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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
October 23, 2025
10:00 a.m.

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

**CERTIFIED
TRANSCRIPT**

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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 10:00 a.m. on October 3 23, 2025, at the State of Arizona, Clean Elections 4 Commission, 1110 West Washington, Conference Room, 5 Phoenix, Arizona, in the presence of the following 6 Board Members: 7 8 Mr. Mark Kimble, Chairman 9 Mr. Galen Paton 10 Ms. Christina Werther 11 Mr. Sam Crump 12 13 OTHERS PRESENT: 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Mike Becker, Policy Director 17 Shayna Stuart, Taft Law 18 Allie Karpurk, Osborn Maledon 19 Cathy Herring, KCA 20 Anna Abeytia, Member of the Public 21 22 23 24 25	1 of August 28th, September 25th, and October 7th? 2 COMMISSIONER WERTHER: Mr. Chairman, I move 3 to approve the meeting minutes for August 28th, 4 September 25th, and October 7th, 2025. 5 CHAIRMAN KIMBLE: Thank you, 6 Commissioner Werther. 7 Is there a second? 8 COMMISSIONER PATON: I'll second. 9 CHAIRMAN KIMBLE: Thank you, 10 Commissioner Paton. 11 It's been moved and seconded that we approve 12 the minutes for our meetings on August 28th, 13 September 25th, and October 7th. I will call the roll. 14 Commissioner Werther. 15 COMMISSIONER WERTHER: Aye. 16 CHAIRMAN KIMBLE: Commissioner Paton. 17 COMMISSIONER PATON: Aye. 18 CHAIRMAN KIMBLE: Commissioner Crump. 19 COMMISSIONER CRUMP: Aye. 20 CHAIRMAN KIMBLE: Chair votes aye. 21 The minutes for those three meetings have -- 22 are approved. 23 Item III, discussion and possible action on 24 the Executive Director's Report. 25 Tom.
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1 P R O C E E D I N G 2 CHAIRMAN KIMBLE: Good morning. I'm Mark 3 Kimble. 4 Agenda Item I is the call to order. It's 5 10:00 a.m. on October 23rd, 2025. I call this meeting 6 of the Citizens Clean Elections Commission to order. 7 With that, we'll take attendance. 8 Commissioners, please identify yourselves for the 9 record. 10 COMMISSIONER WERTHER: Commissioner Werther. 11 COMMISSIONER PATON: Galen Paton. 12 COMMISSIONER CRUMP: Sam Crump. 13 CHAIRMAN KIMBLE: And I'm Mark Kimble. 14 We have four of the five Commission Members 15 present, so we have a quorum. 16 Item II, discussion and possible action on 17 minutes for three meetings, on August 28th, 18 September 25th, and October 7th. Commissioners, you 19 have the meetings from our -- minutes, excuse me, from 20 our past three meetings in your packets. Is there any 21 discussion? 22 (No response.) 23 CHAIRMAN KIMBLE: Hearing none, we'll vote on 24 one -- we'll vote on all of these in one motion. Is 25 there a motion to approve the minutes for the meetings	1 MR. COLLINS: Yes. Thank you, Mr. Chairman, 2 Members. I just wanted to highlight a few things. 3 I think one thing that is, you know, is 4 interesting and, you know, unclear what the 5 ramifications will be, but the -- you may recall from 6 2024 there was the No Labels Party, which is a new 7 party, that circulated petitions to get access to 8 the ballot, and they are eligible for the ballot this 9 election cycle. They -- last week they renamed 10 themselves the Arizona Independent Party. They have, 11 according to the news reports that are cited there, 12 they have some more organization than they had at the 13 local level and appear to be interested in having 14 candidates at the -- at the state level potentially. 15 The reason I highlight it is because, you 16 know, they're a party, so they'd be -- the candidate 17 who ran as an Arizona Independent Party member would be 18 eligible for -- for clean funding if they wanted to do 19 that, you know, and so -- so we'll see how that -- how 20 that -- how that happens. Smaller parties have not 21 generally for -- maybe one -- I think once, twice maybe 22 really made an effort to qualify for funding, but -- so 23 really it kind of depends on their organization and 24 what they're trying to do, but I thought it was worth 25 highlighting.

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1 I think the other thing worth highlighting 2 is, you know, we have a general election on 3 November 4th. There are local jurisdictions that have 4 elections happening. All that information is available 5 on our website. And the illustration comes out a 6 little small, but I just wanted to sort of -- it sort 7 of illustrates that I'm not yet the graphic design 8 genius I hope to become at one -- some point. 9 But essentially the November 4th elections, 10 you know, we get a strong response on our -- on our 11 website from folks looking for information there, and 12 certainly we've been getting phone calls and we've 13 been -- we've been asked to talk about -- highlight 14 those, so -- so I think it really -- and we've 15 highlighted them in our own newsletter distribution. 16 So, you know, part of our goal with the 17 website is to try to make it a central place that 18 anybody in the state can find what they're looking for, 19 because especially in these local elections -- I was on 20 the phone last night -- well, 4:00, I guess that's not 21 last night -- with a person from the West Valley who 22 wanted to find out more about the -- there's a current 23 technical district out there that is doing a bond issue 24 and doing a sale of some property, and so we spent a 25 little bit of time trying to -- trying to find some	1 on just the -- Avery and Captain Activate were out in 2 Tempe last week. And I'll -- I have seen some photos 3 from that. I need to -- hopefully we can circulate 4 those to you. But it was a great event and, you know, 5 it was at the Tempe Clerk's Office at the City Hall 6 and really well attended and the photos were great. I 7 got -- there was a picture of Captain Activate and the 8 Mayor of Tempe, so I thought that's a -- you know, that 9 was pretty cool. 10 And tomorrow Gina will be presenting -- one 11 of the main presenters at the Strategic Partnerships 12 for Arizona Elections, which is a discussion among 13 tribal governments, county governments, and state 14 government officials around, you know, election issues 15 for 2026. And I thought it's really a great 16 recognition that, you know, that she'll be there 17 talking to them about voter education as -- you know, 18 as her -- and, you know, featured as their speaker on 19 that topic for the whole group, which I thought was 20 really cool. 21 I think that -- I think the only other -- on 22 the Prop 211 matters we'll -- I think we haven't had a 23 real chance to talk about this. There's not too much 24 to talk about except that, you know, there's still one 25 case pending at the State Supreme Court, there is one
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1 information on that. 2 So, you know, I think that's important, 3 again, because, for these smaller elections folks, they 4 don't get the publicity that they otherwise would, and 5 having a central hub for that is very important. And 6 Alec spends a considerable amount of time, I would 7 say -- he's -- that's actually why he's -- he's working 8 on it as we speak at home making sure that we're -- 9 our -- the website is up to date. 10 So I did -- we are continuing with the 11 podcast, and I highlighted -- we highlighted the 12 elections -- these elections on the podcast. I also 13 just really liked this interview we did with Dr. Jurado 14 from Arizona State about the fiscal challenges of the 15 U.S. If you haven't had a chance to listen to it, it's 16 -- it's not uplifting, but it's interesting. And we 17 think that that's been -- that's -- we will have some 18 metrics as we get to the end of the year, but that -- 19 we think that that is also, again, trying to build out, 20 you know, places where, if someone comes to the Clean 21 Elections website, they can find information on 22 something that's relevant to them, that's going to get 23 them engaged, and ultimately hopefully help them to 24 vote informed. 25 A couple other things I wanted to highlight	1 case pending at the Ninth Circuit. And then the result 2 of the opinion that came out last month from the State 3 Supreme Court is that the Legislature will have an 4 opportunity to pursue on the merits its claim that 5 Prop 211 violates separation of powers issues sort 6 of -- sort of broadly speaking. That -- as you can see 7 there, there's a -- there'll be a conference on that 8 next week amongst the attorneys, so we'll see where 9 that goes. 10 I think it -- you know, we highlighted a 11 couple of other cases here. I don't know -- unless you 12 have specific questions on those, I mean, just on their 13 other legal issues -- just to say that as we get closer 14 to 2026, there are going to be a bunch more decisions 15 around how elections are administrated. You know, most 16 of those are not going to directly affect us. You 17 know, even the -- even the case I mentioned on the sort 18 of last page about the -- where the Supreme Court is 19 looking at the federal law restricting party 20 coordination with federal candidates, I mean, that -- 21 in Arizona that's already -- the current policy in 22 Arizona is that parties can, in fact, coordinate with 23 their candidates. So it's not an issue here, but, you 24 know, I think that they're the kind of things that I 25 think affect voters and voters call about, and we want

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1 to -- we want to be aware of them for sure. 2 I guess that's -- I guess that's -- that's 3 about it that I felt like I needed to highlight. But, 4 you know, I think we're all pretty busy and, you 5 know -- and hopefully we'll finish the year strong and 6 next year will be very exciting. 7 CHAIRMAN KIMBLE: Tom, if I could go back to 8 the first item, No Labels Party, now called the Arizona 9 Independent Party. I guess parties can call themselves 10 whatever they want, but this seems like it will confuse 11 people. Commissioner Werther and I are registered 12 independents; we're not members of the Independent 13 Party, though. 14 MR. COLLINS: Right. I think -- 15 Mr. Chairman, I think that's true. And I think, you 16 know, we'll -- we will -- and as part -- I'm sure that 17 as part of our voter education effort this next year 18 that's something we're going to have to address. How 19 we choose to do that tactically, I don't know. And I 20 think that's going to be an issue also for county 21 election officials as well. That's something we'll 22 probably be in communication with them about, because 23 you're exactly right. 24 Now, for a primary, unless they were to close 25 their primary, you could select the Arizona Independent	1 COMMISSIONER PATON: Right. 2 MR. COLLINS: I mean -- 3 CHAIRMAN KIMBLE: But I guess people can call 4 themselves whatever they want, but -- 5 MR. COLLINS: Right. 6 CHAIRMAN KIMBLE: Are there any other 7 questions or comments from -- 8 COMMISSIONER PATON: Well, maybe there's -- 9 CHAIRMAN KIMBLE: Commissioner Paton. 10 COMMISSIONER PATON: Maybe they're trying 11 to -- through the confusion hopefully they can sign 12 more people up, basically. Why else would you do it, I 13 guess. 14 MR. COLLINS: Well, I mean, Mr. Chairman, 15 Commissioner Paton, I mean, I think that as the story 16 -- the coverage sort of sets it up that, yes, they 17 see -- they see themselves as a party, as a place who 18 -- for people who are not members of the Democratic or 19 Republican Party. 20 I think the confusion point, to both of your 21 points, one of them will be regular folks, who are 22 currently independent, saying, am I now a part of this 23 party. In the primary that shouldn't be a big deal, 24 because they could request that ballot, but they may be 25 surprised with what they get, right, so that's part of
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1 Party as your party. And I think that, you know, that 2 that may be part of what their goal would be, would be 3 for folks to -- but that still would require you to 4 select it, you know, otherwise -- so, yeah, that will 5 be -- that will be interesting. I don't -- I don't 6 know. I haven't -- 7 I don't think this has gotten enough 8 attention yet in the real world to generate those 9 questions at -- at a volume yet, but that will be an 10 issue. We have a meeting that we'll attend next week 11 with the counties and the Secretary of State's Office 12 about, among other things, this and to see where people 13 are identifying those issues. But, I mean -- so long 14 story short, you're right, and we'll have to -- we'll 15 be looking at that. 16 I don't know the process by which they 17 changed the name. I'm not -- I think you're right. I 18 guess you're right, because I didn't know about that 19 before it happened. 20 CHAIRMAN KIMBLE: Well, it seems designed 21 to -- 22 COMMISSIONER PATON: Yeah, it seems 23 intentional. 24 CHAIRMAN KIMBLE: Yeah. 25 -- to cause confusion.	1 them. 2 So it's a real issue. I mean, don't get me 3 wrong, it is, but we just don't -- I don't think we've 4 had enough discussion with -- with the -- our 5 colleagues, you know, out there administering voter 6 registration to understand how they see it and what 7 steps might be taken to mitigate that. 8 COMMISSIONER PATON: So is this an issue for 9 the Secretary of State then? 10 MR. COLLINS: Well, insofar as the -- sorry. 11 Mr. Chairman, Commissioner Paton, the Secretary of 12 State approved the name change, so I don't think -- so 13 it -- I mean, whether it's an issue for them 14 implementing it or not, I don't -- I suspect they don't 15 have a lot of discretion around what they get to do in 16 that context. 17 CHAIRMAN KIMBLE: Any other questions or 18 comments from Members of the Commission? 19 COMMISSIONER WERTHER: Mr. Chairman. 20 CHAIRMAN KIMBLE: Commissioner Werther. 21 COMMISSIONER WERTHER: Just, Tom, also, I 22 guess I also see confusion the other way in that you 23 might have someone who is currently a member of a 24 registered party who no longer wants to be affiliated, 25 but thinks that they're signing up to just be party not

Page 14 1 designated, but they're inadvertently becoming part of 2 the Independent Party. So just to -- 3 MR. COLLINS: No, I think that's -- that's a 4 good point. 5 What we've done with some things like this 6 is -- and maybe -- Gina is in Maricopa right now for 7 the -- but the -- but the -- is done a chart or a 8 click-through tool to figure out where you are, you 9 know. That might be something we do. I mean, 10 something -- something visual, something easy to grab 11 that will, you know, tell people where they are, you 12 know, based on, you know, my voter registration card 13 says X. You know, here is where I am. If I want to be 14 here, I need to do this. If I want to stay here, I 15 need to do this. That kind of thing. 16 CHAIRMAN KIMBLE: Well, I don't want to 17 prolong this, but every year during the election during 18 the primaries we're bombard, I'm an independent, can I 19 vote in the primary -- 20 MR. COLLINS: Right. 21 CHAIRMAN KIMBLE: -- and it's a lot of 22 confusion. And I think this is just going to be one 23 more point of confusion. 24 COMMISSIONER PATON: Yeah, I think that -- 25 CHAIRMAN KIMBLE: Commissioner Paton.	Page 16 1 MR. COLLINS: Right. 2 COMMISSIONER PATON: -- and now they're not 3 sure if they're part of this deal or not and then -- I 4 mean, I think it's not good. 5 CHAIRMAN KIMBLE: Are there any other 6 comments or questions for Tom on the Executive 7 Director's Report? 8 (No response.) 9 CHAIRMAN KIMBLE: Thank you, Tom. 10 MR. COLLINS: No, thank you. 11 CHAIRMAN KIMBLE: Item IV, discussion and 12 possible action on proposed amendment to Arizona 13 Administrative Code R2-20-702, use of funds by 14 candidates. In our discussions in the enforcement 15 context and other rulemakings we have pending we've 16 discussed how to address issues with respect to 17 perceived potential conflicts when a candidate hires a 18 vendor with a particular relationship. Staff has a 19 proposal on that issue they are asking us to circulate 20 for public comment. Staff also is asking us to address 21 a technical issue in the way our rules are currently 22 presented in the Administrative Code. 23 Tom. 24 MR. COLLINS: Thank you. Mr. Chairman, 25 Commissioners, I think we have a -- we have a little
Page 15 1 COMMISSIONER PATON: -- we may have to put 2 something -- like some kind of notice out, you know, 3 before the next primary or something saying, we don't 4 want you to be confused. This is -- this is the 5 situation. I don't know if we could do something to 6 every independent voter to explain. 7 MR. COLLINS: Mr. Chairman, 8 Commissioner Paton, I mean, well, that would be very 9 expensive and maybe not very effective, depending. But 10 I think this is all good -- for me personally in the 11 meetings that Gina and I will be at about this, this is 12 helpful for us to be able to say that you all have 13 identified some of these issues and that's -- so we'll 14 see what feedback we get and we'll keep an eye on it 15 and have -- and be able to, you know, I think be 16 constructive. So I appreciate the -- 17 COMMISSIONER PATON: Because here you've got 18 two people that are involved in elections -- 19 MR. COLLINS: Right. 20 COMMISSIONER PATON: -- that would possibly 21 be confused by it -- 22 MR. COLLINS: Right. 23 COMMISSIONER PATON: -- let alone the regular 24 voter that's trying to live their life and whatever, 25 and for whatever reason they want to be independent --	Page 17 1 bit of a -- sort of a slide to try to illustrate for 2 everybody what the -- what we think the problem we're 3 trying to address as core is. 4 This is the current state of things. If 5 you're a clean candidate, you can't use your clean 6 money for personal expenses, so that's -- that's, you 7 know -- 8 And then -- and then if you go to the -- if 9 we go to the next slide, I think there's the problem 10 we're trying to solve, which is a perception problem, 11 but nevertheless a real one, is -- there's a delay on 12 that. Well, it will show us that the problem we're 13 trying to solve is what happens if you share a 14 household with a -- with a consultant, whether it's a 15 spouse or any other -- or other person you share living 16 expenses with and, you know, how do we address that. 17 So as the memo details, there's -- we looked 18 at -- we kind of talked about it, and I know there was 19 some discussion towards the end of our conversation 20 last month around put -- setting a percentage, you 21 know, and -- you know, we're open to talking about 22 that. The reason we kind of ended up going with sort 23 of a black and white rule is because it's easier to 24 administrate and it's not clear to us that the 25 percentage cutoff necessarily solves what the core of

Page 18 1 the problem is, which is basically taking the money out 2 of -- the potential perception that money from -- 3 passing from one person to another person within the 4 household would, you know, inevitably lead to some of 5 those dollars supporting the household rather than 6 campaign. So that's why we settled on what we settled 7 on. 8 We also included in that rule, however, a 9 proposal -- you know, you'd still get reimbursed for 10 things that are -- you know, that will reimburse. So 11 if somebody goes and buys, you know, pens for an event, 12 that's still going to be reimbursable, right. We're 13 talking about, you know -- we're talking about, you 14 know, expenditures like, you know, campaign 15 expenditures that are -- that are serious. 16 And then there's also a provision and it 17 says, if for some reason -- and this could happen, 18 because some vendors -- in some areas -- it's 19 conceivable this could happen that in some areas, 20 either because of where they are, the way the market 21 is, what the particular item is, there may not be 22 available competition, in other words, this may, you 23 know, restrict folks in a way that is -- that is 24 meaningful. You know, and we wanted to at least 25 account for that possibility.	Page 20 1 questions we haven't asked before. And we thought, 2 well, maybe -- or, certainly I thought; I don't know if 3 I'm speaking for we or not -- but we may as well, you 4 know, just make that clear, you know, that you could 5 not pay yourself a salary out of Clean Elections 6 dollars. 7 You know, there is -- there are arguments 8 that you can do that with state dollars at the state 9 level for candidates. And candidates at the county 10 level have, in fact, done that with their -- with their 11 own funds or their campaign funds, but -- but I think 12 that given where our policies are to begin with, it 13 would be very difficult to square that with what the 14 existing policies are. So that's -- that's the -- 15 that's kind of how we approached it. 16 I mean, I'll highlight just briefly there's 17 this kind of formal -- and not unserious, but formal 18 issue we haven't got completely -- and I don't think 19 we're going to ever get completely the -- well, we're 20 probably not going to effort to get the complete answer 21 to. At some point the subsection we're talking about 22 disappeared from the published code, and we don't know 23 precisely why. We may find -- find -- we may be able 24 to figure that out, but it's not very important for 25 present purposes because the more important thing, from
Page 19 1 You know, if that -- say there are maybe two 2 people who make 4-by-4 signs in the whole state, for 3 example, and you happen to be in a relationship with 4 one of them or -- you know, you wouldn't -- you know, 5 you wouldn't want to -- that would be a real problem 6 and that -- you wouldn't want that to necessarily 7 disqualify you, but you'd have to basically ask 8 permission. 9 I don't think it's likely, but at least it's 10 to the point that I think came up around a percentage. 11 It's a way of addressing the issue of not being overly 12 -- of being clear without being -- leaving no freedom, 13 essentially, if there was a circumstance that arose 14 that met that requirement. We base that on the Maine 15 statute. The Maine statute is -- basically says if 16 you're a candidate or a candidate's spouse you can't 17 pay yourself at all. 18 And, you know, there is a -- and that does 19 bring in an issue we haven't directly addressed, which 20 is specifically salaries, right. So there's this idea 21 that has been out there to have, you know -- what 22 happens as we do the analysis is sort of these issues 23 start to intertwine, right. Really once you're talking 24 about how the Clean Elections money is being utilized, 25 you know, you sort of -- you sort of get to some	Page 21 1 our point of view, is to -- we need to update the rule 2 anyways. We have some things we want to address, we 3 think, or at least get feedback on. And so we'll have 4 time in the meantime, if we need to track that down 5 further, to do that, but -- because we're only asking 6 for public comment at this point, but we did want to -- 7 you know, we did want to kind of flag that as a -- as 8 a -- as a thing that exists. 9 So that's kind of all I really -- I really 10 had. I don't -- you know, I think that the goal here, 11 just to restate, is just to try to get at the 12 perception, whether it's real or not, that if you are 13 in a position where, you know, you are hiring a person 14 with whom you share household expenses or you're in a 15 marriage with or whatever, that, you know, that that's 16 a potential end run around not using Clean Elections 17 money for personal use. And that's the core of the -- 18 what we want to do here. 19 We also left in place the ability to hire and 20 pay family members. That's -- that doesn't change 21 outside of these -- these provisions, right. So if 22 your son is a campaign guru and you want to hire him, 23 so long as you're not paying him above a market rate 24 and that's disclosed, that's still going to be fine. 25 It's really -- it's really about -- and it's, again, a

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1 way of making sure that we're not being overly -- you 2 know, overemphasizing. So -- so -- 3 And then -- and then I just would say that 4 because Maine and our model, although they have more 5 funding available for candidates than we do, are 6 similar, developed at the same time and basically by 7 the same people, I mean, the fact that they have this 8 in law I thought was a pretty good indicator that it 9 must be a decent, workable policy, so... 10 CHAIRMAN KIMBLE: Initially, when we started 11 talking about this, this seemed to be an easy fix, like 12 you can't pay family members or spouses or significant 13 others or whatever; but the more we get into it, I 14 think you've identified that it's not that clear cut. 15 And so I think what you're proposing is a good 16 compromise between appropriate spending and not 17 disadvantaging candidates unfairly. 18 MR. COLLINS: Yeah, I hope so. 19 CHAIRMAN KIMBLE: Commissioner Paton. 20 COMMISSIONER PATON: So I'm not totally sure 21 I'm clear on really what the difference is. So what 22 I'm against is -- 23 COMMISSIONER WERTHER: Can you put your mic 24 on. 25 COMMISSIONER PATON: Oh, I'm sorry.	1 person available that could do it, which they would 2 have to prove. Other family members outside of the 3 household would be -- still be able to be paid at a 4 standard ordinary rate, which is -- so that's -- 5 So what this rule does is it exactly, we 6 think, meets what we think the issue that you've 7 identified is. I mean, the factual scenario you 8 identified is illegal under this rule. If your, you 9 know, family member who is not a part of your household 10 is -- works for your campaign, that's different because 11 of what the -- you know, because of the living 12 situation. And so the rule treats that differently. 13 So that's -- that's -- so we think we're -- we think 14 we're doing -- we think we're addressing precisely the 15 question you have. 16 COMMISSIONER PATON: So I -- I don't want to 17 get into minutia, but these people are going to come 18 before us. And so let's say your son doesn't live with 19 you and lives in north Tucson, I live in east Tucson -- 20 MR. COLLINS: Sure. 21 COMMISSIONER PATON: -- I'm the candidate. 22 Then I do a contract with him -- 23 MR. COLLINS: Yeah. 24 COMMISSIONER PATON: -- and say, we'll pay 25 you \$5,000 to do this, this, this, and this.
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1 What I'm against is we give somebody \$52,000, 2 and they write a check for \$48,000 to their significant 3 other, basically. 4 MR. COLLINS: Yeah. 5 COMMISSIONER PATON: So are we just funding a 6 lifestyle or are we funding the election matters of 7 this person? And I understand it's hard to kind of pin 8 down all these things. And then when you talk about 9 market rate, I mean, is there a market rate in Benson, 10 Arizona or -- so I -- I'm not sure exactly what we're 11 achieving here. 12 MR. COLLINS: So no -- Mr. Chairman -- I 13 mean, Commissioner Paton, yeah. So the first issue, 14 your -- your immediate problem is directly solved, in 15 our view, by Section -- what will be (F)(5) of the rule 16 that says that a candidate shall not use funds in a 17 candidate campaign account to compensate the candidate, 18 the candidate's spouse, or a person with whom the 19 candidate shares household expenses, or to pay an 20 enterprise owned by such individuals. That's -- that's 21 a black and white no. 22 So that transfer that you talked about, that 23 \$48,000 to the household, basically, that is forbidden, 24 you know. The only time that there would be an 25 exception is in this rare case where there's no other	1 MR. COLLINS: Yeah. 2 COMMISSIONER PATON: I mean, I would not be 3 opposed to something like that. 4 MR. COLLINS: Correct. 5 COMMISSIONER PATON: But then they'd have to 6 do the contract or something -- 7 MR. COLLINS: Correct. 8 COMMISSIONER PATON: -- to explain what 9 he's doing. It's just not a \$5,000 check to Billy Bob 10 and -- they're election expenses. 11 MR. COLLINS: That's correct. That is what 12 this rule says. 13 COMMISSIONER PATON: Okay. I'm fine with 14 that. 15 COMMISSIONER WERTHER: Mr. Chairman. 16 COMMISSIONER PATON: Not like I'm the arbiter 17 here, but -- 18 MR. COLLINS: You're an arbiter. 19 CHAIRMAN KIMBLE: Commissioner Werther. 20 Excuse me. Commissioner Werther. 21 COMMISSIONER WERTHER: So, Tom, I did -- I 22 just wanted to kind of make sure that I understood how 23 the rule was working. So under the new, I guess, 24 (F)(5) -- 25 MR. COLLINS: Yeah.

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1 COMMISSIONER WERTHER: -- so it's the 2 candidate, candidate's spouse, and the person with whom 3 they share household expenses -- 4 MR. COLLINS: Right. 5 COMMISSIONER WERTHER: -- to kind of capture 6 any other individuals. So that's the prohibition. 7 MR. COLLINS: Right. 8 COMMISSIONER WERTHER: But then Subsection 9 (b) says, of course, that you have -- I think it's kind 10 of trying to note that current exception, right, about 11 reimbursement -- 12 MR. COLLINS: Right. 13 COMMISSIONER WERTHER: -- for reasonable 14 expenses -- 15 MR. COLLINS: Yes. 16 COMMISSIONER WERTHER: -- and again includes 17 the same people, candidate, candidate spouse, and the 18 person who is sort of living in the household. 19 MR. COLLINS: Yes. 20 COMMISSIONER WERTHER: But I guess that's 21 where I'm not sure. Because are we only then kind of 22 trying to reference (F)(4), which is talking about sort 23 of that fair market -- you know, as long as it's not 24 exceeding fair market value? 25 MR. COLLINS: That's -- I'm sorry. Yes.	1 what (5)(b) is trying to allow, because it says does 2 not prohibit reimbursement to those individuals for 3 reasonable expenses. 4 MR. COLLINS: If you had a -- if you had a -- 5 I mean, we can make this clearer, but, I mean, 6 basically you can get reimbursed for gas, you can get 7 reimbursed for -- you know, I mean, there are express 8 provisions of the rules that allow you to get 9 reimbursed for those kinds of things, gas and going out 10 and buying paper supplies and that kind of thing. 11 COMMISSIONER WERTHER: And Mr. Chairman, Tom, 12 I guess -- and that's not limited to -- because like I 13 said, I see (F)(4), and that's only limited to family 14 member, which would not include someone who is not the 15 spouse who's just living -- sharing expenses. 16 MR. COLLINS: Correct. Correct. 17 COMMISSIONER WERTHER: So I didn't -- I just 18 wanted to make sure that, as we're doing this, that 19 we're, I guess, treating everybody -- you know what I 20 mean -- the same. If that exception exists that -- 21 would a person who's just sharing living expenses, I 22 guess, be eligible for reimbursement under the rules, 23 or do all the other times where it discusses 24 reimbursement only address family member, which would 25 not include --
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1 COMMISSIONER WERTHER: Because that only 2 replaced family members, and family member definition 3 doesn't seem like that encompasses someone who lives in 4 the household who is not a spouse. 5 MR. COLLINS: So, Mr. Chairman, 6 Commissioner Werther, I mean, the not -- we think that 7 the notwithstanding clause at the beginning says, we 8 don't care about what it says about family members in 9 (F)(5). If you're in these three buckets, regardless 10 of family membership -- because that also gets at the 11 fact that we -- if we -- 12 The other -- the other way to do this, which 13 I think would actually be more complicated, would be to 14 get in and change the family member definition itself 15 and start to try to include, as family member, living 16 expenses. So we thought it was simpler and cleaner to 17 just say, okay, you're a family member, X, Y, and Z, 18 and then -- and then you go to -- and then the next 19 section says, forget all that. If you're in these 20 buckets, which are not all family members, you are -- 21 you are -- you are out as a person who could get paid. 22 That's -- that's what we are trying to do. 23 COMMISSIONER WERTHER: Mr. Chairman, I have 24 another question. 25 Okay. I guess maybe then I'm confused by	1 MR. COLLINS: Well, the thought would be by 2 notwithstanding (F)(4), we're just -- the family member 3 rule doesn't talk about reimbursement at all. It just 4 talks about the sort of contract for campaign expenses. 5 So the -- so if you think about it, what 6 we're trying -- what we think the context is here for 7 (F)(4) is, you know -- is, you know -- I mean, there's 8 a fine difference, I suppose, but I think it is a 9 meaningful linguistic difference between payment and 10 reimbursement. Payment for services versus reimbursing 11 for expenses are not the same thing, at least under the 12 way that our rules treat them and certainly under the 13 way that our auditors treat them. So, for example, if 14 you -- our auditors can look and say, you reimbursed 15 for gas. That's -- that's going to be treated as a 16 reimbursement. 17 I mean, we didn't -- I mean, we didn't 18 recapitulate the entire rule scheme here and -- or -- 19 in terms of how every expense is accounted for between 20 the -- here, but -- so you have to sort of -- you don't 21 have to, but I'm urging you to take my word for it 22 that -- we could tighten it, and I think that's fair 23 game. What I -- what I -- but the premise that we're 24 operating from is that, you know, if you're -- if 25 you're paying for services from somebody, that is

Page 30 1 different than if you're reimbursing them for gas that 2 they use to, you know, run to the store because you 3 were at an event and they needed to go -- if you did 4 that. 5 I don't know -- I mean, I don't know how much 6 reimbursement actually happens. I don't think a ton 7 anymore because it's -- the volunteer activities are 8 mostly very clearly not contributions and there's -- 9 and there's lots of reasons why you wouldn't want to 10 spend your money on that. 11 So the idea here was to try to -- try to find 12 a way to, again, not deal with the issue we're trying 13 to deal with, which is a -- you know, the big payment 14 to a -- to a spouse or spouse equivalent or house -- I 15 mean, for example, I mean, there are -- I mean, if you 16 -- I mean, there are all kinds of ways in which you can 17 share living expenses, right. There's not just even 18 the relationship. This would mean if you are -- if 19 your son, who is a political consultant -- you know, if 20 you all are in -- living together and sharing your 21 expenses together, right, that counts, right. So that 22 -- so that's the bulk of what we're trying to get at. 23 So I think -- I guess if your real question 24 -- I think -- I think I understand the question to be, 25 does this exception eat the rule because it allows for	Page 32 1 just want to make sure. So when I look, then, at the 2 (5)(b) -- or, I'm sorry -- the (F)(5)(b), so 3 essentially it's only reimbursement to candidate's 4 spouse. So let's just focus on candidate's spouse, 5 because that's defined under family member. And 6 currently they, under (F)(4), would be allowed to have 7 the provisions of goods and services. As long as it 8 didn't exceed the fair market value, they could be 9 paid; but now they will not be, a candidate's spouse? 10 MR. COLLINS: Correct. 11 COMMISSIONER WERTHER: Okay. I think I just 12 wanted to make sure that I understood how that was 13 going to work. 14 MR. COLLINS: Right. No, I mean -- yeah. 15 Just to -- so, Mr. Chairman, Commissioner Werther, 16 right. So we wanted to carve out spouses and people 17 who are -- you're sharing your household expenses to 18 from the family member rule. The reason we're doing it 19 with the notwithstanding clause is because spouse is 20 included in the family members. And we thought it was 21 easier to do it this way -- it may not be. It may not 22 be. But, I mean, we thought at least it would be 23 easier to do that rather than to go in and tinker with 24 the family member definition, because the family member 25 definition gets into who can give money and there's a
Page 31 1 reimbursement. It would still have to be, I think -- 2 from my perspective, we think that it would still have 3 to -- it's supposed to be reasonable expenses otherwise 4 permitted under the Act. So it has to be a 5 reimbursable expense under the -- under the -- under 6 the Act or the rules and has to be reasonable. 7 So that is a thing we can assess. We can -- 8 we can -- we audit for that. We can say -- an auditor 9 can say, your reimbursement of someone for going to 10 pick up pizza -- let's say the pizza costs 10 bucks and 11 you reimburse them for 30 bucks, right. That's -- 12 that's why we think it's okay, because -- because we 13 think that it has to be a reimbursement otherwise 14 allowed, it has to be reasonable. And that, we hope, 15 is clear enough to say that that's -- that's 16 distinguishable from a payment of, you know, thousands 17 of dollars for -- for campaign services. 18 So it could -- could it be clearer? I mean, 19 I'm not saying it couldn't be. I mean, it could be. I 20 mean, you know -- I mean, that's -- I'm certain that 21 that's true, but I -- but I'm hopeful that the language 22 is sufficiently clear to put folks on notice about -- 23 that -- what's in and what's out. 24 COMMISSIONER WERTHER: Mr. Chairman, so I 25 guess -- and it's really just for my understanding. I	Page 33 1 bunch of other things that hinge off of that, so -- 2 potentially. 3 COMMISSIONER PATON: I have another comment. 4 CHAIRMAN KIMBLE: Commissioner -- 5 Commissioner Paton. 6 COMMISSIONER PATON: So I would just ask 7 that, when we're giving these people classes on doing 8 this, that we have a series of proper examples and a 9 series of illegal examples -- 10 MR. COLLINS: Sure. 11 COMMISSIONER PATON: -- so that we can -- so 12 we can address this with these people so we don't have 13 so many people coming for penalize -- penalties and so 14 on. I hate doing the penalties, but -- and if -- the 15 more black and white it is, the easier for us to do. 16 But in their minds, so that we can go back and say, 17 look, we showed you these -- these two examples and you 18 were in the class, you signed off on this, so now -- 19 you know, and now you're pulling this. 20 MR. COLLINS: Right. Right. 21 COMMISSIONER PATON: So I just think that if 22 we did something concrete like that -- 23 MR. COLLINS: Yeah. 24 COMMISSIONER PATON: -- so we could try to 25 make it more black and white to them --

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1 MR. COLLINS: Yes. 2 COMMISSIONER PATON: -- then I think it will 3 make all of our lives easier and then the public will 4 think that everything is on the up and up, you know, 5 which is -- a lot of this is what the public thinks 6 about politics and elections, because we hear all these 7 extraneous things about how stuff is not on the up and 8 up. 9 CHAIRMAN KIMBLE: Any other comments or 10 questions on this issue for Tom? 11 COMMISSIONER WERTHER: Mr. Chairman. 12 CHAIRMAN KIMBLE: Commissioner Werther. 13 COMMISSIONER WERTHER: I did have, I guess, 14 at least one. And as part of what Commissioner Paton 15 is saying, I think -- and I recently had to do a 16 presentation explaining what notwithstanding clauses 17 mean, so maybe I'm just really sensitive to this right 18 now. When I think someone who is looking at the 19 funding reads (F)(4), they may think that they're able 20 to do something that is prohibited under (F)(5), but 21 that's to that clarity, right, of making sure that they 22 understand. And I don't know if it's helpful, and 23 maybe it's too redundant, but if we could put in (F)(4) 24 like "except as provided in Subsection (5)," you know, 25 something to give them a clue that, oh, wait, it says	1 they need to look at. 2 MR. COLLINS: Yes. Yes. I certainly -- so 3 I'm putting that. 4 CHAIRMAN KIMBLE: Any other comments or 5 questions from Members of the Commission? 6 COMMISSIONER CRUMP: Mr. Chairman, I have 7 some questions. 8 CHAIRMAN KIMBLE: Yes, Commissioner Crump. 9 COMMISSIONER CRUMP: Thank you, Chairman. 10 Director Collins, do -- do these proposed 11 restrictions exist for traditional candidates at 12 present? 13 MR. COLLINS: Not that I know of, no. 14 COMMISSIONER CRUMP: Okay. And we -- we 15 have -- we presently have -- a big part of what our 16 Commission does and staff is we have an audit system to 17 look for inappropriate expenditures, right? 18 MR. COLLINS: Correct. 19 COMMISSIONER CRUMP: Okay. In doing just 20 kind of a quick search online about some of this stuff, 21 I noticed a couple of interesting things, that there's 22 a lot of variables that can go into this sort of action 23 and analysis. For example, the FEC, I think just 24 recently, it may have just been last year, allows 25 nonincumbent candidates for federal office, you know,
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1 you can do this, but there is actually a different 2 prohibition. 3 MR. COLLINS: Sure. Yeah, that's -- so you 4 would -- I'm sorry. Mr. Chairman, so would you put 5 that -- something like in (4), like another -- an 6 additional line that says something like for -- like do 7 we want to put this in (F)(4) or (F)(5)? Because I 8 don't have any problem with doing -- 9 COMMISSIONER WERTHER: Yeah. Mr. Chairman, 10 Tom, I was thinking in (F)(4) -- 11 MR. COLLINS: Yeah. 12 COMMISSIONER WERTHER: -- sort of a, yeah, 13 "except as provided in, you know, Subsection (5) of 14 this section," or however we -- 15 MR. COLLINS: Right. 16 COMMISSIONER WERTHER: -- want to word 17 that -- 18 MR. COLLINS: And leave the notwithstanding? 19 COMMISSIONER WERTHER: -- and leave 20 everything else. 21 MR. COLLINS: And leave the notwithstanding? 22 COMMISSIONER WERTHER: Correct. 23 MR. COLLINS: Yeah. Yeah. Okay. I'm -- 24 COMMISSIONER WERTHER: Just then it gives 25 like a clue that there's actually another provision	1 like Congress, to pay themselves a salary. And they 2 did that because they believe that creates more 3 diversity and more access to office for less wealthy 4 people. 5 And I believe, if I'm not mistaken, if 6 Connecticut is also a clean elections participating 7 state, they have this type of restriction and they made 8 it for any family member, and they have a full chart 9 that lays out all of the people that you could not do 10 this. 11 So I'm just saying, there's a lot of ways 12 this could be sliced and diced, if that's what we chose 13 to do; you've proposed one. I'm not a big fan of this, 14 as I think I mentioned during our last Commission 15 meeting, and I think the -- I'm concerned because I 16 think there's -- there could be quite a few appropriate 17 and -- you know, appropriate expenses by a candidate 18 paying, for example, their spouse who might be a 19 printer, who might be a consultant, who might be an 20 accountant, and all of a sudden now we have this 21 blanket prohibition on paying them for their services. 22 Whereas they might have been getting, you know, great 23 services at a great price, now they have to go, you 24 know, out on the market, if you will. 25 And I -- so to -- so to have this blanket

Page 38 1 prohibition to -- because of potential inappropriate 2 expenses or situations I think is sort of throwing the 3 baby out with the bathwater, to use that phrase. And I 4 think it's harmful and -- traditional candidates don't 5 have these restrictions, so I think it's harmful to 6 Clean Elections candidates to place these on them. So 7 I think we have an audit system in place to -- to watch 8 for inappropriate things, where it looks that 9 overpayments have been made and things like that. So I 10 wanted to share that -- those thoughts. 11 CHAIRMAN KIMBLE: Thank you, Commissioner. 12 Tom. 13 MR. COLLINS: Mr. Chairman, Commissioner, 14 I -- I mean, I think that that's -- I mean, I certainly 15 think that that's all reasonable and I -- as a factual 16 matter, I certainly agree with you. I mean, this -- 17 I mean, for purposes of discussion at least, 18 right, which is what this is, I mean, we are -- what we 19 will do, just to sort of put this in some procedural 20 context, we -- if you were to approve this for public 21 comment, we would publish a notice in the 22 Administrative Register and, you know, we would have a 23 public comment period of at least 60 days and then we 24 would get comment and then we would come back. 25 From my point of view and where to start, we	Page 40 1 other proposals that are better, you know -- 2 Let me put it this way. We don't have to 3 start public discussion today either. I mean, if there 4 are other -- and we put this on the Agenda just in 5 case -- just to be clear to anybody who wanted to be 6 here that we might get directed to have additional 7 research done on additional proposals, so -- we don't 8 usually put it in, so we made -- we wanted to make sure 9 that everybody understood -- the public would 10 understand precisely what you're saying here, that we 11 might have direction to look at other things. 12 So I'm happy to take that direction and, you 13 know, it's really up to you all how you want to -- how 14 you want to -- you know, how you want to address that. 15 I don't have a -- I don't have a -- I don't have a 16 strong emotional commitment to the -- to the proposal, 17 although I did like my -- I did like my illustration. 18 Anyway, that's about -- but, you know, but everything 19 else, I take your point. 20 COMMISSIONER CRUMP: Mr. Chairman. 21 CHAIRMAN KIMBLE: Commissioner Crump. 22 COMMISSIONER CRUMP: Director Collins, on 23 that point, since I've only been a Member for a short 24 while here, I'm just curious on the history of this. 25 Did the Commissioners ask you to come forward with this
Page 39 1 definitely have -- I think we have to do the 2 recodification regardless. I think that that is 3 something that is just -- it just is going to keep 4 clean -- it's a clean-up issue, unless we can find a 5 better solution. But in the meantime, we have to start 6 that process. 7 With respect to the merits of the proposal, I 8 mean, I think it sounds -- I mean, you all have a 9 discussion to have amongst yourselves as we get 10 feedback about that. I mean, my purpose here is really 11 to, you know, try to -- try to kick off the discussion 12 and have a proposal that I think we could work with and 13 that at least has some support with respect to other 14 programs. 15 But to your point, I mean, you know, yeah, I 16 mean, it is absolutely fair and within all of your 17 discretion to determine what you think the best 18 approach for the -- for the -- for the program is in 19 terms of how clean candidates are treated versus other 20 candidates. I certainly don't disagree with anything 21 you said. I just -- you know, we wanted -- we wanted 22 to start from a place where we were trying to, you 23 know, address the problem as we understand it, but 24 we're not married, as staff, to this. I mean, that's 25 your decision ultimately. And happy to -- if there are	Page 41 1 proposal? 2 MR. COLLINS: No. We divined, if you will -- 3 from listening to the conversation we've had over the 4 course of the last several meetings, there was one 5 discussion about a rule that's pending that will be up 6 in November related to this problem of -- that we had 7 with several candidates stopping filing reports, right. 8 We had -- that was a problem we had come up with -- 9 with a number of candidates. That was our initial 10 conversation. 11 And during that process, I think, leading -- 12 well, leading up to the rule proposal we made there and 13 then in that process we talked around this issue of 14 how -- how to address this -- this issue of where the 15 money goes, right. So they're two different issues. 16 We made a choice, as staff, the first 17 run-through to just focus on the reports, and so we 18 have a rule that will come back to you in November that 19 proposes to create a more teeth -- put more teeth in. 20 If you stop reporting, once you have been funded, 21 right, we will treat that more aggressively on the 22 front end. 23 So that's -- and as part of that discussion 24 and then the discussion last month we had around the 25 enforcement itself, you know, I -- you know, I -- no,

Page 42 1 this is -- this is initiated by me taking the input 2 that I've heard from everybody over the course of the 3 meetings we've had to try to address what I -- what 4 I -- I take to be a real policy issue that the 5 Commission -- that as a group there's interest in. 6 So, I mean, in that sense I -- so when I say 7 I don't have an emotional commitment on this, what I 8 mean is that, you know, I -- what I think we're 9 obligated to do, what we try to do as staff members is 10 hear what you all are saying in the meetings and try to 11 anticipate what policy direction you might be wanting 12 to move in and tee that up for a discussion so you all 13 can make decisions about it. 14 CHAIRMAN KIMBLE: So, Tom, let me ask you one 15 other question before we talk about what to do. 16 There's been discussion nationally and statewide about 17 security -- 18 MR. COLLINS: Sure. 19 CHAIRMAN KIMBLE: -- for candidates. Is 20 security a reimbursable expense under our rules now? 21 MR. COLLINS: To the extent -- yeah. So, 22 Mr. Chairman, yes. So this is about what you can't do. 23 What you can do is things that are direct campaign 24 expenses. And so, you know, the test you would apply, 25 as we would for any number of expenses, would be, you	Page 44 1 They have said two things. One, they're not going to 2 look at a complaint related to security and spending 3 campaign money, period. So they don't care. They're 4 not -- they're -- and that's a -- that's a -- that's 5 not necessarily a -- that's not necessarily a statement 6 of law. That's a statement of enforcement approach, if 7 that makes any sense, right. They're saying, don't 8 bring those complaints here. We don't want to hear 9 about them. 10 And then they say in the statement something 11 to the effect that paying for security is part and 12 parcel of every campaign, and therefore security 13 expenses, if you're a candidate, are all expenditures. 14 That has its own complicating factor in and of itself 15 because expenditures -- if it's an expenditure, it 16 can't be made by a company, it can't be made over 17 \$5,500 for a statewide elected or for a -- as an 18 in-kind contribution. 19 So if they mean what they say there -- so 20 those are conflicting things. In other words, one 21 thing says, we're not going -- as a policy matter, 22 we're not going to look at these complaints, but as a 23 legal matter, these are all expenditures inherently. 24 If they're all inherently expenditures, that actually 25 makes it harder, if they mean that -- and I'm not sure
Page 43 1 know, whether or not that security cost is associated 2 with the campaign and reasonable and therefore 3 appropriate. So this is a -- this is -- yeah. So we 4 believe that security costs are -- there's no express 5 authorization for security costs, but we believe that 6 the authorizations that exist for what you can spend 7 money on would include security costs already. 8 CHAIRMAN KIMBLE: And that would include 9 things like security upgrades to a residence, as well 10 as personal security? And do you feel like we should 11 spell that out, as I think the State has and the FEC 12 has? 13 MR. COLLINS: Well, so the Secretary of 14 State's Office and the FEC have said slightly different 15 things. The FEC has said something, I think, very 16 similar to what I have said, which is that you have to 17 be able to show a nexus between what you're -- the 18 campaign and the security costs you have. Now, if 19 there's a reason why your residential upgrades are -- 20 have a nexus to the campaign, let's say that's your 21 campaign headquarters or you're doing events at your 22 home or et cetera, there is an argument there and I 23 think that we would look at that seriously. 24 What the Secretary of State's Office has said 25 is something a little bit -- a little bit different.	Page 45 1 they do. If they mean that, that actually makes it 2 harder for traditional candidates to get that security 3 paid for, because it all has to be on the books, it all 4 has to be from an appropriate source at an appropriate 5 amount of money. And that actually makes it like more 6 complicated. 7 So I think that -- I think where the 8 Secretary comes out that matters for present purposes 9 is, we're not going to look at these at all. And I 10 think that's why, within our existing context, to 11 reference Commissioner Crump's point about the audits, 12 if somebody has an expense for security that we can 13 look at and we would scrutinize it, we would obviously 14 take into account the fact that the -- the enforcement 15 position of the Secretary is, we don't care about those 16 complaints, right, and we would look at it in view of 17 that. 18 But if we start to nail down -- if we were to 19 say that, for example, this is an expenditure that must 20 be paid with clean money, then -- then it's actually 21 making it harder for clean candidates, because if 22 it's -- if it's -- if it's not campaign, the clean 23 candidates can get the money from other places. It's 24 not an expenditure. You know, because we only deal 25 with expenditure -- contributions and expenditures.

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1 So I hate to -- I know that's a complicated 2 answer, but it -- but it -- but what it's trying to get 3 at is, our approach, which -- and this does really 4 reflect what Commissioner Crump is saying about this 5 issue is, our approach generally is we look at are you, 6 as a candidate, making a reasonable business decision 7 with public money and that can withstand scrutiny of 8 our -- of our office. That's our way of looking at it. 9 CHAIRMAN KIMBLE: Okay. So, Tom, correct me 10 on this. It seems like we can go one of a number of 11 different directions. We can say we will circulate 12 this as amended with the language that you and 13 Commissioner Werther agreed upon. We can circulate 14 it -- we can say we want to discuss it more. 15 Commissioner Crump brought up a couple of concerns. 16 What -- what would be the best guidance to you of where 17 we go from here? 18 MR. COLLINS: Well, I think -- Mr. Chairman, 19 I think a couple things. I think -- I think -- I'm 20 happy to, you know, separately get together with 21 Commissioner Crump and we can talk about what we 22 might -- better hone in on the issue to make sure that 23 I -- you know, we have something to make -- to advance 24 that discussion at an additional meeting. And I'm 25 happy to do that.	1 me -- in just hearing what you all are saying, that, to 2 me, is the choice. 3 702 (F)(1) through (4) is the -- is the 4 status quo. We are recapitulating the status quo and 5 making sure that that -- we are fixing this -- this 6 codification glitch. 7 Adding (5), that's the new stuff, and it -- 8 and this is the beauty of the notwithstanding clause -- 9 and even people that -- yeah, I mean -- I, you know -- 10 but is that it is like a pod, you can eject it, and the 11 rest of the -- the rest of the language stays the same, 12 so -- 13 So that, to me -- based on listening to all 14 of you talk about this, that's really the question 15 right now is whether or not you want to -- if you're -- 16 if you're not at a consensus or -- and you'll have to 17 vote on this, obviously -- but if you're not at a 18 consensus around what to do with (F)(5), there's no -- 19 you could -- you could take that off here and we don't 20 lose anything in (F)(1) through (4) that's not an 21 existing rule. 22 CHAIRMAN KIMBLE: Okay. Commissioner 23 Werther, do you want to make a motion? And I think 24 we've got to have some understanding that when we -- 25 when this comes back to us or at some future point,
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1 For present purposes, though, my -- I mean, 2 my recommendation would be, in part because I do want 3 to get the process of fixing this codification issue 4 done, I think it would be -- I think it would be good 5 to move ahead with this. 6 Now, that said, another way you could 7 structure it to address Commissioner -- and this is -- 8 you all have to decide this, is you could advance 9 proposed 702(F) except (5), right. So the way (5) is 10 written, you can excise it, and everything else is 11 fine. You just get what was previously -- what was 12 previously codified, what we think -- you know, in, 13 right. 14 So that's -- so to sort of line this up, I 15 think for -- with respect to making sure that I 16 understand and am appropriately advising everybody and 17 assisting everybody, I can talk to Commissioner Crump, 18 if he's interested, I mean, about what we might do to 19 coordinate that. For discussion purposes of what we 20 advance, the choice, it seems to me, that the four of 21 you have is do you do proposed 2-20-702(F)(1) through 22 (4) or do you do proposed 702(F)(1) through (5) with 23 the language -- with the additional language, "except 24 as provided," you know, the additional language we 25 talked about with Commissioner Werther. So that, to	1 we've got to do something to address Commissioner 2 Crump's concerns, which I think are -- I agree with a 3 lot of them. 4 MR. COLLINS: Right. Well -- yeah. 5 COMMISSIONER WERTHER: Mr. Chairman, I guess 6 before I make a motion -- I mean, I understand the 7 concerns as well from Commissioner Crump, so I'm fine 8 excising (F)(5) at the moment, but I -- I think there 9 were legitimate concerns of why this was brought 10 forward, and I'm still not comfortable sort of having a 11 clean candidate basically pay somebody, you know, clean 12 money as what's happened recently. So I do still feel 13 like we need to address it at some point, but I'm fine 14 with that being reworked if Tom can talk with 15 Commissioner Crump. So, I mean, I'm fine with excising 16 (F)(5) for the moment to at least get the current rule 17 recodified, so I'm happy to make that motion. 18 So I just move to, I guess, approve -- 19 MR. COLLINS: Well, it would be to circulate 20 for public comment 702(F)(1) through (4). 21 COMMISSIONER WERTHER: What Tom said, that's 22 the -- that's the motion. 23 CHAIRMAN KIMBLE: Okay. So Commissioner 24 Werther has moved that we circulate for public 25 comment --

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1 COMMISSIONER WERTHER: R2-20-702(F) through 2 (4), excising subsection (F)(5). 3 CHAIRMAN KIMBLE: Is there a second to that? 4 COMMISSIONER CRUMP: I'll second that. 5 CHAIRMAN KIMBLE: Okay. Thank you, 6 Commissioner Crump. 7 So it's been moved and seconded that we -- 8 I'm losing all my notes here -- that we circulate for 9 public comment R2-20-702, with the exception of (F)(5), 10 and I will call the roll on that motion. 11 Commissioner Werther. 12 COMMISSIONER WERTHER: Aye. 13 CHAIRMAN KIMBLE: Commissioner Paton. 14 COMMISSIONER PATON: Aye. 15 CHAIRMAN KIMBLE: Commissioner Crump. 16 COMMISSIONER CRUMP: Aye. 17 CHAIRMAN KIMBLE: Chair votes aye. 18 It's approved 4-to-nothing. 19 That was painful. Thank you. 20 Item V, discussion and possible action on 21 proposed conciliation agreement in MUR 25-02, Anna 22 Abeytia, 2024 legislative candidate. The Executive 23 Director has recommended a conciliation agreement 24 regarding Representative Abeytia. Tom will present his 25 recommendation and take questions.	1 to seek or accept Clean Elections funding in any other 2 future election. 3 MR. COLLINS: Yeah. 4 CHAIRMAN KIMBLE: Are there any comments or 5 questions from any Member of the Commission on this 6 proposed conciliation agreement? 7 (No response.) 8 CHAIRMAN KIMBLE: Representative Abeytia, did 9 you want to speak? 10 MS. ABEYTIA: Hello, can you hear me? 11 CHAIRMAN KIMBLE: Yes, we can. 12 MS. ABEYTIA: Oh, thank you. I just -- well, 13 for one, I want to apologize for not being in person. 14 I have a 2-year-old. And I have been on Zoom with you 15 for most of this meeting, and it really would have been 16 painful for all of us with my 2-year-old running around 17 in person. But I do not have childcare at the moment, 18 so I just want to, one, thank you all for the option to 19 have Zoom available, because it does -- it does work 20 out for me and for my daughter. So, one, thank you. 21 Two, again, I just want to reiterate that I 22 acknowledge that I wasn't responsible during the 23 election by reporting and I wasn't doing my part as far 24 as having communication with -- with Clean Elections 25 even after, so -- and, yeah, I just -- I just want to
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1 Tom. 2 MR. COLLINS: Mr. -- Mr. Chairman, 3 Commissioners, and Representative Abeytia is here, I -- 4 I just want to say up front, I -- she is appearing via 5 Zoom. I expressly said that that was -- I said that 6 was the best idea. She has a childcare issue today, 7 and coming down here with, you know -- sitting through 8 that discussion, as edifying as it would have been for 9 a kid, I think it was probably -- so that's on me. 10 That's my recommendation to her. 11 Anyways, we are back with the -- with an 12 altered conciliation agreement. The major shift in 13 terms is the stipulated fine is significantly higher. 14 It is \$10,000. Everything else is the same. And so I 15 don't have much to add beyond what I -- what I said 16 last time. And as I mentioned, the Representative is 17 here via Zoom and available and -- but, you know, I 18 believe that this agreement has sufficient both 19 financial penalties, the repayment order incorporated 20 into it that -- for her, and also has a strong default 21 provision that, taken together, you know, make this 22 a -- an appropriate and, you know, reasonable public 23 settlement. 24 CHAIRMAN KIMBLE: And I wanted to point out 25 that it also includes a provision that she agrees not	1 acknowledge my -- my lack of doing so and take 2 accountability for that, so -- and since then I have 3 been in communication with Thomas and just trying to, 4 you know, figure out what we're -- where we go from 5 here. 6 So I just want to thank you all for giving me 7 the opportunity to be in this process. I know it sucks 8 for you all, and I apologize for that. But, again, I 9 just -- I want to make sure that you guys are aware 10 that I am apologetic of -- of the situation. 11 CHAIRMAN KIMBLE: Thank you, Representative. 12 No apologies necessary for attending on Zoom. We're 13 happy to accommodate you. 14 Any comments or questions from Members of the 15 Commission? 16 (No response.) 17 CHAIRMAN KIMBLE: Is there a motion to accept 18 this conciliation agreement? 19 COMMISSIONER WERTHER: Mr. Chairman, I move 20 to approve the proposed conciliation agreement in MUR 21 25-02. 22 CHAIRMAN KIMBLE: Thank you, 23 Commissioner Werther. 24 Is there a second? 25 COMMISSIONER PATON: I'll second.

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1 CHAIRMAN KIMBLE: It's been moved and 2 seconded that we approve the conciliation agreement in 3 MUR 25-02. I'll call the roll. 4 Commissioner Werther. 5 COMMISSIONER WERTHER: Aye. 6 CHAIRMAN KIMBLE: Commissioner Paton. 7 COMMISSIONER PATON: Aye. 8 CHAIRMAN KIMBLE: Commissioner Crump. 9 COMMISSIONER CRUMP: Aye. 10 CHAIRMAN KIMBLE: Chair votes aye. 11 The agreement is approved 4-to-nothing. 12 Thank you for your time, Representative 13 Abeytia. 14 Item VI, discussion and possible action 15 on proposed conciliation agreement in MUR 24-05, 16 Frank Roberts. 17 Tom. 18 MR. COLLINS: Yes. So, Commissioners -- 19 Mr. Chairman, Commissioners, and I think -- I don't -- 20 I'm not sure -- I don't believe Mr. Roberts is going to 21 be here, but he did submit a written statement. 22 I -- I think that -- so this candidate's 23 situation is slightly different. They filed reports, 24 but the reports were, you know, kind of -- well, were 25 woefully incomplete. We were able to get the candidate	1 develop the conciliation the last time we had a 2 reporting issue like this, so not a non-file, but an 3 insufficient file. The fine was about a thousand 4 dollars. So we think a \$1,500 fine is appropriate. 5 And like I said, this is a novel approach for 6 us. You know, again, what we're trying to do here both 7 with -- how we've gone about it with Representative 8 Abeytia in terms of her not running clean. What we're 9 doing here with Roberts is another novel approach, 10 which is the -- we will -- if you're going to do this 11 again, because he is going to run clean again, we are 12 going to say, you're -- you've got to -- you've got to 13 provide us additional reports so that we know what 14 you're doing. And we think that that will be -- now, 15 that's a little more work for us, but we think in the 16 long run it's a better -- it's an appropriate approach. 17 We think had we just switched over and said, 18 okay, pay the fine and just go on, without any 19 additional monitoring, I think that would have been -- 20 I think that would have been -- that would be -- that 21 would have been too difficult for us to -- that would 22 have left this hanging, right. We really wanted to 23 have that additional monitoring. And so that's what 24 we're -- that's what we proposed here. 25 And we do think that the candidate recognizes
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1 engaged with our auditors; I did file a complaint to 2 prompt that ahead of that. The process has been slow, 3 but steady. And so we are now at a place you have the 4 audit report. The audit report, you know, demonstrates 5 that there's no substantial issues with the actual 6 expenditures. The candidate has agreed to hear -- 7 again, there's a distinction here because of the 8 responsiveness and because there were reports, albeit 9 reports that were not sufficient. 10 The thought here is that we would have this 11 candidate essentially on a form of probation, where 12 they're filing -- filing additional reports with staff 13 so that we can check in with them, rather -- in 14 addition to the reports they're required to file, and 15 that there -- and that there be a fine there as well. 16 So -- so that is the -- that is -- we think 17 that that -- you know, we are trying, as we talked -- I 18 spent a lot of time on this last time. I don't want to 19 recapitulate all my -- the thoughts we tried to put in 20 this. But what we're trying to do here is find a fair 21 outcome that takes into account, you know, the conduct 22 differences among not just this case, but -- not just 23 this set of cases this year, but the cases over time. 24 The last time we had a similar -- I looked at 25 this and, in fact, it's the very document I used to	1 that. We think that, you know -- again, attendance 2 here -- some of the -- most of the candidates have 3 other things and our schedule is fixed. Again, I don't 4 take anything -- I personally, you know, am not -- have 5 not been -- you know, I thought having the letter would 6 be sufficient. I mean, so I'm not -- I'm not as -- I'm 7 not as concerned about that, although I know it's a 8 concern for Commissioners. 9 So that's it. I guess I'll leave it there. 10 We think this is a fair resolution that -- consistent 11 with other -- in other settlements we've done on the 12 issue of not failure to file, but failure to 13 sufficiently report within the filing. 14 CHAIRMAN KIMBLE: Thank you, Tom. 15 Are there any questions or comments from 16 Members of the Commission? 17 COMMISSIONER PATON: I guess I have a 18 question, comment. 19 CHAIRMAN KIMBLE: Commissioner Paton. 20 COMMISSIONER PATON: In the -- we haven't had 21 these issues, that I can remember, in the seven or 22 eight years that I've been doing this. Is there some 23 confusion in the classes that they don't understand 24 that they have responsibilities to turn stuff in? I 25 don't understand what's going on here, I guess.

Page 58 1 MR. COLLINS: Well, Mr. Chairman, 2 Commissioner, I mean, the rule we have coming up in 3 November for final approval is a rule that says that if 4 you didn't understand this going through, you didn't 5 understand it when you read it from the Secretary of 6 State's materials, you didn't understand it when you 7 read it in our materials, you didn't understand it when 8 Mike told you, and you didn't understand any of that, 9 if you don't file a report within five days after -- 10 when you have a report due and you've been funded, 11 we're going to initiate a repayment order. So that's 12 the rule that will be up for a vote in November. 13 So if there's some -- if there's some gap 14 that's been -- that's there, we think that that new 15 rule, which says that when you get the notice from the 16 Secretary of State's Office that says you're late, you 17 will also get a notice from us that says, and we're 18 going to ask for the money back, that should be a 19 strong incentive for a clean candidate to file 20 promptly, you know, because it will be on the same 21 calendar. So that's our goal, but we -- that's the 22 best way we can think of to try to put some teeth in 23 beyond the fines that are there and stuff. We think -- 24 Because the issue here is, to your point, is 25 to be on the front end of this, not on the back end of	Page 60 1 reason for default if he stopped doing his monthly 2 reports. 3 And then I also just wanted to clarify, 4 because on the last page on Section 21 it says that 5 these matters are terminated once completion of the 6 requirements. So are we thinking completion of the 7 requirements is going to just be extended because of 8 that reporting requirement, or is it -- 9 MR. COLLINS: Let me look. 10 COMMISSIONER WERTHER: -- when the fine is 11 due? 12 MR. COLLINS: Well, I mean, I would say this. 13 Default, meaning would we collect the fines if they 14 failed to -- default defined as would we go after more 15 collection if he failed to file the report, that's 16 right, we would not. We would -- we might -- I mean, 17 we could probably demand specific performance. We 18 could -- you know, we could -- I mean, we could do -- 19 we could do some -- some -- I mean, they would be in 20 breach of contract. 21 There's a -- difference being that, you know, 22 that because it's not a default, at least as I 23 understand it, it would not mean we would immediately 24 accelerate to an additional fine. But I don't know 25 that we would want to do that anyways. In other words
Page 59 1 this. We have not figured out any common -- I mean, 2 there were two candidates who ran together, but their 3 cases are kind of separate. There were four candidates 4 altogether in this boat. They are -- they are four 5 different people. They're from different parts of the 6 state. They're from different districts. They're from 7 different backgrounds. They're from different parties. 8 I mean, there is no common thread that we've been able 9 to find. 10 I mean, we've had situations before where -- 11 and this is true. We have had situations before where 12 we've had one treasurer do the same wrong thing in five 13 different candidate matters, right. And then we can 14 say, well, that's this, right. But we have not been 15 able to find anything that would relate these together 16 other than, you know -- other than, you know -- you 17 know, just a -- just -- I don't have -- so I don't have 18 an answer. But we do think that the rule -- going 19 forward, the rule we have up in November is designed to 20 address that, we hope. 21 COMMISSIONER WERTHER: Mr. Chairman. 22 CHAIRMAN KIMBLE: Commissioner Werther. 23 COMMISSIONER WERTHER: Tom, I just wanted to 24 get clarification about the extra report, so on Page 2 25 under (2)(b). So it doesn't look like that would be a	Page 61 1 -- but they would be in breach, which -- what does that 2 mean in this case? It would mean that -- the breach of 3 the contract would mean that the contract was off and 4 we could pursue that, it would just be -- we wouldn't 5 immediately accelerate. That's how I understand that. 6 You know, if that -- in other words, there are degrees 7 of -- of issue -- of issue here. 8 I'm fairly confident that he's going to -- 9 that he's going to do this. If, you know -- and if he 10 doesn't, he's in breach. And if he's in breach, then 11 the contract is breached and we would -- we just would 12 not accelerate the fines. We would have -- we would 13 have a process. But I think that recognizes the 14 difference between the financial and the reporting 15 issue, so -- I don't know. It's your -- it's your 16 decision, obviously. I think that that's a -- I think 17 that's a distinction with a difference. 18 COMMISSIONER WERTHER: Mr. Chairman -- so, 19 Tom, yeah, I'm just seeking clarification. 20 MR. COLLINS: No. No. Of course. No. No. 21 I know. 22 COMMISSIONER WERTHER: Yeah, especially on 23 the last. So let's say he pays all the fines, he pays 24 the \$1,500, he's done. Is this agreement then 25 terminated, or is he still going to be required to

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1 report monthly? 2 MR. COLLINS: He would not have completed the 3 requirements of the agreement. 4 COMMISSIONER WERTHER: Okay. 5 MR. COLLINS: The -- it is -- it is perfectly 6 reasonable, however, if you would like -- if you would 7 like to add in language. The way we could do this is 8 in Paragraph 7 we could add in language that says, "any 9 of the following," and then -- and then add, "(e) 10 Fails to" -- "fails to comply with any" -- "with any 11 other provision of this agreement," and then authorize 12 me to make that settlement with him with that term. 13 And I would say, this is the -- this is the -- this is 14 the deal. 15 And then it's up to him if he wants to -- if 16 he wants -- if that's a hangup for him. I suspect it's 17 not, and I think that will be fine and -- because it's 18 discrete, it seems like it would be discrete, I 19 would -- I would be happy to take that back as a 20 counteroffer, essentially, and say I'm authorized to 21 sign this under this condition and that's how we would 22 do it. 23 COMMISSIONER WERTHER: I mean, Mr. Chairman, 24 it's more just for clarity, so -- you know, because if 25 obviously he doesn't file his reports, I just don't	1 COMMISSIONER WERTHER: Aye. 2 CHAIRMAN KIMBLE: Commissioner Paton. 3 COMMISSIONER PATON: Aye. 4 CHAIRMAN KIMBLE: Commissioner Crump. 5 COMMISSIONER CRUMP: Aye. 6 CHAIRMAN KIMBLE: Chair votes aye. 7 The motion is approved 4-to-nothing. 8 Item VII, public comment. This is the time 9 for consideration of comments and suggestions from the 10 public. Action taken as a result of public comment 11 will be limited to directing staff to study the matter, 12 rescheduling it for further consideration, or 13 responding to criticism. Please limit your comments to 14 no more than two minutes. 15 Does any member of the public wish to make 16 comments at this time? There's no one here. Anyone on 17 Zoom wish to make comments? 18 (No response.) 19 CHAIRMAN KIMBLE: Hearing none, the public 20 may also submit comments by e-mail at 21 ccec@azcleaselections.gov. 22 Item VIII, adjournment. At this time, I 23 would entertain a motion to adjourn. 24 COMMISSIONER WERTHER: Mr. Chair, I move to 25 adjourn.
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1 want us to be in a weird limbo while he's not following 2 it, but yet the fine is paid. And so I would be open 3 to adding that -- that Subsection (e) to 7 if everybody 4 else is okay with that. 5 CHAIRMAN KIMBLE: Are there any other 6 comments? 7 (No response.) 8 CHAIRMAN KIMBLE: Commissioner Werther, do 9 you want to make a motion that will include your 10 addition? 11 COMMISSIONER WERTHER: Yeah. Mr. Chairman, I 12 move to approve the proposed conciliation agreement in 13 MUR 24-05 with the addition of a new Subsection (e) 14 under 7 on Page 3 that adds, under the default, that if 15 the -- Mr. Roberts fails to comply with any other 16 provision of this agreement. 17 CHAIRMAN KIMBLE: Is there a second? 18 COMMISSIONER PATON: I'll second. 19 CHAIRMAN KIMBLE: Thank you, 20 Commissioner Paton. 21 It's been moved and seconded that we approve 22 the conciliation agreement MUR 24-05 with an addition, 23 as -- as spelled out by Commissioner Werther, adding a 24 Section (e) to 7 on Page 3. I will call the roll. 25 Commissioner Werther.	1 CHAIRMAN KIMBLE: Thank you, 2 Commissioner Werther. 3 Is there a second? 4 COMMISSIONER PATON: I second. 5 CHAIRMAN KIMBLE: I will call the roll. 6 Commissioner Werther. 7 COMMISSIONER WERTHER: Aye. 8 CHAIRMAN KIMBLE: Commissioner Paton. 9 COMMISSIONER PATON: Aye. 10 CHAIRMAN KIMBLE: Commissioner Crump. 11 COMMISSIONER CRUMP: Aye. 12 CHAIRMAN KIMBLE: Chair votes aye. 13 We are adjourned. Thank you. 14 (The meeting concluded at 11:23 a.m.) 15 16 17 18 19 20 21 22 23 24 25

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1 STATE OF ARIZONA)
) ss.

2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; that the proceedings
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11 taking of said proceedings, all to the best of my skill
12 and ability.

13

14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.

17

18 DATED at Tempe, Arizona, this 27th day of
19 October, 2025.

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Kathryn A. Blackwelder, RPR
Certified Reporter #50666

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