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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
April 24, 2025
10:00 a.m.

By: Kathryn A. Blackwelder, RPR
Certified Reporter
Certificate No. 50666



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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
2 ELECTIONS COMMISSION convened at 10:00 a.m. on April
3 24, 2025, at the State of Arizona, Clean Elections
4 Commission, 1110 West Washington, Conference Room,
5 Phoenix, Arizona, in the presence of the following
6 Board Members:
7
8 Mr. Mark Kimble, Chairman
9 Mr. Galen Paton
10 Ms. Amy Chan
11 Ms. Christina Werther
12 Mr. Steve Titla
13
14 OTHERS PRESENT:
15 Thomas M. Collins, Executive Director
16 Mike Becker, Policy Director
17 Gina Roberts, Voter Education Director
18 Avery Xola, Voter Education Manager
19 Alec Shaffer, Web Content Manager
20 Mary O'Grady, Osborn Maledon
21 Eric Fraser, Osborn Maledon
22 Craig Morgan, Taft Law
23 Cathy Herring, Meeting Planner, KCA
24 Anna Abeytia, Member of the Public
25

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1 P R O C E E D I N G
2 CHAIRMAN KIMBLE: Good morning. Agenda Item
3 Number I today is the call to order. It's 10:00 a.m.
4 on April 24th, 2020 -- 2025. I call this meeting of
5 the Citizens Clean Elections Commission to order.
6 With that, we will take attendance.
7 Commissioners, please identify yourselves for the
8 record.
9 COMMISSIONER WERTHER: Christina Werther.
10 COMMISSIONER PATON: Galen Paton.
11 COMMISSIONER CHAN: Amy Chan.
12 COMMISSIONER TITLA: Yeah, Steve Titla. Good
13 morning.
14 CHAIRMAN KIMBLE: Good morning, Steve.
15 And I'm Mark Kimble. We have all five
16 Members of the Commission here this morning. Thank
17 you.
18 Item II, discussion and possible action on
19 minutes for the March 27th, 2025 meeting.
20 Commissioners, you have the minutes from our March
21 meeting in the packet. Is there any discussion?
22 (No response.)
23 CHAIRMAN KIMBLE: Hearing none, do I have a
24 motion to approve the minutes?
25 COMMISSIONER WERTHER: I motion to approve

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1 the meeting minutes for March 27, 2025.
2 CHAIRMAN KIMBLE: Thank you,
3 Commissioner Werther.
4 Is there a second?
5 COMMISSIONER PATON: I'll second.
6 CHAIRMAN KIMBLE: Thank you,
7 Commissioner Paton.
8 It's been moved and seconded to approve the
9 minutes for the March meeting of the Commission. I'll
10 call the roll.
11 Commissioner Titla.
12 COMMISSIONER TITLA: Aye.
13 CHAIRMAN KIMBLE: Commissioner Chan.
14 COMMISSIONER CHAN: Aye.
15 CHAIRMAN KIMBLE: Commissioner Werther.
16 COMMISSIONER WERTHER: Aye.
17 CHAIRMAN KIMBLE: Commissioner Paton.
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN KIMBLE: Chair votes aye. The
20 minutes are approved 5-to-nothing.
21 Item III, discussion and possible action on
22 the Executive Director's Report.
23 Tom.
24 MR. COLLINS: Yes. Thank you, Commissioners.
25 I think the -- I wanted to highlight we'll be heading

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1 into the special election to have that up for a new
2 congressperson in Congressional District 7 to fill out
3 the remaining term of Representative Grijalva. We are
4 working on the primary debate for that. I think -- I
5 think we have -- we'll be down in Tucson doing some
6 preliminary site work on that on -- next week, and
7 there are currently three Republicans and five
8 Democrats who have qualified for the ballot. We are
9 also going to do a digital Voter Education Guide for
10 the -- for that. That will be available on our
11 website.
12 There is -- in the interim, there is a local
13 election in several cities that Alec has --
14 COMMISSIONER PATON: Excuse me.
15 MR. COLLINS: Sure.
16 COMMISSIONER PATON: I have a question.
17 MR. COLLINS: Please.
18 CHAIRMAN KIMBLE: Commissioner Paton.
19 COMMISSIONER PATON: So is it going to be on
20 TV or --
21 MR. COLLINS: Yes. So -- and I'll ask Gina
22 if I'm missing any details, but we -- we haven't got a
23 firm date yet, but we will -- the early voting for the
24 CD starts on July -- or, on June 18th for the primary,
25 and it will be broadcast at -- or, originate at the

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1 Arizona Public Media studios in Tucson and then it --
2 the way we have arranged to do this is we do something
3 called white labeling, which basically allows all of
4 the broadcast partners around the state, radio
5 stations, television stations, newspapers, to broadcast
6 it, just like our -- our debate series in 2024.
7 COMMISSIONER PATON: Okay. So do you think
8 PBS would pick it up?
9 MR. COLLINS: Well, this will be at the --
10 COMMISSIONER PATON: Their studio.
11 MR. COLLINS: Yeah, at their studio.
12 COMMISSIONER PATON: Okay.
13 MR. COLLINS: So and I think -- I'm not sure
14 who we're using to moderate, I'm not sure, but we're
15 using their studio to -- I don't know if there's any --
16 Gina, if there's anything you want to -- Gina is the
17 actual expert, obviously.
18 CHAIRMAN KIMBLE: Gina, do you want to --
19 COMMISSIONER PATON: While we're waiting, I
20 would just say thank you for -- for arranging all that.
21 I think that it's really important that -- and, I mean,
22 and that district goes down to Douglas and Bisbee
23 and -- you know, so I think it's real important. Thank
24 you.
25 CHAIRMAN KIMBLE: Gina.

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1 MS. ROBERTS: Mr. Chairman, Commissioners,
2 Commissioner Paton, yes. So as Tom mentioned, we will
3 be at the AZPM studios in Tucson where we will host the
4 debate. It will be white labeled, so any media partner
5 that covers CD7, but of course outside of that as well
6 too, if anybody wants to pick that up, it will be open
7 and available to them. We will have two debates in the
8 primary, so one for the Republican candidates, one for
9 the Democratic candidates, and then in the general
10 election we'll have the final debate with -- with those
11 primary election winners.
12 Yes, we are working with the Arizona Media
13 Association again to this, so we'll make sure that all
14 of our partners know that the debate is available and
15 how to promote it, and we are going to, of course,
16 promote it to the CD7 voters as well so they know to
17 tune in.
18 COMMISSIONER PATON: So the primary is
19 July 15th?
20 MS. ROBERTS: Yes.
21 COMMISSIONER PATON: And then the general is
22 when?
23 MS. ROBERTS: I believe it's September 23rd,
24 off the top of my head.
25 COMMISSIONER PATON: Okay. Thank you.

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1 CHAIRMAN KIMBLE: And someone was asking
2 about moderators. Has that been decided?
3 MS. ROBERTS: So for the primary debates we
4 have confirmed that Steve Goldstein will definitely be
5 one of the moderators. So Steve was a very strong
6 presence for us in our 2024 debates, he moderated
7 several of our broadcast debates, as well as several of
8 our legislative debates, and he handled the training
9 for all of our moderators as well too. So Steve
10 actually does work down there as well with that
11 station, so he'll be very familiar with the process,
12 and we're excited to have him back, but we are
13 currently looking for a second moderator as well.
14 COMMISSIONER PATON: You should check out
15 Jim Nintzel; I like him.
16 MS. ROBERTS: Mr. Nintzel actually did work
17 with us in the primary debates as well too, so we were
18 excited to have him.
19 COMMISSIONER PATON: Done it for years.
20 CHAIRMAN KIMBLE: Okay. Thank you, Gina.
21 Thank you, Commissioner Paton.
22 Tom.
23 MR. COLLINS: Speaking of CD7 or -- a bit
24 more, you know, as you recall from our voter education
25 plan, we are launching a Clean Elections podcast to

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1 supplement our voter education work. The title of the
2 podcast is Beyond the Ballot AZ. And we will have our
3 first episode available, we believe, the week of
4 April 28th, and that will feature -- that episode
5 features a bit on CD7 and on -- we interviewed former
6 Mayor of Tucson Tom Volgy about -- about Representative
7 Grijalva's history in the district and as a congressman
8 and a former board of supervisors member. As you
9 can --
10 CHAIRMAN KIMBLE: City council.
11 MR. COLLINS: Well, Grijalva was on the board
12 of supervisors.
13 CHAIRMAN KIMBLE: Oh, I'm sorry. I thought
14 you were talking about Volgy. Yes.
15 MR. COLLINS: We've also continued to be out
16 and about in the -- throughout the state. Avery has
17 been to Pinal -- Pinal County recently and then has
18 been working on our voter outreach work group, which,
19 again, I can't say enough good things about. I'm very
20 excited about us having a working group of the counties
21 here, you know, led by Avery. I think that's a really
22 important step in solidifying our -- our role there.
23 I had the chance to go out to the LD28
24 Democratic meeting last week with -- it was kind of an
25 interesting bill. It was me, the County Recorder

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1 Justin Heap, and the Executive Director of the Arizona
2 Democratic Legislative Campaign Committee, which is a
3 pretty broad spectrum of folks to have talk to the
4 Democratic Legislative Committee out there about
5 running for office.

6 I think that's -- those are the main things I
7 wanted to highlight. I did want to mention that -- you
8 know, we talked a bit about the executive order that
9 the President issued related to elections, I think,
10 last month. The State has filed a lawsuit against
11 that. And if you want -- the link to the complaint is
12 in the report if you want to talk more about that at
13 some point or have more questions about that.

14 The upshot of the complaint is essentially
15 that the -- you know, the executive branch doesn't have
16 the authority to alter the time, place, and manner of
17 elections under the U.S. Constitution; rather, the
18 Congress does. And so the President, by purporting to
19 order the Election Assistance Commission to adopt
20 different standards, is essentially taking on a
21 policymaking role that belongs to the Congress under
22 the Elections Clause of the Constitution.

23 The last thing -- the last thing I do need to
24 note is we have -- we are -- received our notice, so we
25 do -- every five years we do a rule review report to

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1 the Governor's Regulatory Review Council. So that will
2 be coming up here in the next few months, and we'll
3 keep you updated as we get ready for that.

4 We have an option to extend that for 120
5 days, essentially on request. I think -- at this
6 point, I don't think we'll do that, but -- but, you
7 know, so -- but over the next couple of months we'll be
8 working on that report, and we will probably have some
9 additional feedback for you about, you know, how we
10 want to proceed with those rules over which GRRC has --
11 has jurisdiction.

12 So I think that concludes my report. The
13 Legislature is still in session and will be for a
14 while.

15 CHAIRMAN KIMBLE: Thank you.

16 Are there any questions or comments from
17 Members of the Commission?

18 (No response.)

19 CHAIRMAN KIMBLE: Thank you, Tom.

20 Item IV, discussion and possible action on
21 MUR 25-02 and proposed repayment order for Anna
22 Abeytia, 2024 participating candidate for State
23 Legislature. This matter is the Executive Director's
24 request that the Commission issue an order that a
25 candidate repay Clean Elections funds and make a reason

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1 to believe determination relating to a participating
2 candidate's financial reports and records.

3 We have the Executive Director present. And
4 then Representative Abeytia or her representative, I
5 believe, is also present.

6 So Craig Morgan is also here; he'll serve as
7 our independent advisor for this matter. So if any
8 Members of the Commission have any legal questions,
9 please address them to Craig.

10 Tom.

11 MR. COLLINS: Thank you, Commissioners. I
12 wanted to start with sort of bringing us up to the
13 minute. Yesterday we got an e-mail from Representative
14 Abeytia with some records related to her campaign and
15 the financing -- or, records that purport to be related
16 to expenditures -- and expenditures underlying -- some
17 documents that purport to be evidence related to the
18 expenditures. We haven't had an opportunity to review
19 those thoroughly yet, but I think it's incumbent on me,
20 for purposes of this hearing with respect to the
21 repayment order, to say that, you know, we would --
22 we're not going to ask you to go ahead with the
23 repayment order now pending our review of the -- those
24 documents.

25 In other words, there are documents that, you

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1 know, that at least purport to demonstrate that those
2 expenditures were made for campaign purposes. We've
3 looked at them enough to at least determine that's, you
4 know, what they purport to be. And so in view of that,
5 given the way we framed the proposed order, you know,
6 we think that -- and I think I have an obligation to
7 say, okay, we really can't ask you to issue the order
8 as drafted and -- because, obviously, with the timing
9 here, we can't -- there would be no way for us to
10 practically evaluate them and amend the order, you
11 know.

12 We just are in a position where the -- both
13 the -- I think the -- I think my obligation and I also
14 think, you know, the discretion that you have would
15 need to be exercised in that way with respect to the
16 order. In other words, I believe that, you know, I
17 would bring it back if -- if, you know -- if and when
18 it needs to be, but we're not asking you to move
19 forward on that this morning.

20 However, we do think that the reason to
21 believe determination on the issue of the late filings
22 and the recordkeeping is appropriate to move forward on
23 today. And just to put this in context, from my
24 perspective, you know, where this sets us up, and for
25 those who might be watching who, you know, may not have

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1 as much familiarity with our process here, you know, a
2 reason to believe determination is not a finding, it's
3 not a -- it's not an appealable action. What it is is
4 essentially a procedural step that ensures that I can,
5 as a staff member, along with my colleagues, you know,
6 move forward with the steps that we deem appropriate
7 to, you know, ensure that there is ultimately
8 compliance with the underlying allegations in the
9 reason to believe. So with respect to -- and so, you
10 know, as to what sort of quantum of evidence there is
11 there, it's more of a procedural question than it is a,
12 you know, is there X amount of evidence versus Y amount
13 of evidence, from our perspective.
14 That said, if you look at the RTB, the two
15 issues there are, one, the late filing issue.
16 Candidates -- clean candidates, just like any other
17 candidate, is obligated to file their campaign finance
18 report timely, and the Clean Elections Act has a
19 penalty assessment that's allowed, which we're not at
20 that stage yet, but a penalty assessment that's allowed
21 for a failure to file that is different from and in
22 addition to, and so it's separate from, any other
23 penalty that's available by law.
24 So, in other words, there is a provision of
25 the -- what we call the regular campaign finance code

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1 which says that the Secretary of State or other filing
2 officer is supposed to notice a candidate about their
3 outstanding reports, and there's a process that they
4 can follow to -- to enforce that. The Clean Elections
5 Act says, apart from that, the Clean Elections
6 Commission has the authority to issue penalties that
7 are different penalties against candidates, and there's
8 also some nuance there about who is -- necessarily can
9 be held liable for those penalties.
10 But, you know, I think that, you know, we
11 demonstrated in the -- in the report that, you know,
12 from our perspective, you know, there's no obvious
13 evidence that the reports were filed -- that the
14 reports that were finally filed last -- on the 21st
15 were not filed -- they were filed untimely, you know.
16 We've included the summary from the Secretary of
17 State's Office with respect to the amount of time
18 there, and then we've also included the recent reports,
19 so there's copies of those in the -- attached to the --
20 attached to the -- attached to the recommendation.
21 The second issue is the recordkeeping issue,
22 and I think there -- you know, notwithstanding that we
23 now have this e-mail with some records, I think that,
24 you know, the -- we know there that we had a -- we have
25 the late filing of the report, right, so we have

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1 reports that were not on file for quite some time; we
2 had outstanding audit requests for months that went
3 unresponded to; we had a complaint out for the last
4 month, month and a half that went unresponded to; and
5 then, in addition to that, we have, you know, a
6 communication from Representative Abeytia respecting
7 her -- the state of her accounts as of -- or, as of, I
8 think it was, what, the 21st or whatever it was, the
9 16th of last --
10 So, you know, you take those together, and
11 you might even be able to take them separately, but
12 take them together and, you know, it's -- there is --
13 there is, you know, at a minimum, reason to believe
14 that the recordkeeping obligations that are imposed by
15 the Act and rules, you know, are -- may not be -- may
16 not be met, which is sort of the standard, but -- and,
17 you know, we think it's very likely that they have not
18 been met.
19 Now, if it turns out, as we work through
20 this, and we do work through these things with an eye
21 towards compliance, you know, that that's -- that
22 there's some other explanation or we can understand
23 what's going on better, you know, that's -- that's
24 where we proceed from here.
25 So, again, we think there's reason to

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1 believe. We see this as a procedural vote on the part
2 of the Commission. We see the Executive Director and
3 staff's authority to operate after a reason to believe
4 as independent from the Commission in the sense that we
5 are -- we will be operating -- you know, you're
6 operating in a -- in a decision making function and
7 we're operating in a -- in an investigatory function,
8 as we have in the past, and so -- but that's really the
9 sum total of my recommendation, just trying to boil it
10 down.
11 And then again on the repayment order, I
12 think that, in view of the records we received last
13 night, notwithstanding the fact that -- you know, the
14 time lag and what have you, you know, the way we frame
15 the repayment order, you know, we really have an
16 obligation -- I have an obligation as staff to say we
17 would not ask you to move forward with that today, but
18 we would -- we do think that the Commission should vote
19 to determine that there is reason to believe a
20 violation may have occurred.
21 CHAIRMAN KIMBLE: I just want to make sure I
22 understand this. So initially we were dealing with
23 one -- there's the issue of the late filings --
24 MR. COLLINS: Correct.
25 CHAIRMAN KIMBLE: -- or non-filings up

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1 until --
2 MR. COLLINS: Right.
3 CHAIRMAN KIMBLE: -- very recently.
4 MR. COLLINS: Right.
5 CHAIRMAN KIMBLE: And then there's the issue
6 of repaying the funds that the candidate was -- was
7 given. So the second issue, repaying the funds, you
8 are suggesting we should set aside and not consider
9 that right now, but you still feel that we should
10 discuss and decide whether to proceed on fines for late
11 or non-responsive filing?
12 MR. COLLINS: As well as the recordkeeping
13 issue. I think -- I think we have enough -- I think we
14 have enough evidence in total, based on the course of
15 action, the admission in the e-mail to Mike, you know,
16 to say that there is sufficient evidence that there's
17 reason to believe that there's a recordkeeping issue as
18 well. So those two things, I think, yes. You're
19 exactly right.
20 As far as repayment, there may be -- you
21 know, the rules, as they're written, sort of say, when
22 we think there's a repayment issue, that's a reason
23 we're supposed to come forward and raise that, right,
24 and initiate that process, which we've done. You know,
25 the fact that we've now got some, you know, records,

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1 you know, it's not -- it's not my preferred way to sort
2 of be in this position where we have -- sort of have --
3 get the records dropped at the last minute and then we
4 have to stop. But, you know, the evidence we had as of
5 the time that I had to file the order, in order to
6 provide notice to the candidate, we had what we had,
7 and that's -- and that's -- and that's changed. So we
8 have to -- so it would be -- you know, it wouldn't do
9 us any good to enter an order that I don't have that's
10 framed around one set of circumstances when those
11 circumstances have changed, you know, now, and we don't
12 know if they will or not.
13 COMMISSIONER PATON: I have a question.
14 CHAIRMAN KIMBLE: Yes, Commissioner Paton.
15 COMMISSIONER PATON: So the stuff that we
16 have in our packet dated the 21st --
17 MR. COLLINS: Yeah.
18 COMMISSIONER PATON: -- there's been an
19 addition since the 21st, as of yesterday, last night,
20 or something.
21 MR. COLLINS: Yeah, well -- right. Mr. --
22 Mr. Chairman, Commissioner, Commissioner Paton, what we
23 received last night was a set of documents, invoices
24 that are from the -- well, at least the ones I think
25 we've had a chance to look at purport to be invoices

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1 from the consultant to the candidate or the campaign,
2 both, that on their surface -- on their surface seem to
3 at least say there was an activity here that was
4 campaign, right. Beyond that, I can't -- I'm not in a
5 position to -- to make a statement about whether or not
6 their -- their evidentiary value beyond the fact that
7 they are -- you know, beyond the fact that they purport
8 to be that, I can't speak to.
9 COMMISSIONER PATON: Okay. But those
10 documents need to be submitted to the auditors?
11 MR. COLLINS: They will be, yeah. That will
12 be -- that will be our -- that will be part of our
13 process.
14 COMMISSIONER PATON: Okay. Thank you.
15 CHAIRMAN KIMBLE: Are there any other
16 questions from Commissioners of Tom?
17 COMMISSIONER WERTHER: I have a question.
18 CHAIRMAN KIMBLE: Yes, Commissioner Werther.
19 COMMISSIONER WERTHER: Tom, so just to
20 clarify sort of the process, so if we approve a reason
21 to believe, so staff will then at that point obviously
22 evaluate the documentation you received yesterday,
23 obviously if it's -- recraft the repayment order if
24 that's actually what needs to be done, and then that
25 would come back before us. Would there be any other --

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1 I guess anything else that would come before us in that
2 type of situation?
3 MR. COLLINS: Sure. Right. No.
4 Mr. Chairman, Commissioner Werther, that's -- that's a
5 good question. So in a kind of way there are the
6 procedural -- the procedural -- they're almost two
7 tracks. We kind of merged them here because of the way
8 this sort of timed out, but -- I wouldn't say merged
9 them. We moved forward simultaneously with them.
10 So repayment order. In the event that we
11 review the materials and conclude that there's some
12 discrepancy that we would need some refund, you know,
13 we would -- we would -- two things would happen. The
14 first step we always attempt to do is to reach a
15 settlement. Those settlements almost always come back
16 to you for your approval, so that's -- but absent that,
17 yes, we would have, exactly what you said, a recrafted
18 repayment order that gets into what needs to -- you
19 know, what there is there.
20 The reason to believe, you know, enforcement
21 of penalties process is slightly different. It -- we
22 will have an investigatory process that will involve
23 independent decision making by the -- by the Executive
24 Director, and then, you know, typically one of two
25 things happens. Again, there's a conciliation process

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1 we try to attempt to go through at various times. We
2 have a mandatory one further down the road, but we
3 actually try to work that in, you know, along the way.
4 And then -- and then, you know, the next step after
5 that is briefing on what we call probable cause to
6 believe.
7 So the process there is investigation is
8 complete, the Executive Director writes -- essentially
9 makes a motion to the Commission to make a
10 determination of probable cause to believe. The
11 respondent gets the opportunity to write a -- writes a
12 response brief. The Executive Director has the
13 opportunity to review that brief and decide not to go
14 forward. And then if the -- if we go forward with
15 that, then there is a -- sort of an adversarial hearing
16 like, you know -- which would be to make an actual
17 finding.
18 There's an additional sort of parallel
19 process that occurs at the same time for determining
20 the penalty. So typically what we will do is, if we
21 get to a point where there's probable cause to believe,
22 we make a motion on that, and then make a separate
23 filing on -- you know, that we'll do at the same --
24 same hearing on assessment of penalties, and then that
25 becomes the order of the Commission. The respondent,

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1 under the current rules, then appeals to OAH, OAH kicks
2 it back to the Commission, the Commission -- the
3 person -- depending upon how that goes, a respondent
4 can go to Superior Court, and then, you know, 10 years
5 later we find out what happens.
6 We try to avoid that last part because of the
7 cost and, you know, and because, you know, if we can
8 get an accounting of the -- what happened -- you know,
9 the statute, 16-957, talks about, you know, some kind
10 of -- it really talks about a public administrative
11 determination, right. It's sort of like -- it's
12 designed to sort of say to the public, here is what --
13 here is what happened. And that's sort of, you know,
14 at least the principle, what we try to do. So that's
15 -- those are the steps that we undertake as staff
16 independent of the Commission. So we'll only touch
17 base with you along the lines, you know, as we -- as we
18 go along.
19 To really flesh out this, I mean, you've seen
20 in other cases, if I subpoena a person, that person has
21 a right to have -- to go to the Commission to have that
22 subpoena quashed -- quashed and -- you know, and that's
23 another sort of thing that can happen.
24 But I think the main points are, you know,
25 this is a procedural step that's built into the rules,

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1 and then the more substantive stuff will come -- will
2 come -- you'll make -- if we were in a position to,
3 we'd be asking you to make substantive
4 determinations -- more substantive determinations at --
5 at another time.
6 Is that -- that may be too much -- too much
7 answer, but --
8 COMMISSIONER WERTHER: No, that was helpful.
9 Yeah, I just kind of wanted to know the tracks and then
10 what our role is in that process. Thank you.
11 CHAIRMAN KIMBLE: Well, let me clarify
12 something to follow up on what Commissioner Werther was
13 asking. So today you are not asking us to make any
14 kind of a motion?
15 MR. COLLINS: No, that's not -- Mr. Chairman,
16 I would -- I would say -- what I would ask -- and if
17 you look at the last -- I think it's the second-to-last
18 page of the recommendation, maybe it's the
19 third-to-last page, there's a -- if three of you were
20 to vote to determine that there's reason to believe,
21 that that authorizes the Executive Director to
22 undertake an investigation. There's an outline of
23 steps that I may take after that. And then, you know,
24 the other thing that could issue -- that the Executive
25 Director can issue at that point is an order of

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1 compliance. That order of compliance can happen
2 anytime after 14 days. You know, so that's -- so we
3 definitely need a -- we are asking for an affirmative
4 vote of three members to determine that there is reason
5 to believe as outlined in the memo.
6 So, in other words, you don't have to -- the
7 memo distinguishes between the reason to believe aspect
8 and the repayment order. So I think -- you know, we
9 would think that a motion along the lines of, you know,
10 that there's reason to believe that -- excuse me --
11 that the Commission determines there is reason to
12 believe for the reasons outlined in the statement of
13 reasons of the Executive Director would be sufficient
14 for our -- for our purposes.
15 But that's -- that's what -- that's what we
16 are asking for as staff. Obviously you may have other
17 questions about that related to your own -- what
18 procedural steps you might think other people, you
19 know -- I want to say this is what I'm telling you I
20 think.
21 CHAIRMAN KIMBLE: Right.
22 MR. COLLINS: It may not be what your lawyer
23 thinks.
24 CHAIRMAN KIMBLE: Okay. Thank you.
25 Any other questions or comments from the

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1 Commission?
2 (No response.)
3 CHAIRMAN KIMBLE: I believe we have
4 Representative Abeytia with us today.
5 Representative, is there anything, at this
6 point, you would like to say to the Commission? We're
7 somewhat at a disadvantage because we haven't seen the
8 most recent material, which you apparently provided
9 sometime late yesterday, and I have a number of
10 questions based on the material we had 24 hours ago.
11 But I want to give you an opportunity if there's
12 anything you wanted to say.
13 MS. ABEYTIA: Hello. Yes. Can you guys all
14 hear me?
15 CHAIRMAN KIMBLE: Yes.
16 MS. ABEYTIA: Okay. I'm -- I'm in my car,
17 so -- yeah, so I just wanted to take accountability for
18 not getting my reports in and getting the information
19 over to you all. I'm not making excuses. I just was
20 lacking in responding to my e-mails while switching
21 over to new e-mails with the Leg and just getting
22 transitioned over -- over as an elected.
23 Yesterday why I didn't send the report so --
24 earlier, since it's so last -- like last minute was I
25 was told to wait until my reports were submitted and

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1 amended by my new finance person, who went in and made
2 sure everything was done correctly, so that way the
3 invoices and everything kind of matched, that they
4 didn't want it to look weird. And then yesterday we
5 were kind of back and forth between recess and meetings
6 negotiating for DDD funding, so trying to get this
7 reported to you guys not on my State laptop and trying
8 to do it on my personal laptop, there was just a lot
9 happening at that moment.
10 So I do apologize for bringing this in so
11 last minute and not, you know, doing my part on getting
12 these reportings done. I just want to take
13 accountability for that. I do have all of the invoices
14 that I sent over from the beginning of the primary all
15 the way to the end of the general, I think more than
16 what the audit would be asking for, just so you guys
17 all can see what all of the finances were spent on.
18 And then I am willing to work 100 percent with you all
19 moving forward to get whatever reports need to be
20 submitted.
21 CHAIRMAN KIMBLE: Thank you for that. Let
22 me -- let me ask you a couple questions, and maybe
23 these have been answered in the material you've --
24 you've turned in recently. But this isn't really last
25 minute, because the questions I have go back to last

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1 July.
2 In your operating expenses filing, in
3 mid-July you had a \$20,000 payment to Gumption
4 Consulting listed only for professional services. Then
5 11 days later, another 3,500 with no details, just
6 professional services. Then three days after that,
7 another \$3,500 for professional services. So in
8 basically -- and then a couple days -- two days after
9 that, \$910, professional services, to Gumption
10 Consulting. So in a two-week period it was almost
11 \$28,000 just listed as professional services. And then
12 in August, \$20,000 also to Gumption, but this time
13 listing for administration payroll.
14 So this was, over a month and a half, about
15 \$48,000 that there's no explanation, just consulting
16 services, and then the same amount as previous
17 payments, but this time for payroll and administration,
18 and that just seems woefully inadequate explaining what
19 this money was used for. And I couldn't help noticing
20 that it was made to a consulting company that has the
21 same address as you do.
22 So I'm -- I'm very puzzled as to exactly what
23 is going on here with large sums of money, with no
24 billing, no explanation, going to someone at your
25 address. Can you -- is there anything here that you

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1 can shed light on?
2 MS. ABEYTIA: Yeah. So I am not a finance
3 person, so I apologize for not putting in detail of
4 what all of those expenses were for.
5 As far as for paying Gumption and my
6 relation, that is my fiancé's business, but how the --
7 how it works for not just myself, but he does work for
8 other Clean Elections candidates and multiple
9 traditional candidates throughout the campaign, we just
10 pay the company and he has his own vendors that he uses
11 for services like literature, getting literature
12 printed, getting mailers done, things like that. So if
13 you -- if you were to go back and look at other
14 electeds that he ran, specifically Clean Elections
15 candidates, you're going to see the same type of
16 reporting.
17 The -- I believe it was, you said, the 20,000
18 for the -- sorry -- for the payroll, correct? That is
19 for -- for canvassers. That was -- that was to pay
20 canvassers. Canvassers are not paid through my
21 campaign. They are employees of his company. I just
22 pay him, and he pays his -- he pays his canvassers to
23 go out and knock on doors.
24 So a lot of the money that was being paid to
25 Gumption was to pay for -- and you'll see that in those

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1 -- in those invoices -- was to pay for canvassers, to
2 pay for literature, to pay for graphic design, to pay
3 for mailers, and things in that nature.
4 I was working -- in my primary campaign I was
5 slated with another Clean Elections candidate. So
6 you'll see like there's half of the payment for those,
7 because legally we have to split those -- those
8 payments up, right, we have to split the cost. So
9 you'll see that, along with some of the mailers, I
10 believe. So a lot of this was to get all of those
11 payments covered, essentially, throughout the campaign,
12 all of those campaign materials.
13 CHAIRMAN KIMBLE: Well, let me just address a
14 couple things you said. First of all, you said you're
15 not a finance person. But I believe you went through
16 some training offered by Clean Elections about how to
17 fill out these forms as a condition of receiving money
18 from Clean Elections, is that correct?
19 MS. ABEYTIA: Yes, but, I mean, it's -- I
20 mean, campaign finance is very complicated to
21 understand even going through a training.
22 CHAIRMAN KIMBLE: Okay. And our staff, the
23 Clean Elections staff, has made numerous, numerous
24 attempts to reach you over the past nine months, and
25 now you have someone doing this. Why did it take so

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1 long for you to respond and to provide the material
2 that Clean Elections staff has been asking for many
3 months?
4 MS. ABEYTIA: Yeah. So like I said, I
5 switched over to my Leg e-mail and I've been really
6 communicating most of everything through there. The
7 e-mail that I was being -- received with e-mails from
8 Clean Elections, I had been locked out of that e-mail
9 for not using it for a while. So even when I was
10 trying to get in to get all of my -- the information to
11 give to this finance person that I hired, it took me a
12 couple hours to get into this e-mail, so -- but again,
13 I'm not making excuses. I'm just letting you know
14 where I was at.
15 CHAIRMAN KIMBLE: Okay. Do other Members of
16 the Commission have any questions for the
17 Representative?
18 (No response.)
19 CHAIRMAN KIMBLE: Okay. Tom.
20 MR. COLLINS: I don't have anything else.
21 CHAIRMAN KIMBLE: Craig, is there anything
22 you wanted to say?
23 MR. MORGAN: Mr. Chairman --
24 CHAIRMAN KIMBLE: Could you come up to the
25 microphone, please?

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1 MR. MORGAN: Sure.
2 CHAIRMAN KIMBLE: And if you could just
3 identify yourself for the record.
4 MR. MORGAN: Yeah. Craig Morgan, Taft
5 Stettinius & Hollister. I'm here as an independent
6 advisor to the Commission.
7 Mr. Chairman, I don't have anything to add.
8 If you have any specific questions for me or concerns,
9 I'm happy to discuss them with you in executive
10 session, answer any questions you may have, give you
11 any legal advice you need.
12 CHAIRMAN KIMBLE: Okay. Any questions in
13 open session for Craig, or does anyone feel a need to
14 go into executive session?
15 COMMISSIONER PATON: I would like to go into
16 executive session.
17 CHAIRMAN KIMBLE: Okay. I guess we need to
18 vote on this.
19 MR. COLLINS: Yeah.
20 CHAIRMAN KIMBLE: Okay. Is there a second?
21 COMMISSIONER WERTHER: I second.
22 CHAIRMAN KIMBLE: Okay. There's been a
23 motion and a second to go into executive session. I'll
24 call the roll.
25 Commissioner Paton.

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1 COMMISSIONER PATON: Aye.
2 CHAIRMAN KIMBLE: Commissioner Werther.
3 COMMISSIONER WERTHER: Aye.
4 CHAIRMAN KIMBLE: Commissioner Chan.
5 COMMISSIONER CHAN: Aye.
6 CHAIRMAN KIMBLE: Commissioner Titla.
7 COMMISSIONER TITLA: Aye.
8 CHAIRMAN KIMBLE: Chair votes no, but it's
9 4-to-1. We'll go into executive session.
10 (The following section of the meeting is in
11 executive session and bound under separate cover.)
12 * * * * *
13 (End of executive session. Public meeting
14 resumes at 11:03 a.m.)
15 CHAIRMAN KIMBLE: We are back in regular
16 session. Just for the record, I want to make clear
17 that the Executive Director was not part of our
18 executive session. We met solely with our legal
19 counsel.
20 So after our discussion in executive session,
21 does any Member of the Commission wish to make a
22 motion?
23 COMMISSIONER WERTHER: Mr. Chairman.
24 CHAIRMAN KIMBLE: Commissioner Werther.
25 COMMISSIONER WERTHER: I move that the -- we

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1 proceed with the reason to believe violation for the
2 reasons outlined in the statement of reason by the
3 Executive Director as discussed in today's meeting,
4 including the candidate's statements acknowledging
5 failure to comply.
6 CHAIRMAN KIMBLE: Thank you,
7 Commissioner Werther.
8 Is there a second?
9 COMMISSIONER PATON: I'll second.
10 CHAIRMAN KIMBLE: Thank you,
11 Commissioner Paton.
12 It's been moved and seconded that we proceed
13 with the reason to believe. I will call the roll.
14 Commissioner Werther.
15 COMMISSIONER WERTHER: Aye.
16 CHAIRMAN KIMBLE: Commissioner Paton.
17 COMMISSIONER PATON: Aye.
18 CHAIRMAN KIMBLE: Commissioner Titla.
19 COMMISSIONER TITLA: Aye.
20 CHAIRMAN KIMBLE: Commissioner Chan.
21 COMMISSIONER CHAN: Aye.
22 CHAIRMAN KIMBLE: Chair votes aye. The
23 motion is approved 5-to-nothing.
24 And thank you, Ms. Abeytia, for returning to
25 our meeting. I just want to make clear that all of us

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1 feel this is a very serious matter and it's very
2 concerning to us that it's gone on this long, with this
3 amount of money, which was -- which is public funds, in
4 question. I appreciate you turning in some additional
5 documents, and we expect that as the Commission staff
6 goes through these that you will offer your total
7 cooperation to them and to our auditors so that we can
8 bring this thing to a close. It is -- it is serious.
9 It is not a minor issue.
10 And it is our expectation that our next
11 meeting in May that we receive an update on this and
12 that we try to move towards a resolution in a -- in a
13 quick manner. This isn't going to drag out forever.
14 So we're going to need your cooperation in
15 explaining these late documents that you just provided
16 substantially after the deadline, and please understand
17 this is very serious. It's not a minor oversight, a
18 minor financial misunderstanding. It's a very serious
19 situation, and I hope you understand that.
20 MS. ABEYTIA: Yes, thank you. And again, I
21 appreciate you all for letting me be here. Again, you
22 know, I just want to admit my lack of -- failure to
23 report everything. Again, I'm not making excuses, so
24 -- and I do understand the severity of it and the
25 importance of this, so moving forward I will be working

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1 with you all 100 percent. So thank you.
2 CHAIRMAN KIMBLE: Thank you. And our next
3 meeting is scheduled for May 22nd, and I hope that
4 we'll be moving towards some kind of resolution of this
5 by then. Thank you.
6 Any other comments from Members of the
7 Commission before we move on?
8 (No response.)
9 CHAIRMAN KIMBLE: Okay. Item V, discussion
10 and possible action on Americans -- excuse me -- for
11 Prosperity v. Meyer, Number 24-2933, 9th Circuit, oral
12 argument, May 15th, 2025, 9:30 a.m., Ceremonial
13 Courtroom, Sandra Day O'Connor U.S. Courthouse.
14 Commissioners, next month the 9th Circuit
15 Court of Appeals will hold oral arguments in the case
16 Americans for Prosperity versus Meyer. Our attorneys
17 in that matter are available to brief us on that
18 matter. Is there a motion to go into executive
19 session?
20 COMMISSIONER WERTHER: I move to go into
21 executive session.
22 CHAIRMAN KIMBLE: Is there a second?
23 COMMISSIONER PATON: I'll second.
24 CHAIRMAN KIMBLE: It's been moved and
25 seconded that we go into executive session to discuss

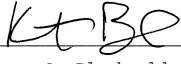
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1 Prosperity versus Meyer. I'll call the roll.
2 Commissioner Werther.
3 COMMISSIONER WERTHER: Aye.
4 CHAIRMAN KIMBLE: Commissioner Paton.
5 COMMISSIONER PATON: Aye.
6 CHAIRMAN KIMBLE: Commissioner Titla.
7 COMMISSIONER TITLA: Aye.
8 CHAIRMAN KIMBLE: Commissioner Chan.
9 COMMISSIONER CHAN: Aye.
10 CHAIRMAN KIMBLE: Chair votes aye. We will
11 be going into executive session on this matter.
12 (The following section of the meeting is in
13 executive session and bound under separate cover.)
14 * * * * *
15 (End of executive session. Public meeting
16 resumes at 11:23 a.m.)
17 CHAIRMAN KIMBLE: Okay. We are back in
18 regular session with Item VI, public comment. This is
19 the time for consideration of comments and suggestions
20 from the public. Action taken as a result of public
21 comment will be limited to directing staff to study the
22 matter or rescheduling the matter for further
23 consideration and decision at a later date or
24 responding to criticism. Please limit your comment to
25 no more than two minutes.

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1 Does any member of the public wish to make
2 comments at this time?
3 (No response.)
4 CHAIRMAN KIMBLE: I'm seeing no one there. I
5 don't believe there are.
6 The public may also send comments to the
7 Commission by e-mail at ccec@azcanelections.gov.
8 Item VII. At this time, I would entertain a
9 motion to adjourn.
10 COMMISSIONER WERTHER: I move to adjourn.
11 CHAIRMAN KIMBLE: Is there a second?
12 COMMISSIONER PATON: Second.
13 CHAIRMAN KIMBLE: It's been moved and
14 seconded that we will adjourn. I will call the roll.
15 Commissioner Chan.
16 COMMISSIONER CHAN: Aye.
17 CHAIRMAN KIMBLE: Commissioner Titla.
18 COMMISSIONER TITLA: Aye.
19 CHAIRMAN KIMBLE: Commissioner Paton.
20 COMMISSIONER PATON: Aye.
21 CHAIRMAN KIMBLE: Commissioner Werther.
22 COMMISSIONER WERTHER: Aye.
23 CHAIRMAN KIMBLE: Chair votes aye. We are
24 adjourned. Thank you.
25 (The meeting concluded at 11:25 a.m.)

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings had and adduced upon the
11 taking of said proceedings, all to the best of my skill
12 and ability.
13
14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.
17
18 DATED at Tempe, Arizona, this 25th day of
19 April, 2025.
20
21 
22 _____
23 Kathryn A. Blackwelder, RPR
Certified Reporter #50666
24
25

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