



NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION OF THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

Location: Citizens Clean Elections Commission
1616 West Adams, Suite 110
Phoenix, Arizona 85007

Date: Thursday, August 31, 2017

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on August 31, 2017. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at www.livestream.com/cleanelections. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for July 20, 2017 and August 22, 2017 meeting.
- III. Discussion and Possible Action on Executive Director's Report.
- IV. Discussion and Possible Action on issues related to the Citizens Clean Elections Act §§ 16-941, -942, 956 & 957, the Governor's Regulatory Review Council's activities related to the Commission, and the Secretary of State's office actions related to Commission rules and the 2017 Interagency Service Agreement between the Commission and the Secretary of State.

The Commission may choose to go into executive session on Item IV for discussion or consultation with its attorneys to consider its position and instruct its attorneys regarding the public body's position regarding contracts, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(4).

- V. Discussion and possible action on Clean Elections Surcharge and related issues with the Arizona Administrative Office of the Courts

The Commission may choose to go into executive session on Item V for discussion or consultation with its attorneys to consider its position and instruct its attorneys regarding the public body's position regarding contracts, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(4).

- VI. Discussion and possible action on voter education updates.

- VII. Public Comment

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism

- VIII. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 29th day of August, 2017.

Citizens Clean Elections Commission

Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF SPECIAL MEETING

Phoenix, Arizona

August 22, 2017

10:33 a.m.

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Prepared by:
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<p style="text-align: right;">Page 2</p> <p>1 SPECIAL MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 10:33 a.m. on 3 August 22, 2017, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 Mr. Steve Titla, Chairman (Telephonic) 8 Mr. Mark S. Kimble (Telephonic) 9 Mr. Damien Meyer (Telephonic) 10 Mr. Galen D. Paton (Telephonic) 11 Ms. Amy B. Chan (Telephonic) 12 OTHERS PRESENT: 13 Thomas M. Collins, Executive Director 14 Paula Thomas, Executive Officer 15 Sara Larsen, Financial Affairs Officer 16 Mike Becker, Policy Director 17 Alec Shaffer, Web Content Manager 18 Stephanie Cooper, Executive Support Specialist 19 Kara Karlson, Assistant Attorney General 20 Nathan Arrowsmith, Osborn Maledon, P.A. 21 Lee Miller, AZ Secretary of State's Office 22 Jeanne Galvin, Assistant Attorney General 23 Joseph Larue, Assistant Attorney General 24 Jesus Rubalcava, Self (Telephonic) 25 Dustin Gardiner, Arizona Republic</p>	<p style="text-align: right;">Page 4</p> <p>10:34:54-10:36:10</p> <p>1 And -- 2 CHAIRMAN TITLA: Okay. Why don't -- why 3 don't we go to that then. 4 MR. COLLINS: Yes. I think we should, and 5 then I will preface this by saying that Mr. Miller from 6 the Secretary of State's office is here. He has, I 7 think, some comments respecting the executive 8 director's report which we think it's -- because it's 9 noticed for discussion, it's perfectly reasonable to 10 have him make those comments under this agenda item. 11 So before -- so with your indulgence, after 12 I present my end of the report, Mr. Miller -- I will 13 turn the microphone over to Lee Miller who is the 14 deputy Secretary of State who's present in the room, if 15 that's okay with you, Mr. Chairman. 16 CHAIRMAN TITLA: Yeah. Okay yeah. That's 17 good. 18 MR. COLLINS: Okay. With that, 19 Mr. Chairman, you've all, I hope, had an opportunity to 20 review my executive director's report. As you know, 21 we as staff or I as executive director felt the need to 22 put you on notice that, you know, some changes have 23 been made to the published Administrative Code that we 24 were concerned about. In the 24 hours since that 25 report was published and to be subject to your</p>
<p>10:33:59-10:34:52</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 2 3 CHAIRMAN TITLA: Okay. Why don't we call 4 this meeting to order. 5 Roll call. 6 MR. COLLINS: Commissioners, if you could 7 announce yourself for the record, that would be 8 helpful. 9 COMMISSIONER PATON: This is Galen Paton. 10 COMMISSIONER MEYER: This is Commissioner 11 Meyer. 12 COMMISSIONER CHAN: Commissioner Chan here 13 too. 14 COMMISSIONER KIMBLE: Mark Kimble. 15 CHAIRMAN TITLA: This is Steve Titla here, 16 chairman of the board. 17 Do we have a quorum? 18 MR. COLLINS: Yes, Mr. Chairman, we do. 19 CHAIRMAN TITLA: Okay. Tom, I'm trying to 20 open the agenda on my computer here. 21 MR. COLLINS: Yeah. 22 CHAIRMAN TITLA: But what's the next item 23 on the agenda? 24 MR. COLLINS: Mr. Chairman, the next item 25 on the agenda is the executive director's report.</p>	<p>10:36:15-10:38:00</p> <p style="text-align: right;">Page 5</p> <p>1 discussion, we have had some -- a couple of exchanges 2 with -- with the Secretary's office. You have in your 3 supplemental materials an email from Mr. Miller to me 4 and to -- to Ms. O'Grady, as well as a letter that 5 Ms. O'Grady sent to the Secretary's office yesterday. 6 As I noted in the executive director's 7 report, to the extent that this ends up being something 8 that we can't handle administratively, we will have 9 more information on the legal front on August 31st; 10 however, what I can tell you is that as an 11 administrative matter, what I plan to do in working 12 with Ms. O'Grady and Mr. Arrowsmith from -- from Osborn 13 Maledon is provide some answers to the question that 14 Mr. Miller raised in his email. 15 Those don't, of course, set aside our -- 16 the concerns we noted in the prior letter, but 17 nevertheless, we welcome the opportunity to provide 18 Mr. Miller with further legal analysis and we do hope 19 to have this matter resolved or at least a better -- a 20 clearer or a sharper understanding of where we stand 21 before our August 31st business meeting. 22 So that's -- that's really the highlights 23 of the report and subsequent action since the report 24 was filed. If you have questions for me, I'll take 25 them now. Otherwise, I would turn it over to</p>

10:38:05-10:39:20	Page 6	10:41:29-10:43:20	Page 8
<p>1 Mr. Miller and then I'm happy to come back for further</p> <p>2 questions if you have any.</p> <p>3 So with that, Mr. Chairman and</p> <p>4 Commissioners, do you have any questions on what I've</p> <p>5 outlined in the written materials or what I've said</p> <p>6 here this morning?</p> <p>7 CHAIRMAN TITLA: Any questions for</p> <p>8 Mr. Collins?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN TITLA: Commissioners?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN TITLA: If not, if we can go to</p> <p>13 the next person, Tom.</p> <p>14 MR. COLLINS: Yes, sir.</p> <p>15 MR. MILLER: Mr. Chairman, members, my name</p> <p>16 is Lee Miller. I serve as the Deputy Secretary of</p> <p>17 State. Thank you very much for an opportunity to visit</p> <p>18 with you-all this morning. I will summarize the email</p> <p>19 that I sent to Tom and Mary O'Grady.</p> <p>20 Simply put, in this particular instance,</p> <p>21 the Secretary of State's office simply acts as a</p> <p>22 printer of notices, of information, of reports, of</p> <p>23 proposals, of final decisions that we get from boards,</p> <p>24 commissions and state agencies. We have no legal</p> <p>25 authority over the content of what's in the code. We</p>		<p>1 the code that goes forward, I will simply delete that</p> <p>2 section which GRRC has noticed as expired, and that is</p> <p>3 exactly what we did in this instance. We did nothing</p> <p>4 more, nothing less than we do with every single other</p> <p>5 board, commission and agency. We follow strictly the</p> <p>6 direction we get from GRRC. We follow strictly the --</p> <p>7 our statutory obligations, and we have in no way, shape</p> <p>8 or form chosen a side, taken a position. Frankly, we</p> <p>9 believe we have no discretion in -- in the instance of</p> <p>10 removing these two rules from the code.</p> <p>11 Now, I fully recognize that the Commission</p> <p>12 disputes whether GRRC has the authority to do that,</p> <p>13 whether GRRC had the authority to issue that notice,</p> <p>14 and we attempted to capture that dispute in an editor's</p> <p>15 note in the code. In the meantime, I am -- I believe I</p> <p>16 am bound by the statute in the absence of a resolution,</p> <p>17 a legal resolution to the Commission's -- GRRC's</p> <p>18 authority to declare those two rules expired, but</p> <p>19 having said that, know that in literally 60 seconds I</p> <p>20 can restore those provisions which were taken out of</p> <p>21 the code back into the code through the wonder of</p> <p>22 computers.</p> <p>23 And so just -- and we have asked the</p> <p>24 representative from the Attorney General's Office that</p> <p>25 represents that section of our office. Those attorneys</p>	
10:39:26-10:41:24	Page 7	10:43:27-10:44:52	Page 9
<p>1 simply -- to the extent we make edits, it's simply for</p> <p>2 form and format, but I have no legal authority to</p> <p>3 change the information sent over to us with the</p> <p>4 direction to print it in the Arizona Administrative</p> <p>5 Code.</p> <p>6 And, specifically, there is a statute which</p> <p>7 governs what our relationship is with the Governor's</p> <p>8 Regulatory Review Council, A.R.S. 41-1056. And as I</p> <p>9 highlighted in the email, it -- that statute</p> <p>10 articulates a very specific process for the Secretary</p> <p>11 of State's Office for the publications division of the</p> <p>12 Secretary of State's Office to adhere to when we</p> <p>13 receive notices from GRRC.</p> <p>14 And so what we note that the -- the</p> <p>15 Commission is attempting to resolve a jurisdictional</p> <p>16 issue with the Regulatory Review Council: Does the</p> <p>17 Regulatory Review Council have any authority whatsoever</p> <p>18 over the Commission? And I earnestly look forward to a</p> <p>19 rapid resolution of that question. In the meantime, I</p> <p>20 am bound by statute, and this Statute 41-1056 tells me</p> <p>21 at Subsection J that if I get a notice from GRRC that a</p> <p>22 rule has expired, number one, I will publish a notice</p> <p>23 that -- essentially, I will -- I will transcribe the</p> <p>24 notice from GRRC and put it in the register.</p> <p>25 I will after -- and in the next edition of</p>		<p>1 are different than the attorneys that represent you-all</p> <p>2 at the AG's office and represent us on election</p> <p>3 matters, but we have asked them for legal advice. I</p> <p>4 spoke with your attorney, Mary O'Grady, yesterday about</p> <p>5 this particular matter and said literally one minute</p> <p>6 after somebody gives me a legal rationale for getting</p> <p>7 past the obligations that the Secretary of State has</p> <p>8 under 41-1056, those rules will go back into the code.</p> <p>9 And so what I really wanted to leave you</p> <p>10 with today is an assurance that we didn't choose a</p> <p>11 side. We're not taking a position. We don't believe</p> <p>12 one side or another is right or wrong in the Clean</p> <p>13 Elections Commission's attempting to resolve the</p> <p>14 jurisdictional issue with GRRC, but in the meantime,</p> <p>15 I'm stuck with the statute. I'm stuck with the</p> <p>16 commands and the notices I get from GRRC, and we follow</p> <p>17 those as we would deal with any other board, commission</p> <p>18 or agency of the state.</p> <p>19 And with that, I'm available for any</p> <p>20 questions.</p> <p>21 COMMISSIONER CHAN: Mr. Chairman, this is</p> <p>22 Commissioner Chan. I wanted to thank Lee for coming to</p> <p>23 talk to us about this.</p> <p>24 I do have a question for you, Lee, but</p> <p>25 first, I would just like to make a comment. I mean, I</p>	

10:44:55-10:46:20	Page 10	10:47:50-10:49:22	Page 12
<p>1 recognize the role you're in doing these publications,</p> <p>2 but saying that your office doesn't take a position or</p> <p>3 a side on this, I think is a little disingenuous just</p> <p>4 because I believe we're in this position because of</p> <p>5 some lobbying by your office. So I just want to make</p> <p>6 that comment. And if I'm incorrect, you can -- you can</p> <p>7 please feel free to correct me on the record.</p> <p>8 But I was curious. It seems like there was</p> <p>9 a little bit of a delay in making this change since</p> <p>10 GRRC took their action, and I just wondered if you</p> <p>11 could go over why that was. I think the GRRC action</p> <p>12 took place -- I mean, it was at least a month ago,</p> <p>13 wasn't it? Does it always take this much to make such</p> <p>14 a change? Because I believe since there was no change</p> <p>15 we were under the impression that you guys were not</p> <p>16 taking a position and were leaving both of the rules</p> <p>17 in place while we kind of work this out.</p> <p>18 MR. MILLER: Mr. Chairman, Commissioner</p> <p>19 Chan, fellow members of the commission, the</p> <p>20 Administrative Register and the Administrative Code are</p> <p>21 not -- unlike, for example, the Code of Federal -- Code</p> <p>22 of Federal Regulations and the Federal Register, unlike</p> <p>23 those publications, those -- they are not things that</p> <p>24 are issued daily.</p> <p>25 They are issued roughly every couple of</p>		<p>1 CHAIRMAN TITLA: Okay. Okay, Mr. Kimble.</p> <p>2 Any other questions by -- or comments by</p> <p>3 the Commission?</p> <p>4 COMMISSIONER CHAN: Actually, Mr. Chairman,</p> <p>5 this is Commissioner Chan again, and this is actually a</p> <p>6 question for Tom.</p> <p>7 Just knowing -- I'm looking forward to</p> <p>8 getting an AG opinion. I do have a question because of</p> <p>9 the issues we had with GRRC and conflict issues,</p> <p>10 whether the AG's office can even issue an opinion on</p> <p>11 this, but I don't want to go too far afield. I just</p> <p>12 want to throw that out there, Tom.</p> <p>13 Do you have any comments on that?</p> <p>14 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>15 Chan, two thoughts, and I need to -- I want to go back</p> <p>16 to -- so let me ask you a question and then I have a</p> <p>17 secondary statement.</p> <p>18 It is our view that the Attorney General's</p> <p>19 Office because of the interagency conflict that has</p> <p>20 spun out from first the Secretary's initial fore into</p> <p>21 this area at GRRC and then GRRC's troublesome and</p> <p>22 procedurally and constitutionally flawed process and</p> <p>23 then this additional wrinkle that the Attorney</p> <p>24 General's Office is probably not the appropriate office</p> <p>25 to be advising the Secretary's office, but that's</p>	
10:46:25-10:47:47	Page 11	10:49:26-10:51:03	Page 13
<p>1 weeks, and as articulated in the statute, first we had</p> <p>2 to publish a notice that in the next edition of the</p> <p>3 code GRRC had identified these two particular rules as</p> <p>4 expired. And then when -- a couple of weeks after that</p> <p>5 when the next edition of the code actually was</p> <p>6 published, you have a version of the code absent those</p> <p>7 two rules. The code itself is generally published</p> <p>8 quarterly, but that timeline moves so that depending on</p> <p>9 the even flow of regulation in the state of Arizona.</p> <p>10 COMMISSIONER CHAN: Okay. Thank you for</p> <p>11 that information.</p> <p>12 I don't have anything further,</p> <p>13 Mr. Chairman.</p> <p>14 CHAIRMAN TITLA: Any other questions by the</p> <p>15 commissioners?</p> <p>16 COMMISSIONER KIMBLE: Mr. Chairman, this is</p> <p>17 Mark Kimble.</p> <p>18 CHAIRMAN TITLA: Okay, Mark.</p> <p>19 COMMISSIONER KIMBLE: I would just say I've</p> <p>20 got numerous questions. I've got some substantial</p> <p>21 disagreements with what Mr. Miller said. I've got some</p> <p>22 questions about what position we should take in</p> <p>23 response to this unilateral action by the Secretary of</p> <p>24 State's Office, but I think I'll hold all that until</p> <p>25 the meeting on the 31st.</p>		<p>1 something that the Secretary and the Attorney General's</p> <p>2 Office, I'm sure, will work out.</p> <p>3 And I have confidence that the Attorney</p> <p>4 General's Office, until I hear otherwise, will</p> <p>5 recognize that those -- those -- those conflicts are</p> <p>6 not severable -- or separable within the office at this</p> <p>7 point and will appoint counsel for Mr. Miller.</p> <p>8 With respect to Mr. Miller's point under</p> <p>9 41-1056(J), that is the issue on which I plan to</p> <p>10 administratively, working with our attorneys to address</p> <p>11 because, in our view, with no disrespect to the many</p> <p>12 attorneys who work -- as you know, not in attorney</p> <p>13 capacities, but attorneys who work at the attorney --</p> <p>14 at the Secretary of State's Office, it is quite clear</p> <p>15 from the record that nothing in GRRC's order falls</p> <p>16 under 41-1056(J).</p> <p>17 And we will be working on a communication</p> <p>18 to that effect administratively and we will let you</p> <p>19 know what, if any, response we get to that, but suffice</p> <p>20 it to say, that (J), which is highlighted helpfully in</p> <p>21 Mr. Miller's email which is the first supplement to</p> <p>22 your executive director's report, says if an agency</p> <p>23 fails to submit its report, the following things</p> <p>24 happen. Well, there is no set of facts in this process</p> <p>25 where the agency, the Clean Elections Commission, has</p>	

10:51:06-10:52:42	Page 14	10:54:19-10:55:18	Page 16
<p>1 failed to submit its report.</p> <p>2 And so the upshot is that we think that</p> <p>3 notwithstanding what I believe Mr. Miller is saying in</p> <p>4 good faith, we think he's -- we think that the analysis</p> <p>5 that he's done or has been done is incorrect and</p> <p>6 incorrect as applied to the facts and does put the</p> <p>7 Secretary in a position where the Secretary's office is</p> <p>8 taking action on a regulatory matter that is not a</p> <p>9 statutory matter but is, in fact, a discretionary</p> <p>10 matter.</p> <p>11 And that is what raises and continues to</p> <p>12 raise the contractual issue that sort of brings</p> <p>13 together what had been two different tracts into one</p> <p>14 relatively complicated, but still understandable</p> <p>15 situation where we have certain obligations as the</p> <p>16 Commission. GRRC had certain obligations it did not</p> <p>17 fulfill and GRRC had certain actions that it did not</p> <p>18 take, and Subsection J is not in play because there is</p> <p>19 no -- the circumstance that is the predicate for that</p> <p>20 statute, an agency failing to submit its report, has</p> <p>21 never occurred.</p> <p>22 And it's important just to not to go too</p> <p>23 far afield for purposes of the limited discussion we</p> <p>24 can have on this, but as you know, as a matter of</p> <p>25 historical record, we have resubmitted reports to GRRC</p>		<p>1 with our attorneys, that at least with respect to the</p> <p>2 code that is published by the Secretary of State's</p> <p>3 Office, we may hit that off. There are other issues</p> <p>4 that are beyond the scope of the executive director's</p> <p>5 report that we will inevitably have to discuss on the</p> <p>6 31st.</p> <p>7 CHAIRMAN TITLA: Okay. Any other comment?</p> <p>8 Questions for Tom?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN TITLA: If not, this item is up</p> <p>11 for discussion and possible action.</p> <p>12 MR. COLLINS: And, Mr. Chairman --</p> <p>13 CHAIRMAN TITLA: Anything -- yeah.</p> <p>14 MR. COLLINS: Mr. Chairman, we don't need</p> <p>15 any action at this point. We think the discussion is</p> <p>16 sufficient.</p> <p>17 CHAIRMAN TITLA: Okay.</p> <p>18 MR. COLLINS: As staff. That's our staff</p> <p>19 view.</p> <p>20 CHAIRMAN TITLA: All right. So any more</p> <p>21 discussion, commissioners?</p> <p>22 (No response.)</p> <p>23 CHAIRMAN TITLA: Okay. If there's no more</p> <p>24 discussions, why don't we go to the next item then.</p> <p>25 MR. COLLINS: Sure. Thanks.</p>	
10:52:45-10:54:15	Page 15	10:55:19-10:56:42	Page 17
<p>1 time and again. And, in fact, we have a resubmitted</p> <p>2 report pending with GRRC right this minute. So</p> <p>3 Subsection J is not in play, and we'll be -- we will</p> <p>4 try to articulate that in a more formal and legal way</p> <p>5 to Mr. Miller for his aid in working through this</p> <p>6 problem.</p> <p>7 And that's what we're going to do</p> <p>8 administratively, and our hope is that by the next</p> <p>9 business meeting we will have -- we will have reached</p> <p>10 some resolution on that, but that's all I have to say</p> <p>11 at that point about that, unless you have questions.</p> <p>12 CHAIRMAN TITLA: Any questions for the</p> <p>13 director?</p> <p>14 COMMISSIONER PATON: This is Galen Paton.</p> <p>15 I'm just concerned that people involved in elections</p> <p>16 and the public is totally confused by all of this. And</p> <p>17 that -- and is that going to upset the next election</p> <p>18 cycle and -- if we don't get this resolved?</p> <p>19 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>20 Paton, sort of keeping it to the executive director's</p> <p>21 report context, I can say that that question in many</p> <p>22 ways will be the question for us to answer in the</p> <p>23 main -- at the business meeting on -- regular meeting</p> <p>24 on August 31st. Our hope is based on the</p> <p>25 administrative actions that I am taking in conjunction</p>		<p>1 CHAIRMAN TITLA: Which is Number III,</p> <p>2 discussion and possible action on MUR 17-01, Jesus</p> <p>3 Rubalcava, including a proposed repayment order</p> <p>4 submitted by the executive director.</p> <p>5 Tom?</p> <p>6 MR. COLLINS: Yes. Mr. Chairman, a</p> <p>7 preparatory comment before we get into this. For this</p> <p>8 matter, because it involves a repayment order, you have</p> <p>9 outside counsel who is here from the Attorney General's</p> <p>10 Office licensing division, whose name is Jeanne</p> <p>11 Galvin -- am I saying that right?</p> <p>12 So Jeanne Galvin is in the room in the</p> <p>13 event that you have questions related to what I'm about</p> <p>14 to say because I am acting in a capacity where I'm</p> <p>15 asking for an enforcement order.</p> <p>16 Mr. Rubalcava is on the phone. What I</p> <p>17 propose is that I take a total of ten minutes to</p> <p>18 present my case. I'd like to present the main case on</p> <p>19 this issue in seven minutes and then reserve three or</p> <p>20 so minutes for rebuttal as necessary. And you should</p> <p>21 have received two things in the email from Ms. Thomas.</p> <p>22 One is a PowerPoint that we are going to do in the</p> <p>23 room -- and Mr. Rubalcava should have also received</p> <p>24 that -- as well as a revised proposed order that</p> <p>25 corrects -- that corrects a scrivener's error in the --</p>	

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<p>1 that corrects a scrivener's error in the proposed</p> <p>2 order.</p> <p>3 So the order that we are asking you to</p> <p>4 approve is the -- is denominated the revised proposed</p> <p>5 order and you received it via email, I believe, just</p> <p>6 before the meeting started. I'm trying to confirm that</p> <p>7 that happened.</p> <p>8 MS. THOMAS: Yes, it did.</p> <p>9 MR. COLLINS: Okay. So I would -- with</p> <p>10 that -- with your permission, what I would do is I</p> <p>11 would present my case. We would offer Mr. Rubalcava an</p> <p>12 opportunity to present whatever material he wishes to</p> <p>13 present via phone and then I would like to have a</p> <p>14 couple of minutes for rebuttal, if that is amenable to</p> <p>15 the Commission.</p> <p>16 CHAIRMAN TITLA: Is that okay,</p> <p>17 commissioners?</p> <p>18 COMMISSIONER CHAN: That's fine by me.</p> <p>19 Mr. Chairman, Commissioner Chan here.</p> <p>20 Tom, just a quick question.</p> <p>21 Is your PowerPoint going to go over why</p> <p>22 we're here today just a week ahead of our regularly</p> <p>23 scheduled meeting?</p> <p>24 MR. COLLINS: My PowerPoint is going to go</p> <p>25 over what we -- what we are planning to do. If you</p>		<p>1 As you can see, it's entitled "Citizens</p> <p>2 Clean Elections Commission Executive Director</p> <p>3 Recommendation Repayment Order MUR 17-01, Jesus</p> <p>4 Rubalcava." So just to give you a very quick caveat</p> <p>5 about this PowerPoint, this PowerPoint is not designed</p> <p>6 to supplant the proposed order and exhibits -- the</p> <p>7 revised proposed order and exhibits you received, but</p> <p>8 rather to highlight the contents of the proposed order</p> <p>9 in order for you to understand where we're coming from</p> <p>10 and why we're -- why we think this is an appropriate</p> <p>11 course of action.</p> <p>12 As you know, rehearsing history,</p> <p>13 Mr. Rubalcava was first subject to a random audit and</p> <p>14 then subject to a comprehensive audit review of his</p> <p>15 entire campaign -- campaign. He was subject to a</p> <p>16 complaint that was filed by the executive director.</p> <p>17 The Commission has found reason to believe violations</p> <p>18 may have occurred, and the issue today is a proposed</p> <p>19 repayment order.</p> <p>20 As you know -- and this is important. The</p> <p>21 Clean Elections Act, apart from its other features,</p> <p>22 requires that the Commission shall ensure that money</p> <p>23 from the Fund is placed in candidate campaign accounts</p> <p>24 or otherwise spent as specified in this article and not</p> <p>25 otherwise. And the Commission has passed rules to</p>	
10:57:47-10:58:31	Page 19	10:59:52-11:01:04	Page 21
<p>1 have questions about -- about why we are doing this</p> <p>2 now, I'm happy to answer those. It's really up to you.</p> <p>3 If you'd like me to get through the -- get through --</p> <p>4 COMMISSIONER CHAN: Go ahead. Just --</p> <p>5 yeah.</p> <p>6 MR. COLLINS: Okay.</p> <p>7 COMMISSIONER CHAN: That's fine. I'm</p> <p>8 sorry. I don't mean to delay it.</p> <p>9 MR. COLLINS: Okay.</p> <p>10 COMMISSIONER CHAN: I'll just -- I have no</p> <p>11 questions.</p> <p>12 MR. COLLINS: Okay. And so I will --</p> <p>13 Mr. Chairman, with your permission, I'd like to begin</p> <p>14 my presentation. And I have lost the clicker. So,</p> <p>15 Stephanie --</p> <p>16 CHAIRMAN TITLA: Okay. Why don't we</p> <p>17 proceed.</p> <p>18 MR. COLLINS: Okay. So if you have the</p> <p>19 PowerPoint --</p> <p>20 CHAIRMAN TITLA: Okay. Let me get your</p> <p>21 PowerPoint open.</p> <p>22 MR. COLLINS: You should have a PDF of the</p> <p>23 PowerPoint, and then the public who is watching should</p> <p>24 be able to see the PowerPoint and Mr. Rubalcava should</p> <p>25 also have a copy of the PDF.</p>		<p>1 ensure that that happens, and among those rules are</p> <p>2 Arizona Admin Code 702(A) which states that a</p> <p>3 participating candidate shall use funds in the</p> <p>4 candidate's current campaign account to pay for goods</p> <p>5 and services for direct campaign purposes only.</p> <p>6 And Arizona Admin Code R2-20-703(C) states</p> <p>7 that any expenditure made by that candidate or the</p> <p>8 candidate's committee that cannot be documented as a</p> <p>9 direct campaign expenditure shall promptly be repaid to</p> <p>10 the Fund with the candidate's personal money.</p> <p>11 I would note -- this is not in the</p> <p>12 PowerPoint, but in your materials at Exhibit 4 to -- or</p> <p>13 Attachment 4, I should say -- Exhibit 4, rather, to the</p> <p>14 proposed order, Mr. Rubalcava swore that he would --</p> <p>15 under paragraph 8, that he had the burden of proving</p> <p>16 that expenditures made by or on behalf of the candidate</p> <p>17 were for direct campaign purposes. So that's in the</p> <p>18 record and that's -- and that's something that's</p> <p>19 established.</p> <p>20 Rule 704(B) provides that the Commission</p> <p>21 may determine that a participating candidate who has</p> <p>22 received payments from the Fund must repay the Fund</p> <p>23 under any of the following circumstances. There are a</p> <p>24 number of circumstances, and the one we're focused on</p> <p>25 here today for purposes of -- for purposes of -- well,</p>	

11:01:09-11:02:30	Page 22	11:04:09-11:05:35	Page 24
<p>1 for purposes of clarity and alacrity, among other</p> <p>2 things, is that use of funds not for direct campaign</p> <p>3 expenses, if the Commission determines any amount</p> <p>4 was -- was not -- was payment to an eligible candidate,</p> <p>5 it will notify the candidate of the amount so used, and</p> <p>6 the candidate shall pay to the fund an amount equal to</p> <p>7 such amount.</p> <p>8 So this is a -- what you see next is a</p> <p>9 screenshot from the comprehensive audit review which is</p> <p>10 Exhibit 2 to the -- Exhibit 2 to the main order. And</p> <p>11 there the most important language is that the candidate</p> <p>12 indicated he was unable to identify or locate any</p> <p>13 documentation supporting the deposits and withdrawals</p> <p>14 from the campaign bank statements.</p> <p>15 Mr. Rubalcava himself in response to the</p> <p>16 audit stated that he was -- a reason why he was not</p> <p>17 able to provide that information, but he said that he</p> <p>18 accepts the report on findings as a way to acknowledge</p> <p>19 and learn from what was done incorrectly and he's</p> <p>20 "willing to accept the consequences of my wrongdoing</p> <p>21 and ask that the Commission allow me to take corrective</p> <p>22 actions in order to comply; whether this be repaying</p> <p>23 back any unaccounted monies and fees set forth by the</p> <p>24 Commission."</p> <p>25 So not only did Mr. Rubalcava sign in</p>		<p>1 I'll stand for any questions and then, as I said, I'd</p> <p>2 like to reserve some time after Mr. Rubalcava speaks</p> <p>3 to -- to rebut, if necessary.</p> <p>4 CHAIRMAN TITLA: Are there any questions</p> <p>5 for the director?</p> <p>6 (No response.)</p> <p>7 CHAIRMAN TITLA: Okay. Is there a -- does</p> <p>8 Mr. Rubalcava want to make a statement?</p> <p>9 MR. RUBALCAVA: Yes. Thank you, Chairman</p> <p>10 and commissioners.</p> <p>11 I do want to make a statement. So I did</p> <p>12 receive the documents that the Executive Director</p> <p>13 Collins sent out to you guys, and so in regards to</p> <p>14 those specific -- what is being asked of, I think, in</p> <p>15 my opinion, I disagree and I do believe it's unfair,</p> <p>16 and here is exactly why.</p> <p>17 I think that I -- if given -- if given the</p> <p>18 time to do so, but when you're on 10 days or 14 days</p> <p>19 and trying to submit some of this information -- the</p> <p>20 district that I was representing is the second largest</p> <p>21 geographical district in the state, and it encompasses</p> <p>22 a lot of traveling and mileage. I actually could have</p> <p>23 easily driven through the state, through that part of</p> <p>24 the district of the state, to go and collect receipts</p> <p>25 of the businesses and the individuals that helped me</p>	
11:02:34-11:04:04	Page 23	11:05:37-11:07:05	Page 25
<p>1 Exhibit 4 an application where he stated that he had</p> <p>2 the burden to show that his expenditures were for</p> <p>3 direct campaign purposes. He then stipulated in his</p> <p>4 response to the audit that he was unable to show that</p> <p>5 and that he would, in fact, repay monies unaccounted</p> <p>6 for and take -- take corrective action as ordered by</p> <p>7 the Commission.</p> <p>8 Our recommendation on repayment is that the</p> <p>9 repayment must be from personal funds, that it reserves</p> <p>10 expressly additional penalties pursuant to the acts and</p> <p>11 rules and continues our investigatory activities</p> <p>12 previously approved. Why is that important? Because</p> <p>13 as the first slide indicated, this is about securing</p> <p>14 the Fund against -- against expenditures that are not</p> <p>15 justified under the Fund.</p> <p>16 There are additional penalties that we are</p> <p>17 in the process of doing -- that may result from an</p> <p>18 ongoing investigation that we are engaged in and we</p> <p>19 will continue to engage in. This order that we -- the</p> <p>20 revised proposed order expressly permits appeal by</p> <p>21 Mr. Rubalcava as permitted by Commission rules and</p> <p>22 requires repayment within 30 days.</p> <p>23 So that's really the upshot of it. We</p> <p>24 think that the revised proposed order is an appropriate</p> <p>25 action at this time, and we would ask you to do that.</p>		<p>1 out through that campaign to re -- try to recuperate</p> <p>2 some of those receipts that were missing.</p> <p>3 A lot of the receipts were already included</p> <p>4 in that random audit because when they did the random</p> <p>5 audit, the first initial five random transactions that</p> <p>6 they asked for, they went ahead and changed them. So</p> <p>7 in other words, they asked for five random audit</p> <p>8 receipts and then when I explained to the individual</p> <p>9 that was doing the audit what was -- what had happened</p> <p>10 with my campaign and the transferring of funds from my</p> <p>11 personal account to the campaign account, she then</p> <p>12 started asking for more information.</p> <p>13 Well, then it was no longer the five random</p> <p>14 audit. It became almost a -- I won't say a full audit,</p> <p>15 but it was -- it came pretty close to what was being</p> <p>16 asked in the full audit. My question to that</p> <p>17 individual, because she was the one that did the full</p> <p>18 audit, was why couldn't we use some of what was</p> <p>19 initially asked for in the random audit to take place</p> <p>20 of what was being asked in the full audit because of</p> <p>21 the situation where -- where I was spending most of the</p> <p>22 day was at work.</p> <p>23 And so I was taking these receipts to work</p> <p>24 to try to get these put together as quickly as possible</p> <p>25 for the auditing firm. And so because it was in a</p>	

11:07:09-11:08:46	Page 26	11:10:19-11:11:46	Page 28
<p>1 school when I was moved over the Christmas holidays not</p> <p>2 only once but twice, somewhere along the way these</p> <p>3 receipts and information got lost. And so why I say I</p> <p>4 could easily go back and get verification that these</p> <p>5 funds were not spent the way that I'm being accused of</p> <p>6 spending them, if given the time to do so.</p> <p>7 I'll give you a perfect example. I spent</p> <p>8 over \$6,000 just with one business and Families to</p> <p>9 Arizona, which is in my district. They did all my</p> <p>10 printing of materials, all my campaign fund.</p> <p>11 Individuals that worked for me, because the district is</p> <p>12 so large, I had little groups of individuals that I</p> <p>13 paid. All I would have to do is get ahold of them, go</p> <p>14 out, have them, you know, re-sign, get it notarized or</p> <p>15 whatever I had to do, fill out an affidavit for the</p> <p>16 payment that I paid to those individuals.</p> <p>17 So I can account for those, but I was</p> <p>18 needing more time to do so. I'm a school teacher and</p> <p>19 it's really difficult for me. Basically the only time</p> <p>20 that I have to be able to do this would be on the</p> <p>21 weekends. And so I can, if the Commission would -- the</p> <p>22 commissioners would allow for me to go back and get</p> <p>23 those receipts, get ahold of those individuals that</p> <p>24 volunteered and worked for my campaign, I can do that.</p> <p>25 If I have to go business to business, then I will do</p>		<p>1 don't -- I didn't know these individuals from</p> <p>2 beforehand, but they work with activist groups in, say,</p> <p>3 Yuma or Somerton area. And I didn't know them. I got</p> <p>4 to know them through the campaign season. They worked</p> <p>5 that one day or that one weekend and then I never saw</p> <p>6 them again. So that's what my challenge is of trying</p> <p>7 to locate these individuals.</p> <p>8 Now, when I was served that compliance</p> <p>9 order, I believe I -- I don't know if it was 10 days or</p> <p>10 14 days. I don't have the document in front me to</p> <p>11 provide all that information. After I wasn't able to</p> <p>12 get all the information that was needed, all of the</p> <p>13 receipts, I didn't know what the -- what the next</p> <p>14 step -- I'll be very honest with you. I don't know</p> <p>15 what the steps are with the Commission's desire as to</p> <p>16 what happens next. So, basically, I have been on a --</p> <p>17 just waiting to see what it is that the Commission</p> <p>18 would like in order to proceed.</p> <p>19 COMMISSIONER KIMBLE: Well, Mr. Rubalcava,</p> <p>20 did you call anyone at the Commission or contact anyone</p> <p>21 and asked them what the next steps were?</p> <p>22 MR. RUBALCAVA: I did not, and part of the</p> <p>23 reason why is because it was made very clear that the</p> <p>24 Commission could not provide any kind of -- I did</p> <p>25 exchange a few emails, and it was very clear to me --</p>	
11:08:50-11:10:18	Page 27	11:11:51-11:13:09	Page 29
<p>1 that, but I can account for those -- those funds that</p> <p>2 were spent.</p> <p>3 To go beyond that and ask for me to repay</p> <p>4 the full amount and then plus what was given to me by</p> <p>5 individuals as -- what they call seed money, to include</p> <p>6 that money on top of it I think is really, in my</p> <p>7 opinion, unfair.</p> <p>8 COMMISSIONER KIMBLE: Mr. Chairman, this is</p> <p>9 Mark Kimble.</p> <p>10 CHAIRMAN TITLA: Okay. Commissioner</p> <p>11 Kimble.</p> <p>12 COMMISSIONER KIMBLE: Mr. Rubalcava, as to</p> <p>13 your -- your response for more time, I note in the</p> <p>14 report that we have that an order of compliance was</p> <p>15 served on you on June 23rd and you've done nothing</p> <p>16 since then. That's two months from tomorrow -- two</p> <p>17 months ago tomorrow.</p> <p>18 Have you, in the past two months since you</p> <p>19 got this order, done anything to get any of these</p> <p>20 documents that you say you can get?</p> <p>21 MR. RUBALCAVA: Commissioner, I have --</p> <p>22 thank you for the question. I have gotten ahold of the</p> <p>23 individuals. A lot of them have moved. You know, I'm</p> <p>24 trying to relocate their numbers. These are</p> <p>25 volunteers. A lot of the volunteers showed up. I</p>		<p>1 one of them being from Mr. Collins that -- and it was</p> <p>2 just a simple question. I don't remember what the</p> <p>3 question was, but it -- he did provide an answer, but</p> <p>4 he also did make it very clear that he could not</p> <p>5 provide any kind of legal advice.</p> <p>6 At that point, I wasn't asking for legal</p> <p>7 advice, but if it was taken as I was asking for legal</p> <p>8 advice -- I basically then said, okay, well, I'm not</p> <p>9 going to -- that was my thought process that I wasn't</p> <p>10 going to be able to get any questions really answered</p> <p>11 without it being considered legal advice.</p> <p>12 CHAIRMAN TITLA: Okay. Any further</p> <p>13 questions for the gentleman?</p> <p>14 COMMISSIONER CHAN: Mr. Chairman --</p> <p>15 COMMISSIONER PATON: I do.</p> <p>16 COMMISSIONER CHAN: Oh, is that Mr. Kimble</p> <p>17 or --</p> <p>18 COMMISSIONER PATON: This is Galen Paton.</p> <p>19 I was just going to ask, if possible, is it -- you</p> <p>20 know, I'm not sure exactly your procedures as to where</p> <p>21 we're going from this.</p> <p>22 MR. COLLINS: Sure.</p> <p>23 COMMISSIONER PATON: But it would seem to</p> <p>24 me that -- could he submit these receipts? For</p> <p>25 instance, with the printer for \$6,000? I would think</p>	

11:13:15-11:14:44	Page 30	11:16:11-11:17:44	Page 32
<p>1 he Chan email him that -- those receipts if he spent</p> <p>2 that money. I'm sure the guy has it in his -- in his</p> <p>3 accounting. And, I mean, I would want him to be able</p> <p>4 to prove that he spent the money on legitimate items,</p> <p>5 and I -- that's kind of where I stand, but I don't know</p> <p>6 the time frame of which you gave him a timed response.</p> <p>7 Could you speak to that, Tom?</p> <p>8 MR. COLLINS: So -- yes. Mr. Chairman,</p> <p>9 Commissioner Paton, after the Commission found reason</p> <p>10 to believe violations may have occurred, the Commission</p> <p>11 served an order of compliance on Mr. Rubalcava as</p> <p>12 outlined in -- as Mr. -- as Commissioner Kimble noted.</p> <p>13 We have not heard from him since then. I do recall an</p> <p>14 email from him, and I did respond saying we can't</p> <p>15 provide legal advice. I don't have that email in front</p> <p>16 of me or the context, but here's what I would -- if I</p> <p>17 could integrate both my rebuttal and an answer to your</p> <p>18 question because they go together.</p> <p>19 Just to look at a few things that we're</p> <p>20 talking about here, Mr. Rubalcava doesn't indicate --</p> <p>21 didn't indicate having mileage reported on his campaign</p> <p>22 finance report and never were provided mileage logs.</p> <p>23 He did not provide documents other than bank accounts,</p> <p>24 and he didn't raise the issues that he's raising today</p> <p>25 before in this matter. In fact, he came in front of</p>	<p>1 subsequent to this that Mr. Rubalcava wants to provide,</p> <p>2 by all means he's free to provide it. We have an</p> <p>3 ongoing investigation into the remaining issues in the</p> <p>4 matter. There is also a conciliation process that's</p> <p>5 mandated in our rules and in statutes, and that is all</p> <p>6 available to him.</p> <p>7 It is important that this order be entered</p> <p>8 today in order that when we do this, Mr. Rubalcava</p> <p>9 understands that the time for extensions and the time</p> <p>10 for dissembling is over and the Fund's integrity takes</p> <p>11 precedence over Mr. Rubalcava's ever-shifting stories</p> <p>12 of why he can't identify the documents that he seems to</p> <p>13 think he's had after going on a year.</p> <p>14 In answer to Mr. -- to Commissioner Chan's</p> <p>15 commission earlier, we think that it's important to get</p> <p>16 this resolved by this order being initiated now for a</p> <p>17 number of reasons that we can get into, but the least</p> <p>18 of which is this order is the thing that has brought</p> <p>19 Mr. Rubalcava back to the Commission to talk to us and</p> <p>20 we think that is very important. And so we think that</p> <p>21 it is appropriate to authorize the order -- the revised</p> <p>22 proposed order today. As the order itself says, it</p> <p>23 will be effective upon my signature and we will issue</p> <p>24 it to him according to the Commission rules.</p> <p>25 In addition to providing information,</p>		
11:14:47-11:16:07	Page 31	11:17:46-11:18:57	Page 33
<p>1 the Commission and essentially stipulated that</p> <p>2 everything that the auditors had found was correct.</p> <p>3 He has had since November -- that was when</p> <p>4 he was first selected for a random audit -- and his</p> <p>5 bank accounts do not support the campaign finance</p> <p>6 reports which is the ultimate reflection in the -- in</p> <p>7 the audit reports. We are only asking for the amount</p> <p>8 of Clean Elections Fund to be repaid. The amount of</p> <p>9 money we calculated does not include seed money. It</p> <p>10 only includes the amount of money he received in</p> <p>11 both -- as for Clean Elections, in Clean Elections</p> <p>12 funding.</p> <p>13 He's required to keep from the beginning</p> <p>14 the paperwork necessary to support his documentation</p> <p>15 throughout the process and to support his campaign</p> <p>16 finance report. So I agree in principle -- maybe not in</p> <p>17 principle, but in part with Commissioner Paton that if</p> <p>18 that were produced, the Commission might -- we might as</p> <p>19 staff subsequently come back to the Commission and say</p> <p>20 we need to revise this order, but we granted extensions</p> <p>21 throughout the full audit and we still were provided no</p> <p>22 documents.</p> <p>23 And so our position is quite firm. This</p> <p>24 order ought to be entered today in order to ensure the</p> <p>25 integrity of the Fund. If there's other information</p>	<p>1 Mr. Rubalcava has an -- and in an opportunity to</p> <p>2 conciliate, Mr. Rubalcava also has appellate rights.</p> <p>3 So this is not the beginning nor the end of</p> <p>4 Mr. Rubalcava's opportunities. This is a place marker</p> <p>5 to show that the -- that the Fund's integrity has to</p> <p>6 take precedence, and we -- we believe that none of the</p> <p>7 information you've received today changes that</p> <p>8 recommendation or alters it in any material way and we</p> <p>9 would ask that you approve the revised proposed order</p> <p>10 for my signature.</p> <p>11 MS. GALVIN: Members of the --</p> <p>12 CHAIRMAN TITLA: Any further comments,</p> <p>13 action by the Commission?</p> <p>14 MS. GALVIN: Members of the Commission,</p> <p>15 this is Jeanne Galvin.</p> <p>16 COMMISSIONER KIMBLE: Mr. Chairman, this is</p> <p>17 Mark Kimble.</p> <p>18 CHAIRMAN TITLA: Okay. Commissioner</p> <p>19 Kimble.</p> <p>20 COMMISSIONER KIMBLE: I would just say one</p> <p>21 thing and that -- it's important to remember this is</p> <p>22 not our money. This is public money, and we are</p> <p>23 charged with making sure it is spent in an appropriate</p> <p>24 way in accordance with the statutes and rules. And I</p> <p>25 think it's incumbent upon us to move forward on this</p>		


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<p>1 now and -- and safeguard the public's funds that have</p> <p>2 not been accounted for, funds that Mr. Rubalcava</p> <p>3 started receiving about a year ago or if not more than</p> <p>4 that.</p> <p>5 And while I can understand that he's been</p> <p>6 busy and has other obligations, I don't know that that</p> <p>7 mitigates the fact that there's public money that</p> <p>8 cannot be accounted for. And I think that the</p> <p>9 Commission's staff has done everything over many months</p> <p>10 to try to reach some accommodation and try to get some</p> <p>11 response from Mr. Rubalcava with no -- with no action</p> <p>12 whatsoever. And I am very supportive of moving forward</p> <p>13 now with the order that we have in our latest email</p> <p>14 this morning.</p> <p>15 MS. GALVIN: Members of the commission,</p> <p>16 this is Jeanne Galvin, Assistant Attorney General. I'm</p> <p>17 assigned to you today to provide you independent legal</p> <p>18 advice, and I would urge you to turn to page 2 of the</p> <p>19 revised -- revised proposed order. And paragraph</p> <p>20 Number 2 says the Commission orders Respondent to repay</p> <p>21 the sum immediately, but pursuant to your rules, he has</p> <p>22 30 days to repay that sum. So I would just ask that if</p> <p>23 you do approve this repayment order that that be</p> <p>24 amended to ensure and properly reflect your procedures</p> <p>25 that he has 30 days within which to repay the sum that</p>		<p>1 be done in this?</p> <p>2 MR. COLLINS: Mr. Chairman, I just want to</p> <p>3 make sure that we will -- we will get from the</p> <p>4 revision -- I mean, I don't disagree with the revision.</p> <p>5 I just want to make sure that it's noted that we</p> <p>6 have -- do we have it?</p> <p>7 MS. GALVIN: Yes. If I may, I think the</p> <p>8 motion was to accept that revision, not to approve the</p> <p>9 entire proposed revised order.</p> <p>10 MR. COLLINS: Okay. So an additional</p> <p>11 motion is necessary now on the revised --</p> <p>12 MS. GALVIN: -- proposed order as amended.</p> <p>13 MR. COLLINS: So, Commissioners -- well,</p> <p>14 I'll let Jeanne.</p> <p>15 MS. GALVIN: So that the last motion that</p> <p>16 was made was to accept an amendment to Number 2 to</p> <p>17 reflect that the payment is due and owing within 30</p> <p>18 days from the date of the order. Now, if the</p> <p>19 Commission is so inclined, we would require a second</p> <p>20 motion to approve the proposed repayment order as</p> <p>21 amended.</p> <p>22 COMMISSIONER CHAN: I would move to approve</p> <p>23 the proposed revised order as amended.</p> <p>24 CHAIRMAN TITLA: Motion by Commissioner</p> <p>25 Chan.</p>	
11:20:40-11:21:25	Page 35	11:22:35-11:23:12	Page 37
<p>1 is owing.</p> <p>2 CHAIRMAN TITLA: Any comments by the</p> <p>3 Commission? Any action?</p> <p>4 COMMISSIONER CHAN: Thanks, Jeanne.</p> <p>5 Mr. Chairman, I would so move that that be</p> <p>6 amended just to reflect -- more accurately reflect the</p> <p>7 terminology in our rules that it's 30 days instead of</p> <p>8 immediately.</p> <p>9 CHAIRMAN TITLA: Okay. We have a motion by</p> <p>10 Commissioner Chan.</p> <p>11 Is there a second?</p> <p>12 COMMISSIONER MEYER: This is Commissioner</p> <p>13 Meyer. I second that motion.</p> <p>14 CHAIRMAN TITLA: Commissioner Meyer second.</p> <p>15 Any discussion on the motion?</p> <p>16 (No response.)</p> <p>17 CHAIRMAN TITLA: If not, all in favor say</p> <p>18 aye.</p> <p>19 (Chorus of ayes.)</p> <p>20 CHAIRMAN TITLA: Opposed?</p> <p>21 (No response.)</p> <p>22 CHAIRMAN TITLA: Abstain?</p> <p>23 (No response.)</p> <p>24 CHAIRMAN TITLA: The motion is carried.</p> <p>25 Tom, is there anything else that needs to</p>		<p>1 Second?</p> <p>2 COMMISSIONER MEYER: Commissioner Meyer. I</p> <p>3 second.</p> <p>4 CHAIRMAN TITLA: Commissioner Meyer seconds</p> <p>5 the motion.</p> <p>6 All in favor say aye.</p> <p>7 (Chorus of ayes.)</p> <p>8 CHAIRMAN TITLA: Opposed?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN TITLA: Abstain?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN TITLA: The motion is carried.</p> <p>13 Is there anything else we need to do, Tom,</p> <p>14 on this item?</p> <p>15 MR. COLLINS: Mr. Chairman, I do not</p> <p>16 believe so. We have public comment, but it doesn't</p> <p>17 look like there's anybody here from the public who</p> <p>18 wants to comment.</p> <p>19 Dustin, do you want to comment?</p> <p>20 MR. GARDINER: No.</p> <p>21 CHAIRMAN TITLA: Okay.</p> <p>22 MR. COLLINS: And so we're at a motion to</p> <p>23 adjourn.</p> <p>24 CHAIRMAN TITLA: Okay. Is there a motion</p> <p>25 to adjourn?</p>	

11:23:14-11:23:33

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1 COMMISSIONER MEYER: This is Commissioner
2 Meyer. I move that we adjourn the meeting.
3 CHAIRMAN TITLA: Okay. A motion by
4 Commissioner Meyer.
5 Second?
6 COMMISSIONER CHAN: Second.
7 CHAIRMAN TITLA: Commissioner Chan seconds.
8 All in favor say aye.
9 (Chorus of ayes.)
10 CHAIRMAN TITLA: Opposed?
11 (No response.)
12 CHAIRMAN TITLA: Abstain?
13 (No response.)
14 CHAIRMAN TITLA: We are adjourned at 11:22
15 a.m.
16 (Whereupon, the proceedings concluded at
17 11:23 a.m.)
18
19
20
21
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24
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; 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 and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 22nd day of
17 August, 2017.
18 
19 _____
20 LILIA MONARREZ, RPR, CR #50699
21
22
23
24
25

(40) \$6,000 - confidence

<p>confirm (1) 18:6 conflict (2) 12:9,19 conflicts (1) 13:5 confused (1) 15:16 conjunction (1) 15:25 consequences (1) 22:20 considered (1) 29:11 constitutionally (1) 12:22 contact (1) 28:20 content (1) 6:25 contents (1) 20:8 context (2) 15:21;30:16 continue (1) 23:19 continues (2) 14:11; 23:11 contractual (1) 14:12 copy (1) 19:25 corrective (2) 22:21; 23:6 corrects (3) 17:25,25; 18:1 Council (3) 7:8,16,17 counsel (2) 13:7;17:9 couple (4) 5:1;10:25; 11:4;18:14 course (2) 5:15;20:11 curious (1) 10:8 current (1) 21:4 cycle (1) 15:18</p>	<p>disagree (2) 24:15;36:4 disagreements (1) 11:21 discretion (1) 8:9 discretionary (1) 14:9 discuss (1) 16:5 discussion (8) 4:9;5:1; 14:23;16:11,15,21; 17:2;35:15 discussions (1) 16:24 disingenuous (1) 10:3 dispute (1) 8:14 disputes (1) 8:12 disrespect (1) 13:11 dissembling (1) 32:10 district (5) 24:20,21,24; 26:9,11 division (2) 7:11;17:10 document (1) 28:10 documentation (2) 22:13;31:14 documented (1) 21:8 documents (5) 24:12; 27:20;30:23;31:22; 32:12 done (7) 14:5,5;22:19; 27:15,19;34:9;36:1 driven (1) 24:23 due (1) 36:17 Dustin (1) 37:19</p>	<p>error (2) 17:25;18:1 essentially (2) 7:23; 31:1 established (1) 21:19 even (2) 11:9;12:10 event (1) 17:13 ever-shifting (1) 32:11 exactly (3) 8:3;24:16; 29:20 example (2) 10:21;26:7 exchange (1) 28:25 exchanges (1) 5:1 executive (12) 3:25;4:7, 20,21;5:6;13:22;15:20; 16:4;17:4;20:2,16; 24:12 Exhibit (5) 21:12,13; 22:10,10;23:1 exhibits (2) 20:6,7 expenditure (2) 21:7,9 expenditures (3) 21:16; 23:2,14 expenses (1) 22:3 expired (4) 7:22;8:2,18; 11:4 explained (1) 25:8 expressly (2) 23:10,20 extensions (2) 31:20; 32:9 extent (2) 5:7;7:1</p>	<p>five (3) 25:5,7,13 flawed (1) 12:22 flow (1) 11:9 focused (1) 21:24 follow (3) 8:5,6,9;16 following (2) 13:23; 21:23 fore (1) 12:20 form (2) 7:2;8:8 format (1) 15:4 format (1) 7:2 forth (1) 22:23 forward (5) 7:18;8:1; 12:7;33:25;34:12 found (3) 20:17;30:9; 31:2 frame (1) 30:6 Frankly (1) 8:8 free (2) 10:7;32:2 front (4) 5:9;28:10; 30:15,25 fulfill (1) 14:17 full (6) 25:14,16,17,20; 27:4;31:21 fully (1) 8:11 Fund (10) 20:23;21:10, 22,22;22:6;23:14,15; 26:10;31:8,25 funding (1) 31:12 funds (8) 21:3;22:2; 23:9;25:10;26:5;27:1; 34:1,2 Fund's (2) 32:10;33:5 further (5) 5:18;6:1; 11:12;29:12;33:12</p>	<p>10:10,11;11:3;12:9,21; 14:16,17,25;15:2 GRRC's (3) 8:17; 12:21;13:15 guy (1) 30:2 guys (2) 10:15;24:13</p>
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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

July 20, 2017

9:32 a.m.

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Certificate No. 50327

<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:32 a.m. on July 20, 3 2017, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following members: 6 7 Mr. Damien Meyer, Acting Chairman 8 Mr. Mark S. Kimble 9 Ms. Amy B. Chan 10 Mr. Galen D. Paton 11 12 OTHERS PRESENT: 13 Thomas M. Collins, Executive Director 14 Paula Thomas, Executive Officer 15 Sara Larsen, Financial Affairs Officer 16 Gina Roberts, Voter Education Director 17 Mike Becker, Policy Director 18 Alec Shaffer, Web Content Manager 19 Stephanie Cooper, Executive Support Specialist 20 Mary O'Grady, Osborn Maledon, P.A. 21 Kara Karlson, Assistant Attorney General 22 Dana Walton, ADLCC 23 Joel Edman, AZ Advocacy Network 24 Rivko Knox, LWV/AZ 25 Jim Barton, Torres Law Group Chase Bales, Ballard Spahr, LLP</p>	<p style="text-align: right;">Page 4</p> <p>09:33:42-09:35:09</p> <p>1 promulgated Administrative Order 2017-80. And by way of 2 a little bit of background, this past legislative 3 session, the Arizona Supreme Court had a task force that 4 they put together as the task force for Fair Justice for 5 All. That task force had a bit of legislation that they 6 tried to put through the legislature. And most of that 7 legislation did not end up going through, so this 8 administrative order largely mirrors some of the 9 language that was in those bills. 10 This one, in particular, this 2017-80, it is 11 geared more towards trying to give defendants in civil 12 and criminal cases, particularly traffic cases, an 13 easier way to make payments. So this order, in 14 particular, it -- the goal is to create a system where 15 individual defendants may be able to prolong their 16 payment process. I believe -- I believe you all have 17 been given a copy of this order and taken a look at it. 18 So Items 1 through 4 in this order really deal with 19 methods for payment, setting up extended payment plans, 20 giving some -- some more -- just sort of trying to 21 facilitate for individuals an easier way to make these 22 payments. 23 The only item on here that -- that we had some 24 potential concerns about is -- is Item 5, which deals 25 with the Court's ability to mitigate these fines.</p>
<p>09:32:22-09:33:39</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 ACTING CHAIRMAN MEYER: All right. Good 4 morning, everyone. I am Commissioner Damien Meyer. I'm 5 going to be filling in the chairperson role today for 6 Commissioner Titla, who could not join us. 7 Before we call the meeting to order, I'd ask 8 everyone to just take a moment and share a thought or 9 prayer for Senator McCain's health and for his family. 10 So if we could do that for a moment. 11 Thank you. 12 Now we'll call to order the meeting of the 13 Citizens Clean Elections Commission. It is July 20 of 14 2017 at 9:30 a.m. 15 We are going to take things a little bit out of 16 order this morning. We are going to go first to Item VI 17 on the agenda. We have counsel here who has a -- has a 18 busy calendar. 19 So I ask you to step up to the mic, please, and 20 please state your name for our court reporter. 21 MR. BALES: Good morning, Mr. Chairman and 22 Commissioners. My name is Chase Bales. I'm here from 23 Ballard Spahr. And I'm here today just to provide, 24 first of all, a brief overview. 25 The Arizona Supreme Court, on July 5th,</p>	<p>09:35:12-09:36:35</p> <p style="text-align: right;">Page 5</p> <p>1 Now, the language in Section 5B and then 5C is 2 sort of our concern here, which is it gives courts -- 3 or, it looks like it may give courts discretion to waive 4 part of some fines and surcharges, assuming that -- that 5 these defendants perform community restitution or 6 otherwise. 7 Now, at this point we're not entirely sure if 8 this is going to affect the Commission -- the Clean 9 Elections surcharge, but we saw this when it came out, 10 and we wanted to make sure you all are aware of it. 11 We're going to try and clarify this with the Court and 12 find out what -- what's going on. And that sort of 13 dovetails into the -- into Item 6 related to the -- 14 what's going on with the surcharge and -- and the 15 communications with the Court. 16 My only update on that is -- is sort of there is 17 no update as of yet. We are working with the Court to 18 try and get on their calendars to try and get a meeting 19 set up with them where we can push things forward. But 20 it could be that our concerns with this administrative 21 order, depending on the outcome of those discussions, 22 may go away. So it could be an issue, could be a 23 nonissue, but we want to make sure that you all are 24 aware of it. And with that, be happy to answer any 25 questions.</p>

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<p>1 And I do -- I apologize. I want to thank you</p> <p>2 for agreeing to take this item first to accommodate my</p> <p>3 schedule. I -- I do appreciate that very much. Thank</p> <p>4 you.</p> <p>5 ACTING CHAIRMAN MEYER: You're welcome.</p> <p>6 Any questions from the Commission?</p> <p>7 (No response.)</p> <p>8 ACTING CHAIRMAN MEYER: Okay. Thank you.</p> <p>9 MR. BALES: Okay. Thank you all very much.</p> <p>10 ACTING CHAIRMAN MEYER: All right. So the next</p> <p>11 item we're going to address is Item Number IV on the</p> <p>12 agenda, which is Discussion and Possible Action on the 5</p> <p>13 Year Review Report submitted to the Governor's</p> <p>14 Regulatory Review Council and Related Matters, including</p> <p>15 Counsel Matters of the Regulatory Review Council.</p> <p>16 MR. COLLINS: Just -- Mr. Chairman, I'll -- if</p> <p>17 I may, I'll introduce this -- this item. Mary O'Grady</p> <p>18 is here and -- and she can address things. We may have</p> <p>19 to go in executive session on this for the -- We'll</p> <p>20 determine that, I think, here after a little bit of open</p> <p>21 discussion.</p> <p>22 To update you on where we are currently, on</p> <p>23 June 6th, the GRRC sent us -- or June 8th -- June 6th or</p> <p>24 June 8th, the GRRC staff attorney sent us a, quote,</p> <p>25 unquote -- I don't know what you would call it --</p>		<p>1 published the GRRC thing as well as our notice to the</p> <p>2 contrary on June 30th in the Administrative Register, so</p> <p>3 both items were published.</p> <p>4 I'd also just observe that the -- the so-called</p> <p>5 notice -- whatever you want to call it -- is</p> <p>6 substantially different from the so-called notice that</p> <p>7 the council purported to do in November 2016, and it</p> <p>8 is -- and it does so in a way that is completely</p> <p>9 inconsistent with what GRRC has maintained is -- has --</p> <p>10 is now -- is now maintaining is its position.</p> <p>11 In other words -- and this is all in our letter,</p> <p>12 but just to review, in 2016 they said certain</p> <p>13 subsections were subject to expiration. In the notice,</p> <p>14 they said that all of Rule 109 and 111 were subject to</p> <p>15 expiration. Their logic -- although there was no public</p> <p>16 meeting that explained how this happened, but the logic</p> <p>17 appears to be that, well, part of 111 got -- was --</p> <p>18 was -- was once in 109, but all of 110, which deals with</p> <p>19 participating [unintelligible] was also in 109 and</p> <p>20 somehow that is not included in -- in the notice.</p> <p>21 So the notice, on its face, is patently</p> <p>22 inconsistent with what the council has said its</p> <p>23 rationale is publicly, and -- and there has been no, to</p> <p>24 the best of our knowledge, public meeting to address how</p> <p>25 it was amended to read the way it was read, at least not</p>	
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<p>1 notice, I guess you would call it, that purported to say</p> <p>2 that R2-20-109 and -111 were revoked. We -- I filed</p> <p>3 with -- And they also returned our five-year report</p> <p>4 again. I filed a letter with GRRC with a revised</p> <p>5 five-year report. I think you all saw it before we</p> <p>6 filed it. And it also identified some issues with the</p> <p>7 open meeting law related to that, and subsequently, we</p> <p>8 have not heard from GRRC one way or the other on that</p> <p>9 issue.</p> <p>10 We have been also working to get some more</p> <p>11 information about the process by which outside counsel</p> <p>12 is assigned, and we have some documents that we've</p> <p>13 requested that's -- that's a matter of public record</p> <p>14 that that has happened. And we have been reviewing</p> <p>15 those. The reason being is that there was -- We -- we</p> <p>16 had a meeting here at the Commission about screening an</p> <p>17 attorney from an entirely other firm and then it turns</p> <p>18 out that a totally different firm with a lawyer named</p> <p>19 Tim LaSota, who some of you may know from his prior</p> <p>20 lawsuits against the Commission, had been appointed. So</p> <p>21 we've been working with the Attorney General's Office to</p> <p>22 get that information ascertained.</p> <p>23 There are some -- some legal questions that I</p> <p>24 think Mary will -- will want to get into that dovetail</p> <p>25 off of that. I will say that the Secretary of State</p>		<p>1 one that we were privy to or noticed on or that there's</p> <p>2 any evidence there was notice about. So that's that</p> <p>3 situation.</p> <p>4 I'd also note -- and I wrote a brief memo to you</p> <p>5 on this -- that a new member Frank Thorwald has proposed</p> <p>6 that GRRC vastly expand its -- sua sponte expand its</p> <p>7 authority and begin doing its own stakeholding process</p> <p>8 on the merits of -- of agency rules, which is an</p> <p>9 extraordinary thing to propose.</p> <p>10 GRRC staff supposedly will be putting some meat</p> <p>11 on the bones of this idea in subsequent meetings, but</p> <p>12 just to give you a sense of why that's so extraordinary,</p> <p>13 we're not subject to Governor Ducey's moratorium order,</p> <p>14 but every other agency -- or, almost every other agency</p> <p>15 is. That means that no agency can make a rule before a</p> <p>16 policy adviser signs off on it, and then they do the</p> <p>17 rule-making, and then they go to the APA process and</p> <p>18 they get public comment and they pass the rule, and then</p> <p>19 they go to GRRC. And now GRRC is going to say, "We're</p> <p>20 going to repeat all that and potentially veto what had</p> <p>21 already been approved by the Governor's Office to begin</p> <p>22 with," which is a very, very strange and circular</p> <p>23 process.</p> <p>24 I also noted in the memo that the Pharmacy Board</p> <p>25 has been in front of GRRC now for many, many meetings,</p>	

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<p>1 much like we have been on a -- and, again, arguing about</p> <p>2 the substance of an underlying rule, the actual policy,</p> <p>3 with the counselors who will not approve the rule so far</p> <p>4 rather than focusing on those items that are in GRRC</p> <p>5 purview pursuant to Title 41.</p> <p>6 So the point of giving you that background is to</p> <p>7 say that what is happening with the Commission at</p> <p>8 GRRC -- You know, a lot of times people think, "Oh,</p> <p>9 this is a Clean Elections issue and if Clean Elections</p> <p>10 just didn't -- wasn't Clean Elections, none of this</p> <p>11 stuff would happen." What the evidence is is that GRRC</p> <p>12 is expanding its authority with no apparent statutory</p> <p>13 basis and doing it in a way that is completely</p> <p>14 irreconcilable, at least in my view, with what I</p> <p>15 understand the policy process of administrative agencies</p> <p>16 who are under the APA and -- and the Governor's Office</p> <p>17 moratorium. So it's a very strange situation, but we're</p> <p>18 a canary in this coal mine. We are not just -- you</p> <p>19 know, we are -- it's not just one of these, oh, Clean</p> <p>20 Elections is -- you know, it's a Clean Elections issue.</p> <p>21 This is clearly a broader effort to overreach</p> <p>22 and expand the turf of the Governor's Regulatory Review</p> <p>23 Council, and -- and I wanted you to be aware that that's</p> <p>24 what's on the table there. So that's my public report.</p> <p>25 I think Mary has some issues she might want to</p>		<p>1 is correct. We have not been agendized at GRRC since</p> <p>2 June. We have been -- Sara and Mike and I or Mike and</p> <p>3 I, depending on who was available, have been attending</p> <p>4 the GRRC meetings to make sure we're there for the staff</p> <p>5 reports and to make sure we know precisely what's going</p> <p>6 on. That's part of the reason we know why -- about</p> <p>7 Mr. Thorwald's vast and incredible assertions.</p> <p>8 The fact of the matter is that we don't know</p> <p>9 what they think that they're going to do. We've -- we</p> <p>10 think, based on what we've heard from staff previously,</p> <p>11 that they think they've done what they need to do and</p> <p>12 now maybe there's nothing else to do.</p> <p>13 However -- and this is -- and this is just --</p> <p>14 and this is just brass tacks -- the attorney who's</p> <p>15 appointed to represent them is an attorney who has a</p> <p>16 particular view of the Clean Elections Act. He has</p> <p>17 represented clients who have sought to have the act</p> <p>18 declared invalid on the very basis that -- that -- that</p> <p>19 John Sundt, at least, has asserted is the basis for his</p> <p>20 vote, even though we don't know what the council's</p> <p>21 actual decision is. And so that attorney being involved</p> <p>22 may drive the process in a different direction than it</p> <p>23 otherwise would be. I don't know.</p> <p>24 COMMISSIONER KIMBLE: Okay. But -- but at this</p> <p>25 point, we're not on any future agenda even though we've</p>	
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<p>1 discuss with you, and that may or may not require going</p> <p>2 into executive session.</p> <p>3 But unless you have questions for me on those</p> <p>4 issues, I will -- I would conclude that -- my comments.</p> <p>5 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>6 ACTING CHAIRMAN MEYER: Commissioner Kimble.</p> <p>7 COMMISSIONER KIMBLE: Mr. Collins, I have two</p> <p>8 questions. First of all, you said that the Secretary's</p> <p>9 Office has published or done something with both GRRC's</p> <p>10 position and our position.</p> <p>11 MR. COLLINS: Yeah.</p> <p>12 COMMISSIONER KIMBLE: But they have not removed</p> <p>13 our rules.</p> <p>14 MR. COLLINS: The -- As of my last check, they</p> <p>15 have not removed. The last check was probably last</p> <p>16 week. I haven't checked it this morning. But I -- I --</p> <p>17 I don't -- I don't -- I mean, we could check right now,</p> <p>18 actually, if someone's got the Administrative Code. But</p> <p>19 I --</p> <p>20 Oh, you checked? Okay. They're there?</p> <p>21 They're there. They're still there.</p> <p>22 COMMISSIONER KIMBLE: And as far as you know,</p> <p>23 GRRC has not taken any action to enforce or emphasize to</p> <p>24 the Secretary that their order should be carried out?</p> <p>25 MR. COLLINS: To the best of my knowledge, that</p>		<p>1 resubmitted, for I can't remember how many times, the</p> <p>2 report. We're just in limbo.</p> <p>3 MR. COLLINS: We're in limbo.</p> <p>4 And the reason -- And just to clarify, we</p> <p>5 resubmitted the report because -- notwithstanding the</p> <p>6 fact that we think GRRC doesn't have the authority to do</p> <p>7 any of the things that it's doing, we continue to submit</p> <p>8 the report as a courtesy and because, frankly, if you</p> <p>9 believe GRRC, when they return a report, if you don't</p> <p>10 return the report back, then all the rules in the report</p> <p>11 are invalidated. Now, we think that's all incorrect,</p> <p>12 but nonetheless, there's certainly no harm to continue</p> <p>13 to submit the report because, you know, the report is</p> <p>14 what it is and the law is what it is.</p> <p>15 COMMISSIONER KIMBLE: Okay. And I'm sorry. I</p> <p>16 don't mean to prolong this, but -- so if I am a</p> <p>17 candidate looking to do my best to abide by the rules, I</p> <p>18 would go to the Secretary of State's website or to the</p> <p>19 Clean Elections website and our version of the rules is</p> <p>20 what I, as a candidate, would see?</p> <p>21 MR. COLLINS: That is correct.</p> <p>22 And -- and -- and, Mr. Chairman, Commissioner</p> <p>23 Kimble, I would make one other important point on that.</p> <p>24 Rule 111 is not a renumbering of Rule 109. It is a</p> <p>25 substantive amendment of the -- of that rule, and it</p>	

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<p>1 included the 20 percent reduction on the state --</p> <p>2 applicable state campaign finance limits as the act</p> <p>3 calls for and as the Supreme Court has indicated is</p> <p>4 appropriate, and it also allowed for -- and the</p> <p>5 avoidance of a Voter Protection Act issue over the</p> <p>6 deflator -- or, the inflator that Senate Bill 1516</p> <p>7 passed.</p> <p>8 The Secretary of State's Office continues to</p> <p>9 issue -- has on its -- has on its website -- and it's on</p> <p>10 our web- -- on our website too -- that the limits that</p> <p>11 apply to candidates are -- who run for state office are</p> <p>12 reduced by 20 percent if they're not -- if they're a</p> <p>13 traditional candidate.</p> <p>14 So, you know, a lot of this, as we've always</p> <p>15 said, is the statutes say what they say and the rules</p> <p>16 are really not the ball game. And that's part of the</p> <p>17 reason we've taken the position we take is because at</p> <p>18 the end of the day, the statutes say what they say. But</p> <p>19 what -- what's, again, I think telling is that the rule</p> <p>20 that purports to be expired is still being, in effect,</p> <p>21 acted on by the Secretary's Office and us by virtue of</p> <p>22 the reduction in the campaign finance limits that are</p> <p>23 applicable under the Clean Elections Act.</p> <p>24 COMMISSIONER CHAN: Mr. Chairman?</p> <p>25 ACTING CHAIRMAN MEYER: Commissioner Chan, go</p>	<p>1 professional responsibility, doesn't it? I mean --</p> <p>2 MR. COLLINS: Well, Mr. -- Mr. Chair, Ms. Chan,</p> <p>3 I mean, I don't know. I mean, as a staff member who</p> <p>4 works for you-all, I mean, there's -- there's -- there</p> <p>5 are -- you try your best to ensure that everybody</p> <p>6 understands what the underlying rules of the road are,</p> <p>7 but at the end of the day . . .</p> <p>8 COMMISSIONER CHAN: Okay. As a former</p> <p>9 legislative staffer, I -- I understand what your point</p> <p>10 is about that.</p> <p>11 I just am concerned when you said that staff is</p> <p>12 going to come back to the council with --</p> <p>13 MR. COLLINS: I think, I mean, Mr. Chairman,</p> <p>14 Commissioner Chan, I would simply -- I would say</p> <p>15 simply that the -- I think that the -- I think that</p> <p>16 the -- the comments of the other council members on this</p> <p>17 issue were -- were -- went this way. Council Member</p> <p>18 Steve Voeller said, "This is awesome," or words to that</p> <p>19 effect. I think that's pretty close, right?</p> <p>20 MR. BECKER: He agreed.</p> <p>21 MR. COLLINS: Yeah, he agreed with it. But I</p> <p>22 think he was pretty enthusiastic.</p> <p>23 MR. BECKER: He said he agreed with it.</p> <p>24 MR. COLLINS: Okay. Mike doesn't think he was</p> <p>25 enthusiastic as I do.</p>		
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<p>1 ahead, please.</p> <p>2 COMMISSIONER CHAN: Okay. A couple of -- couple</p> <p>3 of things I wanted to ask Tom about -- or Mary, whoever</p> <p>4 is appropriate. One, you know, you mentioned, Tom, that</p> <p>5 the APA and in the context of this member's -- this new</p> <p>6 member's proposal to begin seeking stakeholder feedback</p> <p>7 on all rules and five-year reports -- and I -- my</p> <p>8 thought was -- if I remember correctly and nothing's</p> <p>9 changed since I was in the agency years ago, the</p> <p>10 stakeholder process is held through the APA process at</p> <p>11 the agency. Isn't that correct?</p> <p>12 MR. COLLINS: Mr. Chairman, Commissioner Chan,</p> <p>13 that is correct.</p> <p>14 COMMISSIONER CHAN: Okay. So -- so instead of</p> <p>15 adding to the bones of Mr. Thorwald's or Thornwald's</p> <p>16 idea, shouldn't the GRRC staff be explaining that to</p> <p>17 him? I mean, why would the GRRC staff even go forward</p> <p>18 with something like that? And I don't know if you can</p> <p>19 actually answer that.</p> <p>20 MR. COLLINS: I actually can answer that,</p> <p>21 Mr. Chairman, Commissioner Chan. And GRRC's</p> <p>22 long-suffering staff attorney said at the meeting, "I</p> <p>23 work at the pleasure of the council."</p> <p>24 COMMISSIONER CHAN: But doesn't he --</p> <p>25 Mr. Chairman and Tom, I mean, that kind of abdicates his</p>	<p>1 And then other members -- other members had some</p> <p>2 questions about how it would be implemented. And I</p> <p>3 think that -- and -- and I think that the staff, you</p> <p>4 know, was going to provide some -- some -- some sense of</p> <p>5 how that would be done. I would also note -- make two</p> <p>6 other notations. I think at least one member -- Member</p> <p>7 Ames, I think, noted he was concerned about potential</p> <p>8 impact on staff time because they get -- if you look at</p> <p>9 their agendas, they've got a lot -- they go every --</p> <p>10 practically every rule goes through them, you know. And</p> <p>11 then --</p> <p>12 COMMISSIONER CHAN: During the moratorium?</p> <p>13 There's so many rules --</p> <p>14 MR. COLLINS: Those -- That is correct. Yes.</p> <p>15 And then -- and then -- where -- whereas Council</p> <p>16 Member Brenda Burns suggested that perhaps the council</p> <p>17 members themselves ought to be out soliciting feedback</p> <p>18 from stakeholders themselves.</p> <p>19 The last point I'd like to make on that,</p> <p>20 Mr. Chairman, Commissioner Chan, is that Mr. Thorwald</p> <p>21 was very specific about who the stakeholders he believed</p> <p>22 ought to be reached out to, and those were</p> <p>23 essentially -- he used the word "associations,"</p> <p>24 "professional associations." He -- I'm not saying that</p> <p>25 he said that to the exclusion of all other groups, but</p>		

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<p>1 it is the only kind of entity that he suggested would be</p> <p>2 solicited for stakeholder feedback. And as we know in</p> <p>3 working in our stakeholder process, yes, we have</p> <p>4 organizations that are associations that appear, but we</p> <p>5 also have individuals and we have unincorporated</p> <p>6 associations and we have all kinds of folks who are</p> <p>7 stakeholders in our process, and that's true for any --</p> <p>8 any rule, so there's a -- there's a particular focus</p> <p>9 that I'm not quite sure. That -- that may come in --</p> <p>10 become clearer once staff provides the -- the counsel</p> <p>11 with more -- a more detailed version of this if it goes</p> <p>12 anywhere.</p> <p>13 COMMISSIONER CHAN: Okay. And, Mr. Chairman,</p> <p>14 Tom, my understanding of GRRC's role was generally --</p> <p>15 and maybe this is too general, but that they were</p> <p>16 generally, you know, kind of a "your rules are kind of</p> <p>17 constitutional and in proper form" type of agency rather</p> <p>18 than a substantive review agency. And -- and if that</p> <p>19 understanding is correct, do you have any idea if --</p> <p>20 based on what we are going through and now what</p> <p>21 apparently State Pharmacy is going through and</p> <p>22 potentially what other agencies are going to go through</p> <p>23 if they move ahead with this stakeholder process, you</p> <p>24 know, what are -- what are state agencies going to do?</p> <p>25 Are they going to have any choice or work with GRRC</p>	<p>1 have a moratorium but rules are still being authorized,</p> <p>2 you will put -- you can potentially just put rules on a</p> <p>3 loop-de-loop through GRRC, which is what we've been</p> <p>4 experiencing. So I don't know what their -- what</p> <p>5 their -- what the -- the plans -- the plan ultimately</p> <p>6 will be, but those are some of the foreseeable ways in</p> <p>7 which this plays out.</p> <p>8 And, again, I don't mean to belabor this point.</p> <p>9 It's simply to point out to -- to you as commissioners</p> <p>10 and -- and to the public that despite the way in which</p> <p>11 our issues with GRRC have been framed by others, that</p> <p>12 framing is false and provably so, and I think that this</p> <p>13 confirms that.</p> <p>14 So I don't know. At some point, Mary --</p> <p>15 I don't know if Mary wants to jump in on the</p> <p>16 other stuff. But --</p> <p>17 ACTING CHAIRMAN MEYER: Mary? Do you have any</p> <p>18 comments on this? I mean . . .</p> <p>19 MS. O'GRADY: I'd reserve any comments for</p> <p>20 executive session legal advice if the counsel feels the</p> <p>21 need to receive any today.</p> <p>22 ACTING CHAIRMAN MEYER: So I guess I'll put it</p> <p>23 to you, Mr. Collins. Do you recommend executive session</p> <p>24 here?</p> <p>25 MR. COLLINS: I would be more comfortable having</p>		
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<p>1 on -- That just doesn't seem right.</p> <p>2 MR. COLLINS: Well, Mr. Chairman, Commissioner</p> <p>3 Chan, I think -- I think one of two things will happen.</p> <p>4 First, most agencies are not in a position to question</p> <p>5 GRRC for lots of reasons and are -- and have -- and they</p> <p>6 have different statutory -- different enabling acts and</p> <p>7 their enabling acts are probably not as clear about the</p> <p>8 independence of the agency and not clear that they're,</p> <p>9 for example, exempt from GRRC altogether.</p> <p>10 But what I think will happen is one of two</p> <p>11 things. Either the agencies -- this will not turn out</p> <p>12 to be much more than a superficial check, or GRRC will</p> <p>13 become a super policy-making body. Then the question</p> <p>14 will be how does that relate back to the Governor's</p> <p>15 Office and the policy-making process, which is the, you</p> <p>16 know, fountainhead of -- of -- of all of these policies</p> <p>17 for those agencies that are subject to the Governor's</p> <p>18 Office order. And so that seems to me that it may be</p> <p>19 that when this works out that -- that -- that GRRC will</p> <p>20 return to its role as a -- as a marginal check on, as</p> <p>21 you said -- I mean, good analogy being sort of like a --</p> <p>22 COMMISSIONER CHAN: Rules.</p> <p>23 MR. COLLINS: -- rule-committee-type forum.</p> <p>24 That -- that -- that may happen, because, otherwise, you</p> <p>25 know -- or, it -- the goal may be to simply put -- if we</p>	<p>1 executive session because there are two issues that I</p> <p>2 think warrant you receiving legal advice from Mary on.</p> <p>3 ACTING CHAIRMAN MEYER: Okay. I'll make a</p> <p>4 motion that we move to executive session.</p> <p>5 COMMISSIONER CHAN: Second.</p> <p>6 ACTING CHAIRMAN MEYER: Commissioner Chan</p> <p>7 seconded.</p> <p>8 All in favor say "Aye."</p> <p>9 (Chorus of ayes.)</p> <p>10 ACTING CHAIRMAN MEYER: Any opposition?</p> <p>11 (No response.)</p> <p>12 ACTING CHAIRMAN MEYER: Motion carries four to</p> <p>13 zero. We are going to move into executive session.</p> <p>14 Thank you all for -- for giving us a few moments.</p> <p>15 (Public meeting recessed at 9:59 a.m. The</p> <p>16 following section of the meeting is in executive session</p> <p>17 and bound under separate cover.)</p> <p>18 * * * * *</p> <p>19 (End of executive session. Public meeting</p> <p>20 resumes at 10:40 a.m.)</p> <p>21 ACTING CHAIRMAN MEYER: All right. We are back</p> <p>22 in open session. We're going to go to Item II on the</p> <p>23 agenda, which is Discussion and Possible Action on</p> <p>24 Commission Minutes of June 22nd of 2017.</p> <p>25 Any comment or motions on the minutes?</p>		

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<p>1 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>2 ACTING CHAIRMAN MEYER: Commissioner Kimble.</p> <p>3 COMMISSIONER KIMBLE: I move we approve the</p> <p>4 minutes of the June 22nd, 2017, meeting.</p> <p>5 ACTING CHAIRMAN MEYER: Is there a second?</p> <p>6 COMMISSIONER CHAN: Second.</p> <p>7 ACTING CHAIRMAN MEYER: All right. This motion</p> <p>8 has been moved and seconded.</p> <p>9 All in favor say "Aye."</p> <p>10 (Chorus of ayes.)</p> <p>11 ACTING CHAIRMAN MEYER: All opposed?</p> <p>12 (No response.)</p> <p>13 ACTING CHAIRMAN MEYER: Motion carries. The</p> <p>14 minutes are approved.</p> <p>15 Item Number III is Discussion and Possible</p> <p>16 Action on the Executive Director's Report.</p> <p>17 MR. COLLINS: Mr. Chairman, thank you. I will</p> <p>18 make this as brief as I can.</p> <p>19 I want to first welcome Stephanie Cooper, who</p> <p>20 joined the staff on July 3rd, as our Executive Support</p> <p>21 Specialist. Stephanie was formerly with the Secretary</p> <p>22 of State's Office and the Apache County Elections</p> <p>23 Department, and we're thrilled to have her here. And</p> <p>24 she's -- well, she fit right in and had to -- had to</p> <p>25 learn a lot of stuff right away, but -- because we don't</p>		<p>1 it's really exactly the kind of thing, as -- as many</p> <p>2 of -- many of you who were there and who were not there</p> <p>3 recognize what we really want to -- what we really think</p> <p>4 is our -- our bread and butter in terms of what we can</p> <p>5 provide the voters as a voter-centered agency.</p> <p>6 There's elections coming up in August. We are</p> <p>7 working to support, to the extent possible within our</p> <p>8 budget capacity, information around those elections:</p> <p>9 Phoenix, Tucson, Yuma, Prescott.</p> <p>10 We are working on and we did -- we previewed a</p> <p>11 chatbot that I can't explain it correctly, but it's</p> <p>12 really cool. And basically, it would come up on our</p> <p>13 website or on Facebook.</p> <p>14 MS. ROBERTS: Messenger.</p> <p>15 MR. COLLINS: Messenger. Oh, it comes up on</p> <p>16 Facebook Messenger. And it will talk to you and walk</p> <p>17 you through the information that you want to find out</p> <p>18 about elections. And it's -- it's very responsive.</p> <p>19 It's very intuitive. It's super cool. And I think it's</p> <p>20 going to be pretty -- pretty -- I don't know. I think</p> <p>21 it's awesome. It's practically artificial intelligence.</p> <p>22 So maybe you could hire it as an executive director.</p> <p>23 The -- But Gina has been working with Riester</p> <p>24 on that for some time. And it's really -- I'm -- I -- I</p> <p>25 couldn't be more excited about it, and I'm not a tech</p>	
10:43:02-10:44:17	Page 23	10:45:49-10:47:31	Page 25
<p>1 really get much of a break, but it's been great and</p> <p>2 we're pleased to have her. So we welcome Stephanie.</p> <p>3 And please, get a chance -- if you get a chance to say</p> <p>4 "Hi" to her on your way out -- out today, that would be</p> <p>5 great.</p> <p>6 As you know, most of you attended the roundtable</p> <p>7 event on July 13th. We had approximately a hundred</p> <p>8 attendees. We received positive feedback from</p> <p>9 attendees, and we're going to work to consolidate that</p> <p>10 into a report.</p> <p>11 I'm going to -- I've gotten some personal</p> <p>12 comments I still haven't had a chance to review, but --</p> <p>13 but -- but I think -- I think overall it was successful.</p> <p>14 I think it did what it needed to do, and I think what it</p> <p>15 did is it built on what the -- you know, Gina had</p> <p>16 conceptualized the first time we did this, which was</p> <p>17 focus on election officials, and now broadening it out</p> <p>18 to other communities, including, you know, whether it's</p> <p>19 League of Women Voters, communities that are currently</p> <p>20 underserved by voter -- by voter education and -- and --</p> <p>21 and other voter access issues.</p> <p>22 I think -- I think it brought a rich group of</p> <p>23 people together, and I think they got -- and I think</p> <p>24 they got some good information, some good energy out of</p> <p>25 it. And I think it was good, and I think -- I think</p>		<p>1 guy, so . . . Gina's going to be presenting it to the</p> <p>2 Municipal Clerks Association training in July, and Alec</p> <p>3 and Stephanie will be going to that training session,</p> <p>4 which, I think, will be good to get them familiar with</p> <p>5 the clerks and with the other electional issue there.</p> <p>6 We're coming up on -- by the time we next meet, the \$5</p> <p>7 qualifying period will have begun; training workshops</p> <p>8 will have begun.</p> <p>9 With respect -- I don't want to -- This is</p> <p>10 going a little longer than I had hoped, but with respect</p> <p>11 to complaints, as I think you all know, Representative</p> <p>12 Jesus Rubalcava -- -cava resigned yesterday. It's not</p> <p>13 clear to me when that resignation is effective. The</p> <p>14 only note I would make on that is that that does not</p> <p>15 moot the investigation, and so that continues.</p> <p>16 The remaining things, I think, are all kind of</p> <p>17 old business.</p> <p>18 I want to make a quick note. I know I wrote a</p> <p>19 fairly lengthy exegesis on the recent AG opinion on</p> <p>20 public records and -- and so-called private</p> <p>21 communications or private cell phones and the like.</p> <p>22 I -- Just to be brief about it, I think it's confusing</p> <p>23 and I think it's -- and I think the parts that are</p> <p>24 confusing are wrong. And I think it's easier to simply</p> <p>25 maintain the practice that the Commission has</p>	

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<p>1 maintained, which is that those records that may be on a</p> <p>2 private device but that are, in fact, public business or</p> <p>3 on public account are public records.</p> <p>4 You know, we may take some steps down the road,</p> <p>5 as I mentioned, to create more publicly funded, I guess,</p> <p>6 ways for you, as commissioners, to get information,</p> <p>7 whether that's emails or what have you. We've had some</p> <p>8 productive conversations internally with -- with our --</p> <p>9 among staff and -- and -- and others who are -- who work</p> <p>10 with us as advisers about establishing this as a</p> <p>11 baseline to work from rather than as a mandate to --</p> <p>12 to -- to not preserve, and I think that's an appropriate</p> <p>13 way to go.</p> <p>14 And we do have, in fact, a practice of</p> <p>15 preserving records that are theoretically, under this</p> <p>16 opinion, not public but, in my view, are very much</p> <p>17 public, and we have been doing that and that's been our</p> <p>18 practice. So I don't think this changes the status quo.</p> <p>19 I think it's a little -- I think it's a little</p> <p>20 unfortunate that this is confusing. And my hope is that</p> <p>21 the Attorney General's Office does two things: one,</p> <p>22 that it revises the Attorney General's opinion to remove</p> <p>23 the language in Title 41 that does not support its</p> <p>24 conclusions in any way and, second, that it provides a</p> <p>25 guidance in the form of the Attorney General agency</p>		<p>1 falling outside of -- of our -- of our legal duties.</p> <p>2 So -- so with that, unless you have questions</p> <p>3 about that, I'll leave it at that.</p> <p>4 ACTING CHAIRMAN MEYER: I don't have any</p> <p>5 questions on the report. Does anyone else?</p> <p>6 (No response.)</p> <p>7 Okay. All right. Let's move on to Agenda Item</p> <p>8 Number V, Discussion and Possible Action on Rule</p> <p>9 Amendment Proposals.</p> <p>10 The first item, A, is those rules approved for</p> <p>11 public comment on February 23rd. Sub 1 is A.A.C.</p> <p>12 R2-20-702(B). We've all -- know these Options A, B, and</p> <p>13 C at this point, I believe.</p> <p>14 Tom, shall we take public comment on those at</p> <p>15 this time now?</p> <p>16 MR. COLLINS: Here's what I would suggest,</p> <p>17 Mr. Chairman, Commissioners. With your -- you know,</p> <p>18 with your accession, we do have speaker slips because</p> <p>19 we've had a lot of folks here in the past -- there are</p> <p>20 fewer folks here -- so we don't -- and we've had some</p> <p>21 trouble making sure that the court reporter gets names,</p> <p>22 so we do have some -- we do have speaker slips up here.</p> <p>23 So if you could -- if you want to speak, if you could</p> <p>24 fill that out hand it to us after your -- either before</p> <p>25 or after you speak.</p>	
10:49:17-10:50:28	Page 27	10:51:51-10:53:00	Page 29
<p>1 manual that explains precisely how this is supposed to</p> <p>2 work.</p> <p>3 But I think, you know, just so you know, I</p> <p>4 mean -- I mean, Commissioner Kimble's particularly aware</p> <p>5 of this in one of the cases I cited in the -- in the</p> <p>6 memo, and in the memo's a case where -- that</p> <p>7 Commissioner Kimble's intimately involved in, and the</p> <p>8 courts have rejected arguments like the public records</p> <p>9 law is -- the liability is limited to custodians'</p> <p>10 records.</p> <p>11 If you have records, you're still liable, even</p> <p>12 if you're not the custodian. There's a reported Court</p> <p>13 of Appeals case on that, and -- you know, and I -- I'm</p> <p>14 not trying to -- I don't want to put Commissioner Kimble</p> <p>15 on the spot, but he's the plaintiff in that case -- or,</p> <p>16 one of the plaintiffs.</p> <p>17 So -- so if you look at the way the courts have</p> <p>18 looked at these issues and you look at the statutory</p> <p>19 language, it's very, very difficult to square this</p> <p>20 opinion with the -- the law as it is. That having been</p> <p>21 said, you know, at -- I don't want to be too -- too</p> <p>22 overly critical -- critical because we do have able</p> <p>23 counsel from the Attorney General's Office with whom we</p> <p>24 can work to make sure that we are well within that and</p> <p>25 any advice -- and -- and will ensure that we are not</p>		<p>1 Second, I do think that it would be helpful</p> <p>2 to -- to limit public comment to -- to --</p> <p>3 ACTING CHAIRMAN MEYER: I say two minutes.</p> <p>4 MR. COLLINS: -- two minutes if -- because we</p> <p>5 think we've heard the things we need to hear -- or I</p> <p>6 think we've gotten ample public comment. And I think</p> <p>7 the Commissioners agree -- if the Commissioners agree</p> <p>8 with that. And then -- and then I think that, you</p> <p>9 know -- I don't know that I need to belabor our -- our</p> <p>10 view on this.</p> <p>11 I will say on just on the -- on the Option C</p> <p>12 point, you know, one of the things that we -- we -- we</p> <p>13 can -- we can do in addition -- which we did last time</p> <p>14 and it worked out well in terms of those candidates who</p> <p>15 were audited and audited on party expenditures -- you</p> <p>16 know, we have agreed-upon procedures with our auditors</p> <p>17 that are -- that include petty cash funds, looking for</p> <p>18 legal defense funds, and we can add the party</p> <p>19 expenditures into that. And the last time we did that,</p> <p>20 they all checked out, and that's an additional check and</p> <p>21 balance on that that I think would raise no issues. But</p> <p>22 that's a decision staff can make down the road, but</p> <p>23 that's just out there.</p> <p>24 And I'd also note that we have out right now</p> <p>25 pending a rule that will expand our -- the -- the quote,</p>	

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<p>1 unquote, random audits so that all legislative</p> <p>2 candidates and all statewide candidates are going to be</p> <p>3 audited, so -- so -- assuming we pass that rule when</p> <p>4 that time comes.</p> <p>5 So -- so there's safeguards in C. I -- but I --</p> <p>6 you know, I mean, I respect and understand folks' views</p> <p>7 on Options A and B. I think that those views -- I</p> <p>8 mean, Commissioner Paton especially has expressed those</p> <p>9 views in a way that I think is very clear and</p> <p>10 understandable. And ultimately, it's for you all to</p> <p>11 make a decision about what you think is best for -- for</p> <p>12 the institution, and -- and I think we're at that point.</p> <p>13 So I -- I don't -- I would take public comment</p> <p>14 before we move to -- to Commission discussion and any</p> <p>15 motions the Commission might make on Item A1 and</p> <p>16 Item A2.</p> <p>17 ACTING CHAIRMAN MEYER: And yes, this -- Paula</p> <p>18 here has the speaker slips if anyone needs them. I do</p> <p>19 have one speaker slip here from Jim Barton, so we'll</p> <p>20 allow him to go first. We're going to -- as -- as Tom</p> <p>21 said, we're going to limit comment to two minutes per</p> <p>22 speaker.</p> <p>23 So go ahead. For the record, please state your</p> <p>24 name.</p> <p>25 MR. BARTON: Good morning. I'm Jim Barton with</p>		<p>1 (No response.)</p> <p>2 ACTING CHAIRMAN MEYER: Thank you.</p> <p>3 Do we have anyone else for public comment today?</p> <p>4 (No response.)</p> <p>5 ACTING CHAIRMAN MEYER: All right. So I guess</p> <p>6 I -- I'd take comments from any of the other</p> <p>7 commissioners on these rules at this time.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman?</p> <p>9 ACTING CHAIRMAN MEYER: Commissioner Chan.</p> <p>10 COMMISSIONER CHAN: I would just say that, you</p> <p>11 know, I'm really grateful that we had time to reflect</p> <p>12 over the past month. I know at the last meeting there</p> <p>13 was a lot of input that it was a little surprising based</p> <p>14 on the fact that we had discussed it the month before</p> <p>15 with not much input.</p> <p>16 I support Option C because I sincerely believe</p> <p>17 that that is the best way to allow our candidates to run</p> <p>18 without an arm tied behind their back. I believe that</p> <p>19 it has, as Tom mentioned, sufficient safeguards, it's</p> <p>20 got documentation requirements to prevent the kind of</p> <p>21 abuse that we -- you know, may have been possible in the</p> <p>22 past, although I believe even the complaint that was</p> <p>23 filed showed that there was no wrongdoing. I know Tom</p> <p>24 went to unprecedented lengths to ensure there had been</p> <p>25 no wrongdoing in that case.</p>	
10:54:21-10:55:20	Page 31	10:56:32-10:57:47	Page 33
<p>1 Torres Law Group. I'm here on behalf of the Arizona</p> <p>2 Democratic Party.</p> <p>3 And honestly, you know, I'm just here to speak</p> <p>4 in support of Option C and in support of passing the</p> <p>5 consultant rule, 703.01. I was here in case there was</p> <p>6 stuff that needed to be clarified. I -- I want to make</p> <p>7 sure that we kept a clean record about -- on what had</p> <p>8 happened in the past and what the implications were. I</p> <p>9 don't have a whole lot to say now as a result of that.</p> <p>10 I mean, honestly, I think that the idea of the</p> <p>11 Commission is to keep it -- make it possible for</p> <p>12 candidates to select to run with Clean Election funds so</p> <p>13 that we can get untoward influence out of the election</p> <p>14 system. I think by leaving Clean candidates in as close</p> <p>15 to an even -- oops, I didn't want to say -- even</p> <p>16 opportunity -- I certainly don't want to say level</p> <p>17 playing field; I know we don't do that -- to keep -- to</p> <p>18 keep Clean Election candidates to have the same</p> <p>19 opportunities as traditional candidates is valuable, and</p> <p>20 I think Option C and approving the consultant rule does</p> <p>21 that.</p> <p>22 And, otherwise, I'd be happy to answer</p> <p>23 questions.</p> <p>24 ACTING CHAIRMAN MEYER: Any questions for</p> <p>25 Mr. Barton?</p>		<p>1 I would just like to comment that, you know, I</p> <p>2 think one party -- members of one party may have tried</p> <p>3 to cast aspersions on the Democratic Party for running</p> <p>4 candidates in districts where they had, quote, unquote,</p> <p>5 no chance of winning. You know, when that statement was</p> <p>6 made, it really caught my attention because I think that</p> <p>7 was an attempt to cast aspersions, and I -- I don't</p> <p>8 think those were accurate. I think that both parties</p> <p>9 should try to run candidates in every district because I</p> <p>10 think competition is where it's at. You know, we need</p> <p>11 the free market of ideas.</p> <p>12 So that's kind of an editorial statement on my</p> <p>13 part, but I would say kudos to the Democratic Party for</p> <p>14 running candidates in every district. And I wish -- I</p> <p>15 wish all the parties did that. I think that would serve</p> <p>16 the voters the best.</p> <p>17 So with that, that's my comments.</p> <p>18 ACTING CHAIRMAN MEYER: Any other commissioners?</p> <p>19 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>20 ACTING CHAIRMAN MEYER: Commissioner Kimble.</p> <p>21 COMMISSIONER KIMBLE: I -- I also support Option</p> <p>22 C. I think it is imperative that we do what we can to</p> <p>23 attract more people to run as publicly funded Clean</p> <p>24 Elections candidates. And I am very satisfied that</p> <p>25 there are more than adequate safeguards built into</p>	

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<p>1 Option C to eliminate the possibility of political</p> <p>2 parties using money as a -- as -- as some kind of a</p> <p>3 windfall, not to directly benefit the -- the specified</p> <p>4 candidate.</p> <p>5 I do -- I do wish that there was some way to</p> <p>6 extend this benefit to independent candidates. I -- I</p> <p>7 can't -- I can't think of any way to do that since, by</p> <p>8 their nature, they are not a member of a political party</p> <p>9 and -- and do not have a political party to -- to turn</p> <p>10 to as -- as a possible source of support. But the fact</p> <p>11 that we are not able to do this for independent</p> <p>12 candidates I don't think negates the benefits that I see</p> <p>13 to -- to other candidates in Option C.</p> <p>14 ACTING CHAIRMAN MEYER: Thank you.</p> <p>15 Any other commissioners want to comment?</p> <p>16 (No response.)</p> <p>17 I'll add a comment -- I mean, I echo the</p> <p>18 comments of Commissioners Chan and Kimble. I also have</p> <p>19 heard the opinions of Commissioner Paton on this.</p> <p>20 And -- and from my perception of his comments is that he</p> <p>21 would support either Option B or maybe Option A. I</p> <p>22 think his concerns are valid about, you know, the</p> <p>23 potential there of -- of a party influence.</p> <p>24 That being said, I -- I -- while I very much</p> <p>25 appreciate Commissioner Paton's comments, I -- I hear</p>		<p>1 make sure -- We asked for public comment earlier. Is</p> <p>2 there any public comment just on this rule?</p> <p>3 (No response.)</p> <p>4 ACTING CHAIRMAN MEYER: Okay. Hearing none, I'm</p> <p>5 going to open the floor up to the commissioners. Any</p> <p>6 comments on this or motions on this proposed rule?</p> <p>7 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>8 ACTING CHAIRMAN MEYER: Yes, Commissioner</p> <p>9 Kimble.</p> <p>10 COMMISSIONER KIMBLE: I support this rule. I --</p> <p>11 I think the changes that were made that removed some of</p> <p>12 the concerns of consultants, such as a requirement that</p> <p>13 they report their markups and report other candidates</p> <p>14 they're working for, things like that, were -- were a</p> <p>15 good -- were a good improvement to this. And I support</p> <p>16 option -- or, I support approval of -- of this -- of</p> <p>17 this rule as it's written now.</p> <p>18 ACTING CHAIRMAN MEYER: Any other comments?</p> <p>19 (No response.)</p> <p>20 ACTING CHAIRMAN MEYER: I say I also support</p> <p>21 this rule.</p> <p>22 At this time I'll make a motion that the</p> <p>23 Commission approve and adopt Proposed Rule A.A.C.</p> <p>24 R2-20-703.01.</p> <p>25 Is there a second?</p>	
10:59:32-11:00:40	Page 35	11:01:55-11:02:41	Page 37
<p>1 them and I -- I respectfully disagree with them, and</p> <p>2 I -- I think we can address those concerns with Option</p> <p>3 C, and -- and, as Tom said, maybe we look at, you know,</p> <p>4 an audit process that does maybe put more of microscope</p> <p>5 on these party -- party expenses.</p> <p>6 So I'm going to support Option C.</p> <p>7 And at this time I'm going to make a motion that</p> <p>8 the Commission adopt Option C for A.A.C. R2-20-702(B),</p> <p>9 that we adopt that rule.</p> <p>10 Is there a second?</p> <p>11 COMMISSIONER KIMBLE: I second that.</p> <p>12 ACTING CHAIRMAN MEYER: Commissioner Kimble has</p> <p>13 seconded the motion.</p> <p>14 All in favor say "Aye."</p> <p>15 (Chorus of ayes.)</p> <p>16 ACTING CHAIRMAN MEYER: All opposed?</p> <p>17 COMMISSIONER PATON: No.</p> <p>18 ACTING CHAIRMAN MEYER: Okay. The motion is</p> <p>19 carried three to one.</p> <p>20 Commissioner Titla's not here, so he did not</p> <p>21 vote. But motion carries.</p> <p>22 We will now move on to Agenda Item V, A, 2,</p> <p>23 which is A.A.C. R2-20-703.01, Regulation of Payments to</p> <p>24 Campaign Consultants by Participating candidates.</p> <p>25 Is there any -- well, I guess I just want to</p>		<p>1 COMMISSIONER KIMBLE: I second.</p> <p>2 ACTING CHAIRMAN MEYER: Commissioner Kimble has</p> <p>3 seconded my motion.</p> <p>4 All in favor say "Aye."</p> <p>5 (Chorus of ayes.)</p> <p>6 ACTING CHAIRMAN MEYER: All opposed?</p> <p>7 (No response.)</p> <p>8 ACTING CHAIRMAN MEYER: Okay. This motion</p> <p>9 carries four to zero, again with Commissioner Titla not</p> <p>10 here and not voting.</p> <p>11 So that concludes Agenda Item V, Tom, unless</p> <p>12 there's more to add to that.</p> <p>13 MR. COLLINS: I just want to make one clarifying</p> <p>14 point, which will be reflected in the record when we</p> <p>15 file these rules with the Secretary.</p> <p>16 A.A.C. R2-20-702(B), as amended, will be</p> <p>17 effective January 1 because the vote was not unanimous.</p> <p>18 A.A.C. R2-20-703.01 will be effective</p> <p>19 immediately --</p> <p>20 ACTING CHAIRMAN MEYER: Okay.</p> <p>21 MR. COLLINS: -- because it was adopted</p> <p>22 unanimously.</p> <p>23 ACTING CHAIRMAN MEYER: Thank you for that</p> <p>24 information.</p> <p>25 COMMISSIONER KIMBLE: Mr. Chairman?</p>	

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<p>1 So, Mr. Collins, does that cause any issues for</p> <p>2 the upcoming --</p> <p>3 MR. COLLINS: Mr. -- Mr. Chairman, Commissioner</p> <p>4 Kimble, it does not, because R2-20-702(B) as it stands</p> <p>5 now is less strict than R2-20-702(B) as amended.</p> <p>6 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>7 ACTING CHAIRMAN MEYER: Okay. So next we have</p> <p>8 Agenda Item VII, which is public comment. I think we've</p> <p>9 already addressed that.</p> <p>10 Is there any other additional public comment</p> <p>11 today?</p> <p>12 Please step forward.</p> <p>13 And while we know you, please state your name</p> <p>14 for our new court reporter today.</p> <p>15 MS. KNOX: Rivko Knox with the League of Women</p> <p>16 Voters of Arizona.</p> <p>17 I just wanted to make very brief statement</p> <p>18 saying that this was the first year that the League of</p> <p>19 Women Voters was invited to attend a roundtable. I</p> <p>20 gather this was the second year there was a roundtable.</p> <p>21 And personally, and from the responses I've got from the</p> <p>22 other people who attended, it was a very outstanding</p> <p>23 event, and it was -- the -- the presentations were all</p> <p>24 very good, well attended. And it was a wonderful</p> <p>25 opportunity for different people to mix and hear other</p>		<p>1 you know, folks that help run our elections -- I was in</p> <p>2 a breakout session with some representatives from the</p> <p>3 Maricopa County Recorder's Office and the Pima County</p> <p>4 Recorder's Office, and they both made comments of using</p> <p>5 social media -- media and "We're getting ideas from each</p> <p>6 other" that can improve their efficiency, their ability</p> <p>7 to outreach and reach voters. And it was just a</p> <p>8 wonderful opportunity for them. And I know the staff</p> <p>9 worked very hard to put that together. It was</p> <p>10 effective, it was positive, and I think it's really</p> <p>11 going to have a positive impact on -- on voter</p> <p>12 education, hopefully voter turnout.</p> <p>13 And just keep up the great work. And thank you.</p> <p>14 COMMISSIONER CHAN: Can I just add to that, Mr.</p> <p>15 Chairman --</p> <p>16 ACTING CHAIRMAN MEYER: Sure.</p> <p>17 COMMISSIONER CHAN: -- quickly?</p> <p>18 I did -- I guess I hadn't thought about this,</p> <p>19 but I'll just share with you guys that at my table, I</p> <p>20 was sitting with -- I -- I had an opportunity to sit</p> <p>21 with a variety of people from different counties. And it</p> <p>22 was exciting because I had known them when I was at the</p> <p>23 Secretary of State's Office, and they just had so many</p> <p>24 positive things to say about our staff and this -- this</p> <p>25 Commission and the things that we've done to outreach to</p>	
11:04:00-11:05:05	Page 39	11:06:10-11:07:25	Page 41
<p>1 points of view.</p> <p>2 And I thought that was extremely important</p> <p>3 because you had a mixture of elected and appointed</p> <p>4 public officials and then you did have the expansion</p> <p>5 into groups like the League and there was an advocacy</p> <p>6 network and a number of other nonprofits. And I thought</p> <p>7 it was a very useful mixture. And I heard some very</p> <p>8 interesting, different perspectives when we broke into</p> <p>9 small groups.</p> <p>10 So that's all I wanted to say, and thank you,</p> <p>11 and we look forward to next year's. Thank you.</p> <p>12 ACTING CHAIRMAN MEYER: Thank you for your</p> <p>13 comments.</p> <p>14 Is there any other public comment?</p> <p>15 (No response.)</p> <p>16 ACTING CHAIRMAN MEYER: All right. Before we</p> <p>17 adjourn, I just want to, again, you know, thank staff,</p> <p>18 congratulate staff for what a tremendous open forum that</p> <p>19 was last week. The content of the program was</p> <p>20 exceptional. The people that attended -- everyone I</p> <p>21 spoke to about it thought it was a great idea. They</p> <p>22 spoke positively of the Commission staff and -- and</p> <p>23 their professionalism and the openness to communicate</p> <p>24 with them.</p> <p>25 And the -- the exchange of ideas amongst our --</p>		<p>1 the -- to the counties and -- and all sorts of</p> <p>2 communities since Tom has been at the helm and with all</p> <p>3 of the staff here and the people that he's brought on</p> <p>4 board, and I just am so proud of this staff for the work</p> <p>5 they put in and the effect that they are having on</p> <p>6 elections in Arizona.</p> <p>7 So thank you.</p> <p>8 MR. COLLINS: And if I could supplement -- Mr.</p> <p>9 Chairman, if I could supplement my executive director's</p> <p>10 report, which I think this is all supplemental to the</p> <p>11 executive director's report, for the record.</p> <p>12 I just want to particularly thank Gina Roberts</p> <p>13 for -- for her -- for her work on this and Alec Shaffer.</p> <p>14 I think that --</p> <p>15 I appreciate you, Commissioner Chan, mention- --</p> <p>16 saying that -- saying that I have done work on this,</p> <p>17 but -- but the credit for this particular event and for</p> <p>18 the -- acting on the vision that the Commission and I'd</p> <p>19 like to -- I'd like to think being created for voters</p> <p>20 education has come from -- from Gina and her leadership,</p> <p>21 and it's extraordinary, and -- and we're very proud</p> <p>22 to -- to -- to have her on staff. And -- and -- and I</p> <p>23 just think that -- I just wanted to make -- make --</p> <p>24 make that point.</p> <p>25 ACTING CHAIRMAN MEYER: Sure.</p>	

11:07:27-11:07:43

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1 All right. At this time I am receptive to
2 motions to adjourn.
3 COMMISSIONER CHAN: I motion that we adjourn,
4 Mr. Chairman.
5 ACTING CHAIRMAN MEYER: I'll second it.
6 All in favor say "Aye."
7 (Chorus of ayes.)
8 ACTING CHAIRMAN MEYER: Opposed?
9 (No response.)
10 ACTING CHAIRMAN MEYER: All right. We are
11 adjourned.
12 (Whereupon, the proceedings concluded at 11:07
13 a.m.)
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 I, Meri Coash, hereby certify that the foregoing
4 pages numbered from 1 to 42, inclusive, constitute a
5 full, true, and accurate record of the proceedings had in
6 the above matter, all done to the best of my skill and
7 ability.

8 DATED this 24th day of July, 2017.
9

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12 Meri Coash
13 Certified Reporter #50327
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(1) \$5 - civil

<p>clarified (1) 31:6 clarify (2) 5:11;13:4 clarifying (1) 37:13 Clean (15) 3:13;5:8;10:9,9,10,19,20;12:16;13:19;14:23;31:7,12,14,18;33:23 clear (4) 19:7,8;25:13;30:9 clearer (1) 18:10 clearly (1) 10:21 Clerks (2) 25:2,5 clients (1) 12:17 close (2) 16:19;31:14 coal (1) 10:18 Code (1) 11:18 COLLINS (27) 6:16;11:7,11,14,25;13:3,21;15:12,20;16:2,13,21,24;17:14;19:2,23;20:23,25;22:17,24;15;28:16;29:4;37:13,21;38:1,3;41:8 comfortable (1) 20:25 coming (2) 24:6;25:6 comment (17) 9:18;21:25;28:11,14;29:2,6;30:13,21;32:3;33:1;34:15,17;36:1,2;38:8,10;39:14 comments (14) 11:4;16:16;20:18,19;23:12;32:6;33:17;34:18,20,25;36:6,18;39:13;40:4 Commission (16) 3:13;5:8;6:6;7:16,20;10:7;21:24;25:25;30:14,15;31:11;35:8;36:23;39:22;40:25;41:18 Commissioner (59) 3:4,6;11:5,6,7,12,22;12:24;13:15,22;14:24,25;15:2,12,14,21,24;16:8,14;17:12,20;18:13;19:2,22;21:5,6;22:1,2,3,6;27:4,7,14;30:8;32:8,9,10;33:19,20,21;34:19,25;35:11,12,17,20;36:7,8,10;37:1,2,9,25;38:3,6;40:14,17;41:15;42:3 Commissioners (11) 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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
August 31, 2017**

Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.

Voter Education:

- A referendum was filed against SB1431 (expansion of empowerment scholarships (school vouchers)). The Secretary of State performs an initial review and sends a random sample to the County Recorders for signature verification. The Secretary then tabulates the number of valid signatures and if the random sample establishes the valid signatures equals or exceeds 100% of the minimum number of signatures required; the measure will be placed on the 2018 General Election ballot.
- Tom will be attending the 92nd Annual White Mountain Apache Tribal Fair & Rodeo in Whiteriver to discuss Clean Elections with voters this weekend. He will be in Window Rock of the Navajo Nation Fair the following week. The office of the Hon. Doris Clark, Navajo County Recorder will be hosting us Tom, who will be working on the recorder's voter outreach effort with her staff.

2018 Candidate Information:

- Participating Legislative Candidates: **20**
- Participating Statewide Candidates: **11**
- Clean Elections Training Workshops: **3**

Enforcement – 2017 Election Cycle:

Complaints Pending: 1

- MUR 17-001 – Jesus Rubalcava – currently during investigation phase.

Enforcement – 2014 Election Cycle:

Complaints Pending: 3

- MUR 14-006, -015 (consolidated/conciliated): Horne - pending completion of items in conciliation agreement.
 - MUR 14-007: Legacy Foundation Action Fund (LFAF) – Oral Argument is currently set for Monday, September 11, 2017
- MUR 14-027: Veterans for a Strong America (VSA)

Miscellaneous

- Oral argument in *Legacy Foundation Action Fund v. Citizens Clean Elections Commission*, are at 10:40 AM on September 11.
https://www.azcourts.gov/Portals/21/OralArgumentCalendars/OA%209_11_17.pdf. The argument will be held in the Arizona Supreme Court's Courtroom and viewable online at <http://www.azcourts.gov/AZ-Supreme-Court/Live-Archived-Video>.

- The proposed audit expansion rules will be eligible for final adoption at the September commission meeting.
- I've discussed with Deputy Secretary of State Lee Miller changes to the electronic qualification structure for elections after 2018. Under the Secretary's initial idea electronically obtained qualifying contributions would be directly deposited in to the Clean Elections Fund, which would simplify the process. There are some policy and stakeholder issues to work through on how that would work in practice. However, we will keep you updated as we get closer to the legislative session or get more information on how we might proceed otherwise.

Roundtable Summary





2017 Roundtable

Please join the Citizens Clean Elections Commission for a voter education discussion with election officials & community organizations from across the state. Topics will include best practices, technology, social media & voter research.

Thursday, July 13th
8:30 a.m. - 4:30 p.m.

[Hyatt Regency Phoenix](#)

122 N. 2nd Street
Phoenix, Arizona 85004

Tel: 1-602-252-1234

RSVP: ccec@azcleanelections.gov



July 13, 2017

ROUNDTABLE SUMMARY

Presented By The Citizens Clean Elections Commission

Purpose

The Citizens Clean Elections Commission appreciates everyone who attended the 2017 Roundtable Event! Our purpose for the meeting was to gather feedback from various organizations to identify voter education needs for the state and to help shape the Commission's education plan for 2018.

Background

The Commission first hosted a roundtable event with county recorders and election officials in 2015. The intent was to facilitate discussion with election officials and identify voter education needs. Feedback from the 2015 Roundtable event was incorporated in the Commission's 2016 voter education plan.

Based on the 2015 evaluation surveys by participants and the value we found in the roundtable, the Commission decided to host another event. In addition to county election officials, the roundtable was open to city clerks and community organizations. Our goal was to bring together the leaders that drive election information to the community and facilitate discussion on the below agenda items.

“It was helpful to gain a perspective from the 2016 elections and understand the issues facing election officials.

I appreciated brainstorming solutions to these problems in the breakouts.”

Agenda

Time	Event	Speaker
7:30 AM	Registration & Continental Breakfast	—
8:30 AM	Introductions	Chairman Steve Titla
8:40 AM	CCEC Education Plan Framework	Gina Roberts/RIESTER
9:15 AM	Voters, Media & Social Networks	Thom Reilly & Joseph Garcia, ASU Morrison Institute for Public Policy
9:45 AM	Morning break	—
10:00 AM	Roundtable Session 1	All
11:20 AM	Accessibility	Renaldo Fowler & Maya Abela, AZ Center for Disability Law
11:40 AM	See the Money Update	Lee Miller, Deputy Secretary of State
12:00 PM	Lunch & Keynote Speaker	Jaime Casap, Education Evangelist, Google
1:45 PM	Panel Discussion: Leveraging technology & social media to increase political participation	Thom Reilly, Tom Collins, Honorable Leslie Hoffman, Abe Kwok. Moderated by Natalie J. Sayer
3:00 PM	Afternoon Break	—
3:15 PM	Roundtable Session 2	All
4:00 PM	Open Session: Collaboration among CCEC, counties, SOS, & Stakeholders	All
4:15 PM	Closing Remarks	Gina Roberts/Tom Collins

Presentations

Gina Roberts, *Citizens Clean Elections Commission*

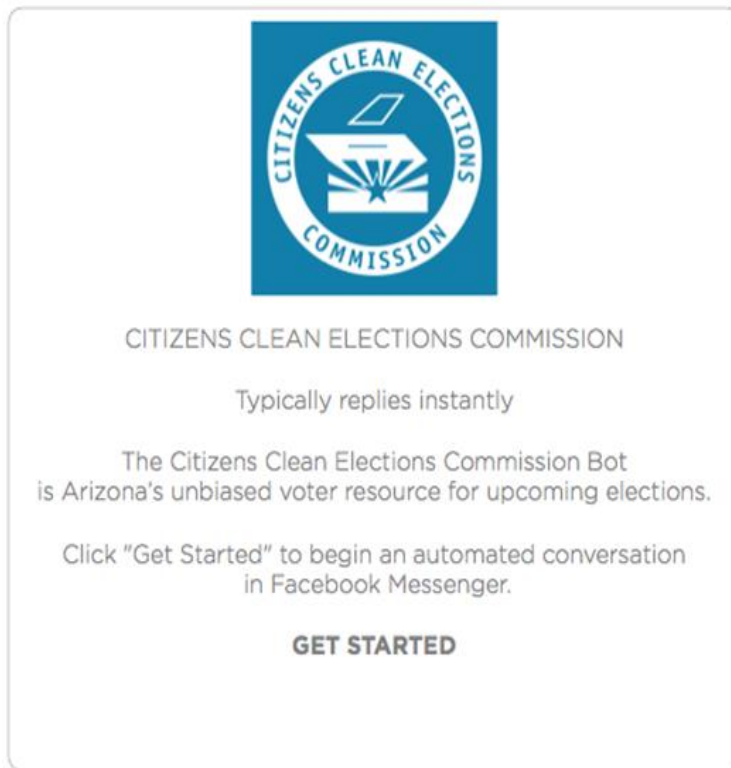
The Citizens Clean Elections Commission develops a yearly voter education plan and as Gina emphasized, the purpose of the roundtable was to gather feedback and input from stakeholders on voter education needs. Gina provided an overview of the Commission's 2016 education plan and 2017 activities, including research.



Gina explained that the Commission conducted voter research to identify possible messaging strategies and opportunities to increase interest and participation in elections. She presented the findings, including voter attitudes since the presidential election, voter's knowledge of the election process, and trust and sources of election information. The research also examined the methods in which people prefer to vote and the top reasons for not voting all together. Takeaways include that active participation in local elections is extremely low and directly correlated with the frequency and volume of media coverage. Also, voting in presidential elections is often easier for voters because the information is everywhere and they are continuously reminded of it. Additionally, the primary motivator for voters to participate in an election is the emotional reward, i.e. they participated/contributed to democracy.

Presentations

Aaron Smitthipong, *RIESTER*



Clean Elections has developed a new tool for voters and is piloting the technology for the August and November 2017 local elections. Aaron, Digital Director for RIESTER, demonstrated the Clean Elections Chatbot. He explained the Chatbot is a tool within the Facebook Messenger application and allows voters to engage in dialogue without actually speaking with a live person, but still obtain quick and accurate election information.

Aaron highlighted the information a voter is able to obtain with the Chatbot, such as where to vote and key dates and deadlines. He noted the script is also personalized because it links to the individual's Facebook. Aaron touched on a few features of the Chatbot including the sliding navigation bar, visual aids to break up heavy context, and links to jurisdictional web pages for further information. It is also customizable to each jurisdiction, such as a polling place election or ballot by mail election. Aaron explained the Chatbot is newer technology and Clean Elections will be able to update the Chatbot as we learn how voters engage with this tool.

Presentations

Thom Reilly & Joseph Garcia, *ASU Morrison Institute for Public Policy*

Thom Reilly and Joseph Garcia, ASU Morrison Institute for Public Policy, presented the findings of two research studies, which were commissioned by Clean Elections:

1. “Who is Arizona’s Independent Voter?” Thom and Joe noted this study explored the mindset and behavior of independent voters, which were the largest voting block in Arizona at the time of the study. Key takeaways from this study include:
 - Independents have no interest in joining a political party or establishing a formal independent party.
 - Independents do not look to either major party to guide them on how they should vote.
 - Independents vote on a case by case basis for issues and candidates, and do not vote along party lines.

Thom and Joe noted a shared sentiment of independent voters was best summed up by a focus group participant who said “We’re not a party. We’re a mindset.”

View the full report:

<http://www.azcleelections.gov/CmsItem/File/9>



Presentations

Thom Reilly & Joseph Garcia, *ASU Morrison Institute for Public Policy*

2. “Voters, Media & Social Networks”. Thom and Joe explained this study was a follow up to “Who is Arizona’s Independent Voter” and sought to explore media consumption and social networks for election news and dialogue among Democrats, Republicans and Independents. Key takeaways from this study include:



View the full report:

<http://www.azcleaselections.gov/CmsItem/File/318> .

- 42% of American voters identify themselves as Independents and they would rather look at issues and facts versus everything shown on the media.
- Television is the major news source for voters over 50 years old while the internet is the major news source for voters under 50 years old.
- Independents, regardless of age, are more likely to use the internet whereas partisan voters of all age rely on television.
- Top media sources by party: 79% of Republicans used Fox News and 76% of Democrats used CNN.
- Social Networks: As expected, most people have social networks of similar parties.
- Media consumption is impacted by having independent friends.
- People in recognized political parties discuss politics with others of the same party, they remain in their respective information silos and there is little sharing. but Independents will speak openly to any party.

Presentations

Renaldo Fowler & Maya Abela, *AZ Center for Disability Law*

Renaldo and Maya presented on accessibility as it relates to voters and elections. Renaldo and Maya noted they reviewed county election web pages, and that information was difficult to find in plain sight. They offered resources to participants to help verify whether or not a website is compatible for individuals with disabilities. Renaldo and Maya noted the best way to ensure website accessibility is to work with voters with disabilities directly. Those who utilize accessible programs can provide great insight and experience, providing advice on how to make the pages better. They also discussed the two main problems that come up during elections, which are, accessible machines not being powered up and poll workers being unable to operate the machines. Signage also needs to be placed in appropriate spots to accommodate voters who need it and poll workers need to have a system in place for curbside voting.

Prior to an Election

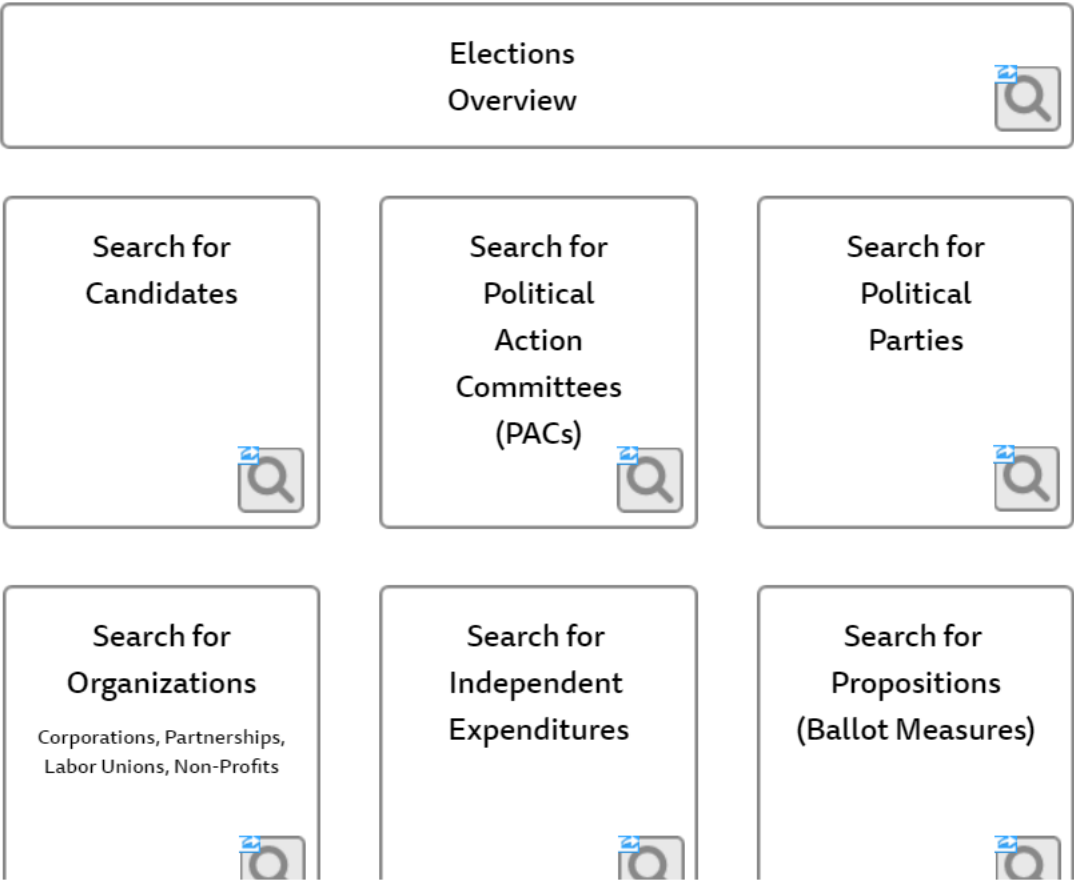
- **Create Disability Advisory Committee**
- **Recruit poll workers with disabilities**
- **Outreach to voters with disabilities**
- **Select polling sites with ADA accessibility standards in mind**
- **Check website accessibility**
- **Vet accessible voting machines prior to purchasing**
- **Establish role(s) in elections department for disability and accommodation issues**

Presentations

Lee Miller & Garrett Archer, *Arizona Secretary of State's Office*

The Secretary of State's Office provided an update and demonstration of the “See the Money” project, which is an online tool to view campaign finance activity. The software is designed to be multijurisdictional to offer a central campaign finance system to counties, cities, towns, etc.

Some of the features of the system include: greater ability to track the flow of donations and contributions; the ability to export specific data according to what is chosen; donors can be followed throughout the election cycle to see where the money is being contributed; and committees can be examined side by side. The system is intended to go live in January 2018.



Keynote

Jaime Casap, *Google*

With the extensive background Jaime has regarding technology and education, he was able to explain the importance of implementing new ways to reach voters in new generations. Technology is vastly improving from generation to generation and Jaime expressed the importance of keeping up with it to connect with younger generations. Jamie noted the Bureau of Labor statistics predicts there will be a million computer science jobs next year. Computer Science graduates make about 40% more than other college degrees. In Arizona, the average computer science graduate makes around 86 thousand dollars each year and there are 9,667 open jobs as of today.

Jaime explained this information is relevant to election officials as they need to consider these qualifications and skillsets for their internal staff, especially as they try to understand who their future customers are and how to engage them. Jaime emphasized election officials need to understand what Generation Z understands, and how their ways of learning may be different than what it used to be before technology.



“meet them
where they are...”

Panel: Leveraging technology & social media to increase political participation

Panelists: Thom Reilly, Tom Collins, Honorable Leslie Hoffman, Abe Kwok
Moderator: Natalie J. Sayer

The panelists highlighted short video opportunities as the most successful social media tactic. They also noted that headlines should be tailored to the most common Google inquiries as that is a place for voters to seek information. One of the most common negative aspects of social media is that it is directed towards the younger generation, therefore, the older generation is not likely to see the information being shared. Fake news is also a concern, so agencies should educate and encourage voters to research and site the sources.

The panelists commented on research, which has shown that people tend to be around others that have similar beliefs and outlooks on political issues, therefore creating a bias. In order to educate voters through that bias, agencies need to have multiple communication channels, such as, radio stations, newspapers, and other media to ensure more of the voters will be reached. The best way to help guide people to using technology is making your own agency website user friendly and easy to navigate, as well as, teaching individuals how to use all the tools. Overall, technology and social media are becoming the best ways to communicate with people however, you cannot replace the old ways yet.



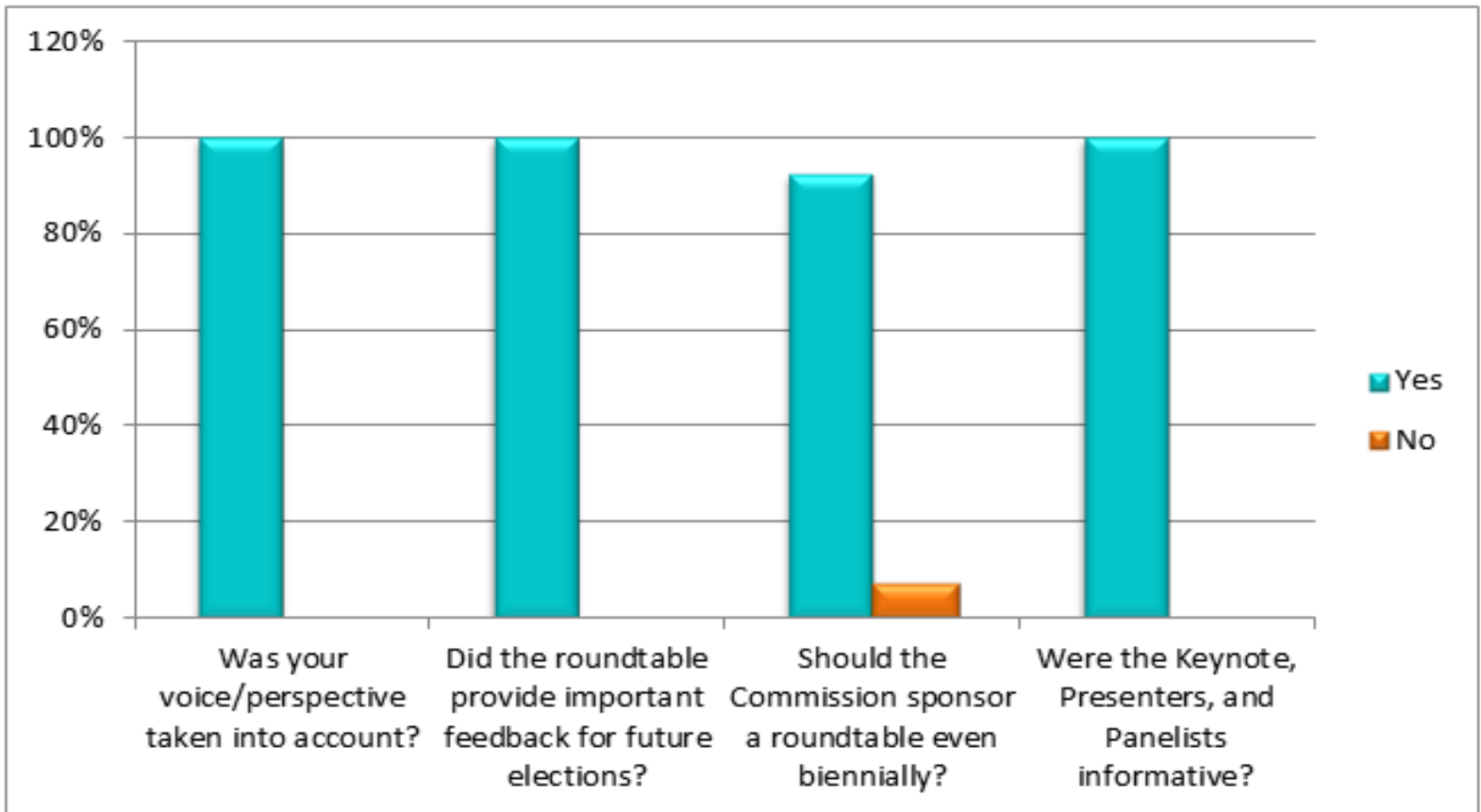
Roundtable Breakouts

Main Topics	Key Points
Youth Education	<ul style="list-style-type: none">• Host contests in high schools to create voting brochures.• Encourage high school and college students to be poll workers.• Start educating children around 4th grade about the importance of voting.• Emphasize why local elections are important.• Most importantly, make it fun!
Community involvement	<ul style="list-style-type: none">• Develop relationships with community and stakeholder organizations to strengthen dissemination of voter information.• Attend youth advisory board meetings/get on their agenda.• Travel to different conferences, county fairs and local events/set up voter information booths.
Voter Trust	<ul style="list-style-type: none">• Publicize live link to tabulation center on website or social media for voters to easily access.• Improve Voter View to reflect voters' information easier/decrease the amount of 'mismatch of info' errors.• Consistent and strong messaging between entities to public.• Improve Poll Worker training.

Roundtable Breakouts

New Technology	<ul style="list-style-type: none">• Stream Facebook Live, creating short videos in election offices.• Update current websites for accessibility and user friendliness.• Look into other social media resources outside of Facebook, Twitter and Instagram.• Continue to utilize current forms such as radio and TV ads.• Research where your community gets most of their information.
Voter Education	<ul style="list-style-type: none">• Explain process of selecting ballots for Independents. Selecting ballot will not change party preference. Many choose not to select a ballot due to the fear of their party getting changed.• Design a new 90 day notice that is easy to read.• Remember to have all information accessible.
Innovation Participation	<ul style="list-style-type: none">• Address activities to specific audience.• Send travel teams throughout counties to places such as high schools and retirement communities.• Create questions for young voters to interview senior voters.• Use clear and simple language to connect with voters.• Be aware of voters experiences and try to make them positive.
Collaboration	<ul style="list-style-type: none">• Understand communities in your county or organization to reach them effectively.• Consistency amongst election officials throughout the state/ have clear processes for common issues.• Create a community relations team to reach urban and rural areas throughout the state.

Survey Responses



Conclusion

The Citizens Clean Election Commission would like to express our gratitude for your participation in the Roundtable event. We feel that there were great discussions, thoughts and ideas expressed throughout the day and we plan to use this information to shape our 2018 education plan.

Technology and social media were the highlights of the day, including Facebook, Twitter, apps, etc. Our goal was for participants to come together and brainstorm voter education needs and to learn techniques to reach all generations across the state. We look forward to our next event in 2019!

"I enjoyed the diverse group of professionals, offering perspectives from various venues. I believe keeping with this model will only improve the information we receive and pass along."

"It was helpful to gain a perspective from the 2016 elections and understand the issues facing election officials. I appreciated brainstorming solutions to these problems in the breakouts."

Commissioners & Staff

Commission Structure & Mission

The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

The Commission's mission is to fairly, faithfully and fully implement and administer the Citizens Clean Elections Act.

The Citizens Clean Elections Commission consists of five members. All members must be registered to vote in the State of Arizona. No more than two members of the commission may be members of the same political party. No more than two members of the commission may be residents of the same county.

Commissioners

Chairman Steve M. Titla (D)
Gila County, AZ
Appointed 2013

Damien R. Meyer (D)
Maricopa County, AZ
Appointed 2015

Mark Kimble (I)
Pima County, AZ
Appointed 2015

Galen D. Paton (R)
Pima County, AZ
Appointed 2016

Amy B. Chan (R)
Maricopa County, AZ
Appointed 2017

Commission Staff

Thomas M. Collins, Executive Director
Gina Roberts, Voter Education Director
Sara A. Larsen, Fin. Affairs & Comp. Officer
Mike Becker, Policy Director
Paula Thomas, Executive Officer
Alec Shaffer, Web Content Manager
Stephanie Cooper, Executive Support Specialist



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