedback? Share suggestions or questions **HERE**.

(Text of Proposal)

ARTICLE XVII - PEOPLE'S PRIMARY POLICY

Section 1. Purpose and Authority

This Article implements the Arizona Democratic Party "Resolution to Establish a 'People's Primary' Policy Banning Billionaires and Corporations from Buying or Unduly Influencing Democratic Primaries" passed at the June 7, 2025 State Committee Meeting, to bar, to the greatest extent possible, the use of massive private wealth to buy or unduly influence our primary elections and ensure Democratic primary candidates are not benefited by, dependent on, or elected due to outside or independent electioneering spending funded by big donors who are circumventing legal limits on direct contributions to a candidate's campaign fund to spend tens or hundreds of thousands and even millions of dollars of private wealth to elect the candidates of their choice.

Section 2. Scope of Application

This policy applies to all Democratic primary elections for federal, state, and local offices. It does not apply to general elections.

Section 3. People's Primary Pledge

- **3.1 Pledge Requirement** All Democratic candidates running for office must publicly adopt or affirm the People's Primary Pledge within one week of notification by the Trustee Committee or its representatives or one week of certifying for the ballot in a Democratic primary election, whichever comes first, and provide evidence of their adoption to the Trustee Committee.
- **3.2 Pledge** The People's Primary Pledge disavows big money outside spending in our primary elections and commits a candidate to donate the amount of any such spending on their behalf from their campaign fund to a designated charity serving Arizonans in need. The required pledge statement must clearly communicate those commitments, with additional language or justification as chosen by the candidate. Example Pledge language, with mandatory substantial commitments <u>underlined</u>:

"I am proud to take the ADP People's Primary Pledge. I reject big money outside spending on my behalf or to benefit my primary campaign. I will donate the amount of any such spending from my campaign fund to a designated charity serving Arizonans in need. No one who wants to help elect me should violate our People's Primary policy. If you want to help, the best way is to volunteer or donate directly to my campaign. Arizona Democrats don't want billionaires or corporations trying to buy our primary elections. Voters in our state should never doubt: Arizona Democrats are beholden to the people alone."

Section 4. Definitions

4.1 Big Money Outside Spending or Large Donor Funded Outside Spending "Large Donor Funded Outside Spending" means any spending to influence the election by any individual or entity other than the candidate's campaign (including television, radio, digital advertisements, mailers, field operations, or events) which: (a) exceeds the Grassroots Threshold; and (b) is funded by contributions of more than \$5,000 from any individual, corporation, or entity.

4.2 Grassroots Threshold The "Grassroots Threshold" is:

- \$25,000 for local races
- \$50,000 for statewide and federal races
- **4.3 Exclusions** Spending by a union or membership organization solely for communications with its members is excluded, using existing U.S. Federal Elections Commission (FEC) definitions for "membership organization" and "member."

Section 5. Self-Funding Limitation

Candidates in Democratic primaries are prohibited from contributing to their own primary campaign any amount above \$15,000 from personal funds.

Section 6. Charitable Donation Requirement

- **6.1 Donation Mandate** Candidates who benefit from Large Donor Funded Outside Spending must donate an amount equal to that spending to the designated charity from their official campaign funds.
- **6.2 Clean Elections Exception** Clean Elections candidates, who are barred by law from donating campaign funds to charity, must instead issue refunds equal to the amount of any Large Donor Funded Outside Spending on their behalf.

Section 7. Designated Charity Selection

The designated charity shall be chosen by random selection from up to five charities selected by the People's Primary Trustee Committee or ADP Executive Board. Eligible charities must (a) be registered as 501(c)(3) organizations in Arizona; (b) be dedicated primarily to providing direct services to Arizonans in need, including people, animals, and environment; (c) not employ or compensate any member of the Trustee Committee or Executive Board, or their direct family members.

Section 8. Penalties for Non-Compliance

8.1 Failure to Adopt Pledge Candidates who fail to adopt the pledge according to Section 3.1 shall bear the following penalties until adopting the pledge: (a) immediate termination of VAN access for the remainder of the primary election; (b) ban on participation in all state

party-sponsored forums, events, and fundraisers for the remainder of the primary election; (c) ban on formal speaking or leadership participation in all ADP meetings. Penalties will be active for the remainder of the primary election.

- **8.2 Failure to Uphold Pledge or Policy** Candidates who benefit from Large Donor Funded Outside Spending and refuse to donate the required amount to the designated charity within 48 hours of notification of a Trustee Committee finding of a violation or who violate the self-funding limitation shall bear the following penalties: (a) public censure by the ADP; (b) notification by ADP to all registered Democrats eligible to vote in the relevant race of the candidate's failure to uphold the pledge via text message; (c) notification by ADP to all Precinct Committeepersons recommending non-participation with the candidate.
- **8.3 Vendor Penalties** Vendors and firms who design or execute Large Donor Funded Outside Spending shall be (a) ineligible for future ADP contracts for at least 6 years; (b) subject to ADP discouragement for use by candidates and coordinated campaigns; (c) subject to information sharing with other state parties and the DNC regarding violations.
- **8.4 Organization and PAC Penalties** Organizations and PACs engaging in Large Donor Funded Outside Spending in Arizona (or in other states in violation of state Democratic Party policies or in presidential primary elections in violation of Democratic National Committee policies) shall be barred from working with the ADP, including participation in coordinated campaigns and field coordination during general elections, for at least 6 years.

Section 9. Incentives for Compliance

Candidates who adopt and uphold the pledge shall receive: (a) discounted VAN access; (b) promotion of pledge adoption on ADP social media and to a list of Arizona Democrats who sign up to support candidates who uphold the People's Primary policy; (c) AZ Dems "People's Primary Candidate" pin and graphics for media use.

Section 10. Special Circumstances

10.1 Uncontested Primaries When a Democratic primary is uncontested due to the voluntary withdrawal or non-filing of all opponents or the absence of any substantive challenge (defined as an opponent who has qualified for Clean Elections funding or, if non-participating, raised at least 30% of the median primary election fundraising totals for the previous two election cycles for Democrats running for that class of seat (e.g. Congressional, state legislature, mayor, etc.), and reached at least 15% in a reputable, independent poll conducted within 90 days before the primary) and the Executive Board certifies by majority vote that no intervention has artificially prevented open and fair competition within the primary election, the remaining candidate may be supported without penalty by unlimited outside spending for the purposes of the general election during the final 60 days before the primary election concludes if they have publicly challenged Republican general election opponents to adopt a similar spending pledge and been refused for at least 14 days. A candidate may request such certification starting 75 days before the primary election concludes and the Executive Board shall vote and decide within 1 week of

request. The People's Primary Trustee Committee Chair shall be a voting participant in Executive Board meetings regarding such certification.

10.2 Multi-Candidate Race Determination In races with three or more candidates, only the primary or intended beneficiary or beneficiaries of qualifying outside spending shall be subject to penalties. For expenditures against a candidate where the intended beneficiary is not explicit, the Trustee Committee shall determine which candidate or candidates are subject to penalties using all available information. In such potential rare cases, the financial penalty may be divided between the multiple candidates assessed to the intended beneficiaries, with the total value of the assessed penalties not exceeding the amount of the qualifying outside spending.

Section 11. People's Primary Trustee Committee

- **11.1 Composition and Election** The People's Primary Trustee Committee shall consist of five State Committee Members in good standing, elected by the State Committee for two-year terms, or until the next State Committee Organizational meeting. The Trustee receiving the highest vote total shall serve as Chair, unless they should choose to abdicate the role, in which case it will be chosen by majority vote of the Trustee Committee.
- **11.2 Initial Election** The inaugural Trustee Committee shall be elected at the September 13, 2025 State Committee meeting if this policy is adopted. Subsequent elections shall occur at two-year intervals at the ADP State Organizational Meeting.
- **11.3 Replacement Process** Mid-term replacement due to resignation or failure to attend more than two scheduled meetings shall be made by appointment through simple majority vote of the ADP Executive Board upon recommendation of the Committee.
- **11.4 Powers and Duties** The Trustee Committee shall: (a) Receive and review all violation complaints or reports; (b) Notify concerned candidates regarding potential violations upon beginning investigation; (c) Issue findings to the ADP Executive Board and ensure enforcement penalties and incentives are carried out; (d) Evaluate claims of "false flag" spending designed to harm candidates by triggering penalties; (e) Develop administrative interpretation practice and recommend policy adjustments via bylaws amendments to avoid unintended consequences and adapt to changing campaign finance practices or law, while maintaining fidelity to policy intent.
- 11.5 Adjustments of Threshold and Limit Dollar Amounts Every two years, the Trustee Committee may adjust the dollar amounts of the Grassroots Thresholds, the contribution limit defining Big Money or Large Donor Funded Outside Spending, and the limit for candidate Self-Funding. Any such changes should be made to strengthen the effectiveness of the People's Primary policy as a tool to achieve its purpose. Any changes may be overturned or altered by majority vote of the State Committee Members.
- **11.5 Notification and Public Promotion and Education** The Trustee Committee will work with party staff, the chair and executive board, and volunteers to (a) notify candidates who file to run in Democratic primary elections of the People's Primary policy and how to uphold it and (b) carry out periodic public promotion and education regarding the People's Primary policy to ensure

voters know about our party's commitment on this very popular issue and that current and prospective candidates and elected officials, organizations, vendors, and others are aware of the policy and how to uphold it. This will include the creation of resources for candidates, organizations, and vendors to support them in understanding and upholding this policy.

Section 12. Enforcement Procedures

- **12.1 Investigation Timeline** All violation complaints shall be reviewed within 72 hours, with findings issued to the Executive Board within 72 hours of investigation completion. For complex cases, e.g. those with multiple independent expenditures or disputed beneficiaries, the Trustee Committee may make an initial finding that it requires an extension of the investigation period by up to 120 hours. Investigation and finding timeline requirements may be adjusted by the Trustee Committee after each election cycle, based on accumulated operational experience. Any such changes must support the effective implementation of this policy to achieve its purpose and may be overturned or altered by majority vote of the State Committee Members.
- **12.2 Implementation of Penalties** Upon receiving Trustee Committee findings, the Chair and party staff shall implement established penalties immediately or as soon as possible. The Executive Board may overturn Trustee Committee decisions by majority vote. The Trustee Committee Chair shall participate in and have a vote in Executive Board meetings regarding Trustee Committee findings, appeals, and enforcement.
- **12.3 Adjustment of Penalties and Incentives** Penalties or incentives, and their operational implementation, may be adjusted and additional penalties and incentives may be added by the Trustee Committee after each election cycle, based on accumulated operational experience and assessment of the policy's effectiveness. Any such changes must support the effective implementation of this policy to achieve its purpose and may be overturned or altered by majority vote of the State Committee Members.
- **12.4 Appeals Process** Candidates may appeal Trustee Committee decisions. During appeals, the Executive Board may, by majority vote, withhold censure for up to fourteen (14) days to schedule an Appeal Meeting. Appeals shall be heard in Executive Session with the candidate's representative present and the Trustee Committee attending. Executive Board decisions on appeals are final for the election cycle and shall be conducted under Robert's Rules unless otherwise restricted by ADP bylaws.
- **12.5 Censure Process** Standardized censure shall consist of: (a) Within 72 hours of violation determination, a statement signed by the Chair and Executive Board; (b) Immediate press release to major Arizona news agencies, publication on all ADP social media platforms, and email distribution to all Precinct Committee Members and the candidate; (c) Recording by the ADP Secretary and prominent publication on the ADP website for the duration of the election cycle.

REQUIRED BYLAW AMENDMENTS TO EXISTING ARTICLES

Amendment to Article XVI, Section 1. (Endorsement of Candidates)

Add new conclusion phrase to Section 1:

Section 1. CONTESTED PRIMARIES

The Arizona Democratic Party and all of its caucuses, councils, projects, and programs shall remain neutral in contested primaries. They will neither endorse any candidate in a contested primary, nor take actions that could imply endorsement, nor otherwise give favor to or demonstrate bias toward a specific candidate **unless otherwise specified by law or these bylaws**.

Amendment to Article XVI (Endorsement of Candidates)

Add new Section 4:

Section 4. PEOPLE'S PRIMARY COMPLIANCE

Candidate compliance with the People's Primary Policy established in Article XVII shall be a prerequisite for party support and services during primary elections, as specified in that Article.

Amendment to Article III, Section 7 (Annual Budget)

Add new subsection:

H. Vendor Eligibility.

No contracts shall be awarded to vendors or firms who have violated the People's Primary Policy as established in Article XVII of these bylaws for at least 6 years. The Executive Board shall maintain a list of ineligible vendors based on Trustee Committee findings.

Amendment to Article VII, Section 2, Subsection C (Standing Committees)

Add new number:

8. People's Primary Trustee Committee

As detailed in ARTICLE XVII, Section 11, the People's Primary Policy Trustee Committee shall be established to steward the application and adjustment of the People's Primary Policy.

Amendment to Article III, Section 1, Subsection E

Add new subsection:

E. At the State Committee Organizational Meeting, the State Committee shall also elect from its membership, under procedures set forth in Section 2 of this Article, five persons to serve on the Trustee Committee for jurisdiction of the People's Primary policy.

Amendment to Article III, Section 2, Subsection G

Add new subsection:

E. For election of the Trustee Committee, each State Committeeperson shall be given the opportunity to include up to five (5) persons on their ballot.

FAQ

Does this mean we Democrats are unilaterally disarming against Republicans? Will it make it harder for us to win elections?

No! Not at all. This policy only covers our primary elections. Passing this policy will make it easier for Democrats to win elections! By adopting this policy we will strengthen the weakened Democratic Party brand and win back trust from working class voters and others who may doubt whether our candidates will fight for them rather than bending to billionaire big donors. We will show the clear cross-partisan super majority of voters that despise big money corrupting our elections that Democrats are walking the talk and putting our money where our mouths are on this very popular issue. We will preserve more potential money for general elections. We will inspire small donors, activists, and volunteers to give their all to elect our candidates. This is about winning and maintaining power to deliver real change for the people.

Where does this "People's Pledge" concept come from? Has it been used and worked before?

The People's Pledge concept of candidates agreeing to a financial penalty to prevent outside spending on their behalf was pioneered by Elizabeth Warren in her race against Republican Scott Brown for the Massachusetts US Senate race in 2012. Then it was used again by Ed Markey and his Democratic primary opponent Stephen Lynch in their 2013 primary for the other Massachusetts US Senate seat. In both cases the pledge was effective in largely shutting down the outside spending that the pledge prohibited (see here and here). When Democrats who believed they had a big money outside spending advantage in intra-party contests started balking at taking the pledge in future races the voluntary pledge project lost steam, as the post-Citizens United Super PAC landscape became more normalized. But as the travesty of Super PACs and billionaires and corporations spending tens of millions or hundreds of millions of dollars to dominate our elections has grown and big money outside spending interventions in Democratic primaries have become more extreme, Democrats across the country are now looking to this proven concept for a solution to intervene in the outrageous status quo. Our policy seeks to build on this proven tool by making the People's Pledge part of the basic rules of the road for Democratic primary elections.

What about Citizens United? How does our party have the power to do this?

Our laws and the courts have made it very clear: political parties are voluntary associations that have the power to regulate our internal affairs consistent with the law. This includes primary elections. We can't directly prohibit a corporation or billionaire from spending to influence our primary elections, but we can use penalties and incentives to require our candidates to make commitments which render such spending a severe disadvantage to any candidate.

What about unions?

Because unions are funded by individual members, and because union Super PACs or traditional PACs are generally funded by many union members making small dollar donations, this policy should not restrict or disadvantage unions in any way.

In particular:

- Any external spending that is under the Grassroots Threshold is allowed. Unions can spend up to \$50,000 for a Congressional race, for instance, regardless of where the money came from.
- 2) In addition, the policy permits unlimited external spending, as long as that external spending is funded by smaller dollar donations. So union Super PACs or traditional PACs, for instance, would be able to spend unlimited funds, as long as the source of the money was individuals donating less than the legal contribution limit to a candidate in that race.
- 3) There are no restrictions on spending for communications to members.

Unions and all organizations would be free to do unlimited outside spending without conditions for general elections.

What about progressive grassroots organizations?

To the extent that grassroots organizations are funded by members who pay dues or by small dollar donors and supporters who contribute under the legal contribution limits for candidates, this policy will not restrict or disadvantage them.

In particular:

- 1) Any external spending that is under the Grassroots Threshold is allowed. Grassroots organizations can spend up to \$50,000 for a Congressional race, for instance, regardless of where the money came from.
- 2) In addition, the policy permits unlimited external spending, as long as that external spending is funded by smaller dollar donations. So grassroots C4s or PACs, for instance, would be able to spend unlimited funds, as long as the source of the money was individuals donating less than the legal contribution limit to a candidate in that race.
- 3) There are no restrictions on spending for communications to members.

Under the policy, grassroots organizations will <u>not</u> be permitted to spend more than the grassroots threshold using funds that come from wealthy donors who make large contributions (over the legal contribution limit).

Progressive grassroots groups and all organizations would be free to do unlimited outside spending without conditions for general elections.

What about Clean Elections?

This proposal is strongly aligned with the purpose of Clean Elections and makes it more viable for candidates to choose to opt in to the Clean Elections program, the best pro-democracy, pro-working class avenue for election financing. While we recognize that the Clean Elections program needs to be updated and strengthened by the legislature to enable candidates to opt into it and be sufficiently competitive in most or many circumstances, this policy would be a step in that direction.

What about lawsuits? Has the policy been reviewed by attorneys or the ADP counsel?

Attorneys, including election and campaign finance law experts at the national and Arizona level, have been involved in the design and drafting of this policy from the start. We are currently seeking review by ADP counsel and final review by additional attorneys. Frivolous lawsuits are always possible, but should never prohibit us from doing what is right and best for our state, our party, and our democracy. This policy is designed to be robustly resilient to legal challenges and we believe it is worth defending against any challenge to protect our power as a voluntary association to regulate our internal affairs in alignment with democratic principles and rights to best serve the people of our state.

What if someone tries to mess with the process through "false flag" spending for a candidate on purpose so that they get punished?

The Trustee Committee has the discretion to not assess penalties when they feel the intention of Large Donor Funded Outside Spending was to trigger penalties rather than directly affect the outcome of the race. We believe entities doing Large Donor Outside Spending are unlikely to spend in efforts to leverage our policy against candidates they don't like because that financial investment would carry large risk and low returns on investment.

Why are vendors penalized for participating in Large Donor Funded Outside Spending?

The Arizona Democratic Party always has the choice for where to spend our money. We want to support local vendors who share our commitment to a people-based politics, and encourage more to reject big special interests trying to put their thumb on the scale in our Democratic Primaries in Arizona.

Will this harm Democrats in the general election?

No. This policy only penalizes candidates for actions and spending that occur during the Primary election, and only restricts any access to party resources for the primary election. The party will continue to support winners of primary elections, regardless of the implications of this policy.

The primary election is a critical time to do voter outreach. This policy incentivizes candidates to build robust field operations with community volunteers, rather than relying on special interest-funded media spending. Long term success for our party depends on building strong community support, not just fighting a losing battle on corporate media airwaves owned by corporations that support Republican candidates. Candidates can still use their campaign funds directly on media ads, and Democratic-aligned outside groups can still spend without limits in support of the winners of Democratic primaries during general elections.

INITIAL ENDORSERS

Arizona Leaders

Kai Newkirk*, Co-Chair, ADP Progressive Council; Founding Mission Director, Democracy Spring

Missa Foy, Co-Chair, ADP Progressive Council; Chair, Navajo County Democratic Party **Eric Robbins***, Chair, Pima County Democratic Party

Emily Kirkland*, PC, LD 8; Former Executive Director, Progress Arizona **Ben Armentrout***, Youth Representative, ADP Progressive Council; PC, LD 20

Shawnté Rothschild, Vice Chair, Arizona Democratic Party

Melissa Galarza, Vice Chair, Arizona Democratic Party

Nicolas Mink, Vice Chair, Arizona Democratic Party

Rasean Clayton, Equity Moderator, ADP

Charlene Fernandez, Former House Democratic Leader

Paul Stapleton-Smith, 2nd Vice Chair & SCM, LD 21

Eva Putzova, Former Flagstaff City Councilmember; SCM, LD 6

Dan O'Neal, State Coordinator, Progressive Democrats of Arizona; Chair Emeritus, ADP Progressive Council

Brianna Westbrook, Former Vice Chair, Arizona Democratic Party; Former National Bernie Sanders Surrogate

Timothy Kosse, First Vice Chair, Pima County Democratic Party; SCM, LD 17

Nick Collins, Secretary, ADP Progressive Council; SCM, LD 12

Angela Buer, Former Chair, LD 9 Democratic Party

Dhruv Rebba, Co-Chair, ADP AAPI Caucus; Vice President, ASU Young Dems

Markus Ceniceros, Vice President, Littleton Elementary School District; 3rd Vice Chair, Maricopa County Democratic Party

Rahel Hehn, President, University of Arizona College Democrats; PC, LD 17

Bobby Bauders, Former School Board Member

Julia Walsh, Secretary, ADP Jewish Caucus; SCM, LD 12

Donna Durand, Former Chair & SCM, LD 25

Rivko Knox, SCM, LD 2

Ken Kenegos, SCM, LD 18

Leezah Sun, Chair, LD 22 Democratic Party

Kathy Fitzmaurice Yontz, SCM, LD 12

James Jursich, SCM, LD 12

Marilyn Weissman, SCM, LD 6

Eve Shapiro, SCM, LD 18

Deydrek Scott, SCM, LD 6

Debra Block, SCM, LD 6

Michael Bradley, SCM, LD 4

Don Womack, SCM, LD 18

Dr Amtul R Ahmad, SCM, LD 23

Yazdaan Ayham Taajwar, SCM, LD 12

Jessica Staggers, PC, LD 29

Melissa Galarza, SCM, LD 12

Sharon Regen, SCM, LD 1

Gary Michiel Montiel, Precinct Committee Chair, Superior, AZ; PC, LD 7

Nasir Raza, Progressive Voter, Progressive Democrats of America, Arizona Progressives

Maher Arekat, Founder and Director, Palestine Community Center of Arizona

Ted Solis, Democratic Voter, Tempe

James A Kimes, Proud Liberal

Edwin Fix, Citizen

Eric Paschal, Democratic Voter, Phoenix

Adam David Burch, Voter, Phoenix Rebecca Lynn Crawford, Independent Kathryn Connor, Democratic Voter, LD 24 Stephen Mufarreh

National Leaders

Bernie Sanders, United States Senator
Rep. Ro Khanna, US Congressman
Larry Cohen, Past President Communication Workers of America; Board Chair, Our Revolution;
DNC member