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October 25, 2022

VIA FEDEX AND EMAIL

Clean Elections USA
Melody K. Jennings



Re: Unauthorized use of name "Clean Elections USA"

Attention:

I represent the Arizona Citizens Clean Elections Commission ("Clean Elections"), which is a state entity established by A.R.S. § 16-955. It is a non-partisan commission established by state law that, among other things, is responsible for voter education. It produces a voter education pamphlet that is provided to all households, sponsors debates, and has a comprehensive program to ensure voters have accurate information about elections and voting in Arizona. It has been in existence since the voters approved the Clean Elections Act more than 20 years ago.

It has come to our attention that people are using the name "Clean Elections USA" in Arizona to engage in activities related to the November 2022 election. I understand there are concerns about potential voter intimidation, and those concerns have been reported to the appropriate authorities. Independent from those issues, my client is concerned that your use of the mark CLEAN ELECTIONS USA in Arizona is likely to cause confusion because of the state agency known as Clean Elections. In particular, your use is likely to cause members of the public to think that you are associated with the Clean Elections state agency and that your activities are affiliated with, sponsored by, or endorsed by Clean Elections. Your actions violate several Arizona statutes and common-law doctrines. Accordingly, your use of CLEAN ELECTIONS USA is unlawful and you must immediately cease and desist all uses of CLEAN ELECTIONS USA.

Arizona election statutes prohibit using any "fraudulent device or contrivance" whatsoever to "impede" or "otherwise interfere" with the free exercise of the elective franchise of any voter. A.R.S. § 16-1013(2). Clean Elections has a statutory duty to educate voters. A.R.S. § 16-956. Your use of CLEAN ELECTIONS USA interferes with voters' rights to education under the statute. Moreover, your use of CLEAN ELECTIONS USA is also unlawful under A.R.S. § 13-2406 and A.R.S. § 13-2008 and subjects you to criminal penalties.

Furthermore, Clean Elections has been using the mark CLEAN ELECTIONS since at least as early as 1998. Your use of CLEAN ELECTIONS USA creates the false impression you are associated with Clean Elections and is likely to cause confusion as to the source, origin, and affiliation of your actions. Accordingly, your use violates common-law trademark rights.

Clean Elections therefore demands that you immediately cease and desist from all further uses of CLEAN ELECTIONS USA, including any other name or mark that incorporates the mark CLEAN ELECTIONS or is confusingly similar to CLEAN ELECTIONS. You must cease using the mark in all in-person activities, as well as in print and online, including websites, blogs, social media, messaging, advertisements, and all other uses.

Please provide written confirmation to me no later than **Thursday, October 27, 2022** that you have stopped all uses of CLEAN ELECTIONS USA. If we do not receive a satisfactory and timely response, we are prepared to take all steps necessary to protect the public from confusion. If you or your counsel have any questions or concerns, please contact me at

[REDACTED]

Sincerely,

[REDACTED]

Mary R. O'Grady