

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

June 26, 2025

10:00 a.m.

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<p style="text-align: right;">2</p> <p>1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS 2 COMMISSION, convened at 10:00 a.m. on June 26, 2025, at the 3 State of Arizona, Citizens Clean Elections Commission, 1110 4 West Washington, Suite 250, Phoenix, Arizona, in the presence 5 of the following Board Members: 6 Mr. Mark S. Kimble, Chairman 7 Mr. Galen Paton 8 Ms. Christina Estes-Werther 9 Ms. Amy Chan (videoconference) 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director 13 Paula Thomas, Executive Officer 14 Mike Becker, Policy Director 15 Gina Roberts, Voter Education Director 16 Avery Xola, Voter Education Manager 17 Alec Shaffer, Web Content Manager 18 Jessica Painter, KCA, Inc. 19 20 OTHERS PRESENT VIA VIDEO CONFERENCE: 21 Mary O'Grady, Osborn Maledon 22 Rivko Knox, Member of the Public 23 Jonathan Berkon, Elias Law Group 24 Emma Anspach, Elias Law Group 25 <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p></p>	<p style="text-align: right;">3</p> <p>1 P R O C E E D I N G 2 3 CHAIRMAN KIMBLE: Good morning. Agenda Item 1 4 this morning is the call to order. It's 10:00 a.m. on 5 June 26, 2025, and I call this meeting of the Citizens Clean 6 Elections Commission to order. 7 And with that, we will take attendance. 8 Commissioners, please identify yourself for the record. 9 COMMISSIONER WERTHER: Christina Werther. 10 COMMISSIONER PATON: Galen Paton. 11 COMMISSIONER CHAN: Amy Chan. 12 CHAIRMAN KIMBLE: And I'm Mark Kimble; we have 13 a quorum. 14 Item II, discussion and possible action on the 15 minutes from the May 22nd, 2025, meeting. Commissioners, you 16 have the minutes from our May meeting in your packets. 17 Is there any discussion? 18 (No response.) 19 CHAIRMAN KIMBLE: Hearing none, is there a 20 motion to approve them? 21 COMMISSIONER WERTHER: I motion to approve the 22 meeting minutes for May 22nd, 2025. 23 CHAIRMAN KIMBLE: Is there a second? 24 COMMISSIONER PATON: I'll second. 25 CHAIRMAN KIMBLE: It's been moved and seconded <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p></p>
<p style="text-align: right;">4</p> <p>1 to approve the minutes for the May 25 meeting. 2 I'll call the roll. 3 CHAIRMAN KIMBLE: Commissioner Werther. 4 COMMISSIONER WERTHER: Aye. 5 CHAIRMAN KIMBLE: Commissioner Paton. 6 COMMISSIONER PATON: Aye. 7 CHAIRMAN KIMBLE: Commissioner Chan. 8 COMMISSIONER CHAN: Aye. 9 CHAIRMAN KIMBLE: Chair votes aye. 10 The minutes are approved 4-to-nothing. 11 Item III is discussion and possible action on the 12 Executive Director's report. 13 Tom. 14 MR. COLLINS: Thank you, Commissioners. 15 I wanted to -- we can talk about the CD7 primary 16 election in a -- in a minute, especially the debate, but I 17 wanted to before we get to that highlight. 18 The first thing we sort of know, I guess, is that 19 the legislature is moving towards resolving the budget over 20 the next couple of days. There was some action on that 21 yesterday and -- and probably today, Mike? 22 MR. BECKER: Yeah. 23 MR. COLLINS: Oh, okay. 24 Now, whether or not that would have affected us 25 directly because of the Voter Protection Act is a little, you <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p></p>	<p style="text-align: right;">5</p> <p>1 know, we -- you know, was -- you know, was not clear, but I 2 think it would nevertheless have impacted the whole state, 3 so. So we're -- we gather that's on its way to being 4 resolved. 5 In addition to the debates in the CD7, we did have 6 a very full month of activities out and about in throughout 7 the state. We launched Captain Activate! Volume II at Fan 8 Fusion this year. Our second appearance at Fan Fusion, 9 right? 10 And Avery was a popular author there, so he's going 11 to have to get his own booth there at some point with the 12 other comic book authors. 13 And then Gina, Avery and I attended the Disability 14 Rights, Arizona's African-American conference on 15 disabilities, and that was -- that's been a good event. 16 And then I think this is the first time we may have 17 been in Apache County probably in certainly a long time. 18 Avery was up at Greer Days, which I think was I think a great 19 invitation and a great place for us to be, and so I thank -- 20 thank Avery for making the trek up there. Although, the 21 weather is better so I'm not sure. And -- 22 COMMISSIONER PATON: Yeah. 23 MR. COLLINS: Yeah, and then -- and then 24 Commissioner Werther was on a panel at the Election Officials 25 of Arizona Conference. <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p></p>

<p style="text-align: right;">6</p> <p>1 We get to take credit for that now?</p> <p>2 Notwithstanding her -- her practice and her professional,</p> <p>3 that goes on our list too?</p> <p>4 COMMISSIONER WERTHER: I have two more</p> <p>5 trainings this month. There you go.</p> <p>6 MR. COLLINS: And Gina hosted a guided</p> <p>7 discussion on voter education guides which I thought -- I sat</p> <p>8 in on one of those, and I thought that was a very interesting</p> <p>9 discussion to have and -- and hearing from different county</p> <p>10 and city administrators about -- about voter education.</p> <p>11 So I think those are the things that I -- that I</p> <p>12 wanted to highlight.</p> <p>13 The podcast that we've been recording, I think has</p> <p>14 been well received. The lieutenant governor episode that is</p> <p>15 on up -- was up last week I got e-mails and texts from people</p> <p>16 who really liked that. So check that out if you haven't.</p> <p>17 Real quick on this, just to close out I think my</p> <p>18 aspect of this report, the <i>Center for Arizona Policy versus</i></p> <p>19 <i>Arizona Secretary of State</i>, that's the Prop 211 case about</p> <p>20 whether or not Prop 211 violates the state constitution,</p> <p>21 particularly the First Amendment analog in the state</p> <p>22 constitution.</p> <p>23 And so amicus briefs on -- on that were due this</p> <p>24 week, so there were about four on each side which I'm happy</p> <p>25 to share with you if you're interested in. I thought for our</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">7</p> <p>1 purposes or for my law nerd purposes, John Leshy, who many</p> <p>2 people may know is the leading authority on the Arizona</p> <p>3 Constitution, he -- he with some other law professors weighed</p> <p>4 in on our side about the original intent on the Arizona</p> <p>5 Constitution.</p> <p>6 So I think that was -- I think that's helpful, to</p> <p>7 say the least.</p> <p>8 I -- we were going to have -- I think if we could</p> <p>9 just talk about the debates I thought, Mr. Chairman, if it</p> <p>10 would be okay, we have Gina talk about that just because</p> <p>11 she's the --</p> <p>12 CHAIRMAN KIMBLE: Of course.</p> <p>13 Debates were held in CD7, and I saw quite a bit of</p> <p>14 coverage of them in the media mentioning Clean Elections.</p> <p>15 So, Gina.</p> <p>16 MS. ROBERTS: Thank you, Mr. Chairman,</p> <p>17 Commissioners.</p> <p>18 Yes, we -- we had the Democratic and Republican</p> <p>19 debates for the candidates that are running in the special</p> <p>20 CD7 primary election. Those were held on June 9th and</p> <p>21 June 10th, and we were very pleased with the results of the</p> <p>22 debate in terms of the metrics that were able to follow.</p> <p>23 So all candidates that were eligible to participate</p> <p>24 did participate. We actually held the debate down in the</p> <p>25 district. So we went down to Tucson and we partnered with</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>
<p style="text-align: right;">8</p> <p>1 Arizona Public Media, we had it there, at their station at</p> <p>2 the U of A campus.</p> <p>3 And in your packet you'll have a memorandum in</p> <p>4 there that has both the "how to watch" documents for each</p> <p>5 debate. This basically shows every single media partner that</p> <p>6 picked up the debate, whether it was broadcast or radio or</p> <p>7 airing digitally such as their websites, things like that.</p> <p>8 So just to highlight briefly: Six TV stations in</p> <p>9 Southern Arizona specifically aired each debate live in</p> <p>10 English and one aired each debate live in Spanish as well.</p> <p>11 Telemundo aired the debate as well in both Phoenix and</p> <p>12 Tucson.</p> <p>13 And for radio stations we had six, four in Southern</p> <p>14 Arizona and two in Phoenix that aired the debate in both</p> <p>15 English, and two radio stations aired the debate live in</p> <p>16 Spanish. The reason why I call out the Spanish component of</p> <p>17 it is because CD7 has a large amount of Spanish-speaking</p> <p>18 population.</p> <p>19 So when we do our debates, we offer them to</p> <p>20 simulcast to any of the media partners in English. We have</p> <p>21 live Spanish translators on-site at the debate, and then we</p> <p>22 also do an American Sign Language box and we provide CART</p> <p>23 captioning. So by providing these different variations of</p> <p>24 the debates, it makes it much more accessible to the voters.</p> <p>25 So, really happy to see the Spanish media pick that up and</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">9</p> <p>1 make it available as well for the Spanish-speaking population</p> <p>2 in CD7.</p> <p>3 For comparison purposes when we had our debates in</p> <p>4 2024 in this general area in Southern Arizona, we had</p> <p>5 Congressional District 6, which is a very contested race</p> <p>6 between Representative Juan Ciscomani and his opponent</p> <p>7 Kirsten Engel, and that was a very successful debate in terms</p> <p>8 of the metrics that we were following. This particular</p> <p>9 July 15th special election CD7 race, the debate surpassed the</p> <p>10 metrics for that CD6 debate.</p> <p>11 So again, just comparison, a lot of folks are</p> <p>12 interested in this special election and very happy to show</p> <p>13 that our performance in the debates is -- was exceeding</p> <p>14 expectations.</p> <p>15 So as far as being down in the district, we did</p> <p>16 have quite a bit of local media, including some folks from</p> <p>17 Phoenix drive down as well, show up. Which, you know --</p> <p>18 which is fantastic because the fact we brought the debate to</p> <p>19 the district as opposed to having the candidates drive up</p> <p>20 here, it provided more access to the local media. I think we</p> <p>21 had approximately 15 members of the media which also afforded</p> <p>22 opportunities for both Tom and I to do interviews with those</p> <p>23 media as well to explain about the Clean Elections' debate</p> <p>24 process.</p> <p>25 So from a PR perspective, a public relations</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>

<p style="text-align: right;">10</p> <p>1 perspective, when we look at the coverage for it, we see that</p> <p>2 we had several links to the debate coverage referencing Clean</p> <p>3 Elections, things like that.</p> <p>4 So, you know, if we were to put this into dollars</p> <p>5 amounts, the total advertising value for the debates was</p> <p>6 approximately \$179,000. So it's effective in terms of the</p> <p>7 distribution, which goes back to our partnership with the</p> <p>8 Arizona Media Association, how we are producing these</p> <p>9 debates, again making that accessibility to it from captions</p> <p>10 to Spanish translation, things like that. We are making</p> <p>11 these debates as accessible as possible to -- to the voters.</p> <p>12 So that's a highlight. Again, we have the very</p> <p>13 specific metrics and details in your packet, but with that,</p> <p>14 I'm happy to answer any questions.</p> <p>15 CHAIRMAN KIMBLE: Thank you. And speaking of</p> <p>16 advertising, I noticed a large billboard along I-10 when I</p> <p>17 was driving from Tucson this morning mentioning the special</p> <p>18 election and Clean Elections somewhere around Casa Grande.</p> <p>19 MS. ROBERTS: Mm-hm.</p> <p>20 CHAIRMAN KIMBLE: Any questions for Gina from</p> <p>21 members of the Commission?</p> <p>22 COMMISSIONER PATON: I -- I have a comment.</p> <p>23 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>24 COMMISSIONER PATON: So I went to the</p> <p>25 Republican debate, and I was quite impressed. I thought it</p> <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">11</p> <p>1 was very professionally done. I thought -- I learned quite a</p> <p>2 bit about the candidates. I mean, I don't vote in that area,</p> <p>3 but I learned quite a bit about them and -- and then I could</p> <p>4 tell my friends that I know live in those areas what I</p> <p>5 thought when I saw that.</p> <p>6 And I think in the past before we started doing</p> <p>7 this for the federal things, I think, you know, the -- it</p> <p>8 seems like we were just exposing people to -- to really see</p> <p>9 who these candidates are. It's not just who has the most</p> <p>10 money to throw the flyers out or whatever they do, and it</p> <p>11 forces the media to cover all these people. And I noticed</p> <p>12 that they found some interesting aspects about some of the --</p> <p>13 the candidates that I bet they probably wouldn't have</p> <p>14 investigated as hard I don't think.</p> <p>15 But I mean, it seemed like, like to me there was</p> <p>16 about 20 reporters there asking questions and -- and it kind</p> <p>17 of seemed like it was some like in LA or someplace that has,</p> <p>18 you know, a lot of more influence.</p> <p>19 But, you know, I was really proud of the fact that</p> <p>20 we put this on and -- and how Gina and Tom got all that</p> <p>21 together and the Riester people that were doing that. I -- I</p> <p>22 was really impressed about how it went.</p> <p>23 Not as so impressed as I went the next night, but.</p> <p>24 But, you know, it was very good and -- and I appreciate the</p> <p>25 fact that we did that, and I think it was good for the State</p> <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>
<p style="text-align: right;">12</p> <p>1 of Arizona, and I hope we continue doing that kind of thing.</p> <p>2 CHAIRMAN KIMBLE: Thank you, Commissioner</p> <p>3 Paton. And we will continue doing it in the general</p> <p>4 election. We have a debate set up already I think.</p> <p>5 MS. ROBERTS: Yes, Mr. Chairman. August 26th</p> <p>6 is our -- our tentative date. So once we get through the</p> <p>7 primary, we will extend the official invitations to the</p> <p>8 eligible candidates that can participate, lock down</p> <p>9 participation.</p> <p>10 And the goal is to have it on that date but, of</p> <p>11 course, you know, if there are scheduling conflicts, we might</p> <p>12 have to work around that.</p> <p>13 COMMISSIONER PATON: In Tucson again?</p> <p>14 MS. ROBERTS: Yes --</p> <p>15 COMMISSIONER PATON: Okay.</p> <p>16 MS. ROBERTS: -- absolutely. We will be going</p> <p>17 right back down to the same studio. Mm-hm.</p> <p>18 CHAIRMAN KIMBLE: Thank you. Any other</p> <p>19 questions for Gina?</p> <p>20 Thank you, Gina.</p> <p>21 Tom, are you -- anything else from your Executive</p> <p>22 Director's report?</p> <p>23 MR. COLLINS: No. No, Mr. Chairman. Thanks.</p> <p>24 CHAIRMAN KIMBLE: Okay, thanks.</p> <p>25 Any other comments from the Commission for Tom or</p> <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">13</p> <p>1 anything else on the report?</p> <p>2 If not, Item IV, discussion and possible action on</p> <p>3 advisory opinion requested by Fair Democracy regarding</p> <p>4 application of the definition of campaign media spending to</p> <p>5 public communications.</p> <p>6 We have an advisory opinion request to consider the</p> <p>7 application of the Voters' Right to Know Act to several</p> <p>8 public communications. Tom has an overview of the draft, and</p> <p>9 we'll consider public comments if there are any.</p> <p>10 Tom.</p> <p>11 MR. COLLINS: Yes. Thank you, Mr. Chairman,</p> <p>12 and I see that John and Emma are here, so.</p> <p>13 The -- I wanted to -- we have a quick Power Point</p> <p>14 we wanted to use to sort of frame at least the staff part of</p> <p>15 this.</p> <p>16 That's our logo.</p> <p>17 So I wanted to start by saying that, you know,</p> <p>18 these are sort of our options at this point. We have a</p> <p>19 deadline in the rule that we drafted around this that didn't</p> <p>20 quite work with the way we do our meetings compared to other</p> <p>21 agencies that have -- from where we took the rule, but it's</p> <p>22 working okay.</p> <p>23 So what that means is that I think the deadline for</p> <p>24 us to complete this -- answer this question is somewhere</p> <p>25 around July 8th-ish.</p> <p style="text-align: right;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>

<p style="text-align: right;">14</p> <p>1 So options today would be approve the advisory 2 opinion draft. A second option is if you were to get into, 3 of course, discussion and think, you know, we just can't, we 4 will not be able to resolve this, we would put out a written 5 statement that says we can't do that. And then a third would 6 be at least provisionally, an additional meeting if we had to 7 reconvene in some more -- probably more of -- probably an 8 online type of public meeting to -- to -- to resolve 9 questions.</p> <p>10 So I just wanted to lay that out there first if I 11 could, and then we wanted to get into this a little bit 12 from -- from -- from where we think the -- we think the draft 13 is.</p> <p>14 I would note to, the best of our knowledge, we 15 didn't get any written public comment about the request or 16 the -- or the -- or the draft we put out to -- circulated on, 17 I think, Monday. Which is fine, I just wanna -- that's -- 18 that's our understanding. If anybody has an alternate 19 understanding, please let us know.</p> <p>20 So first thing we want to talk a little bit about 21 is the standard here. This is the campaign media -- the 22 opinion draft principally deals with the application of two 23 provisions of the campaign media definition. One having to 24 do with this promotes/supports/attacks/opposes standard which 25 is we call that PASO because PSAO is harder to say. And --</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">15</p> <p>1 and -- so, you know, and we put out an opinion related to 2 this last year and the upshot of that opinion, which I try to 3 summarize there, is, you know, you're trying to walk a line 4 between what qualifies as a mere reference to a candidate 5 because in another definition closer to the election, a 6 reference to a clearly identified candidate would -- might 7 bring your communication within the definition of campaign 8 media spending. We want an action that involves the 9 candidacy.</p> <p>10 So the distinction we drew principally in the 24.03 11 advisory opinion was that a communication that focused on a 12 policy view of an election official but, you know, doesn't 13 mention their candidacy would not be covered.</p> <p>14 So the mere fact that somebody was a candidate, 15 you've got a thing -- an -- an ad that says "Call So-and-So," 16 you know, that's -- that is -- in this -- under this 17 definition which runs between 60 days before -- six months 18 before the election and the 90 days prior to the primary, you 19 know, that wouldn't qualify under that definition as a -- as 20 a -- as a -- as a campaign media spending.</p> <p>21 I think we can go to the next one.</p> <p>22 So this part is a little more elaborate. It's a 23 little more text, so we'll have two slides on this.</p> <p>24 This is the definition. You know, spending monies 25 or accepting in-kind contributions for communication that</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>
<p style="text-align: right;">16</p> <p>1 supports the election or defeat of candidates of an 2 identified political party or the electoral prospects of an 3 identified political party.</p> <p>4 Then there's some examples laid out there which 5 are, you know, partisan voter registration, get-out-the-vote, 6 that kind of thing.</p> <p>7 And then there again in 24.03 we considered some 8 party partisan communications or something that would seem to 9 apply or might apply in this, and we thought that a 10 communication that doesn't involve the electoral prospects of 11 candidates or particular party or the party itself are not 12 covered.</p> <p>13 So an advertisement that mentions the party as a 14 means to another end, such as providing context for a call to 15 action to contact the legislator, or seeking to bring more 16 people into association with the organization, or facilitate 17 direct communication with a particular election official does 18 not meet that definition, so.</p> <p>19 You know, again, we're trying to apply the statute 20 by its terms. We're trying to be conscious of the, you know, 21 the -- the constitutional overlay that goes over all of this. 22 And we're also -- also trying to act consistent with the 23 intent of the Act as the voters put it which, you know, was 24 to, you know, you know, we want -- we want -- the voters want 25 to know essentially who paid for, you know, campaign media</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">17</p> <p>1 spending or, you know, campaign ads.</p> <p>2 Now, I will say this, that we also think that the 3 way you do that sort of philosophically generally ought to be 4 intuitive and not necessarily counterintuitive. Right?</p> <p>5 So there is a -- there is a way in which lawyers 6 think where the right answer turns out to be the answer that 7 everybody thought was wrong all along. That's something that 8 one of our -- one of my closest legal friends calls "The 9 clever lawyer test." We -- we -- we think that the voters 10 did not enact a clever lawyer test for campaign media 11 spending. We think that they enacted a statute that's pretty 12 clear and that people should be able to apply fairly, you 13 know, in a way that will result in folks, you know, voters 14 getting the information that they think they're going to get.</p> <p>15 So we want to go down, I think the next one then. 16 We have a little chart.</p> <p>17 This is basically a breakdown of the ad- -- of 18 the -- of the ads that we considered or the -- so we believe 19 that the first one -- and we'll look at -- we'll look at 20 these in detail, but we basically concluded that examples 3 21 and 5 were attacks essentially and that 1 and 4 were not, did 22 not fall within that. And then the 2 we inter- -- we took 2 23 to be about the party communication or activity standard.</p> <p>24 Again, that's how we saw it. If other people think 25 there are other statutes we should have answered, we have a</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>

<p style="text-align: right;">18</p> <p>1 footnote sort of getting at when you're doing list</p> <p>2 development kind of stuff in there. But we didn't -- we're</p> <p>3 not spending a lot of time in this presentation about that.</p> <p>4 And that's sort of where we are.</p> <p>5 The other thing I want to say by way of background</p> <p>6 before we look at the ads themselves again, is, you know, we</p> <p>7 have a case in Arizona with respect to disclosure, with</p> <p>8 respect to what express advocacy means. And so I'm being a</p> <p>9 little jargon-y here but, you know, the -- the sort of the --</p> <p>10 you know, but we have a standard of what constitutes express</p> <p>11 advocacy that has been announced by our Court of Appeals.</p> <p>12 And -- and so, you know, we think that that case</p> <p>13 which is good law and -- and we can -- we think binding on --</p> <p>14 on -- on the Commission as a staff -- or as I do anyways --</p> <p>15 you know, is something we have to bear in mind when we're</p> <p>16 thinking about this. And so that's why if -- when you look</p> <p>17 at the draft itself, there's a footnote that says if we're</p> <p>18 going to -- if we get -- if we -- if we determine something</p> <p>19 is, in fact, going to hit the PASO standard, then we're not</p> <p>20 going to have to evaluate it for that express advocacy</p> <p>21 standard.</p> <p>22 But I think that that express advocacy standard as</p> <p>23 applied in <i>Commission For Justice and Fairness v. Secretary</i></p> <p>24 <i>of State</i>, you know, it was an important thing for folks to</p> <p>25 understand if you're actually in the business of reviewing</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">19</p> <p>1 these things for compliance purposes, so.</p> <p>2 So what -- I guess we can go to the ads themselves.</p> <p>3 Let's see here.</p> <p>4 So this was Communication 1, and this is actually</p> <p>5 in the opinion -- or, in the request itself. We didn't</p> <p>6 reproduce the ads in the opinion, although I think what we'll</p> <p>7 end up doing when we distribute it is attaching the -- the</p> <p>8 letter of request to the opinion that goes out so that folks</p> <p>9 can cross-reference, you know.</p> <p>10 This one you've got -- this one we think falls</p> <p>11 within that 24.03 referring to a -- a representative who may</p> <p>12 be a candidate, but it's really not focused on their -- on</p> <p>13 their candidacy, it's focused on their -- on their -- on</p> <p>14 their -- their role in the -- and -- and the role of the</p> <p>15 party in opposition to a particular policy measure.</p> <p>16 So we -- we thought that this falls within our --</p> <p>17 our -- the way we applied this in the earlier draft.</p> <p>18 So 2a, 2b, and 2c have to do with party, right? So</p> <p>19 it's expressly calling out a particular party and talking</p> <p>20 about what they want to do. You know, there is again a</p> <p>21 direct reference to a particular policy issue that's ongoing.</p> <p>22 And -- and -- and so we thought that, again, that this falls</p> <p>23 within what we had said about how to -- how to deal with --</p> <p>24 with partisan communications in the context of -- of that</p> <p>25 standard.</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>
<p style="text-align: right;">20</p> <p>1 We're trying to figure out a good analogy here. We</p> <p>2 haven't quite got it except it's something like -- and it's</p> <p>3 only something like I think -- the difference between a "got</p> <p>4 milk" advertisement and a, you know, the -- and "buy milk at</p> <p>5 Safeway" advertisement, you know, so. You know.</p> <p>6 In other words, you know, feel good about your</p> <p>7 party because they're doing this thing that is -- that we</p> <p>8 like versus vote -- you know, versus come buy the party's</p> <p>9 product. It's not quite perfect, but something like that.</p> <p>10 Just for practical purposes, right? So if you're just doing</p> <p>11 a -- if you're doing an advertisement to say "if you have</p> <p>12 good feelings about me," that's not necessarily going to be</p> <p>13 electoral per se, you know. At least under these</p> <p>14 circumstances.</p> <p>15 So I want to get into 3a and 3b which I think are</p> <p>16 probably going to be the most -- maybe the most difficult in</p> <p>17 a sense and because the distinction there is you've got -- as</p> <p>18 least as we understand it -- you've got a candidate, not as</p> <p>19 we understand it -- or we don't have any facts I don't think</p> <p>20 that say that this person is in office now.</p> <p>21 We have a -- one ad says do you -- "Where do your</p> <p>22 candidates stand on education funding?"</p> <p>23 And it says: "Candidate John Doe supports spending</p> <p>24 tax dollars on private schools and ski passes."</p> <p>25 And then the text is: "John Doe, candidate for</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">21</p> <p>1 LD31 supports Arizona's universal school voucher program,</p> <p>2 which costs the State X number of dollars. Doe opposes</p> <p>3 efforts to add oversight or prevent misuse of funds and</p> <p>4 describes himself as an outspoken school-of-choice advocate."</p> <p>5 The next ad is essentially the same text, except</p> <p>6 instead of saying "do you know where your candidates stand?"</p> <p>7 It just says "John Doe" right? And then -- and then</p> <p>8 essentially the same -- the same facts other than that.</p> <p>9 So first -- you know, so, so that gets back to this</p> <p>10 issue of we try to capture in the first line around the</p> <p>11 action on the candidacy. I think if I read the -- the sort</p> <p>12 of the letter from -- the request letter correctly, I think</p> <p>13 the focus there is on the word "candidate" maybe -- and I'm</p> <p>14 probably oversimplifying, so I will -- you know, John and</p> <p>15 Emma can obviously flush that out from their perspective.</p> <p>16 But, you know, from our perspective it sort of</p> <p>17 comes down to we didn't think the word "candidate" alone is</p> <p>18 enough. In part because, you know, you're -- you're taking a</p> <p>19 particular -- first of all, person -- there's no public</p> <p>20 policy this person has engaged upon in terms of their actual</p> <p>21 activities. And, indeed, you're not -- like some of the</p> <p>22 other ads that we said were not campaign media spending in</p> <p>23 our 24.03, you're not saying calling anybody or talk about</p> <p>24 anything, or there's not a call to action along those lines.</p> <p>25 And then it's sort of taking the -- the -- a thing</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>

<p style="text-align: right;">22</p> <p>1 that exists is, in fact, right, that people can spend, and</p> <p>2 have apparently spent money, these monies, on private schools</p> <p>3 and -- and ski passes, and then you're -- and then you're --</p> <p>4 and you're leading with that, you know, you know, as -- as --</p> <p>5 as a thing that is -- you know, that is -- that is negative.</p> <p>6 So, you know, we -- we felt comfortable that this</p> <p>7 represented an attack if you take -- when you take those</p> <p>8 things together.</p> <p>9 The -- we -- I think to some extent maybe that the</p> <p>10 language in 24.03 that talked about action on candidacy, I</p> <p>11 think if you read that in context, it's juxtaposing that in</p> <p>12 reference to a candidate. We didn't see this was a reference</p> <p>13 to a candidate; this is an action on a candidate.</p> <p>14 So there's a sentence in 24.03 that I may -- and</p> <p>15 maybe I'm wrong about that -- but if it was ambiguous, if</p> <p>16 that's if I'm right, that's a thing that's I think that if</p> <p>17 you really read that sentence is juxtaposing reference to</p> <p>18 action, and the action here is the attack.</p> <p>19 And -- and I -- I know, I think that if you look</p> <p>20 at -- I do think that CJF, the Committee on Justice and</p> <p>21 Fairness case is relevant here, because of if you look at how</p> <p>22 that sets up what constitutes an attack, for lack of a better</p> <p>23 way of putting it, in that context. So that's where that is.</p> <p>24 4, so you got a state rep. Backlash. Introduced</p> <p>25 the bill that has their -- that -- they that -- they claim is</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">23</p> <p>1 a conflict of interest on. You know, that's -- that's a --</p> <p>2 again, we felt that in contrast to 3a, but b falls into the</p> <p>3 category of, you know -- I try not to use this word, but</p> <p>4 issue advocacy.</p> <p>5 And -- and then finally we get to publication 5 --</p> <p>6 or public Communication 5. The report shows that Rep Jacobs</p> <p>7 failed to file taxes on time.</p> <p>8 You know, we -- we are assuming -- I guess, you</p> <p>9 know, and if we're wrong about this assumption, obviously we</p> <p>10 need to clarify that, but I -- we're assuming Rep Jacobs is</p> <p>11 running for office. We're assuming people would know that,</p> <p>12 and -- and we're assuming that, you know, that new report</p> <p>13 shows that Rep Jacobs failed to file his taxes on time.</p> <p>14 I mean, I just -- I don't want to overcomplicate</p> <p>15 this. If you saw an ad that said, you know, you know,</p> <p>16 "Councilman Jones doesn't pay his parking tickets," and the</p> <p>17 tag line was "Shouldn't you pay or shouldn't everyone pay</p> <p>18 their parking tickets?" I would just think that any -- a</p> <p>19 reasonable person, certainly a person that enacted this would</p> <p>20 believe this was attack ad. I think that's -- I think this</p> <p>21 was pretty straightforward in that way.</p> <p>22 So that's kind of where we ended up in evaluating</p> <p>23 this. I think that's pretty much it.</p> <p>24 Is that it? Yeah.</p> <p>25 So if you 'all have question for me, I'm happy to</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>
<p style="text-align: right;">24</p> <p>1 answer them. And then, you know, John and Emma submitted</p> <p>2 this on behalf of Fair Democracy, so I'm sure they have --</p> <p>3 maybe they have insight that they can share, so.</p> <p>4 CHAIRMAN KIMBLE: Okay. Thank you, Tom.</p> <p>5 We'll get to the representatives of Fair Democracy</p> <p>6 in just a second. Do any members of the Commissioners have</p> <p>7 any comments or questions of Tom?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN KIMBLE: Hearing none, we have</p> <p>10 Jonathan Berkon and Emily [verbatim] Anspach, the counsel for</p> <p>11 Fair Democracy today.</p> <p>12 Do either or both of you have comments about Tom's</p> <p>13 conclusions?</p> <p>14 MR. BERKON: I think, thanks to the Commission</p> <p>15 and to Mr. Collins for your thoughtful assessment of this.</p> <p>16 You know, our goal in seeking this is try to get</p> <p>17 clarity for our client in where the lines are with the</p> <p>18 standard that, you know, understandably on its face doesn't</p> <p>19 always provide that clarity, so.</p> <p>20 You know, I think we -- we view this draft opinion</p> <p>21 as providing distinctions that we can understand between and</p> <p>22 among these ads, which is sort of, you know, what we were --</p> <p>23 were seeking in asking for this opinion.</p> <p>24 So beyond that, unless you have anything else,</p> <p>25 Emma, I don't think we have any additional comments. But we</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">25</p> <p>1 are here to answer any questions that the -- the Commission</p> <p>2 may have.</p> <p>3 CHAIRMAN KIMBLE: Thank you, Mr. Berkon.</p> <p>4 Ms. Anspach, do you have any other comments to</p> <p>5 make?</p> <p>6 MS. ANSPACH: No, I don't have anything else</p> <p>7 to add. Thank you.</p> <p>8 CHAIRMAN KIMBLE: Okay, thank you.</p> <p>9 Do any members of the Commission have any questions</p> <p>10 for the representatives of Fair Democracy?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN KIMBLE: So Commissioners, what is</p> <p>13 your preference?</p> <p>14 We can approve the advisory opinion; we can say</p> <p>15 that we -- we're unable to reach a conclusion -- whether we</p> <p>16 agree with Tom's conclusion or not. We can schedule another</p> <p>17 meeting before July 8th.</p> <p>18 Any preference from members of the Commission?</p> <p>19 COMMISSIONER WERTHER: I mean -- Mr. Chair,</p> <p>20 I'm comfortable --</p> <p>21 CHAIRMAN KIMBLE: Commissioner Werther.</p> <p>22 COMMISSIONER WERTHER: -- approving today</p> <p>23 seeing as it, you know, I reviewed this as well, that, you</p> <p>24 know, that Tom provided, the analysis, and that I think the</p> <p>25 fact that the requester I think also would accept it. I</p> <p style="text-align: center;">Miller Certified Reporting, LLC www.MillerCertifiedReporting.com</p>

<p style="text-align: right;">26</p> <p>1 mean, I'm more inclined to just go ahead and approve it and</p> <p>2 provide that clarity that they're seeking sooner rather than</p> <p>3 later.</p> <p>4 CHAIRMAN KIMBLE: So just to be clear, you're</p> <p>5 making a motion to approve the advisory opinion?</p> <p>6 COMMISSIONER WERTHER: I -- I can. I didn't</p> <p>7 know if anybody else wanted to weigh in before --</p> <p>8 CHAIRMAN KIMBLE: Oh.</p> <p>9 COMMISSIONER WERTHER: -- I made a motion.</p> <p>10 CHAIRMAN KIMBLE: I didn't mean to misstate</p> <p>11 your position.</p> <p>12 COMMISSIONER PATON: I would make a comment.</p> <p>13 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>14 COMMISSIONER PATON: I would just say that as</p> <p>15 being a nonlawyer, I mean, it makes sense and -- and I think</p> <p>16 we have to have lines so that everybody knows what the --</p> <p>17 the -- the game rules are. And so it makes it easier --</p> <p>18 because we're going to have to be the umpire down the road or</p> <p>19 whatever, and -- and I think these make things fairly simple</p> <p>20 to figure out.</p> <p>21 And so I would be happy with these as well.</p> <p>22 CHAIRMAN KIMBLE: Thank you.</p> <p>23 So do we have a motion how we want to proceed on</p> <p>24 this?</p> <p>25 COMMISSIONER WERTHER: Mr. Chair, I move to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p> <p style="text-align: center;">www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">27</p> <p>1 approve the advisory opinion requested by Fair Democracy as</p> <p>2 provided and discussed today by the Executive Director.</p> <p>3 CHAIRMAN KIMBLE: Thank you, Commissioner</p> <p>4 Werther.</p> <p>5 Is there is a second?</p> <p>6 COMMISSIONER PATON: I'll second.</p> <p>7 CHAIRMAN KIMBLE: It's been moved and seconded</p> <p>8 that we approve the advisory opinion.</p> <p>9 I will call the roll.</p> <p>10 Commissioner Werther.</p> <p>11 COMMISSIONER WERTHER: Aye.</p> <p>12 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>13 COMMISSIONER PATON: Aye.</p> <p>14 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>15 COMMISSIONER CHAN: Aye.</p> <p>16 CHAIRMAN KIMBLE: Chair votes aye.</p> <p>17 The advisory opinion is approved 4-to-nothing.</p> <p>18 Thank you both for coming today and we appreciate</p> <p>19 your feedback.</p> <p>20 MR. BERKON: Thank you very much.</p> <p>21 CHAIRMAN KIMBLE: Thank you.</p> <p>22 Item V, discussion and possible action on the</p> <p>23 Five-Year Review Report for submission to the Governor's</p> <p>24 Regulatory Review Council.</p> <p>25 Somehow or another five years have gone by and we</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p> <p style="text-align: center;">www.MillerCertifiedReporting.com</p>
<p style="text-align: right;">28</p> <p>1 have a report due to the Governor's Regulatory Review Council</p> <p>2 regarding -- regarding our rules under the Clean Elections</p> <p>3 Act.</p> <p>4 Tom, is there anything to add here?</p> <p>5 MR. COLLINS: I -- I think the only -- the --</p> <p>6 as I mentioned in my memo I think the main -- the main thing</p> <p>7 we want to be clear is we my have some changes we have to</p> <p>8 make to finalize it. And there may be some feedback from</p> <p>9 GRRC. When you submit, typically they give you some</p> <p>10 editorial feedback on stuff that you missed or things.</p> <p>11 So, you know, we -- we do -- you know, in -- we do</p> <p>12 want authority to finalize what we do. So that, you know, so</p> <p>13 if it doesn't turn out to be verbatim what we've got in front</p> <p>14 of you, that we have some flexibility there.</p> <p>15 Obviously, if there was something serious, we'll</p> <p>16 bring that back to you. But -- but that was one thing I</p> <p>17 wanted to make sure.</p> <p>18 The other thing is we have -- for the purpose of</p> <p>19 this draft, we have interpreted negative communication -- or</p> <p>20 written criticism broadly just to be on the safe side. And</p> <p>21 what that means is that, you know, some of the -- we have</p> <p>22 some litigation that's not necessarily criticism of the rule,</p> <p>23 but actually an effort to say a rule is invalid. And we have</p> <p>24 had some criticism of -- of the application of the rule</p> <p>25 really rather than necessarily the -- the rule itself and so</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p> <p style="text-align: center;">www.MillerCertifiedReporting.com</p>	<p style="text-align: right;">29</p> <p>1 those are there.</p> <p>2 And I -- and, again, I highlight that part because</p> <p>3 I think -- I think that what GRRC is looking for is written</p> <p>4 criticism that you received in the course of doing the rule</p> <p>5 making or a letter that said, "Hey, you should tweak this."</p> <p>6 But, you know, nevertheless, but to be on the safe side, we</p> <p>7 wanted to be -- we wanted to include those things.</p> <p>8 So I think that's the only other -- that's the</p> <p>9 only -- oh. And the last thing, sorry.</p> <p>10 This doesn't include Article VIII of our rules</p> <p>11 which is the GRRC rules because those are not subject to GRRC</p> <p>12 review.</p> <p>13 CHAIRMAN KIMBLE: So just to be clear, you're</p> <p>14 looking -- you're asking us to approve the response that you</p> <p>15 have provided to us to the Governor's Regulatory Review</p> <p>16 Council?</p> <p>17 MR. COLLINS: Yes, correct.</p> <p>18 CHAIRMAN KIMBLE: Okay. Do we have a motion</p> <p>19 to that effect?</p> <p>20 COMMISSIONER WERTHER: Mr. Chair, I move to</p> <p>21 finalize and submit the Commission's Five-Year Rule Review</p> <p>22 Report.</p> <p>23 CHAIRMAN KIMBLE: Thank you, Commissioner</p> <p>24 Werther.</p> <p>25 Is there a second?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p> <p style="text-align: center;">www.MillerCertifiedReporting.com</p>

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1 COMMISSIONER PATON: I'll second.
2 CHAIRMAN KIMBLE: Thank you, Commissioner
3 Paton.
4 It's been moved and seconded that we approve the
5 report to the Governor's Regulatory Review Council.
6 I'll call the roll.
7 Commissioner Chan.
8 COMMISSIONER CHAN: Aye.
9 CHAIRMAN KIMBLE: Commissioner Werther.
10 COMMISSIONER WERTHER: Aye.
11 CHAIRMAN KIMBLE: Commissioner Paton.
12 COMMISSIONER PATON: Aye.
13 CHAIRMAN KIMBLE: Chair votes aye. The motion
14 is approved 4-to-nothing.
15 Item VI, public comment. This is the time for
16 consideration of comments and suggestions from the public.
17 Action taken as a result of public comment will be limited to
18 directing staff to study the matter or rescheduling the
19 matter for further consideration or decision at a later date
20 or responding to criticism.
21 If anyone has any comments, please limit to your
22 comment to more than -- to no more than two minutes.
23 Is there any member of the public wishing to make a
24 comment at this time?
25 (No response.)

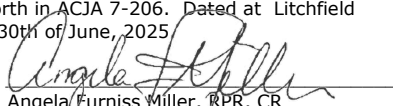
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1 CHAIRMAN KIMBLE: No one in the room.
2 Anyone on Zoom?
3 (No response.)
4 CHAIRMAN KIMBLE: Appears not.
5 Public may also send comments to the Commission by
6 e-mail at CCEC@azcleelections.gov.
7 At this time I would entertain a motion to adjourn.
8 COMMISSIONER WERTHER: I move to adjourn.
9 CHAIRMAN KIMBLE: Is there a second?
10 COMMISSIONER PATON: I'll second.
11 CHAIRMAN KIMBLE: It's been moved and seconded
12 that we adjourn.
13 I'll call the roll.
14 Commissioner Chan.
15 COMMISSIONER CHAN: Aye.
16 CHAIRMAN KIMBLE: Commissioner Werther.
17 COMMISSIONER WERTHER: Aye.
18 CHAIRMAN KIMBLE: Commissioner Paton.
19 COMMISSIONER PATON: Aye.
20 CHAIRMAN KIMBLE: Chair votes aye.
21 We are adjourned. Thank you.
22 (Proceeding concludes at 10:39 a.m.)
23
24
25

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32

1 C E R T I F I C A T E
2
3 STATE OF ARIZONA)
4) ss.
5 COUNTY OF MARICOPA)
6
7 BE IT KNOWN that the foregoing proceedings were
8 taken before me, Angela Furniss Miller, Certified Reporter
9 No. 50127, all done to the best of my skill and ability;
10 that the proceedings were taken down by me in shorthand and
11 thereafter reduced to print under my direction.
12
13 I CERTIFY that I am in no way related to any of the
14 parties hereto nor am I in any way interested in the outcome
15 thereof.
16
17 I FURTHER CERTIFY that I have complied with the
18 requirements set forth in ACJA 7-206. Dated at Litchfield
19 Park, Arizona, this 30th of June, 2025.
20
21 
22 Angela Furniss Miller, RPR, CR
23 CERTIFIED REPORTER (AZ50127)
24
25 * * *

I CERTIFY that Miller Certified Reporting, LLC, has
complied with the requirements set forth in ACJA 7-201 and
7-206. Dated at LITCHFIELD PARK, Arizona, this 30th of
June, 2025.


Miller Certified Reporting, LLC
Arizona RRF No. R1058

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\$	8	advocacy [5] - 18:8, 18:11, 18:20, 18:22, 23:4	Arizona [12] - 5:25, 6:18, 6:19, 7:2, 7:4, 8:1, 8:9, 8:14, 9:4, 10:8, 12:1, 18:7	11:2, 11:3, 14:11, 14:20
\$179,000 [1] - 10:6	8th [2] - 13:25, 25:17	advocate [1] - 21:4	Arizona's [2] - 5:14, 21:1	book [1] - 5:12
'	8th-ish [1] - 13:25	affected [1] - 4:24	Article [1] - 29:10	booth [1] - 5:11
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