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4	THE STATE OF ARIZONA
5	CITIZENS CLEAN ELECTIONS COMMISSION
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10	REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING
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14	Phoenix, Arizona
15	October 27, 2022
16	9:30 a.m.
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21	COASH & COASH, INC.
22	Court Reporting, Video & Videoconferencing 1802 N. 7th Street, Phoenix, AZ 85006 602-258-1440 Staff@coashandcoash.com
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24	By: Kathryn A. Blackwelder, RPR
25	Certified Reporter Certificate No. 50666 CERTIFIED TRANSCRIPT

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1	VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS	1	CHAIRMAN MEYER: Good morning. My name is
2	CLEAN ELECTIONS COMMISSION convened at 9:30 a.m. on October 27, 2022, at the State of Arizona, Clean	2	Damien Meyer. It is 9:30 a.m., October 27, 2022, and
4	Elections Commission, 1110 West Washington, Conference	3	I'm going to call this meeting of the Citizens Clean
5	Room, Phoenix, Arizona, in the presence of the		Elections commission to order.
6	following Board Members: Mr. Damien Meyer, Chairman	5	I'd like to ask the audience members to
	Mr. Mark Kimble		please keep their microphones on mute.
8	Ms. Amy Chan	7	And with that, we'll take attendance.
9	Mr. Steve Titla	·	Commissioners, please identify yourselves for the
10	OTHERS PRESENT:		
11	Thomas M. Collins, Executive Director		record.
12	Paula Thomas, Executive Officer Mike Becker, Policy Director	10	COMMISSIONER CHAN: This is Commissioner
	Gina Roberts, Voter Education Director		Amy Chan.
13	Avery Xola, Voter Education Manager Kara Karlson, Assistant Attorney General	12	COMMISSIONER KIMBLE: And this is
14	Jeanne Galvin, Assistant Attorney General	13	commissioner Mark Kimble.
	Mary O'Grady, Osborn Maledon	14	CHAIRMAN MEYER: And I don't believe we have
15	Bill Richards, Richards & Moskowitz Natalya Ter-Grigoryan, Richards & Moskowitz	15	anyone else this morning. We have a quorum of three of
16	Jon Weiss, Papetti Samuels Weiss McKirgan	16	five, so we will proceed.
	Timothy LaSota, Attorney	17	Agenda Item No. II is discussion and possible
17	Elliot Stratton, Tiffany & Bosco Bob Branch, TPOF	18	action on Executive Director's Report, enforcement and
18	Gianna George, Riester	19	regulatory updates, and legislative update.
	Christina Stone	20	And just sort of for the good of the order,
19	Cathy Herring, Staff Rivko Knox, Member of the Public	21	so everyone kind of knows how this is going to proceed
20	Nathan Madden, Member of the Public	22	today, I have a hard stop at 11:00 today. So in order
21 22			to get through the business, we're going to go slightly
22			out of order on the Agenda. After Item III, which is
24			the minutes, we're going to jump to Item VI and then V,
25			
1	the drop box issue, and then Item IV, which are the	1	election officials appeared on a morning seminar with
1	the drop box issue, and then Item IV, which are the debates. So, again, the order of business is going to		election officials appeared on a morning seminar with the Capitol Times. And we are and Commissioner
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	want to be cognizant of everybody's time, so that	1	action on meeting minutes for September 29 of 2022.
2	really, I think, concludes at least the highlights of	2	
3	the Executive Director's Report, though. Thank you	3	approve the minutes?
4	very much, Mr. Chairman.	4	COMMISSIONER CHAN: Mr. Chairman, I move that
5	CHAIRMAN MEYER: Thank you, Tom.	5	we approve the minutes.
6	Any discussion or comments, questions from	6	COMMISSIONER TITLA: Chairman, I second.
7	the Commissioners?	7	CHAIRMAN MEYER: All right. We have a motion
8	(No response.)	8	to approve the minutes. We're going to go ahead and
9	CHAIRMAN MEYER: All right. Seeing	9	vote, call the roll. I'm going to start with
10	COMMISSIONER TITLA: Yeah, Chairman.	10	Commissioner Chan.
11	Chairman.	11	COMMISSIONER CHAN: I vote aye.
12	CHAIRMAN MEYER: Oh, Commissioner Titla, has	12	CHAIRMAN MEYER: Commissioner Kimble.
13	joined, for the record.	13	COMMISSIONER KIMBLE: Aye.
14	Okay. Commissioner Titla, go ahead.	14	CHAIRMAN MEYER: Commissioner Titla.
15	COMMISSIONER TITLA: Yeah. Yeah, I just	15	COMMISSIONER TITLA: Ave.
16	just to let you know, I signed in a while ago while the	16	CHAIRMAN MEYER: And this is Commissioner
17	Director was speaking. Thank you.	17	Meyer and I vote aye as well. So the meetings
18	CHAIRMAN MEYER: Thank you. Good to have	18	meeting minutes are approved by a vote of 4 to zero.
19	you. Go ahead, or is that is that it?	19	We are now going to move ahead to Agenda
20	COMMISSIONER TITLA: That's it.	20	Item VI, which is discussion and possible action on
21	CHAIRMAN MEYER: Okay.	21	The Power of Fives, Dr. Bob Branch, MUR 21-01,
22	COMMISSIONER TITLA: Yeah, that's it. Thank	22	including discussion and possible action on The Power
	you.	23	of Fives' response and objection to the Commission's
24	CHAIRMAN MEYER: All right. We're going to	24	subpoena issued to The Power of Fives on September 1 of
	move on to Item III, which is discussion and possible	25	
1	So just just to give some more background	1	And good to have you, Ms. Galvin. Thank you.
1 2		1 2	And good to have you, Ms. Galvin. Thank you. MS. GALVIN: Good morning.
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1	out, I say yes. I fear that I'm going to be the next	1	
2	target of a Clean Elections Commission subpoena.	2	candidates, and that's you know, you've got
3	I think it's a very bad precedent. I	3	participating, you've got nonparticipating. There are
4	understand the Commission has made a decision on this,	4	a few provisions that the Commission might argue are a
5	apparently, but for the record, I want it to be very	5	little broader, but by and large your penalty
6	clear that one of the reasons you should quash this	6	provisions are limited to the essentially what's
7	subpoena is you do not have jurisdiction. And I hope	7	the candidates.
8	the Commission is not asserting the type of general	8	You know, we didn't sign any letter saying
9	subpoena power that the Arizona Legislature or perhaps	9	we're going to take Clean Elections money and we agree
10	some other entities have. For example, they have just	10	to adhere to Clean Elections rules. We didn't do
11	general subpoena power. If they want to investigate	11	anything like that. I'll give one example of the folly
12	something, they have that power. Your power, clearly	12	of this thinking, and that is, for example, the
13	under the statutes and the rules, is limited to matters	13	Commission or Executive Director, I'm not sure which at
14	before you and people you have jurisdiction over, which	14	this point, but or, whether exactly what the
15	does not include vendors.	15	proper characterization of the posture is, but, you
16	So I think that's the first reason you should	16	know, there continues to be an allegation that we
17	quash this is you simply lack jurisdiction over this	17	violated the provision on sending out a solicitation
18	matter altogether, and I think you've gone down a bad	18	for for \$5 contributions. And as I've explained
19	path by now we're going to be looking at vendors. I	19	before, the statute says if you if a \$5 contribution
20	think anybody could be next.	20	is not gathered legally as per the statute, it is not a
21	And, you know, the question I asked, and it	21	valid \$5 contribution and that's it. I mean, there's
22	was over a year ago, was, you know, what do you think	22	none of this violation business. It's either it
23	the penalty is? You know, what can you do to a vendor?	23	either counts towards a participating candidate's \$5 or
24	And I put that in my legal memo. And everything in the	24	it doesn't.
25	Clean Elections Commission almost everything in the	25	You know, most of the other things sort of
1	lack a actually, I think all of them lack a remedy.	1	If the Commission wants to try to take action against
1 2	lack a actually, I think all of them lack a remedy. And I think that's a question the Commission should	1 2	If the Commission wants to try to take action against The Power of Fives, it's free to. It's free to try
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1	I'd like to hear from, and then I'll give all the	1	to quash within five days of receiving the subpoena,
2	Commissioners a chance to ask questions as well. But	2	and the motion itself has to list the reasons why
3	the floor is yours, Mr. Weiss.	3	they're seeking to quash. You can't sort of come in
4	MR. WEISS: Sure. Thank you, Mr. Chairman.	4	later with new reasons, and that's what we're hearing
5	Mr. Chairman, Members of the Commission, let	5	_
		6	But let me just briefly address, though, what
6	me start with this legal point. Under the law, under		
7	the statutes, the regulations, the Commission has been		
8	given broad authority to enforce the Clean Elections	8	jurisdiction, there have been no violations of the law.
9	Act. The Commission has been given broad authority to	9	That's all just a distraction from what we're actually
10	conduct investigations in furtherance of its	10	here for right now. You have already heard all of
11	enforcement powers. And even more to the point here,	11	those arguments. When Mr. Collins filed the initial
12	under the controlling statutes and the rules, the	12	complaint, this Committee held two lengthy hearings.
13	Commission has been given specific authority to issue	13	At those hearings Mr. LaSota made all of those
14	subpoenas requiring the production of documents in	14	arguments that he's just said about the jurisdiction,
15	connection with an investigation that it's undertaking.	15	about what the law is.
16	The Legislature has recognized that the Commission	16	And after hearing those arguments, you
17	needs to be able to conduct fulsome investigations, and	17	authorized further investigation, and that's what we're
18	it's given the Commission the power and the authority	18	here for. You asked lots of questions. At the end you
19	to do so.	19	took a vote. You concluded that there are reasons to
20	Now, the specific issues that Mr. LaSota has	20	believe that The Power of Fives violated the Act. You
21	just raised let me first say, none of that is in the	21	authorized the Executive Director to move forward with
22	motion to quash that they filed, so that's all new here	22	the investigation, and that's what we're here for right
23	right now. And that's actually not appropriate under	23	now. So the issue before you right now is really
24	the rule, because the rule authorizing them to file a	24	just not whether we could serve a subpoena, but the
25	motion to quash says that they have to file the motion	25	scope of the subpoena and whether the subpoena is
1	overbroad and outside the scope of the investigation.	1	business with a candidate, Eric Sloan. The Power of
1 2	overbroad and outside the scope of the investigation. So what what they raised in their papers,	1 2	
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2	So what what they raised in their papers,	2	Fives then filed a complaint relating to Mr. Sloan. The Commission investigated that complaint, and that's how we learned about The Power of Fives. And in
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1		1	
1	additional undisclosed and/or excess contributions may	1	
2	have been made. In other words, we don't yet know the	2	
3	specifics of what they're doing with all these other 22	3	1 51
4	candidates other than we we know, because The Power	4	investigation to go forward, they were authorizing what
5	of Fives has said, they're using this same service	5	Mr. Collins asked for in in that statement of
6	agreement. But we don't know the specifics, so we need	6	reasons.
7	to investigate. We need to serve a subpoena.	7	The Commission subsequently issued an order
8	The complaint talks about how The Power of	8	to The Power of Fives, an order requiring compliance.
9	Fives' service agreement contemplates expenditures of	9	In that order, that was just in April of this year,
10	campaign funds before they were in the candidate's	10	that order says the Commission has found reason to
11	account, in violation of the Act. And it says, because	11	believe that The Power of Fives made expenditures on
12	The Power of Fives claims it used identical service	12	behalf of Eric Sloan and 22 other candidates when it
13	agreements for all of its candidates, it's likely that	13	entered and so on. But then it says, to achieve
14	this violation occurred repeatedly. Again, saying we	14	compliance with the Act, The Power of Fives must report
15	don't yet have the details, but we need to investigate.	15	accurately its expenditures on behalf of those 23
16	We need to find out what they're doing with all of	16	candidates. In that same order it says, to achieve
17	these other candidates.	17	compliance with the Act, Power of Fives must report
18	You have in your materials the subsequent	18	accurately how many e-mails and other direct
19	statement of reasons of the Executive Director that he	19	solicitations it made on behalf of all 23 Power of
20	issued in October of 2021. In that statement of	20	Fives candidates.
21	reasons, he specifically asked the Commission for	21	From the get-go, throughout this record, we
22	authority to issue a subpoena to obtain all of The	22	could see this investigation has always been about what
23	Power of Fives' records documenting disbursements,	23	are they doing on behalf of all candidates, not just
24	debts, obligations through the present. The requested	24	the Sloan candidate not just Eric Sloan. We only
25	authorization wasn't just to subpoena records relating	25	have the evidence relating to Sloan, for the most part,
	because that's what the initial investigation was when	1	5
2	there was a complaint against Sloan. Now we're	2	And, you know, the one specific item that
2 3	there was a complaint against Sloan. Now we're investigating	2	And, you know, the one specific item that Mr. LaSota raised about us trying to find out who the
2 3 4	there was a complaint against Sloan. Now we're investigating CHAIRMAN MEYER: Mr. Weiss, I'm with you on	2 3 4	And, you know, the one specific item that Mr. LaSota raised about us trying to find out who the members of The Power of Fives are and who its employees
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1	MR. LaSOTA: Thank you, Mr. Chairman.	1	no. You know, you're talking about something that's
2	So I'd like to start with the with the	2	already been decided and you shouldn't be talking about
3	first point about, well, we didn't raise this overall	3	that here. The Commission decided it already. You did
4	issue in our subpoena. So I'm going to read from the	4	talk about it, but that's the improper place. Issue is
5	letter from Mr. McKirgan, who just check that. It's	5	decided. And now, here today, he tells us that we
6	Mr. Weiss. I'm having trouble keeping track of all the	6	
7	attorneys involved here. But this was a letter signed	7	read his own letter. It's at the bottom of Page 2, top
8	by Mr. Weiss and Mr. McKirgan, who is Mr. Weiss' law	8	of Page 3.
9	partner, I believe.	9	Now, in and we spent five pages in our
10	It says, "Much" "much of your letter"	10	objection, the first five and a half pages, talking
11	and this is this is talking about our our motion	11	about all the reasons we didn't think the Commission
12	to quash the subpoena. But this is this is from	12	was correct initially. And then we go on to our
13	Mr. Weiss and Mr. McKirgan on behalf of the Commission	13	partial objection to the subpoena requests, in other
14	or the Director. It says, "Much of your letter focuses	14	words, the above is a full objection. Below, starting
15	on arguments as to why TPOF parties disagree with the	15	Page 6, that's partial objection.
		16	
16	Executive Director's position regarding their		So in terms of you know, Mr. Chairman, you
17	violations of the Act. Supported by a recitation of	17	asked a very good, very pointed question, and that is:
18	the history of a private arbitration," blah, blah,	18	What about the penalty? And you heard Mr. Weiss:
19	blah, "the Commission carefully considered TPOF	19	Yeah, we can impose civil penalties. What statute? I
20	parties' arguments, were not persuaded, and voted to	20	would love to hear what statute he's talking about.
21	move forward with its investigation. We will not	21	You'll notice he didn't mention a statute. So, you
22	rehash our disagreements with your position regarding	22	know, that would be a good place to start is, what
23	the lawfulness of TPOF parties' conduct."	23	statute gives them the authority to just impose civil
24	So, in other words, we did raise these	24	penalties on people who are not, A, participating
25	issues, and we were chided by Mr. Weiss. Oh, no, no,	25	candidates, B, nonparticipating candidates, or some
1	you know, something like that, or anybody who they can	1	the extent we're now going to be asserting this
1 2	you know, something like that, or anybody who they can just impose a penalty on.	1 2	the extent we're now going to be asserting this massively, massively broad, invasive fishing expedition
2	just impose a penalty on.	2	massively, massively broad, invasive fishing expedition
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1	have a comment. You know, I remember this very well	1	And so I I guess those are my thoughts at
2	when the complaint came before us involving TPOF and	2	the moment. I think Mr. LaSota is doing an excellent
3	Mr. Sloan before, and it's bringing back a little bit	3	job advocating for his client; I disagree with his
4	of trauma around it, to be honest. I mean, it's the	4	arguments. And I just wanted to kind of throw that out
5	same arguments, I think, that we heard back then, that	5	there, and I'll I'll let somebody else have some
6	this was something we'd never done before. But I	6	time because, again, I know we're short on time.
7	really feel strongly that a couple things.	7	CHAIRMAN MEYER: Thank you, Commissioner
8	One, you know, if this is something we've	8	Chan.
9	never done before, we've never seen a business model	9	Commissioner Kimble, Commissioner Titla, do
10	like this before. And I think in any entrepreneurial	10	you have any questions?
11	sense, people are always going to try to invent new	11	COMMISSIONER KIMBLE: Yes, Mr. Chairman.
12	ways of providing services to people and earning money,	12	CHAIRMAN MEYER: Go ahead, Commissioner
13	right. And I think this is a method that this company	13	Kimble.
14	has developed that we had a concern about, and that's	14	COMMISSIONER KIMBLE: Two points. First of
15	why we authorized the investigation to go forward in	15	all, I want to remain focused on the issue of the
16	the first place.	16	subpoena. And I'm kind of trying to set aside all the
17	I recognize that the language in the	17	arguments about the Commission has no authority to do
18	subpoena, I think it's broad, but I think that's	18	this, which which I think has been has been
19	typical. I'm not an expert, but I have seen a little	19	discussed and has been voted on and I don't want to get
20	more of this just because of my experiences, you know,	20	into it. I just want to talk about the subpoena.
21	seeing some of the litigation that's pending right now	21	And second of all, Mr. Weiss, I wonder if you
22	about elections. So I think subpoenas tend to be broad	22	could respond to Mr. LaSota who asked what authority
23	because you have to be able to get all the information,	23	there is for the Commission to consider fines in a case
24	just what Mr. Weiss pointed out. They don't know who	24	like this. Is there something in the statute that you
24	to talk to to get information, you know.		can cite?
25	to tark to to get information, you know.	25	
1	MR. WEISS: Well, the general rule giving the	1	CHAIRMAN MEYER: Okay. So I guess now we'll
1 2	MR. WEISS: Well, the general rule giving the Commission authority to issue civil penalties is, I	1 2	CHAIRMAN MEYER: Okay. So I guess now we'll ask the Commissioners, is there any motion to deny the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Commission authority to issue civil penalties is, I believe yeah, it's R2-20-222, which says, if the Commission has reason to believe, by a preponderance of the evidence, that a candidate is not in compliance with the Act or Commission rules, then, in addition to other penalties under law, the Commission may, so on and so on, and it includes a civil a civil penalty. And then it goes on in Part B to say, if the Commission has reason to believe that, by a preponderance of the evidence, that a person other than a participating candidate is not in compliance with the Act, and it goes on, it may issue a civil penalty. So the Commission's authority to issue civil penalties under the rule applies both to candidates themselves and others, who are not participating candidates, but who do violate the Act. COMMISSIONER KIMBLE: Okay. Thank you, Mr. Weiss. CHAIRMAN MEYER: Thank you, Commissioner Kimble. That's a question I had as well. Commissioner Titla, do you have any questions or comments?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	ask the Commissioners, is there any motion to deny the application, quash the subpoena, or modify the subpoena from any Commissioners? (No response.) CHAIRMAN MEYER: I guess on the table so there's options we have here. We can we can uphold the subpoena and order that The Party of Five respond to it; we can decide to quash the subpoena, which would be a ruling in favor of The Party of Five and require that they not turn over any documents; or, three, we can modify the subpoena in some ways by eliminating some of the requests and maintaining others. I kind of put my lawyer hat on there for a second, so if Ms. Karlson or Ms. Galvin disagree with those options, please let us know. But I think we're looking for a motion on any one of those three options. MS. GALVIN: Mr. Chairman, I would just add, I agree with those three options that you laid out. You would also have the authority to take no action and maybe delay action on the motion to quash pending perhaps a decision from the Superior Court or if you think that that's relevant to the motion to quash, then

1	ontiona	1	
	options.	2	COMMISSIONER TITLA: Aye.
2	COMMISSIONER KIMBLE: Mr. Chairman.	-	CHAIRMAN MEYER: And Commissioner Meyer, I
3	CHAIRMAN MEYER: Yes, Commissioner Kimble.		vote aye as well. So the motion carries 4 to zero. So
4	COMMISSIONER KIMBLE: I would move that we	4	the motion to quash the subpoena is denied and The
5	uphold the subpoena as it was issued.	5	Party of Fives is needs to respond to that subpoena.
6	CHAIRMAN MEYER: And just for the record, is	6	Do we want to discuss a new deadline for them
7	that a motion to deny deny the motion to quash,	7	
8	correct?	8	MS. GALVIN: I believe that would be most
9	COMMISSIONER KIMBLE: That's correct. That's	9	appropriate, given that the deadline, I believe, has
10	correct. Thank you, Mr. Chairman.	10	passed.
11	CHAIRMAN MEYER: So the motion is just to	11	CHAIRMAN MEYER: Yes.
12	clean up the record, there's a motion essentially from	12	So, Mr. LaSota and Mr. Weiss, I'll hear from
13	Commissioner Kimble to deny the motion to quash and	13	you first as far as I would think I'm just going
14	uphold the subpoena as issued. Is there a second to	14	to throw out there, you know, three weeks to respond,
15	that motion?	15	is that sufficient time? And I guess I put that on the
16	COMMISSIONER CHAN: I second the motion.	16	floor to the Commissioners as well. Is three weeks
17	CHAIRMAN MEYER: Okay. We have a motion	17	sufficient time to respond to the subpoena? Is that
18	that's been seconded. We will now take our vote on the	18	too much time?
19	motion to deny The Party of Fives' motion to quash and	19	COMMISSIONER KIMBLE: Mr. Chairman.
20	to uphold the subpoena as issued. I will call the roll	20	CHAIRMAN MEYER: Go ahead. I'm sorry. Who
21	to vote here. Commissioner Chan.		was that?
22	COMMISSIONER CHAN: I vote aye.	22	COMMISSIONER KIMBLE: Commissioner Kimble.
23	CHAIRMAN MEYER: Commissioner Kimble.	23	CHAIRMAN MEYER: Go ahead.
24	COMMISSIONER KIMBLE: Aye.	23	COMMISSIONER KIMBLE: So the initial deadline
24	CHAIRMAN MEYER: Commissioner Titla.		
25	CHAIRMAN MEYER. COMMISSIONEL IICIA.	25	was five days, is that correct?
1	CHAIRMAN MEVER: Not to produce the	1	probably make it a specific date and time though
1	CHAIRMAN MEYER: Not to produce the		probably make it a specific date and time, though,
2	documents, I don't believe.	2	correct?
2 3	documents, I don't believe. COMMISSIONER KIMBLE: No? What was the	2 3	correct? CHAIRMAN MEYER: Three weeks from today would
2 3 4	documents, I don't believe. COMMISSIONER KIMBLE: No? What was the initial deadline?	2 3 4	correct? CHAIRMAN MEYER: Three weeks from today would be November 17th on my calendar.
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2 3 4 5 6 7 8 9 10	<pre>documents, I don't believe.</pre>	2 3 4 5 6 7 8 9 10	<pre>correct?</pre>
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2 3 4 5 6 7 8 9 10 11 12 13 14	<pre>documents, I don't believe.</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14	<pre>correct?</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15	<pre>documents, I don't believe.</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15	<pre>correct?</pre>
2 3 4 5 6 7 7 8 9 10 11 12 13 14 15 16	<pre>documents, I don't believe.</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<pre>correct?</pre>
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	Because if they do refuse to give us documents, there	1	MS. GALVIN: I would appreciate that.
2	are additional procedural steps that we would then	2	CHAIRMAN MEYER: Okay, Ms. Galvin.
3	take, and there's no reason to wait three weeks to take	3	I'm going to go ahead and move that we issue
4	those steps.	4	
5	So perhaps, you know and I understand	5	subpoena on or before 4:00 p.m. on November 17th of
6	Mr. LaSota certainly needs to confer with his client.	6	2022.
7	But perhaps you can set an earlier deadline, if they	7	COMMISSIONER KIMBLE: This is Commissioner
8	don't intend to produce documents, they need to let us	8	Kimble. I second that.
9	know by some earlier date. If they're going to produce	9	CHAIRMAN MEYER: All right. We have a
10	documents, then three weeks is certainly fine.	10	motion, it's been seconded. We'll call the roll on
11	CHAIRMAN MEYER: I'm sorry. What if we	11	that motion. Commissioner Chan.
12	set the earlier deadline to let us know if they're	12	COMMISSIONER CHAN: I vote aye.
13	going to produce anything, I mean, do we have authority	13	CHAIRMAN MEYER: Commissioner Kimble.
14	to do that? I don't know if that's something we can	14	COMMISSIONER KIMBLE: Aye.
15	actually do.	15	CHAIRMAN MEYER: Commissioner Titla.
16	MR. COLLINS: Mr. Chairman, I'm not sure if	16	COMMISSIONER TITLA: Aye.
17	that question is to us on the advocacy side or to	17	CHAIRMAN MEYER: I vote aye as well. The
18	Ms. Galvin. My view would be, I don't have any problem	18	motion carries 4 to zero.
19	with giving them the three weeks to figure out what	19	All right. Moving on to Agenda Item No. V,
20	they're going to do. This is not worth spending	20	discussion and possible action on Clean Elections'
21	another minute on.	21	interest in protesting against voter confusion and
22	CHAIRMAN MEYER: Yeah. Okay. All right.	22	other issues related to drop boxes in Maricopa County.
23	Well, given that, do we need to have a motion to agree	23	This arises from a group of people calling
24	that the deadline is November 17th to respond to the	24	themselves "Clean Elections USA" and being involved in
25	subpoena?	25	what has been called monitoring again, monitoring
	Suporta.	25	what has been carred monitoring again, monitoring
1	of drop boxes.	1	So, why is this a problem for us? Well, it's
1	-	1	So, why is this a problem for us? Well, it's
2	Tom, if you'd give us a brief overview. And	2	an acute problem because we're in this election
2 3	Tom, if you'd give us a brief overview. And then Mary O'Grady, our counsel for this matter, is also	2	an acute problem because we're in this election cycle voters are know in Arizona that Clean
2 3 4	Tom, if you'd give us a brief overview. And then Mary O'Grady, our counsel for this matter, is also available for questions. Tom, please go ahead.	2 3 4	an acute problem because we're in this election cycle voters are know in Arizona that Clean Elections is an we hope know, and I think we now
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2 3 4 5 6	Tom, if you'd give us a brief overview. And then Mary O'Grady, our counsel for this matter, is also available for questions. Tom, please go ahead. MR. COLLINS: Yes, Mr. Chairman. Thank you for that introduction.	2 3 4 5 6	an acute problem because we're in this election cycle voters are know in Arizona that Clean Elections is an we hope know, and I think we now know, Clean Elections is an agency of the state. Our Voter Education Guide is on the doorsteps of the voters
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2 3 4 5 6 7 8	Tom, if you'd give us a brief overview. And then Mary O'Grady, our counsel for this matter, is also available for questions. Tom, please go ahead. MR. COLLINS: Yes, Mr. Chairman. Thank you for that introduction. So we had a, within the last week, I think the last six days, a group that appears to at least be	2 3 4 5 6 7 8	an acute problem because we're in this election cycle voters are know in Arizona that Clean Elections is an we hope know, and I think we now know, Clean Elections is an agency of the state. Our Voter Education Guide is on the doorsteps of the voters and has been for the last several weeks. Our debates are currently, you know, available online and in the
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1	You know, the analogy I think that is apt in	1	able to send a cease and desist letter so quickly. I
	a way is, you know, you cannot and I certainly would		feel outraged that our good name is being used to
	hope that the Department of Revenue or whoever would be		basically bully people who are trying to deposit
4	in a would find it problematic if somebody started a		
5	tax preparing service that was called Department of	5	it sad that some people think that's a productive use
6	Revenue Arizona instead of Arizona Department of	6	of their time or a necessary use of their time. But
7		7	the fact that our name is being used and frankly,
8	I mean, this is a clear instance where the	8	when I saw our name, even though it was the Clean
9	voters are going to get essentially false information	9	Elections USA group, I was confused. So this is very
10	or very very much information that's not consistent	10	serious. As Tom said, it's acute. And I just want to
11	with what the Clean Elections agency does through this.	11	know what our next steps are and how we can get there
12	And it's an acute problem and we have an acute interest	12	quickly.
13	here on account of the time frame.	13	CHAIRMAN MEYER: Any other Commissioners have
14	So Mary sent out a cease and desist letter	14	any comments?
15	the other day, which you all have a copy of, and we are	15	COMMISSIONER KIMBLE: Mr. Chairman.
16	seeking to see where we go from there. So that kind of	16	CHAIRMAN MEYER: Go ahead, Commissioner
17	concludes my summary, Mr. Chairman.	17	Kimble.
18	CHAIRMAN MEYER: Thank you, Tom. Do we have	18	COMMISSIONER KIMBLE: I completely agree with
19	any questions for the Commissioners or, from the	19	Commissioner Chan. I was just reading a story in
20	Commissioners? Go ahead, Commissioner Chan.	20	today's newspaper that just, on second reference,
21	COMMISSIONER CHAN: Mr. Chairman.	21	referred to them throughout as Clean Elections, and
22	CHAIRMAN MEYER: Go ahead.	22	it's it's horribly confusing.
23	COMMISSIONER CHAN: I just want to know what	23	And Mary, I don't know if you have any
24	are our next steps and how quickly can we get this	24	insight as to if they're going to respond or tell us no
25	addressed. I really appreciate the fact that we were	25	or anything.
	1 11		
1	MS. O'GRADY: Thank you.	1	should let people vote. After all, our Commission is
1 2	MS. O'GRADY: Thank you. CHAIRMAN MEYER: Go ahead, Mary.	1	should let people vote. After all, our Commission is tasked for having the making it people easier for
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2	CHAIRMAN MEYER: Go ahead, Mary. MS. O'GRADY: Yeah. Mr. Chair,	2	tasked for having the making it people easier for people to vote in the four corners of the state of
2 3 4	CHAIRMAN MEYER: Go ahead, Mary. MS. O'GRADY: Yeah. Mr. Chair, Commissioners, we set the deadline for today for a	2 3 4	tasked for having the making it people easier for people to vote in the four corners of the state of Arizona, and intimidation is something that I totally
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			-
1	Mr. Chairman.	1	us and this
2	CHAIRMAN MEYER: All right. We have a motion	2	MR. COLLINS: Sure. Right.
3	and we have a second. We'll go ahead and call the	3	CHAIRMAN MEYER: frankly deplorable group
4	roll. Commissioner Chan.	4	that's intimidating voters.
5	COMMISSIONER CHAN: I vote aye.	5	Go ahead.
6	CHAIRMAN MEYER: Commissioner Kimble.	6	MR. COLLINS: Mr. Chairman, yes, so we will
7	COMMISSIONER KIMBLE: Aye.	7	be working on we've done some affirmative
8	CHAIRMAN MEYER: Commissioner Titla.	8	communication with the media on this; we're going to
9	COMMISSIONER TITLA: Aye.	9	follow that up. Especially, I think, in light of what
10	CHAIRMAN MEYER: I vote aye as well. So that	10	Commissioner Kimble has observed in the coverage, that
11	motion carries 4 to zero.	11	kind of second reference, switching to Clean Elections,
12	And I guess, Mary, if there's any if you	12	is precisely the kind of thing that is going to
13	have any questions on direction that we provided to	13	engender confusion.
14	you, you know, please raise those with Tom. And if we	14	I know there are some folks from the press
15	need to and we can address those. If we need to get	15	who are watching this meeting. I really would
16	together on the phone on an emergency basis, I can be	16	encourage you, as much as possible, I know space is
17	available.	17	tight, I know Tweets are 280 characters, but we need
18	MS. O'GRADY: Thank you.	18	you to make clear that this is not Clean Elections
19	CHAIRMAN MEYER: Tom, do we need to discuss	19	state agency. I know a lot of you have, and I really
20	that any more? I mean, I think we've all been pretty	20	appreciate that. Again, probably some of you are
21	clear that we need to extricate this.	21	listening.
22	I have seen some of this in the media. I	22	But, yeah, we'll follow up on that. It's
23	don't know if there's a way to reinforce	23	I think that's exactly the problem, you know, apart
24	MR. COLLINS: So, yeah		from, obviously, as I think we've all noted, that this
25	CHAIRMAN MEYER: the distinctions between	25	activity is not consistent with what the Clean
		-	
1	Elections Act calls for in terms of promoting just the	1	Commissioners. Ves we have wranned up our debate
1		1	
2	opposite of it. The reality is that we need to we	1 2 3	season for both the primary and the general election,
2	opposite of it. The reality is that we need to we need to keep that reference as clean as possible,	2	season for both the primary and the general election, so we are very happy that those events have come to a
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2 3 4 5	opposite of it. The reality is that we need to we need to keep that reference as clean as possible, because it's it engenders confusion and it's going to and we think that we've done a you know,	2 3 4 5	season for both the primary and the general election, so we are very happy that those events have come to a conclusion and are available for voters. Voting is still underway. We're still in the
2 3 4 5 6 7	opposite of it. The reality is that we need to we need to keep that reference as clean as possible, because it's it engenders confusion and it's going to and we think that we've done a you know, that's going to be an issue.	2 3 4 5 6	season for both the primary and the general election, so we are very happy that those events have come to a conclusion and are available for voters. Voting is still underway. We're still in the early voting period right now, so all of our debates
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		1	
	years before. So that, I think, is really great. We		to the awareness and the accessibility of that event
2	had a lot of exposure on these events, which helps	2	for voters. We were able to, as I mentioned, within a
3	increase voter awareness about them.	3	week pull together this production and we had Spanish
4	So all of our debates, you know, I think were	4	captions for it, we also had American Sign Language for
5	held in exactly in accordance with our standards.	5	it, and it was available on broadcast and digital
6	As you are aware, we did have our gubernatorial event	6	efforts.
7	where we just wrapped that up this Sunday where it	7	So I just wanted to share that update with
8	aired for voters. And we had a new partner for that.	8	the Commissioners that we were able to, again, pull off
9	We worked with AZTV7. And, you know, I just want to	9	a very successful debate season when it comes to
10	comment that I think that they pulled off a tremendous	10	providing these events for voters, but also in terms of
11	effort in working basically within a week's time frame	11	the accessibility. So that's just a brief overview of
12	to pull together a production that normally takes us	12	where we are. Again, debates are wrapped, they're
13	months to a year to plan. So we're very grateful for	13	available for voters to view on demand. And if there's
14	their partnership. And the coverage that we have seen	14	any questions from the Commissioners, I'd be happy to
15	regarding that event I think has been positive.	15	address those.
16	And I think, you know, just to clarify, going	16	CHAIRMAN MEYER: Thank you, Gina. Something
17	back to we had a partnership with Arizona PBS for	17	from my perspective, and I'm sure from the other
18	all of our statewide debates. We worked with them	18	Commissioners, I just want to thank you so much for all
19	through the primary election and then through the	19	your hard work in this, you, your fellow staff members,
20	general election, and then we had a separation with	20	Tom. Thank you for all the time and effort, which I'm
21	them when it came to the gubernatorial event. That's	21	sure we only know a fraction of the time, effort, and
22	why we proceeded with AZTV7.	22	stress you had to deal with. So from all of us and the
23	And, you know, there was that hiccup there,	23	voters of Arizona, thank you so much.
24	but I think at the end of the day the numbers are	24	So with that, I'll leave it to the other
25	showing that there was not a negative impact in regards	25	Commissioners.
1	COMMISSIONER KIMBLE: Mr. Chairman.	1	her hard work and for pulling off almost like a miracle
1 2	COMMISSIONER KIMBLE: Mr. Chairman. CHAIRMAN MEYER: Go ahead, Commissioner	1 2	her hard work and for pulling off almost like a miracle at the last second. This is like a football game where
2	CHAIRMAN MEYER: Go ahead, Commissioner	2	at the last second. This is like a football game where
2 3	CHAIRMAN MEYER: Go ahead, Commissioner Kimble.	2	at the last second. This is like a football game where you throw a hail mary and you score a touchdown. So
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1	that process.	1	the Commission by e-mail or mail. And the e-mail
2	So, you know, it was I don't want to sound	2	address is ccec@azcleanelections.gov.
3	precisely like I'm just doing some kind of Oscar	3	All right. I see Ms. Rivko Knox has raised
4	speech, but I do think, you know, that, you know, as	4	her hand. Ms. Knox, the floor is yours.
5	Gina said earlier, I mean, we just we felt like we	5	MS. KNOX: Yes. Chairman Meyer and
6	did a lot of work very quickly. And I think the two	6	Commission Members and staff, I found this to be a
7	things that I think are good out of this are, one, I	7	fascinating meeting. I was able to participate even
8	think we maintained our standards and we maintained our	8	though my middle grandson is here, but that's a
9	and at the same time, we maintained our commitment	9	different story.
10	to doing this business in a transparent way where	10	I am very impressed with everything that the
11	people could track the decisions we were making in all	11	Commission is doing. I'm not a social media person, so
12	but realtime and could assess them for their for	12	I don't know how much you're on social media, but I
13	their fairness. And I think that again, I just	13	presume a lot. But the documents that you know, the
14	thank everyone for their their help with that.	14	pamphlets that you put out and the debates are very,
15	CHAIRMAN MEYER: Thank you, Tom.	15	very, very important, and I continue to and I think
16	And at this point, we are on Item No. VII,	16	your reaction to the change in sponsorship of the last
17	Agenda Item No. VII. This is the time for	17	debate was very timely.
18	consideration of comments and suggestions from the	18	And I'm extremely finally, I'll be very
19	public. Action taken as a result of public comment	19	brief, I'm extremely glad that you are taking immediate
20	will be limited to directing staff to study the matter	20	action and I presume that the media will follow up on
21	or rescheduling the matter for further consideration,	21	this confusion with this Clean Elections USA, which
22	decision at a later date, or responding to criticism.	22	clearly was an attempt, choosing that name, to confuse
23	Please limit your comment to no more than 2	23	the public. And I find that pretty reprehensible,
24	minutes. Does any member of the public wish to make	24	but I'm so glad that you're taking immediate action,
	comments at this time? You may also send comments to	25	and I have a I have great faith that the media will
1	follow up on it very quickly and try to clarify it.	1	Commissioner is serving grossly out of term, as he was
1 2	follow up on it very quickly and try to clarify it. So keep on keeping on and thank you all for	1 2	
2	So keep on keeping on and thank you all for	2	appointed in 2013. Thank you. MR. COLLINS: Kara, can I make a on behalf
23	So keep on keeping on and thank you all for lots and lots and lots of hard work during a very hard	2	appointed in 2013. Thank you. MR. COLLINS: Kara, can I make a on behalf
2 3 4	So keep on keeping on and thank you all for lots and lots and lots of hard work during a very hard season. And I know it's not over, because audits are	2 3 4	appointed in 2013. Thank you. MR. COLLINS: Kara, can I make a on behalf of the Commission, may I make a quick response
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2 3 4 5 6	So keep on keeping on and thank you all for lots and lots and lots of hard work during a very hard season. And I know it's not over, because audits are continuing, and clearly the actions you take today took today will result in more work.	2 3 4 5 6	appointed in 2013. Thank you. MR. COLLINS: Kara, can I make a on behalf of the Commission, may I make a quick response consistent with the open meeting law? MS. KARLSON: Yes.
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1	CHAIRMAN MEYER: Oh, Ms. Knox.	1	hours, and I always got a kick out of the coach
2	MS. KNOX: Yes. Thank you again, Chairman	2	complaining to the people that showed up about the
3	Meyer and Members of the Commission and staff. I	3	people who didn't. So all of us have showed up and
4	appreciate Mr. Madden's point. I just wanted to point	4	volunteered to do our jobs and we're here, so
5	out that for the last three, four, five years the	5	complaints about not replacing us shouldn't be directed
6	League of Women Voters, which is a nonpartisan	6	to this Commission. So that's all I'll say on that.
7	organization, very involved in helping to create the	7	And at this point, we are onto Agenda Item
8	Clean Elections Commission in terms of the writing	8	No. VIII, and I will entertain a motion to adjourn.
9	the initiative and then helping to get it passed, and	9	COMMISSIONER KIMBLE: Mr. Chairman.
10	at one time I was representing the League as an	10	COMMISSIONER CHAN: Mr. Chairman.
11	observer to the Commission, has sent several letters to	11	COMMISSIONER TITLA: Motion.
12	the Governor's Office and the Secretary of State making	12	CHAIRMAN MEYER: Go ahead
13	the exact same point that you're making, Mr. Madden.	13	COMMISSIONER TITLA: Mr. Chairman, motion.
14	And clearly we are towards the end of a term of office	14	CHAIRMAN MEYER: All right. Commissioner
15	for both the Secretary or whoever will be the next	15	Titla has moved to adjourn. Is there a second?
16	highest person in one party versus another. But it is	16	COMMISSIONER KIMBLE: Commissioner Kimble,
17	a very important issue, and I just wanted to have the	17	
18	record note that the League has been aware of this and	18	CHAIRMAN MEYER: All right. We have a
19	has tried very hard to get some action, with absolutely	19	motion, it's been seconded. We'll go ahead and call
20	no response of this is a very bipartisan or	20	the roll. Commissioner Chan.
21	nonpartisan state.	21	COMMISSIONER CHAN: I vote aye.
22	CHAIRMAN MEYER: Thank you, Ms. Knox.	22	CHAIRMAN MEYER: Commissioner Kimble.
23	I guess I'll just make this analogy. When I	23	COMMISSIONER KIMBLE: Aye.
24	was in high school, we'd have open gym that would be	24	CHAIRMAN MEYER: Commissioner Titla.
25	volunteer to show up to open gym and practice after	25	COMMISSIONER TITLA: Aye.
1	CHAIRMAN MEYER: And I vote aye as well.	1	STATE OF ARIZONA)
1 2	CHAIRMAN MEYER: And I vote aye as well. Pleasure seeing all of you. This meeting is	1	STATE OF ARIZONA)) ss.
	-		
2	Pleasure seeing all of you. This meeting is	2) ss. County of Maricopa)
2 3	Pleasure seeing all of you. This meeting is adjourned. Oh, everyone, go vote. Meeting adjourned.	2 3 4) ss. COUNTY OF MARICOPA) BE IT KNOWN that the foregoing proceedings
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