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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
December 11, 2025
10:00 a.m.

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

**CERTIFIED
TRANSCRIPT**

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| <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 10:00 a.m. on December 3 11, 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 Mr. Steve Titla 13 14 OTHERS PRESENT: 15 Thomas M. Collins, Executive Director 16 Paula Thomas, Executive Officer 17 Mike Becker, Policy Director 18 Gina Roberts, Voter Education Director 19 Alec Shaffer, Web Content Manager 20 Avery Xola, Voter Education Manager 21 Bill Richards, Richards & Moskowitz 22 Samantha Fox, Richards & Moskowitz 23 Craig Morgan, Taft Law 24 Cathy Herring, KCA 25</p> | <p>1 and November 28th, 2025. 2 Do any Commissioners have comments or 3 questions on the minutes before we move to a motion? 4 (No response.) 5 CHAIRMAN KIMBLE: Hearing none, is there a 6 motion to approve the minutes for the two meetings on 7 November 20th and November 28th? 8 COMMISSIONER WERTHER: Mr. Chairman, I move 9 to approve the minutes for November 20th and 10 November 28th of 2025. 11 CHAIRMAN KIMBLE: Thank you, 12 Commissioner Werther. 13 Is there a second? 14 COMMISSIONER PATON: I'll second. 15 CHAIRMAN KIMBLE: Thank you, 16 Commissioner Paton. 17 It's been moved and seconded that we approve 18 the minutes for November 20th and November 28th, 2025. 19 I'll call the roll. 20 Commissioner Werther. 21 COMMISSIONER WERTHER: Aye. 22 CHAIRMAN KIMBLE: Commissioner Paton. 23 COMMISSIONER PATON: Aye. 24 CHAIRMAN KIMBLE: Commissioner Crump. 25 COMMISSIONER CRUMP: Aye.</p> |
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| <p>1 P R O C E E D I N G 2 CHAIRMAN KIMBLE: Good morning. I'm 3 Mark Kimble, Chair of the Citizens Clean Elections 4 Commission. It's 10:00 a.m. on Thursday, 5 December 11th, 2025. I call this meeting of the 6 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: Christina Werther. 11 COMMISSIONER PATON: Galen Paton. 12 COMMISSIONER CRUMP: Sam Crump. 13 CHAIRMAN KIMBLE: And I'm Mark Kimble. We 14 have a quorum. Four of the five of us are here. 15 Item II, discussion and possible action on 16 meeting minutes for two meetings. 17 I'm sorry. I see Commissioner Titla is now 18 here with us. Commissioner Titla, are you here? 19 COMMISSIONER TITLA: Yes, sir. Good morning, 20 Chairman. Good morning to everybody. 21 CHAIRMAN KIMBLE: Good morning, 22 Commissioner Titla. All five of us are here. Thank 23 you. 24 Item II, discussion and possible action on 25 meeting minutes for two meetings, November 20th, 2025</p> | <p>1 CHAIRMAN KIMBLE: Commissioner Titla. 2 COMMISSIONER TITLA: Aye. 3 CHAIRMAN KIMBLE: Chair votes aye. The 4 minutes are approved 5-to-nothing. 5 Item III, Executive Director's Report. 6 Tom. 7 MR. COLLINS: Yes, Mr. Chairman. Thank you. 8 Thank you, Commissioners, for all being here. 9 A couple of highlights. First, I wanted to 10 congratulate Commissioner Werther on being elected 11 President of the Arizona City Attorneys Association. 12 So that's -- I thought that was a cool thing. And 13 that's all the City Attorneys for all of Arizona's 91 14 cities and towns. 15 COMMISSIONER WERTHER: 92. 16 MR. COLLINS: 92. 17 COMMISSIONER WERTHER: There's a new one. 18 MR. COLLINS: There's a new one? Oh, that's 19 right. It's Queen Creek. 20 COMMISSIONER WERTHER: San Tan. 21 MR. COLLINS: San Tan. I'm sorry. Anyways, 22 I thought that was super cool, so -- 23 We also did this town hall panel discussion 24 on healthcare with Telemundo on December 1st and it 25 aired on the 4th and the 5th. You can see some of the</p> |

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| <p>1 panelists we had. We thought this was a great 2 opportunity. This is the second issue town hall-type 3 forum that we did -- have done this calendar year, and 4 I think we're -- we also -- I will also say that 5 everybody on our staff, Gina and everybody working at 6 Riester, we moved -- and Telemundo moved very quickly 7 to put this together on an expedited basis and -- 8 because we wanted to get this done timely during the 9 open enrollment season. And so we -- you know, so this 10 was really, really -- this was really an important 11 thing, and we'll have more of that as we get into next 12 year.</p> <p>13 As you can see, we're -- everybody sort of 14 had a lot of outreach activities going on.</p> <p>15 And we are working on the 2026 voter 16 education plans. We've had -- we've had nine workshops 17 so far, and we'll have the 2026 workshops coming up in 18 January.</p> <p>19 On the cases, the only thing I wanted to 20 update you is that, you know, we have a -- some 21 response -- we have a response due tomorrow in a motion 22 for a preliminary injunction in Montenegro v. Fontes. 23 So where that case is now -- this is the case that 24 challenges Prop 211 on the basis of separation of 25 powers/delegation principles, so essentially the</p> | <p>1 to do with whether or not it's constitutional to 2 restrict party-coordinated expenditures with 3 candidates. You know, in Arizona, you know, I don't 4 know that a decision on this on a First Amendment basis 5 will affect Arizona very much, because in 2016 we 6 passed a law that said that party-coordinated 7 expenditures are not contributions to candidates and 8 they are not subject to the independent expenditure, 9 you know, limitations that exist.</p> <p>10 So the more interesting question, probably, 11 when this case -- a decision gets issued sometime 12 before the end of June is, you know, sort of how deeply 13 into the campaign finance limits law the majority of 14 the Supreme Court cuts. You know, most states and the 15 federal government have some form of campaign finance 16 limits, you know, how much you can take and from whom 17 you can take the money. So that's probably the most 18 interesting thing there, but, you know --</p> <p>19 This was -- not to get super technical, but 20 this was on cert. It wasn't on a direct appeal, which 21 you can have in some of these campaign finance cases. 22 So they didn't have to take the case. So the fact they 23 took the case, you know, tells you a lot about where 24 this is going.</p> <p>25 I also want to mention these two bills. You</p> |
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| <p>1 legislative leaders saying that the Proposition 2 delegates too much authority to the Commission to -- to 3 administrate the Voters' Right to Know Act.</p> <p>4 So there's a motion for judgment on the 5 pleadings that has been filed by the leaders that we 6 responded to on Monday, then they filed a motion for 7 preliminary injunction. So we'll have hearings coming 8 up the beginning of the year on -- on those.</p> <p>9 You know, I think that the case that came out 10 of the Supreme Court had to do with their standing, 11 that is to say, whether or not they had an injury. 12 This has to do with whether or not, in fact, there's a 13 violation.</p> <p>14 And on the preliminary injunction, you know, 15 part of the question is whether or not they're harmed, 16 irreparably harmed, which is not the same as just 17 whether or not they have injury sufficient to be in 18 court. So, you know, those are -- those are still 19 ongoing. We do have a discovery issue there too that 20 we're working through with the leadership.</p> <p>21 I did want to mention two other things real 22 quick. There was this argument on the 9th in this 23 National Republican Senatorial Committee versus Federal 24 Election Commission case that was covered pretty 25 extensively by all -- you know, in the news. That has</p> | <p>1 know, Mike, as you know -- or, well, Commissioner 2 Crump, you don't know -- but Mike puts out a 3 legislative report starting with the session that will 4 be part of this Executive Director's Report then. But 5 we had two bills we wanted to highlight.</p> <p>6 One, you know, Senator Kavanagh files a bill 7 I think pretty much every year to change the threshold 8 at which folks' -- donors' identity would be reported.</p> <p>9 You know, I was in Atlanta for this conference of 10 government ethics lawyers, and there was a lot of 11 discussion around, you know, how this issue will play 12 out in legislatures that are controlled by both parties 13 because of the, you know, the concerns around just 14 general -- how much information is out there about 15 people and what can it be used for. You know, so I 16 think that, you know, we'll be sensitive to that.</p> <p>17 Obviously under the Voters' Right to Know 18 Act, in addition to those legal parameters that exist, 19 the Commission has the authority to, if we ever got an 20 application -- we haven't ever -- to exercise its, you 21 know, authority to address, you know, safety issues if 22 they were to arise, those kind of things. So, I mean, 23 that's a timely thing. And I think if there was a year 24 that this kind of bill would get, you know, some 25 momentum, it might be this year.</p> |

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| <p>1 And then the primary date. You know, in --</p> <p>2 what was it, 2024 -- in 2024 for 2024 they moved the</p> <p>3 state primary date. This was to account for the lower</p> <p>4 recount threshold that the Legislature passed. This --</p> <p>5 it's very likely there will be a bill that will -- and</p> <p>6 this may be it -- that will make that permanent. So</p> <p>7 instead of the first Tuesday in August, our primary</p> <p>8 would be the last Tuesday in July going forward if that</p> <p>9 passed.</p> <p>10 So those were -- I mean, you know, I just</p> <p>11 think there's a -- you know, so there's a number of</p> <p>12 things going on in the world that will have some --</p> <p>13 some relevancy to what we do, and I wanted to make sure</p> <p>14 that, you know, as we go into next year we sort of try</p> <p>15 to make you aware of those.</p> <p>16 So that's -- I think that's all I had.</p> <p>17 CHAIRMAN KIMBLE: Thank you, Tom.</p> <p>18 Are there any comments or questions from</p> <p>19 Members of the Commission?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN KIMBLE: Hearing none, we'll move on</p> <p>22 to Item IV, litigation matters, discussion and possible</p> <p>23 action. Item IV contains -- excuse me. Item IV</p> <p>24 concerns three matters: The first is the Commission's</p> <p>25 suit against the Secretary of State; the second is a</p> | <p>1 discretionary on the court whether or not they would</p> <p>2 take jurisdiction over this case in the first place.</p> <p>3 That's the most significant one. It's not necessarily</p> <p>4 clear that they get any more timely relief from that.</p> <p>5 The -- and then we received this notice of</p> <p>6 claim. The notice of claim itself is a -- you know, is</p> <p>7 a -- I mean, it's been distributed by the attorneys who</p> <p>8 filed it to, I think, a lot of different reporters.</p> <p>9 So, you know, the upshot there is that this is -- this</p> <p>10 really has more to do with the threshold number of</p> <p>11 signatures that independent candidates have to get than</p> <p>12 it has anything to do with the lawsuit that we have</p> <p>13 filed. There's a little conflation of those two things</p> <p>14 in some of the press coverage.</p> <p>15 And then there is some other aspects of that</p> <p>16 that are a little idiosyncratic in the sense that if</p> <p>17 the threshold -- so independents have to get roughly --</p> <p>18 well, in 2024 independents had to get, for statewide</p> <p>19 office, 42,000 signatures, while a Democratic Party</p> <p>20 candidate for statewide office had to get like 5,000.</p> <p>21 And the statutes basically say that an independent --</p> <p>22 and this statute has been written this way I think</p> <p>23 since, I want to say, early '80s, maybe -- maybe the</p> <p>24 mid-'90s. But it says you have -- they take -- you</p> <p>25 take 3 percent of the eligible population of</p> |
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| <p>1 similar suit later filed by the Democratic Party; and</p> <p>2 finally, we have this notice of claim. As indicated in</p> <p>3 the Agenda, the Commission may consider authorizing a</p> <p>4 range of legal options and may vote to go into</p> <p>5 executive session for legal advice or to instruct our</p> <p>6 attorneys.</p> <p>7 Before we go any further, I'd like Tom to</p> <p>8 give us a brief summary of these matters, see if any</p> <p>9 Commissioners have questions they would like to address</p> <p>10 in an open session.</p> <p>11 Tom.</p> <p>12 MR. COLLINS: Thank you, Mr. Chair,</p> <p>13 Commissioners. So, you know, the Commission voted to</p> <p>14 authorize the lawsuit, and we filed on December 2nd.</p> <p>15 It's a declaratory judgment action that, you know,</p> <p>16 essentially seeks to -- a declaration that the</p> <p>17 Secretary of State -- excuse me -- lacks the authority</p> <p>18 to, you know, unilaterally change the name of a party</p> <p>19 and the -- in this manner.</p> <p>20 On -- later that week the Arizona Democratic</p> <p>21 Party filed a lawsuit that, you know, largely, I think,</p> <p>22 reflects similar theory to -- to ours. I think that's</p> <p>23 probably -- but they filed it as a special action. So</p> <p>24 the major differences between a special action and our</p> <p>25 declaratory judgment action have to do -- first, it's</p> | <p>1 independent voters, I believe is what they have to get,</p> <p>2 something like that. So it's basically you end up with</p> <p>3 a much higher percentage of -- a much higher number.</p> <p>4 42,000, though, quite candidly, I mean, it</p> <p>5 may not be that insurmountable. I mean, nobody --</p> <p>6 people say it's insurmountable. When you think about</p> <p>7 it, with E-Equal and different things that you have now,</p> <p>8 it may not. But anyways, that's the -- that's the</p> <p>9 argument. It's essentially an argument that says that,</p> <p>10 you know, that's a violation of equal protection.</p> <p>11 So it really doesn't have a lot to do with</p> <p>12 what we're -- with what we're doing. There is some</p> <p>13 matters in there about objecting to whether or not we</p> <p>14 have a role here, you know, so -- so that's -- that's</p> <p>15 kind of where those things are.</p> <p>16 In the meantime, you know, there is an aspect</p> <p>17 of this overall issue that involves the Elections</p> <p>18 Procedures Manual. And the Elections Procedures</p> <p>19 Manual -- the final Elections Procedures Manual, the</p> <p>20 deadline for that is the 31st of -- you know, before</p> <p>21 the beginning of the year. Not a lot of news to</p> <p>22 report, at least that I have, as far as where that is</p> <p>23 in the process.</p> <p>24 You will recall that one of the issues that</p> <p>25 the Motor Vehicle Division has raised and that the</p> |

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| <p>1 Counties have raised is that the EPM itself says -- it 2 identifies five parties. It doesn't identify an 3 Arizona Independent Party. So if you're directing a 4 set of County Recorders to take an action, to the 5 extent the Secretary can even really do that, and that 6 action is not one that is recognized in the EPM, you 7 know, that creates a -- you know, a real conundrum, 8 right, for a county. You can't do both, literally, is 9 what they -- what their communications have said.</p> <p>10 So that's where we are. I think the thing 11 that's, you know -- so -- and I think that -- I think 12 that's really about -- about all I have that -- to just 13 sort of summarize the sort of top news, you know. I -- 14 so outside of that, I don't know -- so I don't know if 15 there are any questions about those factual issues. 16 And I guess beyond that, I probably would, you know, 17 defer to Bill and to you all about what you want to 18 do -- you know, when we want to go -- when you would 19 want to go into executive session.</p> <p>20 CHAIRMAN KIMBLE: Before that, are there any 21 questions that Commissioners have in open session? 22 COMMISSIONER TITLA: Chairman. 23 CHAIRMAN KIMBLE: Commissioner Titla. 24 COMMISSIONER TITLA: Yes, sir. 25 Tom, regarding your statement, earlier you</p> | <p>1 I'm actually not sure if their answer is due on the 2 same schedule or if they get a different schedule for 3 the special action. But, you know, we have been in 4 communication with the Secretary of State's attorneys, 5 but, no, there is not a -- not yet been a -- there 6 won't be a -- they don't have a responsive pleading due 7 until the 24th.</p> <p>8 COMMISSIONER TITLA: Okay. If it's due on 9 the 24th, is there a reply date for the Commission to 10 that reply?</p> <p>11 MR. COLLINS: So -- right. Mr. Chairman, 12 Commissioner Titla, so to that point, I think that one 13 of the things that -- one of the things that I think 14 is, I mean, sort of self-evident in front of the 15 Commission as plaintiff is, you know, how to best 16 execute getting relief in a manner that is timely. And 17 so, you know, probably a better question for Bill and 18 Samantha, but we have given that issue a lot of thought 19 and we have those thoughts to share with you for sure.</p> <p>20 COMMISSIONER TITLA: Okay. So is there going 21 to be a court hearing on these pleadings after those 22 time limits? And when do you expect those court 23 hearings to occur?</p> <p>24 MR. COLLINS: Right. So, Mr. Chairman, 25 Commissioner Titla, right now there's not. But getting</p> |
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| <p>1 stated that this was discretionary. Were you referring 2 to the Commission's lawsuit or the Democratic lawsuit?</p> <p>3 MR. COLLINS: Mr. Chairman, 4 Commissioner Titla, the -- what I was referring 5 specifically to was the court's discretion to accept 6 jurisdiction of the Democratic Party's special action, 7 just because, as you know, you know, the special action 8 rules just allow a court, unless you have a mandatory 9 special action provision, to decline jurisdiction of 10 special actions.</p> <p>11 COMMISSIONER TITLA: Yeah, thank you. 12 Because you said that it was discretionary to this 13 lawsuit, and there are a couple lawsuits out there --</p> <p>14 MR. COLLINS: Right.</p> <p>15 COMMISSIONER TITLA: -- the Commission's 16 lawsuit and the Democratic Party's lawsuit. So I 17 didn't know which one you were referring to, but thank 18 you for the clarification.</p> <p>19 Second, I have a question on -- has the 20 Secretary of State answered the pleadings that have 21 been filed by the Commission and the Democratic Party?</p> <p>22 MR. COLLINS: Mr. Chairman, 23 Commissioner Titla, no. Their answer or whatever they 24 will file is due the 24th of December. I think -- so I 25 guess for the Democratic Party I'm actually not sure --</p> | <p>1 one sooner rather than later is the -- is sort of the 2 next step we have to take.</p> <p>3 It took a little while to figure out who the 4 Secretary's attorneys were for this matter. So we now 5 know that, you know, they have some representation from 6 the Attorney General's Office on this. And, you know, 7 our -- so our -- I mean, without -- so basically our 8 position with those attorneys has been the -- that 9 there is a clear controversy here.</p> <p>10 Clearly the Commission's legal position -- 11 you know, obviously it wasn't unanimous, but 12 nevertheless, the Commission's legal position is 13 consistent with the positions of most, if not all, of 14 the other election officials involved in this 15 transaction and, you know, at least one party we know 16 for sure and all of those folks evaluating the law. So 17 it seems to us that it's pretty self-evident that this 18 is a real controversy that ought to get resolved, and 19 we, I think, communicated that the -- it's in 20 everyone's best interest to settle that question 21 quickly.</p> <p>22 So, you know, we don't -- beyond having 23 communicated that and the hope that that will get 24 communicated to the proper folks in the client 25 representative capacity at the Secretary's Office, we</p> |

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| <p>1 don't really have an answer yet.</p> <p>2 COMMISSIONER TITLA: Well, Tom, my question</p> <p>3 is, when do you think the court hearings will occur,</p> <p>4 and I think this is the answer you gave, right? I</p> <p>5 can't remember what my question was after your answer.</p> <p>6 MR. COLLINS: Well, yeah, the answer is --</p> <p>7 yeah, so the answer is -- the answer is there's no date</p> <p>8 set for anything. The process we're following here is</p> <p>9 to try to get one as soon as possible.</p> <p>10 The hope is that the Secretary of State's</p> <p>11 Office will recognize that it is in their interest, as</p> <p>12 well as everybody else's interest, to have that happen</p> <p>13 quickly and not, you know, sort of delay resolving the</p> <p>14 controversy when there's an obvious -- there obviously</p> <p>15 is one and it's pretty simple, really, at the end of</p> <p>16 the day.</p> <p>17 So the short answer is, I don't have a date;</p> <p>18 the long answer is, we have a process to get a date.</p> <p>19 And as soon as we have one, we will let you know. So I</p> <p>20 guess I --</p> <p>21 COMMISSIONER TITLA: Yeah. Yeah. Thank you,</p> <p>22 Tom. Also, you said that the Secretary of State has</p> <p>23 Attorney General -- some Attorney General attorneys at</p> <p>24 their office. I noticed that we have an Attorney</p> <p>25 General appear -- attorney appear at our meetings</p> | <p>1 General's Office, I'm not particularly concerned about</p> <p>2 the potential conflict here based on our former</p> <p>3 relationship.</p> <p>4 COMMISSIONER TITLA: Thank you, Tom.</p> <p>5 Chairman, that concludes my questions. Thank</p> <p>6 you.</p> <p>7 CHAIRMAN KIMBLE: Thank you,</p> <p>8 Commissioner Titla.</p> <p>9 Any other questions in open session from</p> <p>10 Members of the Commission?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN KIMBLE: Hearing none, are there any</p> <p>13 members of the public who wish to address this issue?</p> <p>14 If so, please make yourselves known. There's no one</p> <p>15 here in the audience and I don't see anyone on Zoom.</p> <p>16 (No response.)</p> <p>17 CHAIRMAN KIMBLE: Okay. Hearing none, I</p> <p>18 would entertain a motion to go into executive session.</p> <p>19 COMMISSIONER WERTHER: Mr. Chairman, I move</p> <p>20 to go into executive session for Item No. IV.</p> <p>21 CHAIRMAN KIMBLE: Thank you,</p> <p>22 Commissioner Werther.</p> <p>23 Is there a second?</p> <p>24 COMMISSIONER PATON: I'll second it.</p> <p>25 CHAIRMAN KIMBLE: Thank you,</p> |
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| <p>1 previously, right?</p> <p>2 MR. COLLINS: Yes, that's correct.</p> <p>3 Mr. Chairman, yes, that's correct.</p> <p>4 COMMISSIONER TITLA: So is there some sort of</p> <p>5 conflict if we have an Attorney General attorney appear</p> <p>6 at our meetings and then they have representation from</p> <p>7 the same office, the Secretary of State's Office?</p> <p>8 MR. COLLINS: Mr. Chairman,</p> <p>9 Commissioner Titla, we think we've resolved those</p> <p>10 issues by virtue of the way we resolved the</p> <p>11 relationship with the Attorney General's Office. So,</p> <p>12 you know, with some exceptions, you know --</p> <p>13 Paula, could you grab Randy for me.</p> <p>14 The -- with some exceptions, the -- there's</p> <p>15 not going to be a likely conflict unless there is an</p> <p>16 existing matter, historical matter, some other issues</p> <p>17 like that. And in those situations what we've said is,</p> <p>18 you know, we reserve the right to object when</p> <p>19 necessary.</p> <p>20 My own view on this, and I haven't given a</p> <p>21 lot of thought and I'm not, you know, your legal</p> <p>22 representative for this purpose, but that in this</p> <p>23 matter, based on the attorneys who are representing the</p> <p>24 Secretary's Office, I'm not -- and given the way we</p> <p>25 have resolved our relationship with the Attorney</p> | <p>1 Commissioner Paton.</p> <p>2 It's been moved and seconded that we go into</p> <p>3 executive session for this matter. I will call the</p> <p>4 roll.</p> <p>5 Commissioner Werther.</p> <p>6 COMMISSIONER WERTHER: Aye.</p> <p>7 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>8 COMMISSIONER PATON: Aye.</p> <p>9 CHAIRMAN KIMBLE: Commissioner Crump.</p> <p>10 COMMISSIONER CRUMP: Aye.</p> <p>11 CHAIRMAN KIMBLE: Commissioner Titla.</p> <p>12 COMMISSIONER TITLA: Aye.</p> <p>13 CHAIRMAN KIMBLE: Chair votes aye. The vote</p> <p>14 is 5-to-nothing. We will go into executive session.</p> <p>15 Thank you.</p> <p>16 (The following section of the meeting is in</p> <p>17 executive session and bound under separate cover.)</p> <p>18 * * * * *</p> <p>19 (End of executive session. Public meeting</p> <p>20 resumes at 11:16 a.m.)</p> <p>21 CHAIRMAN KIMBLE: We're back in open session.</p> <p>22 At this time, do I have a motion from any Members of</p> <p>23 the Commission -- any Member of the Commission?</p> <p>24 COMMISSIONER WERTHER: Mr. Chairman, I'd like</p> <p>25 to move to instruct counsel -- outside legal counsel to</p> |

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| <p>1 expedite the Commission v. Fontes lawsuit consistent 2 with other instructions given in executive session. 3 CHAIRMAN KIMBLE: Thank you, 4 Commissioner Werther. 5 Is there a second? 6 COMMISSIONER PATON: I'll second. 7 CHAIRMAN KIMBLE: Thank you, 8 Commissioner Paton. 9 It's been moved and seconded that we 10 authorize counsel to move ahead as enumerated by 11 Commissioner Werther. I'll call the roll. 12 Commissioner Werther. 13 COMMISSIONER WERTHER: Aye. 14 CHAIRMAN KIMBLE: Commissioner Paton. 15 COMMISSIONER PATON: Aye. 16 CHAIRMAN KIMBLE: Commissioner Crump. 17 COMMISSIONER CRUMP: Aye. 18 CHAIRMAN KIMBLE: Commissioner Titla. 19 (No response.) 20 CHAIRMAN KIMBLE: Commissioner Titla, I 21 believe you're on mute still. 22 COMMISSIONER TITLA: Okay. Can you hear me? 23 CHAIRMAN KIMBLE: Yes. 24 COMMISSIONER TITLA: Yeah, I have a question 25 on the motion made by counsel. She said that the</p> | <p>1 Item V, annual budgetary calculations and 2 2026 spending plan. Item V is a discussion and 3 possible action on the annual budgetary calculations 4 and the 2026 spending plan. Annually we authorize a 5 spending plan and make determinations relating to the 6 Commission's spending capacity. Tom has a brief 7 summary of the statutory discussions, and Mike is 8 available to discuss details of the budget plan. 9 Tom. 10 MR. COLLINS: Yes. As soon as I find my 11 notes I will be ready. I'm looking for -- I have the 12 memo that I made for myself, so just bear with me. Oh, 13 here we go. Sorry. 14 So I wanted to -- especially because we have 15 new -- new or newish Commission Members, I wanted to 16 spend a little time just, you know, identifying, you 17 know, what's in the memorandum you have and what's in 18 the background material, because it's -- it's kind of 19 an ornate process for putting this together. 20 And basically -- so basically what we're 21 asking you to do today is -- we have it as one set of 22 decisions, and it really is one set of decisions, but 23 there are two components to it. The first component is 24 these calculations that the statute requires us to make 25 about essentially the capacity of the fund and some</p> |
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| <p>1 motion was to expedite the litigation, I think, and 2 then also about following instructions as made in 3 the -- in the executive session, is that true? 4 CHAIRMAN KIMBLE: That's basically right, 5 Commissioner Titla. I'll let Commissioner Werther 6 restate her motion. 7 COMMISSIONER WERTHER: Yes. Mr. Chairman and 8 Commissioner Titla, I had moved to instruct outside 9 legal counsel to expedite the Commission v. Fontes 10 lawsuit consistent with other instructions given in 11 executive session. 12 COMMISSIONER TITLA: Yeah. And the reason I 13 say it is, I can understand the first part about 14 expediting and I support that; but with regard to 15 "other instructions," I'm puzzled about that. So I 16 know that probably we can't talk about it in this 17 session, but I'm puzzled by "other instructions." 18 CHAIRMAN KIMBLE: Okay. So we're voting on 19 the motion as Commissioner Werther stated it. Do you 20 vote aye or nay? 21 COMMISSIONER TITLA: I vote nay. 22 CHAIRMAN KIMBLE: Okay. Thank you, 23 Commissioner Titla. 24 Chair votes aye. The motion is approved 25 4-to-nothing -- 4-to-1. Sorry.</p> | <p>1 worst-case scenario situations and those kinds of 2 things. It also requires us to identify a cap on 3 certain expenditures. 4 So you'll see in the memo that there is an 5 administrative enforcement cap number that is at 6 10 percent of the overall spending cap, which -- and 7 then -- and then public education at 10 percent. We 8 have some voter education funding under 16-956 that 9 is -- that is not capped, and it can't be, because that 10 includes the Voter Education Guide and the debates, and 11 the prices on -- the costs of those things are highly 12 variable. So if you put an arbitrary cap on those, 13 then we would have a problem. And then candidate 14 funding. 15 So as we do this, the kind of most confusing 16 thing that the Commission does, in my view, is estimate 17 the projected revenues assuming that you're at the 18 spending cap, that you actually get to the spending 19 cap, that is to say, you spend to the spending cap each 20 year. And what that tells us is, based on the fund 21 balance and the -- and the income to the fund, that 22 tells us that if we were to spend -- actually spend 23 money at the cap each year, the fund would very quickly 24 go into the red. What that means, as a practical 25 matter, is that we don't have excess funds in the</p> |

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| <p>1 thing.</p> <p>2 So there is a -- so the formula is -- you</p> <p>3 know, sort of basically articulates a deficit, if you</p> <p>4 will, that does not exist except on paper, because we</p> <p>5 don't spend at that clip, but it does dictate whether</p> <p>6 or not there are excess funds in the -- in the Clean</p> <p>7 Elections fund itself, and there are not.</p> <p>8 Similarly, you know, we do candidate</p> <p>9 funding -- we do a candidate funding projection that</p> <p>10 says if basically all the candidates showed up, would</p> <p>11 we run into a shortage of dollars available for those</p> <p>12 candidates, and what -- in which case there are some</p> <p>13 other mechanics that happen. Again, that -- that</p> <p>14 calculation does not yield a shortfall.</p> <p>15 So really what you're doing is you're -- it's</p> <p>16 a kind of a stress test of a worst-case scenario</p> <p>17 spending proposition and a sort of worst-case scenario</p> <p>18 candidate -- I mean, it wouldn't be worst-case</p> <p>19 scenario, I guess it would be best-case scenario, but</p> <p>20 you know what I mean. But a, you know -- you know,</p> <p>21 it's essentially a stress test in the statute that</p> <p>22 looks at those two things. And the formulas are --</p> <p>23 because it's a stress test, the formulas aren't</p> <p>24 designed to be based on the actual spending. They're</p> <p>25 designed to look at scenarios that are set up in the</p> | <p>1 us to look at the -- there's a -- what is it, a</p> <p>2 1 percent -- there's a 1 percent surcharge on fines and</p> <p>3 fees that goes to the VRKA subaccount of the Clean</p> <p>4 Elections fund, and it asked us to look at that</p> <p>5 number and make an assessment of whether or not that --</p> <p>6 that we need to continue that. And for the time being,</p> <p>7 our view is we ought to because, you know, the --</p> <p>8 although we have -- and we've not spent -- you know,</p> <p>9 we've had cost-effective attorneys, nevertheless, the</p> <p>10 amount we've taken in there is about -- about half a</p> <p>11 million dollars, I think.</p> <p>12 And so, you know, given the -- given the</p> <p>13 other -- you know, we have this entire new round of</p> <p>14 briefing, we have the additional potential other</p> <p>15 litigation that may happen next year, and then provided</p> <p>16 that litigation, you know, is resolved favorably, you</p> <p>17 know, we have a bunch of improvements we would like to</p> <p>18 make. For example, the candidate -- not the</p> <p>19 candidate -- the Prop 200 filing mechanisms, those</p> <p>20 kinds of things, which are not exactly where we would</p> <p>21 like them to be, but -- but, you know -- so those are</p> <p>22 our -- those are the main things.</p> <p>23 So, you know, typically what we've asked is</p> <p>24 that -- is to -- essentially a motion on the entire</p> <p>25 package. I want to stress -- I mean, I'm talking a</p> |
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| <p>1 statute.</p> <p>2 Then we get into the staff budget</p> <p>3 projections, right, so -- and there, you know,</p> <p>4 obviously you'll see some -- you know, especially if</p> <p>5 you're new to the Commission budget, there are some</p> <p>6 numbers there that are high, that cost -- you know,</p> <p>7 things -- some of these things cost quite a bit of</p> <p>8 money. And the most expensive thing that we do --</p> <p>9 single thing that we do is the Voter Education Guide,</p> <p>10 because it requires distribution to every household in</p> <p>11 the state with a registered voter and it's mailed.</p> <p>12 And we -- nevertheless, we know from our</p> <p>13 research that that is our -- I think it's our top,</p> <p>14 right, Gina -- our top most-recognized asset that we</p> <p>15 do. It's the thing that people rely on. It's the</p> <p>16 thing that people, when you ask -- when you ask -- when</p> <p>17 people ask me what I do for a living I say, you know</p> <p>18 that guide you get? And that's -- that is -- that</p> <p>19 is -- so that is our flagship product in many ways. So</p> <p>20 that's the most expensive thing that we do.</p> <p>21 Likewise, the debates are a mandatory</p> <p>22 expenditure, and that also, in order to deliver it in a</p> <p>23 way that is effective, you know, has some costs</p> <p>24 associated with it.</p> <p>25 Finally, the Voters' Right to Know Act asks</p> | <p>1 lot, but Mike, you know, spends months putting this all</p> <p>2 together and working with Paula and Gina and me and</p> <p>3 Avery and Alec on -- Alec has stuff, so I want to -- in</p> <p>4 the event that -- in the event you -- no, but I think</p> <p>5 that's important. I mean, I just want to make sure</p> <p>6 that I'm not -- I did think it was important to say</p> <p>7 something here, but I want to also make sure that folks</p> <p>8 are -- that people understand that, you know, we do</p> <p>9 take a lot of time on this and Mike puts a lot of work</p> <p>10 into making sure that this all works and we hope</p> <p>11 makes -- we hope makes sense.</p> <p>12 So that was my kind of thoughts on that,</p> <p>13 Mr. Chairman, and then I think either Mike or I are</p> <p>14 available for questions if you have any.</p> <p>15 CHAIRMAN KIMBLE: Okay. Thank you, Tom.</p> <p>16 Before we go to questions, I just want to</p> <p>17 point out a typo in the memo. On the first page under</p> <p>18 public education there's a zero left out. The public</p> <p>19 education expenditures are projected -- that should be</p> <p>20 \$3 million, I believe, not --</p> <p>21 MR. COLLINS: Yes.</p> <p>22 CHAIRMAN KIMBLE: There's a -- there's a zero</p> <p>23 left out.</p> <p>24 MR. COLLINS: Oh, okay. That's correct.</p> <p>25 CHAIRMAN KIMBLE: Any questions or comments</p> |

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| <p>1 from Members of the Commission --</p> <p>2 COMMISSIONER PATON: I had one.</p> <p>3 CHAIRMAN KIMBLE: -- for staff?</p> <p>4 Commissioner Paton.</p> <p>5 COMMISSIONER PATON: So the fund is</p> <p>6 replenished each year. And how are we with the funding</p> <p>7 for the past year?</p> <p>8 MR. COLLINS: I'll take a shot at that.</p> <p>9 COMMISSIONER PATON: Because for a while</p> <p>10 there it was going down.</p> <p>11 MR. COLLINS: I think -- I mean, Mike,</p> <p>12 correct me if I'm wrong, but I think we think that it's</p> <p>13 kind of stabilized at, I would say, about a million</p> <p>14 less than what it came in pre COVID, is that right?</p> <p>15 MR. BECKER: Yes.</p> <p>16 MR. COLLINS: So it's around 5 annually now.</p> <p>17 It was around 6 pre COVID. That may change, you know,</p> <p>18 it may go down over time. I mean, we're -- it kind of</p> <p>19 depends on the -- a lot of it's revenue from parking</p> <p>20 tickets and those kinds of things, so, you know, post</p> <p>21 COVID there's a lot less traffic downtown, for example,</p> <p>22 in Phoenix and other places. That's an impact, so, you</p> <p>23 know -- but it hasn't changed very much. The immediate</p> <p>24 drop was right around -- about four or five years ago</p> <p>25 there was a -- but that seems to be stable now.</p> | <p>1 COMMISSIONER CRUMP: Aye.</p> <p>2 CHAIRMAN KIMBLE: Commissioner Titla.</p> <p>3 COMMISSIONER TITLA: Aye.</p> <p>4 CHAIRMAN KIMBLE: Chair votes aye. The</p> <p>5 motion is approved 5-to-nothing.</p> <p>6 Item VI, probable cause, MUR 25-01, Hector</p> <p>7 Jaramillo. Item VI is discussion on whether probable</p> <p>8 cause exists to believe violations occurred in MUR</p> <p>9 25-01 involving Hector Jaramillo, a 2024 participating</p> <p>10 legislative candidate.</p> <p>11 Commissioners, you have the Executive</p> <p>12 Director's brief. Do Commissioners have any questions?</p> <p>13 (No response.)</p> <p>14 CHAIRMAN KIMBLE: Tom, is there anything you</p> <p>15 want to add?</p> <p>16 MR. COLLINS: Yeah, if I may. Commissioners,</p> <p>17 you know, we -- we -- so the next step in the</p> <p>18 enforcement process after reason to believe is called</p> <p>19 probable cause to believe. Under the -- under the</p> <p>20 rules I file a brief that, you know, articulates the</p> <p>21 basis for why there's probable cause to believe here.</p> <p>22 In effect, the facts are unchanged from the reason to</p> <p>23 believe, and I think that the -- although there's an</p> <p>24 evidentiary distinction there and a -- and a</p> <p>25 terminology distinction there in the sense that the</p> |
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| <p>1 COMMISSIONER PATON: Okay.</p> <p>2 CHAIRMAN KIMBLE: Any other questions or</p> <p>3 comments from Members of the Commission?</p> <p>4 (No response.)</p> <p>5 CHAIRMAN KIMBLE: If there's no further</p> <p>6 discussion, I would entertain a motion to approve the</p> <p>7 statutory determinations outlined in the staff memo and</p> <p>8 the 2026 spending plan.</p> <p>9 COMMISSIONER WERTHER: Mr. Chairman, I move</p> <p>10 to approve the -- can I see your language -- the</p> <p>11 statutory determinations outlined in the Director's</p> <p>12 memo and the 2026 spending plan.</p> <p>13 CHAIRMAN KIMBLE: Thank you,</p> <p>14 Commissioner Werther.</p> <p>15 Is there a second?</p> <p>16 COMMISSIONER PATON: I'll second.</p> <p>17 CHAIRMAN KIMBLE: Thank you.</p> <p>18 It's been moved and seconded that we approve</p> <p>19 the statutory determinations outlined in the staff memo</p> <p>20 and the 2026 spending plan. I will call the roll.</p> <p>21 Commissioner Werther.</p> <p>22 COMMISSIONER WERTHER: Aye.</p> <p>23 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>24 COMMISSIONER PATON: Aye.</p> <p>25 CHAIRMAN KIMBLE: Commissioner Crump.</p> | <p>1 probable cause process is moving closer to a finding</p> <p>2 that would ultimately result in an administrative</p> <p>3 order, you know, that's -- that's part of that process.</p> <p>4 So we think that -- that the facts and law</p> <p>5 fairly well establish that both there was late filing</p> <p>6 and that Mr. Jaramillo did not, you know, until after</p> <p>7 we got pretty far along in the process, begin to</p> <p>8 provide information to the staff.</p> <p>9 Now, that said, one thing that I have -- have</p> <p>10 done here specifically -- sometimes we will do -- go</p> <p>11 straight from the probable cause into the fine matter.</p> <p>12 Here I have bifurcated those, in part because I am</p> <p>13 still in communication with Mr. Jaramillo and -- and,</p> <p>14 you know, have some confidence that we'll be able to</p> <p>15 resolve this matter. And there is a specific part of</p> <p>16 the process under Rule 216 that talks about the formal</p> <p>17 conciliation process. So we tried conciliating ahead</p> <p>18 of time, but, you know, there's a -- there's a --</p> <p>19 there's a formal opportunity there as well, so -- so --</p> <p>20 And then with respect to Mr. Jaramillo's</p> <p>21 presence, you know, I will just tell you that I have --</p> <p>22 personally have a good understanding of his work</p> <p>23 schedule, and in this particular instance because I --</p> <p>24 you know, I have articulated to him my need to move</p> <p>25 this case along, I did not have the expectation that he</p> |

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| <p>1 would be here, nor did I, you know, have him make -- 2 you know, I would -- 3 So from my vantage point, his presence here 4 or not here for this hearing is not a negative. It is 5 simply this is a step that is necessary. He did 6 communicate back to me that he did not plan to respond, 7 but he is in communication with me and I am -- so I 8 just would -- to the extent that that is a question, I 9 would just say that although I'm not in a position to 10 excuse an absence, per se, I see nothing in the absence 11 here that is meaningful to me in terms of his, you 12 know, current level of responsiveness to communications 13 from staff. 14 CHAIRMAN KIMBLE: Thank you, Tom. 15 Are there any comments or questions from 16 Members of the Commission? 17 (No response.) 18 CHAIRMAN KIMBLE: If not, I'd entertain a 19 motion regarding probable cause. 20 COMMISSIONER WERTHER: Mr. Chairman, I move 21 on probable cause to believe violations of the Act or 22 rules occurred on MUR 25-01, Hector Jaramillo, 2024 23 participating legislative candidate. 24 CHAIRMAN KIMBLE: Thank you, 25 Commissioner Werther.</p> | <p>1 July 2026. 2 CHAIRMAN KIMBLE: Thank you, 3 Commissioner Werther. 4 Is there a second? 5 COMMISSIONER PATON: I'll second. 6 CHAIRMAN KIMBLE: Thank you, 7 Commissioner Paton. 8 It's been moved and seconded that we approve 9 the proposed meeting dates. I'll call the roll. 10 Commissioner Werther. 11 COMMISSIONER WERTHER: Aye. 12 CHAIRMAN KIMBLE: Commission Paton. 13 COMMISSIONER PATON: Aye. 14 CHAIRMAN KIMBLE: Commissioner Crump. 15 COMMISSIONER CRUMP: Aye. 16 CHAIRMAN KIMBLE: Commissioner Titla. 17 COMMISSIONER TITLA: Aye. 18 CHAIRMAN KIMBLE: Chair votes aye. The 19 meeting dates are approved 5-to-nothing. 20 Item VIII, public comment. This is the time 21 for comments and suggestions from the public. Please 22 limit your remarks to items within the Commission's 23 authority. Action taken as a result of public comment 24 is limited by statute to directing staff to study the 25 matter, responding to criticism, or scheduling it for</p> |
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| <p>1 Is there a second? 2 COMMISSIONER PATON: I'll second. 3 CHAIRMAN KIMBLE: Thank you, 4 Commissioner Paton. 5 It's been moved and seconded that we believe 6 cause exists to believe violations occurred in MUR 7 25-01 involving Hector Jaramillo. I will call the 8 roll. 9 Commissioner Werther. 10 COMMISSIONER WERTHER: Aye. 11 CHAIRMAN KIMBLE: Commissioner Paton. 12 COMMISSIONER PATON: Aye. 13 CHAIRMAN KIMBLE: Commissioner Crump. 14 COMMISSIONER CRUMP: Aye. 15 CHAIRMAN KIMBLE: Commissioner Titla. 16 COMMISSIONER TITLA: Aye. 17 CHAIRMAN KIMBLE: Chair votes aye. The 18 motion is approved 5-to-nothing. 19 Item VII, proposed 2026 meeting dates, 20 January through July. We are -- we plan to meet next 21 year on January 29th, February 19th, March 26th, 22 April 23rd, May 28th, June 25th, and July 23rd. Is 23 there a motion to approve the meeting dates? 24 COMMISSIONER WERTHER: Mr. Chair, I move to 25 approve the proposed meeting dates for January through</p> | <p>1 further consideration. 2 Does anyone here in person or on Zoom wish to 3 make a comment? 4 (No response.) 5 CHAIRMAN KIMBLE: Hearing no one. You may 6 also send comments to the Commission at 7 ccec@azcleelections.gov. 8 Item IX, adjournment. If there's no further 9 business, I would entertain a motion to adjourn. 10 COMMISSIONER WERTHER: Mr. Chairman, I move 11 to adjourn. 12 CHAIRMAN KIMBLE: Thank you, 13 Commissioner Werther. 14 Is there a second? 15 COMMISSIONER PATON: I'll second. 16 CHAIRMAN KIMBLE: Thank you, 17 Commissioner Paton. 18 Before I call the roll, I want to wish 19 everyone happy holidays, and we will see you back here 20 in January, I hope not sooner. 21 Commissioner Werther. 22 COMMISSIONER WERTHER: Aye. 23 CHAIRMAN KIMBLE: Commissioner Paton. 24 COMMISSIONER PATON: Aye. 25 CHAIRMAN KIMBLE: Commissioner Crump.</p> |

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1 COMMISSIONER CRUMP: Aye.
2 CHAIRMAN KIMBLE: Commissioner Titla.
3 COMMISSIONER TITLA: Aye.
4 CHAIRMAN KIMBLE: Chair votes aye. We are
5 adjourned. Thank you.
6 (The meeting concluded at 11:37 a.m.)
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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings had and adduced upon the
11 taking of said proceedings, all to the best of my skill
12 and ability.
13
14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.
17
18 DATED at Tempe, Arizona, this 15th day of
19 December, 2025.

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23 Kathryn A. Blackwelder, RPR
24 Certified Reporter #50666
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