

Office of the Arizona Attorney General
Special Investigations Section
2005 North Central Avenue
Phoenix, Arizona 85004-1592

Rachel Mitchell
Maricopa County Attorney
225 West Madison Street
Phoenix, Arizona 85003
ca-civilmailbox@mcao.maricopa.gov

Dear Attorney General Mayes and County Attorney Mitchell:

I write to call your attention to recent revelations that the leadership of Arizona State University (“ASU”)—including President Michael Crow, Crow’s chief of staff James O’Brien, and Mi-Ai Parrish, the managing director of ASU Media Enterprise—manipulated the rules governing candidate debates sponsored by ASU and Arizona’s Public Broadcasting System (“PBS”) in 2022 to support and assist Democrat Katie Hobbs in her campaign against Republican Kari Lake. Because these machinations entailed the use of public university resources to influence the 2022 gubernatorial election in violation of A.R.S. § 15-1633, I request that your respective offices initiate investigations and pursue all appropriate remedies, including the recovery of civil penalties.

Factual Background

For years, ASU and PBS have partnered with the Citizens Clean Elections Commission (“CCEC”) to host televised debates between candidates for statewide and legislative offices. Pursuant to longstanding CCEC regulations, if an invited candidate chooses not to attend a debate, her opponent will be afforded a 30-minute one-on-one interview with the moderator; the candidate who refused to debate forfeits her right to airtime. *See* Ariz. Admin. Code § R2-20-107(K). In September 2022, Hobbs announced that she would not debate Lake. Rather than conduct the customary question-and-answer session with just Lake, however, ASU and PBS instead offered Hobbs her own exclusive 30-minute interview.

Recently unearthed internal communications confirm that ASU willfully jettisoned CCEC’s debate rules as a gratuitous accommodation to Hobbs’ timidity and for the specific purpose of undermining Lake’s candidacy. Upon learning of Hobbs’ aversion to public debates, Crow reportedly told Parrish, “Whatever the format there remains the fact that it is our venue and brand. We need structure . . . and format . . . and . . . people who believe in elections as participants.” Stacey Barchenger, *Katie Hobbs Rejected a Kari Lake Debate in 2022: Here’s Why ASU Gave Her TV Time Anyway*, ARIZ. REPUBLIC (Aug. 6, 2025). The import was unmistakable: ASU and PBS should bulldoze any strictures necessary to ensure that ASU’s preferred candidate (Hobbs) receive airtime. ASU personnel promptly granted Hobbs a special dispensation from CCEC’s longstanding regulation and indulged her with a one-on-one interview that had never previously been extended to any candidate who refused to debate her opponent.

Nurturing Hobbs' electoral prospects was, of course, the animating objective. The emails obtained by the *Republic* reflect that Parrish initially fretted to O'Brien that "'Katie is getting roasted hard'" for declining the debate invitation, but seemingly consoled herself by musing that, "'I don't think it will matter Bigtime businesspeople are hosting Republicans and Independents for Hobbs next week.'" Barchenger, *supra*. CCEC Executive Director Tom Collins likewise told the *Republic* that Parrish had sought to muzzle Lake from discussing her platform on election integrity issues, relaying that Parrish had argued to CCEC staff that "putting 'a person on television with those views was wrong.'" As the *Republic* succinctly put it, ASU's actions "appeared to favor one candidate over another: Democrat Katie Hobbs over Lake."

Violation of A.R.S. § 15-1633

Arizona law strictly prohibits "a person acting on behalf of a university or a person who aids another person acting on behalf of a university" from using university assets for any activity or communication "supporting or opposing a candidate for nomination or election to public office . . . in any manner that is not impartial or neutral," A.R.S. § 15-1633(A), (K)(2). As the Attorney General's Office has recognized, inquiries into potential violations of Section 15-1633 (and parallel statutes governing state, county and municipal officials) "will necessarily involve a fact-specific, case-by-case evaluation" that encompasses the surrounding context and circumstances. *See* Att'y. Gen. Op. I15-002 (R15-002) at 11, 17. A "careful consideration of such factors as the style, tenor and timing of the publication" or activity hence is vital. Att'y. Gen. Op. I00-020 (R00-27) at 2. Indeed, "[t]he importance of context in this objective analysis cannot be overstated." Att'y Gen. Op. I15-002 at 17.

ASU's open subversion of preexisting debate format rules to elevate Hobbs and repress Lake's views on election integrity constituted a misappropriation of public university resources for political ends, in violation of A.R.S. § 15-1633. Universities may sponsor or otherwise support candidate debates only if the structure is rigorously "impartial" and "provide[s] an equal opportunity to all viewpoints." *Id.* § 15-1633(A)(5), (K). When evaluating whether an activity or communication is truly impartial, considerations of consistency and regularity are crucial; even a nominally neutral project can assume a partisan cast if it deviates from preexisting procedures or practice. *See* Att'y. Gen. Op. I15-002 (R15-002) at 14-15 ("[R]outine communications are presumed to be permissible; but that presumption may be rebutted by evidence that the communication meaningfully deviated from the routine in a manner that objectively indicated it had the purpose of influencing an election in violation of the statutory prohibitions."); Att'y. Gen. Op. I18-011 (R18-016) at 2 (indicating that departures from a "content-neutral and uniformly-applied policy" could indicate impermissible political purpose). Here, as the *Republic* noted, "the university power brokers' decision to offer Hobbs an interview on Arizona PBS [broke] from years of precedent." Barchenger, *supra*. And the *Republic*'s reporting belies any notion that ASU's and PBS's abrupt overhaul of their debate format rules was merely a coincidence unrelated to partisan objectives.¹

¹ IRS regulations governing section 501(c)(3) charitable organizations, which cannot intervene for or against candidates for public office, also are instructive. Like A.R.S. § 15-1633, the IRS permits non-profits to host impartial candidate debates or forums. But the permissibility of such debates "depends on all of the facts and circumstances of each case," and "a forum for candidates could

Like all Americans, ASU leaders enjoys a First Amendment right to express their opinions in their personal capacities during their free time. They are not, however, entitled to commandeer the resources or imprimatur of ASU—including compensated personnel time, university email systems, and other university assets—to subsidize their favored political candidates. Because there is ample reason to believe that ASU (through Crow, Parrish, and potentially others) utilized university resources in a “manner that is not impartial or neutral,” A.R.S. § 15-1633, to influence the 2022 gubernatorial election, I ask that you open an investigation and take all actions necessary to obtain recompense for Arizona taxpayers.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, reading "Scot Mussi", written over a horizontal line.

Scot Mussi
Arizona Free Enterprise Club

be operated in a manner that would show a bias or preference for or against a particular candidate,” including by skewing “procedures” to favor one candidate over another. Rev. Rul. 86-95; *see also* Rev. Rul. 2007-41 (university president’s expression of personal political views in university-owned media constituted political campaign intervention by the university).