

September 10, 2025

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

Dear County Attorney Mitchell:

As you know, I, in my capacity as the President of the Arizona Free Enterprise Club, recently filed with your office and with the Attorney General a complaint (the “Complaint”) outlining violations of A.R.S. § 15-1633 by Arizona State University (“ASU”) and its leadership. The statute, which prohibits public universities and their personnel from using taxpayer resources to influence elections “in any manner that is not impartial or neutral,” protects Arizonans from having their hard-earned tax dollars conscripted to subsidize political propaganda or influence the outcome of an election. Because the law lacks a private cause of action, though, taxpayers depend on the Attorney General or the “county attorney for the county in which an alleged violation . . . occurred,” A.R.S. § 15-1633(H), to vindicate their rights. Citing an alleged conflict of interest, the Attorney General notified your office of her recusal, thereby placing the onus on you to initiate an appropriate investigation.

I accordingly was shocked to learn that, according to your Deputy Chief of Staff, your office is “not interested in pursuing this.” Stacey Barchenger, *Complaint Over ASU’s Role in Katie Hobbs, Kari Lake Debate Goes Nowhere*, Ariz. Republic (Sept. 3, 2025). Flouting any transparency for the taxpayers who fund your office, you have “declined to explain why,” *id.*, although your office apparently told the *Republic* that you “don’t do investigations” and this is “outside your jurisdiction.” You reached this conclusion without even doing a cursory review of the evidence that has been produced in this matter.

Candidly, your reflexive refusal to hold powerful people and institutions to account demonstrates either political timidity to offend ASU or tacit approval of taxpayer funded activities that target politicians you may not like, in this case Kari Lake. Neither is acceptable. The notion that your office lacks “jurisdiction” is frivolous. A.R.S. § 15-1633(H) expressly confers jurisdiction on your office to pursue violations that occur within Maricopa County. And the Attorney General’s recusal (and effective referral of the matter to you) secures an additional jurisdictional basis. Furthermore, if your office, which manages legal affairs for the fourth-largest county in the United States, actually is not competent to conduct civil investigations—an implausible excuse—it has essentially admitted that it cannot discharge responsibilities delegated by numerous other Arizona statutes. See, e.g.,

A.R.S. §§ 16-938(C)(2) (campaign finance violations), 23-212(B) (employment of illegal aliens), 40-421 (requiring county attorneys to provide investigatory assistance to the Corporation Commissions upon request).

More to the point, ASU's conduct was egregious and inexcusable. As set forth in the Complaint—which relied on extensive reporting by the *Arizona Republic*, which in turn drew on ASU's own internal communications—ASU President Michael Crow and his top lieutenants schemed to manipulate the rules governing candidate debates sponsored by ASU and Arizona's Public Broadcasting System for the express purpose of boosting Democrat Katie Hobbs in her gubernatorial campaign against Republican Kari Lake. ASU's subversion of the debate structure was so overt and shameless that even the *Republic* (an outlet otherwise hostile to Ms. Lake and Republican candidates generally) observed that it inescapably “appeared to favor one candidate over another: Democrat Katie Hobbs over Lake.” A more clear-cut violation of A.R.S. § 15-1633 is difficult to imagine.

Of course, A.R.S. § 15-1633 does not require you to bring a judicial enforcement action if you determine that a complaint is not well-founded. But that decision must be premised on a good faith and careful investigation of all the relevant facts and circumstances. Hurriedly turning a blind eye to strong and credible allegations of illegal conduct disrespects your office, your constituents, and the principle that all citizens are equal under the law.

We are disappointed in your ill-considered shirking of your official responsibilities to conduct a thorough and objective investigation of ASU's actions, and would hope that going forward your office would take the responsibility of protecting taxpayers more seriously.

Respectfully,

A handwritten signature in cursive script that reads "Scot Mussi".

Scot Mussi
President, Arizona Enterprise Club