



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

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

Date: Thursday, March 23, 2017

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on March 23, 2017. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at www.livestream.com/cleanelections. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

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

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for February 23, 2017 meeting.
- III. Discussion and Possible Action on Executive Director's Report.
- IV. Discussion and Possible Action on Interagency Service Agreements with the Arizona Secretary of State's office.
 - A. Discussion and Possible Action related to the Commission's Interagency Service Agreement (ISA) with the Secretary of State's Office dated 2013, amended in 2014.
 - B. Discussion and Possible Action related to the Secretary of State's Proposal for a "See the Money" application (public facing campaign finance application) and related issues including potential authorization of Commission staff to negotiate an Interagency Service Agreement (ISA) with the Secretary of State's Office.

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

V. Discussion of Rule Amendment Proposals approved for Public Comment on February 23:

A. A.A.C. R2-20-702(B)

1. Option A – Ban on expenditures to political parties with clean elections funding.
2. Option B – Limit on expenditures to political parties of clean elections funding to voter information and political event fees.
3. Option C – Restriction of expenditures to political parties for campaign expenditures and additional documentation requirements.

B. A.A.C. R2-20-703.01 – Regulation of payments to Campaign Consultants by Participating candidates.

The Commission may vote to go into executive session for the purpose of obtaining legal advice on Item V of the agenda, pursuant to A.R.S. § 38-431.03 (A)(3).

VI. Discussion and Possible Action on the 5 Year Review Report submitted to Governor's Regulatory Review Council and Related Matters.

The Commission may choose to go into executive session on Item VI for consultation with its attorneys regarding pending or contemplated litigation in order to consider its positions and instruct its attorneys. A.R.S. § 38-431.03(A)(4).

VII. Discussion and Possible Action on Final Audit Approval for the following Participating Candidates for the 2016 election cycle:

- A. Brandon Dwyer
- B. Rosanna Gabaldon
- C. Jason Lindstrom
- D. Barbara McGuire
- E. Jennifer Pawlik
- F. Cara Prior

VIII. Discussion and Possible Action on 2017 Legislative Agenda and items including update on bills affecting clean elections, elections general, and administrative law.

IX. Public Comment

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

X. Adjournment.

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

Dated this 20^h day of March, 2017.

Citizens Clean Elections Commission

Thomas M. Collins, Executive Director

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

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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
February 23, 2017
9:31 a.m.

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Court Reporting, Video & Videoconferencing
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Prepared by:
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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on 3 February 23, 2017, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 Mr. Steve M. Titla, Chairperson 8 Mr. Mark S. Kimble 9 Mr. Damien Meyer 10 Ms. Amy B. Chan 11 Mr. Galen D. Paton 12 13 OTHERS PRESENT: 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Sara Larsen, Financial Affairs Officer 17 Gina Roberts, Voter Education Manager 18 Mike Becker, Policy Director 19 Alec Shaffer, Web Content Manager 20 Amy Jicha, Legal Admin and VE Intern 21 Rivko Knox, LWV/AZ 22 Chris Klemminich, GRRRC 23 Shama Thathi, GRRRC 24 Marcus McGillivray, GRRRC 25 Daniel Schwiebert, GRRRC Paula Bickett, Attorney General's Office Christopher Ames, GRRRC John Sundt, GRRRC Alison Marliniak, Arizona Advocacy Network Mary O'Grady, Osborn Maledon</p>	<p style="text-align: right;">Page 4</p> <p>09:32:56-09:33:54</p> <p>1 think voter education and election transparency is so 2 important, and I think the Commission is doing some 3 great work. And I'm really proud and happy to be a 4 part of it again. 5 So thank you for the welcome. 6 CHAIRMAN TITLA: Thank you and welcome to 7 the Commission. You'll find that we have some good 8 people on Staff. The executive director and all the 9 Staff here are good people, and they do good work and 10 they respond real quick when you have a question on 11 anything. We have some esteemed counsel that 12 represents our Commission that we have good 13 communication with. So I think that any one of them, 14 you can contact and they will be able to help you out 15 quickly. 16 And we have some good people on the 17 Commission also that are experts in their various 18 fields and so they really help -- help us along too. 19 So welcome. 20 COMMISSIONER CHAN: Thank you. 21 CHAIRMAN TITLA: Any comments by the 22 Commission? 23 COMMISSIONER PATON: Just welcome -- 24 COMMISSIONER MEYER: Mr. Chairman, I just 25 want to welcome Commissioner -- is it Chan?</p>
<p>09:31:48-09:32:52</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN TITLA: This meeting is called to 4 order, the Citizens Clean Elections Commission, 5 Thursday, February 23rd, 2017, 9:30 a.m. 6 The -- first, I'd like to welcome our 7 newest member of the Commission, Ms. Chan. 8 Can you introduce yourself? 9 COMMISSIONER CHAN: Sure. Do I push this 10 button or if I speak -- 11 MR. COLLINS: Yes. 12 COMMISSIONER CHAN: Okay. Obviously, I'm 13 the newest member. Mr. Chairman and Commissioners, 14 thank you so much for the welcome. I'm so pleased to 15 be here. I am an attorney. I have been an attorney 16 since 1999. Most recently in my career I was the 17 election director for Secretary of State Ken Bennett, 18 and most of you probably are aware that that's been 19 sometime ago now. It's been about three and a half 20 years. 21 I left my work to spend some more time with 22 my family. I have two boys who are three and four 23 years old, and I'm really very pleased to have this 24 opportunity to serve the people of Arizona and also get 25 back involved with elections. I love election law. I</p>	<p>09:33:56-09:34:47</p> <p style="text-align: right;">Page 5</p> <p>1 COMMISSIONER CHAN: Chan. 2 COMMISSIONER MEYER: Chan. Welcome. 3 COMMISSIONER CHAN: Thank you. 4 COMMISSIONER MEYER: And I share your view 5 of the importance of voter education, and I'm very much 6 looking forward to working with you. 7 COMMISSIONER CHAN: Thank you. 8 COMMISSIONER PATON: Yes. Nice to have 9 you. And as a former teacher, I also value the -- 10 really value the work that we do in voter education. 11 Welcome. 12 COMMISSIONER CHAN: Thank you. 13 CHAIRMAN TITLA: Okay. No further 14 comments? 15 (No response.) 16 CHAIRMAN TITLA: Okay. We'll go to 17 Item II, discussion and possible action on the 18 Commission minutes for January 19, 2017 and February 7, 19 2017 meetings. 20 COMMISSIONER KIMBLE: Mr. Chairman? 21 CHAIRMAN TITLA: Yes. 22 COMMISSIONER KIMBLE: I move we approve the 23 minutes for the meetings of January 19th, 2017 and 24 February 7th, 2017. 25 CHAIRPERSON TITLA: Okay. A motion has</p>

09:34:48-09:35:35	Page 6	09:37:08-09:38:32	Page 8
<p>1 been made.</p> <p>2 Is there a second?</p> <p>3 COMMISSIONER MEYER: Second.</p> <p>4 CHAIRMAN TITLA: Okay. A second.</p> <p>5 All in favor say eye.</p> <p>6 (Chorus of ayes.)</p> <p>7 CHAIRMAN TITLA: Opposed?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN TITLA: Abstained?</p> <p>10 (No response.)</p> <p>11 CHAIRPERSON TITLA: Okay. The motion is</p> <p>12 passed unanimously.</p> <p>13 Item III, we had a welcome already. So I</p> <p>14 think I jumped the gun there, okay, but -- okay. Let's</p> <p>15 go to IV then: Discussion and possible action on the</p> <p>16 executive director report.</p> <p>17 MR. COLLINS: Yes. Thank you,</p> <p>18 Mr. Chairman, Commissioners. I will try to make this</p> <p>19 as brief as possible. There's a little more</p> <p>20 information in the executive director's report than</p> <p>21 there have been in some of the past ones because we</p> <p>22 have a bunch of stuff going on.</p> <p>23 First, I'd note that there is -- the early</p> <p>24 voting began on February 15th for elections in Phoenix,</p> <p>25 Holbrook and Goodyear, and we have update information</p>		<p>1 issue at the Supreme Court before a Staff attorney</p> <p>2 would put it on the agenda but, you know, there's a lot</p> <p>3 of change on the court. So it's not certain that --</p> <p>4 that that will be how long before they consider the</p> <p>5 petition. So we'll keep you updated.</p> <p>6 And then the last point I want to talk</p> <p>7 about real quickly is -- is the Secretary of State</p> <p>8 has -- has -- we've had some preliminary discussions</p> <p>9 around their program that they call "See the Money"</p> <p>10 which there's a description of it in Attachment 4. You</p> <p>11 know, what I said to Secretary Reagan was that I would</p> <p>12 put this in the executive director's report to try to</p> <p>13 get some sense of, you know, what the Commission's</p> <p>14 viewings were about the idea of making this investment.</p> <p>15 Obviously, if we move forward, we'll have</p> <p>16 to evaluate whether or not the value is there and a</p> <p>17 bunch of other factors before we would present the</p> <p>18 formal sort of interagency service agreement if we get</p> <p>19 that far, but I did want to throw that out there and</p> <p>20 just see if people had questions I can answer about,</p> <p>21 you know, where things lie and if they have -- and if</p> <p>22 people have -- have questions about the idea. I mean,</p> <p>23 it's a substantial amount of money that they would like</p> <p>24 to see. I think they would like to see it in quarterly</p> <p>25 installments between now and the end of -- basically,</p>	
09:35:38-09:37:05	Page 7	09:38:37-09:39:57	Page 9
<p>1 on our website about those elections and how you can</p> <p>2 participate in them. And Gina will be presenting at</p> <p>3 the Inspire Arizona Day at the Capitol which will --</p> <p>4 which it serves to encourage youth participation in the</p> <p>5 political process.</p> <p>6 You see the -- we have the new 2017-18</p> <p>7 participating candidate limits that the Secretary of</p> <p>8 State published. They're Attachment 1. Those are just</p> <p>9 there for your reference.</p> <p>10 Turning to enforcement for 2016, we have</p> <p>11 essentially closed all but one of our matters, and that</p> <p>12 matter is -- is -- the closure is pending. I'm</p> <p>13 finalizing some details with the -- with the -- with</p> <p>14 the committee.</p> <p>15 The second thing on enforcement, for 2014,</p> <p>16 the Legacy Foundation Action Fund, as you may recall,</p> <p>17 they filed a petition for review on their statute of</p> <p>18 limitations issue in -- I can't remember when exactly.</p> <p>19 I guess sometime in the winter. We filed our response</p> <p>20 to the petition for review on Friday. Mary O'Grady and</p> <p>21 Joe Roth and Nate Arrowsmith, I think, at Osborn</p> <p>22 Maledon put that together. It's attached, again, for</p> <p>23 your information.</p> <p>24 The rule of thumb used to be that it would</p> <p>25 be 90 days from the time an issue was -- a case was at</p>		<p>1 the, I guess, middle of next year or something,</p> <p>2 effectively.</p> <p>3 The idea, as I understand it, is to create</p> <p>4 a filing system that is more modern than the current</p> <p>5 filing system and will allow you to, you know, access</p> <p>6 more information. And, ultimately, I think they want</p> <p>7 to bring all of the cities and towns and counties and</p> <p>8 others into that system, but 1516 addressed that by</p> <p>9 saying, essentially, those -- those -- those local</p> <p>10 jurisdictions had had an electronic system and if they</p> <p>11 didn't have an electronic system, they had to use the</p> <p>12 Secretary of State's system.</p> <p>13 So -- but the Secretary of State's system</p> <p>14 doesn't exist yet. So this is the building of that,</p> <p>15 and they're looking for, again, a substantial</p> <p>16 contribution from us for that. And really technically</p> <p>17 it's an interagency service agreement. We are</p> <p>18 purchasing the service from them. That's the -- you</p> <p>19 know, under the statute an interagency service</p> <p>20 agreement means we're buying the service from the</p> <p>21 Secretary of State's office.</p> <p>22 So, you know, that -- you know, so</p> <p>23 that's -- this is -- so the question is what are they</p> <p>24 offering and is it a service we need and how does that</p> <p>25 work is sort of one of the ways to look at it.</p>	

09:40:00-09:41:22	Page 10	09:42:58-09:44:20	Page 12
<p>1 COMMISSIONER CHAN: Mr. Chairman?</p> <p>2 CHAIRMAN TITLA: Yes, ma'am.</p> <p>3 COMMISSIONER CHAN: Mr. Chairman and Tom, I</p> <p>4 just -- actually, it's coincidental that I was with</p> <p>5 Secretary Bennett when -- I don't know if you guys have</p> <p>6 done any other service agreements with the Secretary of</p> <p>7 State's office in the meantime, but I remember one of</p> <p>8 the last things that I helped with at the Secretary's</p> <p>9 office was obtaining an ISA with Clean Elections. I</p> <p>10 actually can't remember how much that was for, and I</p> <p>11 wondered -- I thought that was for a similar type of</p> <p>12 web-based system.</p> <p>13 And so I wondered -- a question that I have</p> <p>14 is what's the status of that and how does this expand</p> <p>15 on it?</p> <p>16 MR. COLLINS: Yeah. Mr. Chairman,</p> <p>17 Commissioner Chan, that's a good question. It's --</p> <p>18 it's a little complicated to answer. There were some</p> <p>19 system improvements or at least a new skin put on some</p> <p>20 of the system in once -- I think that was launched once</p> <p>21 Secretary Reagan had taken over as secretary. At a</p> <p>22 certain point, the Secretary's office returned monies</p> <p>23 they said had not been used for that to us and then,</p> <p>24 you know, we got into this issue, which you're probably</p> <p>25 not aware of, last year where they pulled out Clean</p>	<p>1 Do you remember? I don't remember what the</p> <p>2 amount was.</p> <p>3 MR. COLLINS: It was -- you know, we</p> <p>4 think -- Chairman Titla, Commissioner Chan, it was</p> <p>5 \$200,000.</p> <p>6 COMMISSIONER CHAN: Okay. And this -- so a</p> <p>7 few things just running through my mind for the</p> <p>8 Commission to think about is this is a -- I don't know</p> <p>9 if it's a completely new program, but it's a \$300,000</p> <p>10 request which seems very, very high, especially if --</p> <p>11 so the report -- there are some reports that the</p> <p>12 Commission is no longer able to obtain through the</p> <p>13 Secretary of State's system that were part of the</p> <p>14 original ISA in 2013.</p> <p>15 MR. COLLINS: Chairman Titla, Commissioner</p> <p>16 Chan, yeah. We will -- I mean, if we -- as we move</p> <p>17 forward, we'll have some evaluation done by our own</p> <p>18 technical support folks about the cost benefit on this</p> <p>19 number, but yeah, it is a fact that there are things</p> <p>20 that have been paid for.</p> <p>21 There are two iterations of the system.</p> <p>22 There was one under Secretary Brewer, one under</p> <p>23 Secretary Bennett. In both of those iterations -- the</p> <p>24 first iteration, the Commission got its Clean Elections</p> <p>25 independent expenditure reports for committees in the</p>		
09:41:26-09:42:57	Page 11	09:44:23-09:45:40	Page 13
<p>1 Elections reports from the filing system altogether,</p> <p>2 the clean report -- you know, the reports that had been</p> <p>3 in the system for 15 years and the -- one of the</p> <p>4 reports that we specifically had paid for in that ISA.</p> <p>5 We are working with the Secretary's office</p> <p>6 to try to resolve that. You know, I've had some --</p> <p>7 Sara has had some conversations with their chief</p> <p>8 financial officer. I've had some conversations with</p> <p>9 Deputy Secretary of State Miller about what the best</p> <p>10 way to resolve that is and making sure that we get that</p> <p>11 all -- get that closed, but the bottom line is that,</p> <p>12 you know, I think from -- from the Secretary's</p> <p>13 perspective, I think she would like to start fresh.</p> <p>14 We have -- you know, on the other hand, you</p> <p>15 know, we have had the experience over the last year of</p> <p>16 not being able to rely on their campaign finance system</p> <p>17 to provide the information, some of which they provided</p> <p>18 for years and years and years, others in which we</p> <p>19 specifically paid for under the ISA. So it's a little</p> <p>20 complicated. We are working cooperatively to try to</p> <p>21 get a -- try to get a -- try to put a -- try to button</p> <p>22 that down, but that's -- that's sort of the status of</p> <p>23 that at this point.</p> <p>24 COMMISSIONER CHAN: Mr. -- Mr. Chairman,</p> <p>25 Tom -- and I don't know.</p>	<p>1 system, and that was there from -- you know, so for</p> <p>2 years and years and years. And we were heavily</p> <p>3 involved in the process. The Brewer administration had</p> <p>4 us at the table throughout the processes. Mike was</p> <p>5 here at that time and he can attest to.</p> <p>6 The agreement with Secretary Bennett's</p> <p>7 office specifically called for a noncommittee filing</p> <p>8 placed for folks who somehow don't fall under the</p> <p>9 committee category but did file under 941(D), and that</p> <p>10 was something that the Secretary's office agreed to.</p> <p>11 And then -- and then that was -- and then both of</p> <p>12 those -- so the Brewer system that we paid for which</p> <p>13 had those Clean Elections reports in it, those reports</p> <p>14 were pulled out in the Bennett agreement and the</p> <p>15 reports we paid for were both pulled out last election</p> <p>16 cycle without any notice to us.</p> <p>17 COMMISSIONER CHAN: Okay.</p> <p>18 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>19 CHAIRMAN TITLA: Commissioner Kimble.</p> <p>20 COMMISSIONER KIMBLE: Tom, this is</p> <p>21 something that the Secretary of State's office is</p> <p>22 legally required to provide anyway.</p> <p>23 Is that correct?</p> <p>24 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>25 Kimble, in our view, yes. I mean, I think that the</p>		

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<p>1 Secretary's office is obligated to provide for filings</p> <p>2 under the Clean Elections Act. You know, there's -- I</p> <p>3 don't really have much question about that. I don't</p> <p>4 think we've ever thought that it had any other -- we've</p> <p>5 not -- the way we worked around this in the election</p> <p>6 cycle was by -- they put a link on their website back</p> <p>7 to us for the 941(D) reports, which we interpreted as</p> <p>8 them essentially delegating their filing officer duties</p> <p>9 to us for that report, which we did, and we took those</p> <p>10 reports via an electronic fillable form.</p> <p>11 You know, our preference would be</p> <p>12 ultimately to be in the system, but, you know, the</p> <p>13 question becomes -- to try to get it down, I think,</p> <p>14 what the nut of your question is, you know, how much do</p> <p>15 we pay for what we need as a service versus -- versus</p> <p>16 the overall budget and then how much do we think that</p> <p>17 the voter education value generally of the filing</p> <p>18 system that we might want to pay for as well.</p> <p>19 COMMISSIONER KIMBLE: Well, I don't have</p> <p>20 any doubt that this would be a useful tool to voters.</p> <p>21 I guess I'm just wondering why, if they are statutorily</p> <p>22 required to do it, they expect us to pay for it. It</p> <p>23 seems like that ought to be something that they should</p> <p>24 obtain funding for in their budget. And they say</p> <p>25 that -- I mean, we're basically paying for the whole</p>	<p>1 reassurance of what kind of -- what kind of, you know,</p> <p>2 assurances we're going to have both with respect to the</p> <p>3 use of the dollars and the -- and the product, I think</p> <p>4 that those are fair questions that I can ask them if --</p> <p>5 as we try to -- try to move forward if we can.</p> <p>6 COMMISSIONER KIMBLE: I guess my concern is</p> <p>7 we've had problems in some of our relationships with</p> <p>8 the Secretary of State's office. So I'm more than a</p> <p>9 little worried -- weary about giving them \$300,000 to</p> <p>10 augment their budget without a little more detail of</p> <p>11 what's in here.</p> <p>12 MR. COLLINS: Sure. Mr. Chairman,</p> <p>13 Commissioner Kimble, I mean, this gets back to really</p> <p>14 what is -- what is an ISA under -- under state law.</p> <p>15 And under state law, an ISA is an interagency service</p> <p>16 agreement. It is a purchase of services by one agency</p> <p>17 from another agency. So in that sense, we are the</p> <p>18 customer in this situation. So in that -- because of</p> <p>19 that, you know, I think that, you know, we, you know,</p> <p>20 have to approach this both from a fiduciary perspective</p> <p>21 and from a customer perspective.</p> <p>22 With, you know -- you know, with, you know,</p> <p>23 all due respect to the Secretary's office efforts to</p> <p>24 move ahead and move past some of the stuff that has</p> <p>25 happened in the past, which I appreciate, yes, we'll</p>		
09:47:21-09:48:49	Page 15	09:50:20-09:51:27	Page 17
<p>1 thing. We're paying for someone to come in and develop</p> <p>2 it working \$100 per hour for 18 months.</p> <p>3 And it just seems strange that they're</p> <p>4 asking us to pay for one function of their office. And</p> <p>5 I don't know what control are we going to have over the</p> <p>6 final product, what it looks like, or are we just</p> <p>7 handing them four \$75,000 checks and saying -- hoping</p> <p>8 that we like what we see?</p> <p>9 MR. COLLINS: Well, I think as we go along,</p> <p>10 we'll -- I'm sorry. Mr. Chairman, Commissioner Kimble,</p> <p>11 I think as we go along, we'll find out the answers to</p> <p>12 those questions and whether or not this is a prudent</p> <p>13 thing to move forward with, but I will say that I do</p> <p>14 know that -- that their current view is that the actual</p> <p>15 interagency service agreement should be very simple and</p> <p>16 not very complicated.</p> <p>17 And the one we wrote with Secretary Bennett</p> <p>18 was -- was not simple. It had certain guarantees as</p> <p>19 to, you know -- as to assurance of access, as to</p> <p>20 assurance of quality, and I'm not sure that that's</p> <p>21 something that they're interested in providing. So</p> <p>22 that's an open question, and so if the Commission is --</p> <p>23 you know, if I take -- I'm trying to take from this</p> <p>24 conversation things that I'll come and ask them about.</p> <p>25 So if the Commission senses that we need to have some</p>	<p>1 have to be -- we have to be -- we have to be</p> <p>2 responsible with our -- with our -- with our decision</p> <p>3 making around that.</p> <p>4 And that may -- and we'll find out, you</p> <p>5 know, in asking some of these questions directly to</p> <p>6 the -- to the Secretary's office, what -- you know,</p> <p>7 what their comfort level is with that because as it</p> <p>8 stands, as the presentation is put together, I can't</p> <p>9 disagree with you that it essentially just says -- it</p> <p>10 essentially serves as a supplemental appropriation</p> <p>11 rather than an interagency service agreement, you know,</p> <p>12 which is a -- those are different things.</p> <p>13 Under an interagency service agreement, we</p> <p>14 are the customer. That's what the law is. If they're</p> <p>15 asking for supplemental appropriation, that's not</p> <p>16 something that we have authority to do. That's</p> <p>17 something that comes from the legislature.</p> <p>18 COMMISSIONER KIMBLE: And I would also</p> <p>19 point out that in their -- the last page of their</p> <p>20 proposal, I think there's a typo. Milestone 4, final</p> <p>21 implementation, January 1st, '17. I think that's</p> <p>22 supposed to be '18.</p> <p>23 MR. COLLINS: Presumably, unless they</p> <p>24 really got a really fancy system.</p> <p>25 CHAIRMAN TITLA: Any more questions for the</p>		

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<p>1 director?</p> <p>2 COMMISSIONER PATON: Yes, Mr. Chairman.</p> <p>3 CHAIRMAN TITLA: Commissioner Paton.</p> <p>4 COMMISSIONER PATON: So is -- Tom, is the</p> <p>5 system that we paid \$200,000 for three and a half years</p> <p>6 ago --</p> <p>7 MR. COLLINS: Yeah.</p> <p>8 COMMISSIONER PATON: Is that antiquated?</p> <p>9 What's wrong with it? Is it -- would it make it that</p> <p>10 much more efficient for 300,000? And it seems like</p> <p>11 there's not a lot of time between these two time</p> <p>12 periods.</p> <p>13 MR. COLLINS: Chairman Titla, Commissioner</p> <p>14 Paton, that's -- that's also a fair question. I guess</p> <p>15 it was actually 175,000 and then they -- then they</p> <p>16 attempted to return 87.5, which we have not accepted</p> <p>17 yet because of the ISA, but the bottom line is that,</p> <p>18 you know, the Secretary's office is of the view that</p> <p>19 this will be a real showpiece for the state. They --</p> <p>20 you know, the goal here was to sort of just give you a</p> <p>21 preliminary sense of things.</p> <p>22 If we move forward to a place where we have</p> <p>23 something substantial, we'll be able to -- I mean, I</p> <p>24 think it would be -- I would have the obligation to be</p> <p>25 able to show what the value is to the Commission if we</p>	<p>1 COMMISSIONER MEYER: Go ahead.</p> <p>2 COMMISSIONER CHAN: Just to -- I like some</p> <p>3 of the comments I've heard from the other</p> <p>4 commissioners. I'm sorry, Commissioner Meyer. I'll</p> <p>5 just interject here one more time.</p> <p>6 I think one comment that Commissioner</p> <p>7 Kimble had, you know, that this sounds like a system</p> <p>8 that the Secretary is legally required to provide</p> <p>9 anyway, and so I do think it's a very costly request.</p> <p>10 The bottom line for the Clean Elections Commission, I</p> <p>11 think, would be restoring what we apparently are not</p> <p>12 getting which they are provided -- required under law</p> <p>13 to provide to us. I don't know that anyone would have</p> <p>14 an argument with that.</p> <p>15 We can get Tom to get some more information</p> <p>16 on that for us, especially if they didn't use all the</p> <p>17 money that we gave them in the previous ISA. Maybe</p> <p>18 they could use that to at least kind of make us whole</p> <p>19 if we're -- if we're not getting something that we are</p> <p>20 required to get under the previous ISA.</p> <p>21 And I like how Tom was trying to remind us,</p> <p>22 you know, an ISA means we are the customer. And if</p> <p>23 this system is going to cost \$300,000, then we would --</p> <p>24 if we were going to fund it, we would probably want to</p> <p>25 have a business analyst on board that would have some</p>		
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<p>1 got to -- if we get to that point. I think that the</p> <p>2 bigger -- the broader issue here is that for whatever</p> <p>3 reason -- I mean, the Brewer system was clearly dated.</p> <p>4 I mean, it was developed in -- what? 2006? The new</p> <p>5 system has its kinks because they never really fully</p> <p>6 completed it. They sort of -- they sort of -- they</p> <p>7 sort of went halfway and then -- and then -- and</p> <p>8 then -- and then put it online and kind of stopped and</p> <p>9 that's my impression.</p> <p>10 And so it's not necessarily clear to me why</p> <p>11 you would have to strip it down to the -- to the studs</p> <p>12 and start over again. That's -- that is what they want</p> <p>13 to do, but I don't have an answer -- and I can get an</p> <p>14 answer to, you know -- you know, why this extensive of</p> <p>15 a redo is necessary.</p> <p>16 COMMISSIONER PATON: I mean, it kind of</p> <p>17 seems to me like you going to the car dealer and you</p> <p>18 bought a transmission and that was going to solve your</p> <p>19 problem, but now you've got something wrong with the</p> <p>20 engine now.</p> <p>21 MR. COLLINS: Right.</p> <p>22 COMMISSIONER PATON: So it's kind of, like,</p> <p>23 a little bit of an up charge or something or trying to</p> <p>24 sell you something after you've already bought it.</p> <p>25 COMMISSIONER CHAN: Mr. Chairman?</p>	<p>1 sort of a say-so over it. And I don't know that the</p> <p>2 Commission would even want to approve this big of a</p> <p>3 request, particularly if it doesn't further the purpose</p> <p>4 of our act, but those are just some of my thoughts</p> <p>5 going forward for Staff to consider and get information</p> <p>6 on.</p> <p>7 Thank you, Mr. Chairman.</p> <p>8 CHAIRMAN TITLA: Thank you.</p> <p>9 Commissioner Meyer?</p> <p>10 COMMISSIONER MEYER: Thank you,</p> <p>11 Mr. Chairman. Just reviewing this for the first time,</p> <p>12 I think this is -- stepping back, I think this is a</p> <p>13 very good opportunity for the Commission to work with</p> <p>14 the Secretary of State as opposed to against the</p> <p>15 Secretary of State to do something with the -- with the</p> <p>16 ultimate goal of helping our voters be more educated</p> <p>17 and be more informed. So conceptually I really -- I</p> <p>18 think it's a good idea, and I'm on board with this.</p> <p>19 I mean, Commissioner Kimble, Commissioner</p> <p>20 Paton, Commissioner Chan all raised very good points,</p> <p>21 and I guess what I'd really like to know is, is the</p> <p>22 \$300,000 -- is that the cost for the whole system? I</p> <p>23 would doubt it is, or are they asking us for just a</p> <p>24 portion of that? I think that's the -- my biggest</p> <p>25 thing I'd want to know to start.</p>		

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<p>1 MR. COLLINS: So -- Mr. Chairman,</p> <p>2 Commissioner Meyer, two points on that. The first is</p> <p>3 that they told us, I think, that this is about -- they</p> <p>4 think this whole thing is \$700,000 total.</p> <p>5 Nevertheless, you know, we are starting to have our own</p> <p>6 internal folks look at that overall cost and look at</p> <p>7 whether or not it's efficiently spent. In other words,</p> <p>8 I think the Secretary of State's office has a 15-person</p> <p>9 I.T. staff, for example, but they are bringing on a new</p> <p>10 coder for this.</p> <p>11 So, you know, there's questions around -- I</p> <p>12 mean, I think everyone would agree that it's fine to --</p> <p>13 you know, to do a new system is, in principal, not a</p> <p>14 problem, but the question really is the value -- the</p> <p>15 bang for the buck. Is the valuation that they're</p> <p>16 putting on this, you know -- you know, essentially,</p> <p>17 industry standard? And that's something that we're</p> <p>18 going to want to look at before we can really recommend</p> <p>19 something to you at all because we wouldn't have done</p> <p>20 our duty to fully inform you.</p> <p>21 So I think that's the question. I don't</p> <p>22 know the answer. I just know that it is -- it is</p> <p>23 about, roughly, you know, close to half the cost of</p> <p>24 what they say is the total, but we don't know what the</p> <p>25 basis for that estimate is. It's a rough estimate, A,</p>		<p>1 MR. COLLINS: Yeah.</p> <p>2 COMMISSIONER MEYER: I just want to be</p> <p>3 mindful that, you know, the Commission doesn't spend</p> <p>4 \$50,000 to determine whether or not we should make an</p> <p>5 investment.</p> <p>6 MR. COLLINS: No, no, no. We won't. No,</p> <p>7 no.</p> <p>8 COMMISSIONER MEYER: I don't know how much</p> <p>9 that sum is, but I just want to --</p> <p>10 MR. COLLINS: Right.</p> <p>11 COMMISSIONER MEYER: Just let's be sensical</p> <p>12 about the way we approach this. I'm not saying we</p> <p>13 wouldn't be, but I want to be mindful and not have too</p> <p>14 many cooks in the kitchen and all those types of</p> <p>15 things. And I think we'll do that. I just want to</p> <p>16 make sure that that's out there.</p> <p>17 MR. COLLINS: Understood. Commissioner --</p> <p>18 Chairman Titla, Commissioner Meyer, the main point is</p> <p>19 that neither I nor Gina nor Sara nor Mike are -- we're</p> <p>20 not coders. We're not -- we're not we're a lot of</p> <p>21 things, but we're not. And -- and so that's -- it's</p> <p>22 not something that I think would cost very much money</p> <p>23 for us to get an evaluation on because we have access</p> <p>24 to that expertise. It's just a matter of actually --</p> <p>25 you know, the valuation is not very expensive. I'm not</p>	
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<p>1 and we know that, I will tell you. I mean, candidly,</p> <p>2 they didn't give us a -- they've given us a rough</p> <p>3 estimate. So it's not the final estimate.</p> <p>4 It's just a rough estimate, but that having</p> <p>5 been said, whatever the ultimate estimate is, you know,</p> <p>6 we need to vet through, you know, some kind of</p> <p>7 professional expert on this which we have available to</p> <p>8 us to look at it from a cost benefit perspective. So,</p> <p>9 for example, if you -- if you look at it, as I think</p> <p>10 Commissioner Chan was alluding to, from what does Clean</p> <p>11 Elections need? We need our reports back in the</p> <p>12 system. If that's what we need and that's the only</p> <p>13 thing we need, what's the cost of that?</p> <p>14 If -- you know, if we believe that the</p> <p>15 voter education value is there, great, but is \$300,000</p> <p>16 the right price for that service or is it better to do</p> <p>17 it -- you know, are there other better ways to do it?</p> <p>18 Those are customer questions that are warranted</p> <p>19 under -- under any interagency service agreement. So</p> <p>20 we'll have to get the answers to those before we could</p> <p>21 present something to you.</p> <p>22 COMMISSIONER MEYER: Mr. Chairman?</p> <p>23 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>24 COMMISSIONER MEYER: I understand all those</p> <p>25 concerns. I think they're valid.</p>		<p>1 going to -- we're not going to make that kind of</p> <p>2 investment. We're just going to -- we need somebody to</p> <p>3 give us a sense of, like, here's how much, you know, X</p> <p>4 vendor would charge versus Y vendor versus whatever.</p> <p>5 So we kind of get a sense of the industry. It's not</p> <p>6 going to cost us a lot of money to get the --</p> <p>7 COMMISSIONER MEYER: Right.</p> <p>8 MR. COLLINS: -- to get that done. It's</p> <p>9 just due diligence, basically, but I don't think it's</p> <p>10 going to be -- we will not let the due diligence cost</p> <p>11 overwhelm the cost of the thing itself.</p> <p>12 CHAIRPERSON TITLA: Any more questions by</p> <p>13 the commissioners?</p> <p>14 COMMISSIONER KIMBLE: Mr. Chairman, I have</p> <p>15 a question about another item on the executive</p> <p>16 director's report, the spending limits.</p> <p>17 MR. COLLINS: Yeah.</p> <p>18 COMMISSIONER KIMBLE: Tom, roughly, how do</p> <p>19 these spending limits compare to what they were before?</p> <p>20 MR. COLLINS: That's a good question. I</p> <p>21 think --</p> <p>22 COMMISSIONER KIMBLE: Are they up 10</p> <p>23 percent? Down 10 percent?</p> <p>24 MR. COLLINS: They probably -- well, they</p> <p>25 applied an inflationary formula to them. So they're</p>	

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<p>1 just whatever they were times inflation. So I think</p> <p>2 they're -- they're marginally different. I don't have</p> <p>3 the old numbers in front of me.</p> <p>4 COMMISSIONER KIMBLE: Okay.</p> <p>5 MR. COLLINS: But it's not a -- I don't</p> <p>6 think it's a dramatic increase at all. It's a</p> <p>7 statutory formula. It's not a --</p> <p>8 COMMISSIONER KIMBLE: Okay.</p> <p>9 MR. COLLINS: It's not a -- it's not a</p> <p>10 discretionary --</p> <p>11 COMMISSIONER KIMBLE: It's just not a</p> <p>12 figure just pulled out of thin air?</p> <p>13 MR. COLLINS: Right. Exactly.</p> <p>14 COMMISSIONER KIMBLE: Okay.</p> <p>15 MS. LARSEN: Chairman, Commissioner Kimble,</p> <p>16 everything has increased in some minor dollar amounts.</p> <p>17 The only thing that did not increase were the maximum</p> <p>18 early contribution limits. So the individual</p> <p>19 contribution limit has remained the same for at least</p> <p>20 the last two election cycles. So that increases when</p> <p>21 they apply the inflation adjustment. It's just not</p> <p>22 large enough to bump it up to the next dollar amount,</p> <p>23 but everything else has -- has increased.</p> <p>24 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>25 CHAIRMAN TITLA: More comments by</p>	<p>1 an opportunity to -- or an invitation from the Navajo</p> <p>2 Nation in Window Rock to appear on their radio to talk</p> <p>3 about Clean Elections.</p> <p>4 And I think it will be good if we go up</p> <p>5 there at some point and then maybe to the other radio</p> <p>6 stations in the state. That would be good so we can</p> <p>7 spread this word. The more the citizens of the state</p> <p>8 of Arizona participate in this process, I think the</p> <p>9 better off that we'll be. And we as commissioners will</p> <p>10 be fulfilling our mandate under the Clean Elections</p> <p>11 Act. So thank you for doing that.</p> <p>12 Okay. Under the next agenda item, we have</p> <p>13 the Governor's Regulatory Review Council issues.</p> <p>14 MR. COLLINS: So, Mr. Chairman,</p> <p>15 Commissioners, what I thought I'd really do is briefly</p> <p>16 set up the -- where we think we are. There are two</p> <p>17 members of the council, John Sundt and Chris Ames, who</p> <p>18 are here. The Item B of this agenda item is noticed</p> <p>19 for discussion. So that means there can be give and</p> <p>20 take between the Commission and the council members.</p> <p>21 Just to get you up to date, there's a brief</p> <p>22 cover memo. We filed our last 5-Year Report on</p> <p>23 February 8th. That item is on the GRRC study session</p> <p>24 and new agenda for March. So I think it's February</p> <p>25 20th and March 7th, is that right? Yeah. As you know,</p>		
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<p>1 commissioners?</p> <p>2 (No response.)</p> <p>3 CHAIRMAN TITLA: If not, thank you,</p> <p>4 Commissioners, for your good comments. I think that</p> <p>5 Tom and Staff will take a look at this and analyze it</p> <p>6 and let us know later on in their report. So thank you</p> <p>7 for your good comments.</p> <p>8 Tom, on your report, I'd like to commend</p> <p>9 you and the Staff for working in voter education. As</p> <p>10 you know, that's one of the mandates that we have by</p> <p>11 the citizens of the State of Arizona when they passed</p> <p>12 the Clean Elections Act. And so I think that it's good</p> <p>13 that, you know, you'll be working in the four corners</p> <p>14 of the state to spread the word on the Clean Elections</p> <p>15 Act, and I think that that's good.</p> <p>16 And, also, we have 21 -- 21 tribes in</p> <p>17 Arizona which we need to reach. They are citizens of</p> <p>18 the state of Arizona also and a host of other minority</p> <p>19 groups that we need to reach also that expand the</p> <p>20 population and other populations that we have in the</p> <p>21 state. So as chairman of the Commission, I am willing</p> <p>22 to travel to the four corners of the state if you'll</p> <p>23 let me know where we can appear in person or on the</p> <p>24 radio or something because Amy, I think, earlier -- or</p> <p>25 Gina -- excuse me -- Gina earlier stated that there was</p>	<p>1 we've revised the report a few times.</p> <p>2 The other thing that is set for March 7th</p> <p>3 under the view of the Regulatory Review Council is</p> <p>4 the -- their view of the expiration of R2-20-109(2)</p> <p>5 through (12). You know, we are of the view that the</p> <p>6 rules have changed significantly since -- since last</p> <p>7 year based on both our own, you know, policy decisions</p> <p>8 and the Senate Bill 1516, and there's sort a new</p> <p>9 context for that. So, you know, we're not entirely</p> <p>10 certain how that plays itself out. I mean, we have</p> <p>11 some views, but -- in any event.</p> <p>12 And, you know -- and then -- and then our</p> <p>13 position has been and we've iterated this to the</p> <p>14 council that -- you know, that the determination of</p> <p>15 material flaw ought to be based on the agency's</p> <p>16 analysis, not on some other party's analysis. And so,</p> <p>17 you know, we -- you know, we've raised that issue, I</p> <p>18 think, throughout the proceedings.</p> <p>19 So that's where we are. We have a 5-Year</p> <p>20 Report on the agenda. We have a March 7th date that</p> <p>21 the council, at least, believes is an expiration for</p> <p>22 certain rules. We don't really know how that works</p> <p>23 exactly. And so what I thought might be helpful is if</p> <p>24 the council members who want to talk, who want to</p> <p>25 speak, whoever, you know, to really introduce</p>		

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<p>1 themselves and make whatever comments they want to</p> <p>2 make, and then I think the Commission can sort of get</p> <p>3 into a conversation around these issues if Mr. Sundt</p> <p>4 and Mr. Ames are comfortable with that and we'll go</p> <p>5 from there.</p> <p>6 I don't really think we -- we don't have a</p> <p>7 specific agenda and we're not sure -- we don't -- you</p> <p>8 know. So, I mean, at that point, that's what I would</p> <p>9 recommend is simply invite the council members to come</p> <p>10 up and make some introductory remarks, and then as the</p> <p>11 Commission -- Mr. Chairman, as you -- as the</p> <p>12 commissioners have questions, if they'd just ask you</p> <p>13 for recognition to ask those questions, I think that</p> <p>14 would be an effective way to handle the discussion.</p> <p>15 CHAIRMAN TITLA: Which one are these</p> <p>16 gentlemen?</p> <p>17 MR. COLLINS: They're in the back -- back</p> <p>18 corner there.</p> <p>19 CHAIRMAN TITLA: Okay. Gentlemen, do you</p> <p>20 want to come on up and --</p> <p>21 MR. COLLINS: If you could introduce</p> <p>22 yourselves for the record, too, it would be helpful.</p> <p>23 CHAIRMAN TITLA: -- introduce yourselves</p> <p>24 and any comments that you have, we appreciate it.</p> <p>25 Welcome to the Commission.</p>		<p>1 whatever our concerns have been, what have been voiced</p> <p>2 to you in terms of our return of the report, what we</p> <p>3 might look at going forward.</p> <p>4 That would be -- that would be -- that's</p> <p>5 our purpose to be here today is to see what we can do</p> <p>6 constructively to move the ball down the field. We're</p> <p>7 not an arbiter of turf. We don't -- we're not</p> <p>8 interested in being an arbiter of turf between</p> <p>9 different agencies. Our charge is to look at</p> <p>10 rulemaking and say, are the rules within the statutory</p> <p>11 authority? And that's as far as we go. So that's</p> <p>12 guiding my outlook on these things. It's not a policy</p> <p>13 issue about what's the best policy in terms of who</p> <p>14 should be administering this or that. It's what do I</p> <p>15 believe the statutory authority is for the rules that</p> <p>16 are being placed -- put in place.</p> <p>17 Thank you.</p> <p>18 COMMISSIONER CHAN: Mr. Chairman?</p> <p>19 CHAIRMAN TITLA: Commissioner Chan.</p> <p>20 COMMISSIONER CHAN: Would it be okay to ask</p> <p>21 a question?</p> <p>22 CHAIRPERSON TITLA: Yeah.</p> <p>23 COMMISSIONER CHAN: Mr. Chairman and</p> <p>24 Mr. Sundt, thank you for being here today. As you</p> <p>25 know, I'm new to the Commission, and I have talked with</p>	
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<p>1 MR. SUNDT: Thank you, Mr. Chairman.</p> <p>2 CHAIRMAN TITLA: Thank you.</p> <p>3 MR. SUNDT: Members of the Commission, my</p> <p>4 name is John Sundt. I'm a member of the Governor's</p> <p>5 Regulatory Review Council. I'm with Mr. Ames today who</p> <p>6 will speak also. I wanted to thank you first for the</p> <p>7 time and the opportunity to speak. I understand the</p> <p>8 amount of time that's involved when you're a private</p> <p>9 citizen who is volunteering. I've served on this, the</p> <p>10 Pima County Bond Advisory Committee, and was vice chair</p> <p>11 in the Arizona Housing Finance Authority.</p> <p>12 And I know that at least in what we do --</p> <p>13 and Chris serves on more than one commission as well,</p> <p>14 and we probably go over 800 -- between 800 and 1,000</p> <p>15 pages a month for agency rule reviews. And I</p> <p>16 understand the time that's involved, and I've got a</p> <p>17 great deal of respect for what you-all do and a</p> <p>18 sincerity of what it is you are trying to accomplish.</p> <p>19 That said, it feels to me a bit like we've</p> <p>20 run around and we've had multiple -- two, three</p> <p>21 resubmissions, I guess. As Director Collins had said,</p> <p>22 we're on Submission 4. And so to me what I took from</p> <p>23 that is we've -- we've got a breakdown in communication</p> <p>24 which I'd like to cut through as best we could and</p> <p>25 perhaps have direct interchange about it and talk about</p>		<p>1 Staff briefly. I know -- I thought we were on</p> <p>2 Submission 5, actually, but it may be 4. And so I</p> <p>3 know -- you know, my understanding having not been here</p> <p>4 and also knowing that the rules are voluminous and that</p> <p>5 I have a lot of catching up to do, I wondered if you</p> <p>6 could for my benefit and maybe for the record as well</p> <p>7 just explain where are we? What is -- what is the</p> <p>8 issue with the rules that GRRC sees specifically?</p> <p>9 MR. SUNDT: Well, the issue with -- what</p> <p>10 the issue with the rules will be in the next -- on this</p> <p>11 next submission has got another little twist to it, but</p> <p>12 if I were going to summarize it in the most simple</p> <p>13 fashion, I'd say it boiled down to two things. One was</p> <p>14 we weren't looking at a -- it's not a broad review,</p> <p>15 broad -- or assault on the Clean Elections Commission's</p> <p>16 rules. We became focused on the rules -- and without</p> <p>17 naming all these different subsections, if you'll</p> <p>18 allow, Director Collins -- R2-20-109(F) through (G).</p> <p>19 And the history, as I recall it -- and</p> <p>20 we've been doing this for, I think, over a year now.</p> <p>21 MR. COLLINS: I think so. That's right.</p> <p>22 MR. SUNDT: Probably -- probably 15 months.</p> <p>23 It was originally when we -- the first report was</p> <p>24 submitted -- and Mr. Kleminech, our counsel may have --</p> <p>25 may have a better memory than I. Most people do -- it</p>	

10:10:53-10:12:23	Page 34	10:13:35-10:14:38	Page 36
<p>1 was when the report as originally submitted, these</p> <p>2 rules, R2-20-109(F) through (G) were not actually</p> <p>3 included in the report; that the report submission date</p> <p>4 was October 28th. And the rules were passed October</p> <p>5 29th or 30th, the day after.</p> <p>6 And when those rules were brought to our</p> <p>7 attention -- and other rules were not being complained</p> <p>8 of. I mean, we do respond to -- as you do, we respond</p> <p>9 to the community, and specifically we respond to the</p> <p>10 regulated community. And if you look back at the</p> <p>11 history of GRRC -- this is one of the things</p> <p>12 Mr. Kleminech teases me about. And so I'll point out</p> <p>13 when Governor Babbitt first established it by executive</p> <p>14 order, the purpose was to help people avoid litigation,</p> <p>15 both the regulated community and the agencies and --</p> <p>16 and interagency conflict.</p> <p>17 And that's why he established GRRC. The</p> <p>18 legislature later formalized that, but that's part of</p> <p>19 our charge. And how we see our charge is we're here to</p> <p>20 help. We respond to the regulated community, and we're</p> <p>21 here to help avoid litigation over matters. So it was</p> <p>22 brought to our attention. The report was submitted,</p> <p>23 and I should put with this, Mr. Chairman, Commissioner</p> <p>24 Chan, that during the rulemaking process, the Clean</p> <p>25 Elections Commission does not submit rules to the</p>		<p>1 therefore, were not included or -- I'm not sure of the</p> <p>2 significance of that, I guess. I don't know if you're</p> <p>3 saying that the Commission deliberately didn't include</p> <p>4 them or if it was --</p> <p>5 MR. SUNDT: Mr. Chairman, Commissioner</p> <p>6 Chan, no, I'm not saying there was a deliberate</p> <p>7 omission.</p> <p>8 COMMISSIONER CHAN: Okay.</p> <p>9 MR. SUNDT: I'm not -- I'm attributing</p> <p>10 malice toward none.</p> <p>11 COMMISSIONER CHAN: And I don't mean to do</p> <p>12 that. I just wasn't clear if -- why those rules would</p> <p>13 be included if they were past the timeline that the</p> <p>14 rules were submitted in the 5-Year Report. And, again,</p> <p>15 I don't know a lot about rulemaking and so, you know,</p> <p>16 bear with me. And I'm just asking the questions as</p> <p>17 they come to my head.</p> <p>18 MR. AMES: Take your time. Take your time.</p> <p>19 MR. SUNDT: Thank you.</p> <p>20 Mr. Chairman, Commissioner Chan, I'm trying</p> <p>21 to think of how to put this in the practical sense</p> <p>22 where to the extent possible today when we are</p> <p>23 discussing this we keep in dealing with the practical</p> <p>24 and the real and getting the bang out of the buck</p> <p>25 rather than perhaps the technicalities of rulemaking</p>	
10:12:25-10:13:33	Page 35	10:14:42-10:15:48	Page 37
<p>1 Governor's Regulatory Review Council for review before</p> <p>2 they're posted and sent to the Secretary of State.</p> <p>3 That's another discussion. I think there's</p> <p>4 a historical context to it, but that's not been an</p> <p>5 issue between us that we're -- that we're wrestling</p> <p>6 with. But the review of the 5-Year Report has been</p> <p>7 done in the past by Clean Elections -- the Clean</p> <p>8 Elections Commission and was done this last -- last</p> <p>9 year when it came due. It was submitted, and I think</p> <p>10 it was originally to be submitted in May or something</p> <p>11 and then there was a postponement to October.</p> <p>12 So we received the report, and then we</p> <p>13 received feedback from the regulated community that</p> <p>14 there are rules in here that they are very concerned</p> <p>15 about as well as we received that feedback from the</p> <p>16 Secretary of State, R2-20-109(F) through (G).</p> <p>17 COMMISSIONER CHAN: My I?</p> <p>18 MR. SUNDT: Sure.</p> <p>19 COMMISSIONER CHAN: May I add to that</p> <p>20 point, Mr. Chairman, Mr. Sundt? When you stated that</p> <p>21 the submission was made on the 28th and (F) through (G)</p> <p>22 were approved on the 29th, is that to say that the</p> <p>23 period covered in the 5-Year Report was through October</p> <p>24 28th and then the Commission had a meeting on the 29th</p> <p>25 where they formally adopted additional rules that,</p>		<p>1 and the minutia of legal argument, if that's a fair</p> <p>2 caveat.</p> <p>3 COMMISSIONER CHAN: Okay.</p> <p>4 MR. SUNDT: Counsel to counsel.</p> <p>5 COMMISSIONER CHAN: Sure. I understand</p> <p>6 what you --</p> <p>7 MR. SUNDT: So -- if I may, in answer to</p> <p>8 your question --</p> <p>9 COMMISSIONER CHAN: Absolutely.</p> <p>10 MR. SUNDT: -- I believe that the last</p> <p>11 iteration of the Rule 109 (F) through (G) -- (F)</p> <p>12 through (G) that was passed shortly after the report</p> <p>13 was submitted was a final iteration of something that</p> <p>14 had been in process for some months before. Director</p> <p>15 Collins, I'm sure, can speak to it. The -- if I have a</p> <p>16 moment, please. The thought process -- and Chris can</p> <p>17 also speak to this as well, as he and Director Collins</p> <p>18 had the exchange about let's go through the report</p> <p>19 should those rules be submitted in the report.</p> <p>20 The only reason I went into that was to</p> <p>21 say -- that was the reason for the first amended report</p> <p>22 was to include those reports so that we could consider</p> <p>23 them. Director Collins agreed to that. So that pushed</p> <p>24 us out one iteration, okay, let's put these rules in.</p> <p>25 Let's have public comment on these rules so we're</p>	

10:15:50-10:16:53	Page 38	10:18:24-10:20:03	Page 40
<p>1 dealing with what's current going forward rather than</p> <p>2 say here's a cutoff point by a day or two and we're not</p> <p>3 going to deal with that.</p> <p>4 COMMISSIONER CHAN: Mr. Chairman and</p> <p>5 Mr. Sundt, thank you very much for explaining that to</p> <p>6 me. I appreciate it.</p> <p>7 MR. SUNDT: Okay. Certainly. There's</p> <p>8 never been, as far as I know, a suggestion on</p> <p>9 anybody's -- on anyone's part that there was a timing</p> <p>10 that was calculated to effect an improperly result.</p> <p>11 COMMISSIONER CHAN: Thank you.</p> <p>12 MR. COLLINS: Mr. Chairman, if I may, I can</p> <p>13 certainly agree with that. I mean, the original due</p> <p>14 date for the report was in May and we asked for an</p> <p>15 extension. So it was a sheer coincidence that -- so</p> <p>16 had we submitted in May, you wouldn't have had those</p> <p>17 rules at all. It just was a sheer coincidence of</p> <p>18 the -- of the dates from our perspective, but yeah. As</p> <p>19 you said, we did, you know, put them in at your request</p> <p>20 and they're in the report now.</p> <p>21 COMMISSIONER CHAN: Okay. Thank you.</p> <p>22 MR. SUNDT: So I think that was probably</p> <p>23 the cause for the first iteration. Then if I were to</p> <p>24 simplify it -- I'm sorry. Mr. Chairman, Commissioner</p> <p>25 Chan, if I were to simplify it, I would say the issues</p>	<p>1 Now, during the months that we've gone</p> <p>2 through this, one of the -- setting aside for a moment</p> <p>3 the argument about does the -- does GRRC have any</p> <p>4 authority at all to review the Clean Elections</p> <p>5 Commission rules. One of the arguments that was</p> <p>6 surfaced during that time by Director Collins was a</p> <p>7 question of, well, if you do, assuming for purposes of</p> <p>8 argument that you do have an -- or do have authority to</p> <p>9 review our rules, then the only statute that is going</p> <p>10 to be controlling as to the scope of your review of the</p> <p>11 Clean Elections Commission rules is going to be the</p> <p>12 statute that was in effect in 1998 when Proposition 200</p> <p>13 was passed.</p> <p>14 So if you're going to exercise any</p> <p>15 authority -- and I found implicit in that sort of a</p> <p>16 parenthetical, which I think now clearly I was wrong --</p> <p>17 if you're going to exercise any type of authority in</p> <p>18 that, that's the statute you'd have to follow. Now, I</p> <p>19 went to 41-1056 as it existed in 1998, and since</p> <p>20 we're -- there has to be some interaction counsel to</p> <p>21 counsel here.</p> <p>22 So part of what I would say, if I might, is</p> <p>23 that Mr. Collins' argument as I've understood it and</p> <p>24 the Commission's argument -- and I've given a</p> <p>25 deference -- is that -- and, Director Collins, you can</p>		
10:16:56-10:18:23	Page 39	10:20:06-10:21:36	Page 41
<p>1 have -- I don't think have been new or highly</p> <p>2 complicated. One has been until this last iteration of</p> <p>3 the report, Clean Elections Commission's insistence</p> <p>4 that the report which we are asked to formally approve</p> <p>5 state that we do not have jurisdiction over the Clean</p> <p>6 Elections Commission's -- review of the Clean Elections</p> <p>7 Commission's 5-Year reports.</p> <p>8 We believe that's wrong as a matter of law,</p> <p>9 and we think it would be bad policy for us to approve a</p> <p>10 report that said we did not have jurisdiction to review</p> <p>11 the rules. So that's one issue. And the second issue</p> <p>12 in the most simplified fashion is that having gone</p> <p>13 through the statutes and looked at it -- and with all</p> <p>14 respect to Director Collins, I don't know that we've</p> <p>15 adopted another agency's position. I don't believe</p> <p>16 we're in the business of necessarily adopting another</p> <p>17 agency's position.</p> <p>18 I think it's incumbent upon us to review</p> <p>19 the statutes, to review the rules, review the arguments</p> <p>20 that are submitted by the sides, and if we think that</p> <p>21 there's a conflict -- and by "a conflict" I mean, too,</p> <p>22 we believe or I sitting as a commissioner believe that</p> <p>23 the rules go beyond the statutory authority that's</p> <p>24 granted, then we have an obligation to say no, we're</p> <p>25 not going to approve that.</p>	<p>1 tell me if this will be a good shorthand or not. I</p> <p>2 call it the Nelson Machinery Rule which is basically</p> <p>3 when a statute is passed and it makes reference to</p> <p>4 other statutory provisions that are in effect at the</p> <p>5 time or an initiative is approved and it makes</p> <p>6 reference to other statutory provisions that are in</p> <p>7 effect, unless the initiative states that -- for</p> <p>8 example would be 41-1056 as amended and modified from</p> <p>9 time to time.</p> <p>10 Unless that qualifier is in there, you've</p> <p>11 agreed that you're going to accept the statute as</p> <p>12 written in the year the initiative is passed. And I'm</p> <p>13 giving deference to that doctrine. I don't think</p> <p>14 there's anything in the Clean Elections Act that</p> <p>15 references GRRC with the exception of the Clean</p> <p>16 Elections Act does say it's not subject to Article 3 of</p> <p>17 the Administrative Procedures Act in those reviews.</p> <p>18 GRRC we see as an Article 5 entity, but excepting the</p> <p>19 1998 statute form, it simply says all you have the</p> <p>20 authority to do is to receive the report and approve it</p> <p>21 or return it.</p> <p>22 It does not speak to specific findings of</p> <p>23 fact. It doesn't speak to specific conclusions of law.</p> <p>24 Now, I do feel -- and Mr. Klemmich has just gone</p> <p>25 through the minutes for us and I produced copies. I</p>		

10:21:39-10:22:53	Page 42	10:24:33-10:25:54	Page 44
<p>1 didn't -- I'm not handing them out here because I'd</p> <p>2 rather we were talking than reading -- excerpts from</p> <p>3 the minutes that I think we have tried to communicate</p> <p>4 our issue. They're -- the basic issues have been, one,</p> <p>5 do we have the authority to review? Yes, we believe we</p> <p>6 do. And, two, we believe the rulemaking that was</p> <p>7 undertaken in these rules steps outside of Article 2</p> <p>8 and into Article 1.</p> <p>9 MR. COLLINS: Mr. Chairman, with your</p> <p>10 permission?</p> <p>11 CHAIRMAN TITLA: Mr. Collins.</p> <p>12 MR. COLLINS: Just to give a little</p> <p>13 background context to what Mr. Sundt said, I think that</p> <p>14 is a fair shorthand, and the Nelson Machinery is -- is</p> <p>15 still good law. The Attorney General's Office put out</p> <p>16 a published opinion in 2015 that cited Nelson Machinery</p> <p>17 as the law of the state. There are two issues with the</p> <p>18 Article 5/Article 3 issue. We're exempt from</p> <p>19 Article 3, and so efforts to put Article 3 provisions</p> <p>20 into Article 5, therefore, are part of the problem as</p> <p>21 we see it under the VPA.</p> <p>22 And we see part of what happened with the</p> <p>23 amendments to Article 5 as backloading Article 3 issues</p> <p>24 into Article 5 which would, therefore, trigger the VPA.</p> <p>25 That having been said, the Commission has made a</p>	<p>1 standards that you -- that you follow?</p> <p>2 MR. SUNDT: Mr. Chairman, members of the</p> <p>3 Commission, if I might, Commissioner Kimble -- may I</p> <p>4 ask -- may we -- when Director Collins suggested we do</p> <p>5 this on a more casual level, would it be possible for</p> <p>6 me to speak or us have a discussion without the</p> <p>7 formality of Mr. Chairman, members of the Commission,</p> <p>8 Commissioner Kimble with each iteration, or do you care</p> <p>9 because --</p> <p>10 COMMISSIONER KIMBLE: I don't care.</p> <p>11 MR. SUNDT: Because I'm going to lose track</p> <p>12 and I don't -- I'm going to offend somebody and I'm not</p> <p>13 going to mean to. That's, really, if that's</p> <p>14 permissible.</p> <p>15 So, frankly, I'd have to -- Commissioner</p> <p>16 Kimble, I have to go back and pull out R2-20-109(F) and</p> <p>17 (G) and look at the subsections again and put them in</p> <p>18 front of me. I can tell you -- and I've read multiple</p> <p>19 arguments over multiple months over different</p> <p>20 iterations of the rules. We now have a new iteration</p> <p>21 of the rule which is basically what Director Collins</p> <p>22 was speaking to.</p> <p>23 Part of what he advised us in his cover</p> <p>24 letter to us was, yes, those rules that you said were</p> <p>25 on hold and you said let's make -- we'll, you know,</p>		
10:22:56-10:24:24	Page 43	10:25:57-10:27:21	Page 45
<p>1 historical practice of submitting the 5-Year Report</p> <p>2 notwithstanding that the Commission is not -- has not</p> <p>3 ever -- how do I put it? Has done it out of -- out of</p> <p>4 avoiding conflict rather than necessarily out of the</p> <p>5 Commission's view that that is, in fact, a legal</p> <p>6 obligation.</p> <p>7 Just so -- just so everybody understands</p> <p>8 what the historical background of this is from our --</p> <p>9 from the sort of -- since I'm, I guess, the</p> <p>10 institutional knowledge such as it is.</p> <p>11 MR. SUNDT: Mr. Chairman and members of the</p> <p>12 Commission, I'm curious -- so how many 5-Year reports</p> <p>13 have been submitted? This would be the -- I don't mean</p> <p>14 in this situation as we speak. I mean historically by</p> <p>15 the Commission.</p> <p>16 MR. COLLINS: 2000, 2005 and 2010.</p> <p>17 MR. SUNDT: 2000, 2005 and 2010.</p> <p>18 MR. COLLINS: Correct.</p> <p>19 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>20 CHAIRMAN TITLA: Commissioner Kimble.</p> <p>21 COMMISSIONER KIMBLE: Mr. Sundt, I'm still</p> <p>22 not clear, and I think this was part of what my</p> <p>23 colleague, Commissioner Chan, was referring to.</p> <p>24 Which specific rules do you feel are</p> <p>25 unclear, illegal, not cost effective, meet one of those</p>	<p>1 take six months or whatever and come back to us, your</p> <p>2 ruling on that, it's ineffective because we changed the</p> <p>3 rule numbers and we changed the rules again. Now, I</p> <p>4 can pull up those rules and I can voice to you what my</p> <p>5 concern is about those rules, and I can walk through</p> <p>6 the statutory argument that I see applying the Nelson</p> <p>7 Machinery Rule and what it is where I believe that</p> <p>8 there's a jurisdictional conflict.</p> <p>9 As a practical matter, the concern is --</p> <p>10 and we've seen a concrete example of it and it's been</p> <p>11 reported to us is what happens in the situation when</p> <p>12 the Secretary of State or another filing officer that's</p> <p>13 expressly given the authority under the statute says,</p> <p>14 you're not a -- you're not a political committee or</p> <p>15 this is not an expenditure qualifying you as a</p> <p>16 political committee and then Clean Elections says, oh,</p> <p>17 but we think it is.</p> <p>18 So these folks are going down a path -- and</p> <p>19 this is what we understand has happened in concrete</p> <p>20 terms -- going down a path thinking that they have</p> <p>21 approval. They've checked with the appropriate filing</p> <p>22 officer and then they're tagged later for not complying</p> <p>23 with the Clean Elections rules. So as a practical</p> <p>24 matter, what we're looking at is saying is there an</p> <p>25 exercise of overlapping jurisdiction? All right. If</p>		

10:27:24-10:28:37	Page 46	10:29:55-10:31:11	Page 48
<p>1 there's an exercise of overlapping jurisdiction, is it</p> <p>2 being -- is that what the law provides for? Is that</p> <p>3 what's being done and there's an understanding that</p> <p>4 that's how it's to be done?</p> <p>5 And from the Secretary of State's response</p> <p>6 and from my review of the statutes, my belief is</p> <p>7 there's not an overlapping jurisdiction here, and the</p> <p>8 Secretary of State and the Clean Elections Commission</p> <p>9 are not on the same page about it.</p> <p>10 COMMISSIONER CHAN: Mr. Chair -- well, I'm</p> <p>11 going to use the formal --</p> <p>12 MR. SUNDT: Sure.</p> <p>13 COMMISSIONER CHAN: But, Mr. Chairman,</p> <p>14 Mr. Sundt, I do think -- it sounds to me -- and I'll</p> <p>15 just throw this out here. Again, I'm not real familiar</p> <p>16 with GRRC's rule. I understand what has been said</p> <p>17 about the fact that the Clean Elections rules are not</p> <p>18 normally subject to the Article 3, okay, but then we've</p> <p>19 always submitted the 5-Year Report.</p> <p>20 A couple of things are coming to mind.</p> <p>21 One, I do believe that there was -- there's been a</p> <p>22 legal decision that says that we do have, as the</p> <p>23 Commission, authority -- there is overlapping</p> <p>24 jurisdiction with the Secretary of State. And I</p> <p>25 remember even from my time as election director sharing</p>	<p>1 facto requiring the Commission to, therefore, become</p> <p>2 subject to GRRC's rulemaking authority or overview?</p> <p>3 And at what point does the Commission -- can we stop</p> <p>4 giving you amendments to our rules? Because the</p> <p>5 Commission has to continue with its business and if</p> <p>6 we're making rules because it's a living document, we</p> <p>7 have things that we need to conform to, new laws that</p> <p>8 are being passed.</p> <p>9 At what point can -- can we stop submitting</p> <p>10 those changes to GRRC? If there's a five-year review,</p> <p>11 that seems a fixed point in time. And I understand, I</p> <p>12 mean, and I think having it happen the day after a</p> <p>13 submission, that's more understandable than continually</p> <p>14 over 15 months submitting amendments. I'm just -- from</p> <p>15 a kind of workability point of view, I wonder if GRRC</p> <p>16 is -- when will you let go of the continual amending, I</p> <p>17 guess?</p> <p>18 So there's several issues that I see. One</p> <p>19 is maybe GRRC doesn't see the legal authority, but I</p> <p>20 think that our attorney has probably provided it. And</p> <p>21 if not, maybe we can talk about that, but I think I've</p> <p>22 seen some letters to that effect, perhaps.</p> <p>23 MR. SUNDT: Mr. Chairman, members of the</p> <p>24 Commission, Commissioner Chan, I'd love to let go.</p> <p>25 COMMISSIONER CHAN: Let's do it.</p>		
10:28:40-10:29:49	Page 47	10:31:13-10:32:16	Page 49
<p>1 that jurisdiction with -- at the time it was Todd Lang.</p> <p>2 We would talk about, well, are you going to do</p> <p>3 something?</p> <p>4 And even if I felt, for example, that there</p> <p>5 was something, we would work in -- cooperatively to</p> <p>6 avoid kind of maybe double dinging the person, but we</p> <p>7 did work in tandem because of that understanding even</p> <p>8 back then. And I believe there is legal precedence. I</p> <p>9 don't know -- frankly, maybe Tom can help me if it's,</p> <p>10 you know, case law or if it's just at the trial court</p> <p>11 level --</p> <p>12 MR. COLLINS: Well, there's two cases.</p> <p>13 COMMISSIONER CHAN: Okay. All right.</p> <p>14 MR. COLLINS: But I'm happy to cite them</p> <p>15 for you if you want.</p> <p>16 COMMISSIONER CHAN: I believe that legally</p> <p>17 there is overlapping jurisdiction, but the other -- the</p> <p>18 other issue that is making me -- I mean, of course I'm</p> <p>19 sure we're all frustrated at this point, and I'm new</p> <p>20 and I feel the frustration maybe from you and from the</p> <p>21 commission just because we are in so many iterations.</p> <p>22 One kind of threshold question I have is at</p> <p>23 what -- at what point does the five-year review has to</p> <p>24 stop being amended? I mean, at this point it has gone</p> <p>25 on for 15 months, and does that become almost like a de</p>	<p>1 MR. SUNDT: Let's talk about that.</p> <p>2 COMMISSIONER CHAN: All right.</p> <p>3 MR. SUNDT: All right? We're here because</p> <p>4 we really want a practical resolution and we don't want</p> <p>5 to keep crawfishing around in a circle.</p> <p>6 COMMISSIONER CHAN: But do you want --</p> <p>7 MR. SUNDT: But -- if I may answer the</p> <p>8 question.</p> <p>9 COMMISSIONER CHAN: Yes. I'm sorry.</p> <p>10 MR. SUNDT: I think that we have been</p> <p>11 reviewing the report because it's been returned and</p> <p>12 Clean Elections has elected to resubmit the report. I</p> <p>13 don't know that we've ordered that it be resubmitted.</p> <p>14 I'll ask Chris.</p> <p>15 COMMISSIONER KIMBLE: I think that's</p> <p>16 factually incorrect.</p> <p>17 MR. SUNDT: Okay. When I said we've</p> <p>18 returned the report -- you resubmit it if -- you</p> <p>19 know -- no, because I want to be -- I want to be</p> <p>20 accurate and I don't want to be off point. It</p> <p>21 doesn't -- it doesn't --</p> <p>22 COMMISSIONER KIMBLE: Well, every time GRRC</p> <p>23 has given us a deadline for when it needs to be</p> <p>24 resubmitted.</p> <p>25 MR. SUNDT: If I --</p>		

10:32:17-10:33:56	Page 50	10:35:07-10:36:49	Page 52
<p>1 COMMISSIONER PATON: With no direction, if</p> <p>2 I might add.</p> <p>3 MR. SUNDT: Mr. Chairman, members of the</p> <p>4 Commission, Commissioner Kimble, I'll let Chris speak</p> <p>5 to the resubmission on it. I didn't -- I didn't have</p> <p>6 the sense that we were -- that the council was twisting</p> <p>7 the Commission's arm repeatedly on this which is what</p> <p>8 sort of the census that I have. My sense was that we</p> <p>9 were returning the 5-Year Report because of the</p> <p>10 Article 2 concern on jurisdiction and because of the</p> <p>11 repeated submission of the report when we had said</p> <p>12 we're not going to approve a report that says we have</p> <p>13 no authority to review.</p> <p>14 Now, I think during the time period as</p> <p>15 that's gone on, the Commission has gone on with</p> <p>16 rulemaking and changes, and that's why I was speaking</p> <p>17 to that point of there's the most recent iteration that</p> <p>18 Mr. Collins put in his letter. My -- what I was trying</p> <p>19 to express on a practical point of view and saying I</p> <p>20 would love to let go is let's find a practical answer</p> <p>21 to that.</p> <p>22 I don't know what the legal answer to that</p> <p>23 is procedurally on what GRRC does. I don't -- I have</p> <p>24 plenty to read every month without going through the</p> <p>25 resubmission, the re -- and a resubmission of the</p>	<p>1 Commissioner Kimble, the rules that have been adopted</p> <p>2 as I -- as I understand it, the rules that were</p> <p>3 previously submitted have been withdrawn or amended and</p> <p>4 there's a new set of rules that we're supposed to take</p> <p>5 up and look at on the next study session: 109(B)(2),</p> <p>6 109(B)(4) and 111(A).</p> <p>7 COMMISSIONER KIMBLE: I'm going to ask,</p> <p>8 Mr. Collins, could you address whether there are</p> <p>9 changes that require this to be resubmitted? Is that</p> <p>10 why we're resubmitting it?</p> <p>11 MR. COLLINS: Well, from my perspective,</p> <p>12 Mr. Chairman, Commissioner Kimble, having --</p> <p>13 notwithstanding the tension and having gone down the</p> <p>14 road of -- of submitting the report, we -- I don't</p> <p>15 see -- you know, submitting it again is not -- is not</p> <p>16 a -- is not an issue. We took out the language, for</p> <p>17 example, that Counselor Sundt alluded to respecting</p> <p>18 authority and put it in a separate cover letter because</p> <p>19 we thought that would at least ameliorate the one</p> <p>20 specific concern.</p> <p>21 We have tried to keep it up to date. I</p> <p>22 think -- I think we've kept it up to date with the</p> <p>23 rules as they've been changing. At least that was our</p> <p>24 intent. Chris can double-check me if I'm wrong about</p> <p>25 that because I think we have.</p>		
10:33:59-10:35:03	Page 51	10:36:49-10:38:07	Page 53
<p>1 report, and I don't want to have a continuing argument</p> <p>2 over those rules. I'm happy to sit down outside of</p> <p>3 this -- outside of this setting as well to go through</p> <p>4 it.</p> <p>5 COMMISSIONER KIMBLE: Can we separate the</p> <p>6 two issues that you have brought up?</p> <p>7 MR. SUNDT: Yes, sir.</p> <p>8 COMMISSIONER KIMBLE: One is that we</p> <p>9 continually say that we are submitting this with the</p> <p>10 caveat that we have questions about GRRC's authority.</p> <p>11 Set that aside because I don't think we're going to</p> <p>12 agree on that.</p> <p>13 MR. SUNDT: Yes, sir.</p> <p>14 COMMISSIONER KIMBLE: That may have to be</p> <p>15 litigated, but set that aside for a minute.</p> <p>16 Can we only focus on the problems you see</p> <p>17 with the report?</p> <p>18 MR. SUNDT: Mr. Chairman, members of the</p> <p>19 Commission, Commissioner Kimble, yes.</p> <p>20 COMMISSIONER KIMBLE: So that's the</p> <p>21 question I asked you is what specific problems do you</p> <p>22 see that fall under your authority with which specific</p> <p>23 rules that we have adopted?</p> <p>24 MR. SUNDT: Well, the rules that have</p> <p>25 been -- Mr. Chairman, members of the Commission,</p>	<p>1 MR. KLEMINICH: Yes.</p> <p>2 MR. COLLINS: So -- so, in other words,</p> <p>3 what we've tried to do is based on the experience at</p> <p>4 the beginning of this process where we had a rule that</p> <p>5 was inside the five-year window that passed outside the</p> <p>6 five-year window, we've just continued to update it as</p> <p>7 we go and only because there's no point in having</p> <p>8 essentially said we will update -- you know, agreeing</p> <p>9 to update the first time back in --</p> <p>10 MR. SUNDT: Right.</p> <p>11 MR. COLLINS: Whenever that was. It seemed</p> <p>12 to me there was no point in not updating subsequently.</p> <p>13 That having been said, you know, that doesn't change</p> <p>14 the fact that the context of the rules has changed.</p> <p>15 You know, I mean, to give you a specific example, not</p> <p>16 that you would need to know this or anybody would need</p> <p>17 to know this, but there is a specific example we -- you</p> <p>18 know, there was a rule we had that was based on a</p> <p>19 statute that was subject to repeal itself. We repealed</p> <p>20 that rule this summer.</p> <p>21 It was the rule that required, essentially,</p> <p>22 independent expenditure folks covered by the statute to</p> <p>23 carbon copy us on mailings. So that rule is gone.</p> <p>24 Other rules were recodified and then still other rules</p> <p>25 operate now in a different context because of 1516, if</p>		

10:38:10-10:39:10	Page 54	10:40:29-10:41:46	Page 56
<p>1 I could give you one example for everybody that I think</p> <p>2 gets at the dual jurisdiction problem. We've never</p> <p>3 enforced the committee rule we have. We've never once</p> <p>4 enforced it. We've never had a complaint under it.</p> <p>5 What we have done is enforce our</p> <p>6 independent expenditure report rule and that's what's</p> <p>7 actually in the Supreme Court right now. When 1516</p> <p>8 passed, it removed the corporate trigger reports that</p> <p>9 we actually had an opt-out clause in our rules for that</p> <p>10 you guys struck and now we're the only time sensitive</p> <p>11 reports. So there's no conflict there that I can see,</p> <p>12 just to give you an example of the context change.</p> <p>13 MR. SUNDT: Mr. Chairman, members of the</p> <p>14 commission, Director Collins, no, this is very helpful.</p> <p>15 So the more -- I don't know the timing on 1516 --</p> <p>16 MR. COLLINS: Sure.</p> <p>17 MR. SUNDT: -- the scope, the effect.</p> <p>18 Truly I do have a law practice.</p> <p>19 MR. COLLINS: Sure. No, I understand.</p> <p>20 MR. SUNDT: And I have these other things</p> <p>21 that I deal with and I have my hands full too. So I'm</p> <p>22 not -- I'm not -- I'm not begging off on the issue.</p> <p>23 MR. COLLINS: No, no, no.</p> <p>24 MR. SUNDT: I'm trying to explain there's</p> <p>25 some things that I have ignorance about. So when</p>		<p>1 and Article 2.</p> <p>2 I have not kept up with and I have deferred</p> <p>3 to, as I say, Director Collins' view on Nelson</p> <p>4 Machinery. If we're going to be talking about it, if</p> <p>5 we're going to be talking about statutory amendments</p> <p>6 outside of Article 2 and what that does to the Clean</p> <p>7 Elections Commission and to the act, frankly keeping up</p> <p>8 with that would be exceptionally difficult looking at</p> <p>9 all of the iterations, what were the votes, what's the</p> <p>10 impact. And that's not how I've looked at it.</p> <p>11 COMMISSIONER KIMBLE: So I know you can't</p> <p>12 speak for the whole council, but speaking only for</p> <p>13 yourself, does any resubmission that includes our</p> <p>14 statement that we have concerns about GRRC's authority</p> <p>15 over Clean Elections, is any submission that includes</p> <p>16 any reference to that going to be rejected by you?</p> <p>17 MR. SUNDT: And I believe -- Mr. Chairman,</p> <p>18 members of the Commission --</p> <p>19 COMMISSIONER KIMBLE: No, you don't have to</p> <p>20 do that.</p> <p>21 MR. SUNDT: All right. Thank you, sir.</p> <p>22 No, it's not, and Director Collins has removed it. So</p> <p>23 that's no longer in the report. This latest</p> <p>24 submission -- it's in his cover letter.</p> <p>25 COMMISSIONER KIMBLE: Okay. Okay.</p>	
10:39:11-10:40:26	Page 55	10:41:47-10:42:55	Page 57
<p>1 you're referring to the 1516 changes, et cetera, you</p> <p>2 are talking about the changes last year that were made</p> <p>3 outside in Article 1?</p> <p>4 MR. COLLINS: Right. Correct.</p> <p>5 MR. SUNDT: Okay.</p> <p>6 MR. COLLINS: And -- and the only point is</p> <p>7 not to get a gotcha on the law. It's only to say that</p> <p>8 some of the conflicts between -- that have been</p> <p>9 identified between Article 1 and Article 2 were</p> <p>10 eliminated by virtue of 1516. That's why -- that's an</p> <p>11 example of what I mean when I say the context of the</p> <p>12 rules is now different from the context of the rules</p> <p>13 that were submitted beginning in October of 2015.</p> <p>14 That's my point, not to -- not to get you to test your</p> <p>15 legal knowledge.</p> <p>16 MR. SUNDT: Mr. Chairman, members of the</p> <p>17 Commission, Director Collins, I didn't feel that way at</p> <p>18 all. I will tell you that as I read through the</p> <p>19 statute, I deferred to Director Collins' view where he</p> <p>20 said the Nelson Machinery Rule. So just look at the</p> <p>21 statutes as they were written, what existed in</p> <p>22 Article 1 when Article 2 was adopted. I read the</p> <p>23 original proposition, the ballot, the legislative</p> <p>24 analysis that was published with it, and that's what</p> <p>25 was driving my view on the separation from Article 1</p>		<p>1 MR. SUNDT: As in his cover letter he</p> <p>2 states, by the way, these rules that you were talking</p> <p>3 about in March, they've now been changed again and</p> <p>4 they've been renumbered again and so do what you will</p> <p>5 in March. So that is not a basis for my rejection of</p> <p>6 it.</p> <p>7 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>8 MR. SUNDT: Yes, sir. I stood here, if I</p> <p>9 might -- could we allow, Mr. Chairman, members of the</p> <p>10 Commission, Chris Ames to introduce himself?</p> <p>11 You've been standing here as a wing man.</p> <p>12 You don't want to? All right.</p> <p>13 CHAIRMAN TITLA: Commissioners, any more</p> <p>14 questions on this?</p> <p>15 COMMISSIONER MEYER: Mr. Chairman?</p> <p>16 CHAIRMAN TITLA: Mr. Meyer -- Commissioner</p> <p>17 Meyer.</p> <p>18 COMMISSIONER MEYER: Thank you for</p> <p>19 appearing, Mr. Sundt. I also have a law practice I</p> <p>20 work on as well. So I appreciate the complexity of</p> <p>21 this and how it's difficult to keep up with all of</p> <p>22 that. All of that being said, there is a certain</p> <p>23 challenge here to trying to speak from the 30,000-foot</p> <p>24 level when you don't have that complete understanding</p> <p>25 of the statutory hypertechnical interpretations.</p>	

10:42:58-10:44:11	Page 58	10:45:36-10:46:56	Page 60
<p>1 And it's my understanding that one of the</p> <p>2 things that we, the Commission, have not received from</p> <p>3 GRRC is that technical argument, something in writing</p> <p>4 from GRRC that says here's why we aren't approving your</p> <p>5 rules and here's how we think that you're exceeding</p> <p>6 your statutory authority.</p> <p>7 Have we received that from them? I</p> <p>8 don't -- I didn't think we had.</p> <p>9 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>10 Meyer, no. My -- and councilors and/or Mary, correct</p> <p>11 me if I'm wrong. I don't believe we've received that.</p> <p>12 What I think we've heard from Chairwoman Ong is that</p> <p>13 she doesn't believe that that's something that they are</p> <p>14 required to do. In other words, she is of the belief</p> <p>15 that the vote to order repeal and/or expiration stands</p> <p>16 on its own for whatever reason the Commission -- the</p> <p>17 council states and that such a finding is not</p> <p>18 necessary.</p> <p>19 That's our understanding of the council's</p> <p>20 position, and we certainly haven't received a memo or</p> <p>21 something that outlines that. And I think that's</p> <p>22 correct. And if there's something I'm missing, Chris</p> <p>23 or Counselor Sundt or Counselor Ames, please let me</p> <p>24 know, but I think that's accurate.</p> <p>25 MR. SUNDT: Mr. Chairman, members of the</p>	<p>1 through it, if that's helpful. I can do a separate</p> <p>2 submission, if you'd like, to see it how I read it</p> <p>3 applying that Nelson Machinery Rule and only looking at</p> <p>4 the statute as it existed before people starting</p> <p>5 monkeying with Article 1 and other things around it.</p> <p>6 To me it's quite clear between the proposition and the</p> <p>7 article as it existed in Article 1 and Article 2 as</p> <p>8 adopted. There was intended to be some sort of line</p> <p>9 there.</p> <p>10 I would be very interested in learning more</p> <p>11 from you, Commissioner Chan, about how the joint</p> <p>12 exercise of jurisdiction was apparently done</p> <p>13 seamlessly. I don't know -- I'm curious -- what drove</p> <p>14 the rule, if someone could help me with the</p> <p>15 understanding, what drove R2-20-109(F) through (G) and</p> <p>16 then the response -- heated response from the Secretary</p> <p>17 of State other than -- other than seeing the argument.</p> <p>18 And for the record -- and I think I've said</p> <p>19 this before -- I do not believe that the Clean</p> <p>20 Elections Commission is any more a PayPal service than</p> <p>21 I think the Secretary of State is a post office, but I</p> <p>22 mean, that's the level of heat in the argument that's</p> <p>23 gotten here. And sometimes when there's that much</p> <p>24 shouting, you don't hear what anyone is saying. So it</p> <p>25 might help us as well to have some context of what</p>		
10:44:14-10:45:32	Page 59	10:46:59-10:48:22	Page 61
<p>1 Commission, speaking for this.</p> <p>2 Director Collins, I don't think there has</p> <p>3 been any technical submission, and I think that perhaps</p> <p>4 in part that's been a sense -- and maybe it's not</p> <p>5 appropriate, but a sense of what's the point?</p> <p>6 COMMISSIONER MEYER: Well, the point is --</p> <p>7 MR. SUNDT: And I'm --</p> <p>8 COMMISSIONER MEYER: Go ahead.</p> <p>9 MR. SUNDT: If I may, please. I don't want</p> <p>10 to talk over you. I've gone through it, and I'm happy</p> <p>11 to walk through it and however look at it and the</p> <p>12 interaction of it. Chris may be able to speak in more</p> <p>13 detail about what the discussions have been. I've not</p> <p>14 been a party to those discussions Staff to Staff. Part</p> <p>15 of what drove us to want to come here is we want to</p> <p>16 bring this to a conclusion.</p> <p>17 If I recall, generally -- and Mr. Klemminich</p> <p>18 gave us copies of the minutes and I've highlighted some</p> <p>19 sections to give to you-all because I really felt this</p> <p>20 had been communicated in terms of what the primary</p> <p>21 concern was. My understanding was that, as the Clean</p> <p>22 Elections Commission has applied the penalty provision</p> <p>23 that looked at it as granting jurisdiction, to exercise</p> <p>24 authority under Article 1.</p> <p>25 Now, I can pull the statute and walk</p>	<p>1 brought it about.</p> <p>2 COMMISSIONER MEYER: Can -- before we get</p> <p>3 into that, I just want to ask, you're here for a</p> <p>4 practical solution, discussing a practical solution.</p> <p>5 Me personally, I am on board with that.</p> <p>6 What is your suggestion? What is that</p> <p>7 practical solution?</p> <p>8 MR. SUNDT: Well, I think that we need</p> <p>9 to -- what I would recommend is that we look -- and by</p> <p>10 "me," I'm going to recommend that at our next study</p> <p>11 session, let's look at it. Let's look at what the rule</p> <p>12 is. If we have an issue with it, then let's schedule</p> <p>13 another meeting and see if we can hash through whether</p> <p>14 or not we can agree on whether we believe the rule as</p> <p>15 adopted, the rule that's included in that report is</p> <p>16 authorized by statute.</p> <p>17 If it's not -- and Director Collins has</p> <p>18 made a good point and I respect it. He said, you know,</p> <p>19 the members of the Commission are bound by a duty. So</p> <p>20 are we. We're duty bound if we don't believe that the</p> <p>21 rule is authorized by statute, to not accept it. So I</p> <p>22 suppose as a practical matter what would happen is that</p> <p>23 if we can't come to an agreement on whether the rule is</p> <p>24 authorized by statute or the form was authorized by</p> <p>25 statute, we can't approve the report. The report would</p>		

10:48:26-10:49:33	Page 62	10:50:59-10:52:19	Page 64
<p>1 be returned.</p> <p>2 I don't think there's any reason for any</p> <p>3 ongoing act of futility now. If you wanted to resubmit</p> <p>4 a report with a revised rule after some discussion,</p> <p>5 that's fine. I'm not recommending that. I think that</p> <p>6 what happens as a practical matter is the report gets</p> <p>7 returned if there's no -- if we can't come to a meeting</p> <p>8 of the minds. The report gets returned and it's</p> <p>9 returned, and the same arguments stand that stand</p> <p>10 today.</p> <p>11 Were I arguing on behalf of Clean</p> <p>12 Elections -- on the Clean Elections Commission in a</p> <p>13 case and someone held up and said, well, GRRRC returned</p> <p>14 your report; your rule is not authorized, I would</p> <p>15 say -- I would make the very argument that Director</p> <p>16 Collins has made to us: Well, that's really irrelevant</p> <p>17 because we don't believe GRRRC has any authority over</p> <p>18 us; we're exempt.</p> <p>19 COMMISSIONER MEYER: So how do we get past</p> <p>20 that?</p> <p>21 MR. SUNDT: The only way --</p> <p>22 COMMISSIONER MEYER: What's the practical</p> <p>23 solution?</p> <p>24 MR. SUNDT: The practical -- the only</p> <p>25 practical solution I know is we look at this next</p>		<p>1 I don't -- I've not read anything that</p> <p>2 tells me that there's a required action on either the</p> <p>3 Commission's part after that or the council's part.</p> <p>4 The impediment -- the impediment -- to go back to what</p> <p>5 you've asked about, Commissioner Kimble, about us</p> <p>6 actually approving a statement that we did not have any</p> <p>7 authority, that's been removed. It's not in the</p> <p>8 report. It's separately stated in the cover letter.</p> <p>9 CHAIRMAN TITLA: Commissioner Kimble?</p> <p>10 COMMISSIONER KIMBLE: Well, following up on</p> <p>11 Commissioner Meyer's question, so if we agree to</p> <p>12 disagree and -- but then what?</p> <p>13 MR. SUNDT: Well, I think as a practical</p> <p>14 matter what's going to happen is probably what's going</p> <p>15 to happen with any rule that you-all are going to be</p> <p>16 dealing with in a contested matter. People are going</p> <p>17 to litigate it. Do I think we have any cause to</p> <p>18 litigate between Clean Elections Commission and the</p> <p>19 Governor's Regulatory Review Council? No, I do not. I</p> <p>20 don't see a turf thing there. I mean, I don't see what</p> <p>21 would require that. So I'm trying to answer your</p> <p>22 question, and I don't -- I don't feel that I am, but</p> <p>23 I'm trying to get there.</p> <p>24 COMMISSIONER KIMBLE: But do you set a date</p> <p>25 for when the rules expire? I mean, do you do</p>	
10:49:36-10:50:56	Page 63	10:52:22-10:54:03	Page 65
<p>1 iteration and we come to an -- and agree. If we're not</p> <p>2 going to be able to agree, we agree to disagree. And</p> <p>3 that's going to be you return the report -- we'll</p> <p>4 return the report, not ask for a resubmission date --</p> <p>5 this would be my recommendation -- not ask for a</p> <p>6 resubmission date and the Clean Elections Commission</p> <p>7 says, all right, we're not resubmitting it.</p> <p>8 I don't -- I don't see any -- any practical</p> <p>9 value, utility in any way. I keep hearing it popped up</p> <p>10 in the background that, you know, litigate this or</p> <p>11 litigate that. That's useless, and it doesn't make any</p> <p>12 sense for two state bodies to be doing that with</p> <p>13 taxpayer funds.</p> <p>14 COMMISSIONER MEYER: I agree with you on</p> <p>15 that.</p> <p>16 MR. SUNDT: You know, we're not -- we don't</p> <p>17 have outside counsel. You know, we're not spending</p> <p>18 money engaging outside counsel on going through all</p> <p>19 this. So I think we'd sit down and then talk about as</p> <p>20 a practical matter, what does it mean. I have no</p> <p>21 interest in this -- looking at this in the sense of, as</p> <p>22 I've tried to express this earlier, a turf sense, you</p> <p>23 know. If we can't get an agreement on the -- on the</p> <p>24 report on the rules, then we won't have an agreement.</p> <p>25 We can agree to disagree and that will be it.</p>		<p>1 something? You don't just sit there and say, well, we</p> <p>2 didn't agree; too bad and move on.</p> <p>3 MR. SUNDT: Well, I believe that -- that</p> <p>4 what we did the last time if we viewed it as being</p> <p>5 self-executing, then you can either set a date or not.</p> <p>6 And if -- and Chris can speak to this. I'm sorry. I</p> <p>7 wasn't schooling myself up on those provisions.</p> <p>8 There's -- I will. There's only so much RAM and so I'm</p> <p>9 trying to hold what I can, but speaking to the</p> <p>10 practical, which is what I want to stay on, I don't</p> <p>11 know the technical at the moment, but let's say --</p> <p>12 let's say we said, okay, if you don't resubmit the</p> <p>13 rules by July 1 and the Commission said okay.</p> <p>14 July 1 comes and goes. Where are we then?</p> <p>15 Well, we don't need to do anything. The Governor's</p> <p>16 Regulatory Review Council doesn't need to take any</p> <p>17 action. What action does the Clean Elections</p> <p>18 Commission take? I don't know. I mean, I'm looking at</p> <p>19 it as between us agency to agency. I think the</p> <p>20 argument exists then that -- that a concerned party may</p> <p>21 make of these rules are not enforceable; they were</p> <p>22 passed by you; they were returned with your report;</p> <p>23 they're unenforceable. So if they want to go pay to go</p> <p>24 litigate that issue -- I'm speaking in the practical</p> <p>25 sense.</p>	

10:54:04-10:54:58	Page 66	10:56:21-10:57:38	Page 68
<p>1 COMMISSIONER KIMBLE: Okay.</p> <p>2 MR. SUNDT: Without any great appellant</p> <p>3 court caveats or anything. I'm just --</p> <p>4 COMMISSIONER MEYER: And then we argue that</p> <p>5 under the VPA, GRRC ever had any authority in the first</p> <p>6 place and off we go. That's what -- that's what --</p> <p>7 MR. SUNDT: It seems to me as a practical</p> <p>8 matter that you're in the same spot that you are today.</p> <p>9 I mean, what if it's -- if it's approved, if the report</p> <p>10 is approved, I suppose there's another stick to add to</p> <p>11 your argument of, well, GRRC didn't object.</p> <p>12 CHAIRMAN TITLA: Is there any more comment?</p> <p>13 Yes, sir.</p> <p>14 MR. SUNDT: Mr. Klemminich, you want to</p> <p>15 speak to the details?</p> <p>16 MR. KLEMINICH: Yeah. Thank you,</p> <p>17 Mr. Sundt.</p> <p>18 Mr. Chair, members, Commissioner Kimble, to</p> <p>19 speak to your question directly about the future of the</p> <p>20 rule --</p> <p>21 CHAIRMAN TITLA: Sir, can you identify</p> <p>22 yourself for the record?</p> <p>23 MR. AMES: Yeah. I'm sorry. Chris</p> <p>24 Klemminich, lead Staff attorney for GRRC.</p> <p>25 So the council did set an expiration date</p>		<p>1 at all advocating that we litigate. I was just sort of</p> <p>2 playing out where this goes. I just want to make that</p> <p>3 clear that I'm not supporting any litigation with GRRC</p> <p>4 or anyone else at this time. And, you know, I really</p> <p>5 appreciate your time and being here, your effort in</p> <p>6 looking at this, and I take your points and they're</p> <p>7 under consideration. So I very much appreciate that.</p> <p>8 MR. SUNDT: Mr. Chairman, members of the</p> <p>9 Commission, Commissioner Meyer, thank you very much.</p> <p>10 And I am also happy to sit down and talk through it and</p> <p>11 show how I walk through the statute at any time.</p> <p>12 Thank you.</p> <p>13 CHAIRMAN TITLA: Thank you, gentlemen, for</p> <p>14 coming here to our meeting. We appreciate all the</p> <p>15 information you've given us today, and I hope that we</p> <p>16 can resolve this issue as we go down the road. Like</p> <p>17 you, I feel that I don't want to crawfish around in a</p> <p>18 circle. I think -- I think we should move -- and I'm</p> <p>19 from a ranching background. What we say is we need to</p> <p>20 get this done while the branding iron is hot and we</p> <p>21 need to dust off our chaps as we go forward is what we</p> <p>22 say.</p> <p>23 So -- but the crawfish line is a good -- is</p> <p>24 good. We don't want to do that here as commissioners.</p> <p>25 I don't think we can agree today on anything, but as we</p>	
10:55:01-10:56:17	Page 67	10:57:41-11:08:18	Page 69
<p>1 initially of August 2nd of 2016. The council then</p> <p>2 extended that expiration date given the passage of SB</p> <p>3 1516 and related matters to January 4, 2017, and then</p> <p>4 again the council extended the expiration date of --</p> <p>5 and we're speaking specifically about what was formerly</p> <p>6 R2-20-109(F)(2) through 12 and (G). What is left of</p> <p>7 that, at least in our view, is 109(B)(2), (B)(4) and</p> <p>8 111(A). So we're only speaking to those, not the</p> <p>9 Commission's rules at large. The expiration date for</p> <p>10 those provisions was then extended again to March 4,</p> <p>11 2017; in other words, two weeks from now.</p> <p>12 So not to be -- Member Sundt doesn't speak</p> <p>13 for the entire council, as you know.</p> <p>14 COMMISSIONER KIMBLE: I understand.</p> <p>15 MR. KLEMINICH: I just wanted to make clear</p> <p>16 that caveat. So there is an expiration date set for</p> <p>17 those provisions of March 4, and it will be up to the</p> <p>18 council at its upcoming meeting to decide what action</p> <p>19 will be taken from there.</p> <p>20 CHAIRMAN TITLA: Thank you, sir.</p> <p>21 Any questions, Commissioners?</p> <p>22 COMMISSIONER MEYER: Mr. Chairman?</p> <p>23 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>24 COMMISSIONER MEYER: I just want to clarify</p> <p>25 for the record, in my conversation, Mr. Sundt, I'm not</p>		<p>1 go forward I hope that we can resolve it like adults</p> <p>2 and see what happens down the road, but we really</p> <p>3 appreciate your information. I know more today due to</p> <p>4 what you have told us today than before. So thank you.</p> <p>5 MR. SUNDT: Thank you very much.</p> <p>6 CHAIRMAN TITLA: Director Collins, what do</p> <p>7 we need to do next? Are we on A or what?</p> <p>8 MR. COLLINS: What are we on?</p> <p>9 CHAIRMAN TITLA: V.A.?</p> <p>10 MR. COLLINS: We did V.A. and B.</p> <p>11 CHAIRMAN TITLA: Okay.</p> <p>12 MR. COLLINS: And so --</p> <p>13 COMMISSIONER MEYER: Tom, can we take five</p> <p>14 for our court reporter here to let her take a break?</p> <p>15 MR. COLLINS: Yeah, sure. Absolutely.</p> <p>16 CHAIRMAN TITLA: Okay. We are at recess</p> <p>17 for five minutes.</p> <p>18 (Whereupon, a recess was taken in the</p> <p>19 proceedings.)</p> <p>20 CHAIRMAN TITLA: Why don't we get back in</p> <p>21 session.</p> <p>22 Tom, on the agenda we've done IV, right, A</p> <p>23 and B?</p> <p>24 MR. COLLINS: We've done -- we are at -- we</p> <p>25 are now at VI, which is the rules.</p>	

11:08:22-11:09:42	Page 70	11:11:13-11:12:31	Page 72
<p>1 CHAIRMAN TITLA: Okay. So why don't we go</p> <p>2 to Item VI, discussion and possible action on</p> <p>3 definition of campaign consultant and rule limit</p> <p>4 proposals for public comment on the following rules:</p> <p>5 A.A.C. R2-20-702, sub B.</p> <p>6 Tom?</p> <p>7 MR. COLLINS: Yeah. And just for the --</p> <p>8 just for the record, Paula Bickett from the Attorney</p> <p>9 General's Office is here because this is a public</p> <p>10 financing issue, and Paula has done us a favor of</p> <p>11 giving a look at these from a -- from an editorial</p> <p>12 point of view. So we've made some -- in the packet --</p> <p>13 so the versions are cleaned up a little bit from what</p> <p>14 we saw, but not in a substantial way. The biggest</p> <p>15 change was that we made sure the language in 702(B)(2)</p> <p>16 and 702 -- 703.01(C)(1) which talk about advertising</p> <p>17 purchases and similar services, those now match and</p> <p>18 they were supposed to. And that was something that I</p> <p>19 missed in the cutting and pasting. So that's -- that's</p> <p>20 the main substantive change from what you saw earlier,</p> <p>21 but it was really a clean-up.</p> <p>22 The rules are pretty self-explanatory, I</p> <p>23 think, and as you know from the memo, we are</p> <p>24 recommending that all options under 702(B) be put up as</p> <p>25 public comment as well as 703.01. Option A deals with</p>	<p>1 and no what's actually mailed versus what's printed</p> <p>2 versus what's overhead. And the parties are banned</p> <p>3 from having any overhead. They cannot mark up their</p> <p>4 prices. They have to pay actual value. That's a</p> <p>5 difference between parties and consultants.</p> <p>6 So I can tell you preliminarily what I've</p> <p>7 heard from consultants is they don't like the idea of</p> <p>8 disclosing their clients. We will be looking at that</p> <p>9 with the AG's office probably over the next 30 days,</p> <p>10 maybe do a halftime report on any issues with that that</p> <p>11 actually exist, but -- but as it stands, you know, they</p> <p>12 are being paid with Clean Elections money that the</p> <p>13 participating candidate have chosen to submit</p> <p>14 themselves to. And so being held to a higher standard</p> <p>15 is not out of the realm of possibility, and the fact --</p> <p>16 if I understand the criticism of the -- of the practice</p> <p>17 is that we're engaged in -- even though they were</p> <p>18 legal, it's that Clean Elections candidates should be</p> <p>19 held to a higher standard. Well, this does that.</p> <p>20 We've heard a little bit from candidates</p> <p>21 who are concerned about the advanced payment rule, and</p> <p>22 my -- I just want to be clear. What I believe it means</p> <p>23 is you may need an itemized receipt. So if you're</p> <p>24 buying something in the future, like I'm going to buy</p> <p>25 500 doorknobs by Canvasser X, you get that receipt for</p>		
11:09:46-11:11:10	Page 71	11:12:38-11:13:47	Page 73
<p>1 a complete ban on using Clean Elections funding to make</p> <p>2 expenditures to parties. Option 2, bars any</p> <p>3 expenditure of Clean Elections funding to a political</p> <p>4 party, except for voter information and for attendance</p> <p>5 to political events that cost no greater than \$200.</p> <p>6 And then option C bars advanced payments and requires</p> <p>7 more documentation around those issues than the current</p> <p>8 rule requires.</p> <p>9 703.01, with consultants, as we discussed</p> <p>10 in our last meeting, whether it's a party or a</p> <p>11 consultant, it's kind of -- they're kind of the same</p> <p>12 thing. If you share a consultant, it's just like</p> <p>13 you're sharing parties. This issue of coordination or</p> <p>14 joint expenditures that Commissioner Laird brought up</p> <p>15 are the same whether it's a consultant or a party.</p> <p>16 So the consultant's rule is designed to</p> <p>17 mimic the party rule with two additional caveats. One,</p> <p>18 we would require the consultant to provide to the</p> <p>19 candidate and to us an affidavit of who their other</p> <p>20 political clients are so we could get at this issue of</p> <p>21 whether or not there's on tour coordination going on</p> <p>22 and would also -- I think that's the biggest</p> <p>23 significant difference between the two between --</p> <p>24 between the two rules. Both rules would put us in</p> <p>25 batch mailings so that we can get real-time mailings</p>	<p>1 that, you can write a check right then because the</p> <p>2 service -- it's like subscribing to the newspaper. You</p> <p>3 pay the check and then you -- and then you get the</p> <p>4 newspaper.</p> <p>5 What we're really trying to crack down on</p> <p>6 is the idea of retainers that are sort of drawn down on</p> <p>7 without any itemization. And we found, for example,</p> <p>8 sort of somewhat contradictory of the testimony at the</p> <p>9 January hearing, traditional candidates who are writing</p> <p>10 big checks to consultants with either no memo line at</p> <p>11 all or, you know, a very vague consulting memo line.</p> <p>12 So this is not just a Clean Elections issue, but we</p> <p>13 only -- we're only working on this from a participating</p> <p>14 candidate perspective.</p> <p>15 So that's -- that's the long and short of</p> <p>16 it. I'm sure we'll get some public comment on these</p> <p>17 things and we're going to -- we're going to continue to</p> <p>18 work with the AG's office to work out any -- any legal</p> <p>19 kinks that they find, but we have time to do that in</p> <p>20 the 60-day window. I'll also just say that, you know,</p> <p>21 Representative Leach, who is the sponsor of the measure</p> <p>22 to essentially repeal the Clean Elections Act, this is</p> <p>23 a chief concern of his. And so, you know -- and I gave</p> <p>24 him my word that we would consider it, you know. You</p> <p>25 know, there's serious rules on cracking down on this,</p>		

11:13:50-11:14:59	Page 74	11:16:02-11:17:18	Page 76
<p>1 and so that's part of the reason that I propose this.</p> <p>2 Likewise, today Representative Coleman has</p> <p>3 a bill that we actually think this is stronger than --</p> <p>4 that would create a presumption that expenditures to</p> <p>5 parties are illegal, but this is stronger than a</p> <p>6 presumption. So -- and as I testified -- and, again,</p> <p>7 when I testified against that bill, I said, look, you</p> <p>8 know, we're going to -- we're going to go farther than</p> <p>9 this bill is going to go anyway, so this isn't really</p> <p>10 necessary.</p> <p>11 So -- so there are realities that I believe</p> <p>12 I need to deliver on my word to the legislature in</p> <p>13 terms of getting us to consider these and take them</p> <p>14 seriously and really look at this process and, you</p> <p>15 know, therefore, solicit public comment on all three</p> <p>16 options, you know, which go in order of severity. It's</p> <p>17 like cutoff, mailing lists, you know, and then you can</p> <p>18 do it, but you've got -- you've got to -- you're going</p> <p>19 to be -- you've got to do all the paperwork that we</p> <p>20 would require and if you don't it, you're going to have</p> <p>21 problems in an audit.</p> <p>22 So that's the range of options. The</p> <p>23 consultants' operates in a similar way, and I'm trying</p> <p>24 to move -- I know we spent a lot of time with the</p> <p>25 councilors so I'm trying to move this as fast as I can.</p>		<p>1 COMMISSIONER CHAN: Okay.</p> <p>2 MR. COLLINS: And this would -- this would</p> <p>3 end that practice because that practice is something</p> <p>4 that -- I'm not saying it's -- it is -- I'm not saying</p> <p>5 that it is always abused, but it is subject to the same</p> <p>6 kinds of abuses that people claim could occur with</p> <p>7 parties. And so we feel like if we're going to -- if</p> <p>8 we're going to do one, we need to do the other to</p> <p>9 balance out the equation.</p> <p>10 COMMISSIONER CHAN: Thank you.</p> <p>11 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>12 CHAIRPERSON TITLA: Commissioner Kimble.</p> <p>13 COMMISSIONER KIMBLE: Mr. Collins, I</p> <p>14 support putting all these three out for public comment,</p> <p>15 but let me ask one question that concerns me.</p> <p>16 Could you talk about how each of these</p> <p>17 would make it less likely that someone would run as a</p> <p>18 Clean Elections candidate, something that I think we</p> <p>19 don't want to do?</p> <p>20 MR. COLLINS: Right. That's a really good</p> <p>21 question, and I think -- I am hopeful that we will hear</p> <p>22 from candidates about that in the public comment</p> <p>23 process because -- because I think that -- and I've</p> <p>24 spoken to -- well, I've received comment from the</p> <p>25 president of the Arizona Advocacy Network, you know,</p>	
11:15:02-11:16:02	Page 75	11:17:21-11:18:32	Page 77
<p>1 That's really the long and short of it. If anyone has</p> <p>2 any questions on that, I'm happy to answer them. If</p> <p>3 you don't, I would recommend that you -- that you move</p> <p>4 to publish all of the rule options under 702(B) for</p> <p>5 public comment and publish 703.01 for public comment.</p> <p>6 COMMISSIONER CHAN: Mr. Chairman?</p> <p>7 CHAIRMAN TITLA: Any questions by the</p> <p>8 commissioners? Commissioner Chan?</p> <p>9 COMMISSIONER CHAN: Mr. Chairman and Tom,</p> <p>10 just one thing you said stuck out to me and I wanted to</p> <p>11 ask about it.</p> <p>12 Right now can a participating candidate who</p> <p>13 hires a consultant give a retainer like that? I</p> <p>14 thought participating candidates already had the</p> <p>15 requirement of itemized receipts for purposes of</p> <p>16 reporting.</p> <p>17 MR. COLLINS: See, this is interesting.</p> <p>18 Chairman Titla, Commissioner Chan, what they're</p> <p>19 required to do is if they have subcontractors, they</p> <p>20 have to do subcontractor reporting that traditional</p> <p>21 candidates don't have to do.</p> <p>22 COMMISSIONER CHAN: Okay.</p> <p>23 MR. COLLINS: But if you have a so-called</p> <p>24 one-stop shop and you cut them a check for your entire</p> <p>25 grant, right now you can do that.</p>		<p>1 along those lines, basically saying that, you know, if</p> <p>2 you're going to do something like this, she would</p> <p>3 recommend you do -- you know, the least harm to that</p> <p>4 would be -- if you're considering these options would</p> <p>5 be Option -- Option C.</p> <p>6 Now, the question is, are these</p> <p>7 requirements that onerous or not? I mean, in my view,</p> <p>8 you know, we need to hear from candidates about that.</p> <p>9 And I've -- and I've talked to some of them. I think</p> <p>10 if they -- once they understand that a receipt -- an</p> <p>11 advanced payment of a retainer is different from an</p> <p>12 advanced payment for services that you get a receipt</p> <p>13 that we're going to perform the services that -- once</p> <p>14 they understand that difference, this is just good</p> <p>15 bookkeeping they should be doing to avoid audit</p> <p>16 problems down the road.</p> <p>17 So in my view, it shouldn't. The</p> <p>18 consultant piece might be harder because if consultants</p> <p>19 don't want to work for candidates because they have to</p> <p>20 make these disclosures, then that could have an effect.</p> <p>21 And we'll hear from -- you know, I have -- to be honest</p> <p>22 with you, I've encouraged consultants who have those</p> <p>23 concerns to talk to candidates about it because I'm not</p> <p>24 certain that the most persuasive voice on political</p> <p>25 consulting markup and disclosure is political</p>	

11:18:38-11:19:19	Page 78	11:20:29-11:21:32	Page 80
<p>1 consultants.</p> <p>2 COMMISSIONER KIMBLE: Thank you.</p> <p>3 CHAIRMAN TITLA: Any further questions for</p> <p>4 the director?</p> <p>5 (No response.)</p> <p>6 CHAIRMAN TITLA: If not, is there a motion</p> <p>7 to approve any action?</p> <p>8 MR. COLLINS: And it's only for public</p> <p>9 comment, just so everybody is clear.</p> <p>10 CHAIRMAN TITLA: For public comment?</p> <p>11 COMMISSIONER MEYER: Mr. Chairman? I move</p> <p>12 that --</p> <p>13 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>14 COMMISSIONER MEYER: I move that we submit</p> <p>15 all the three options, A, B and C, for Rule</p> <p>16 R2-20-702(b) and new Rule R2-20-703.01 out for public</p> <p>17 comment.</p> <p>18 CHAIRMAN TITLA: There's a motion by</p> <p>19 Commissioner Meyer for submission.</p> <p>20 Is there a second?</p> <p>21 COMMISSIONER KIMBLE: Second.</p> <p>22 CHAIRMAN TITLA: Second by Commissioner</p> <p>23 Kimble.</p> <p>24 All in favor say aye.</p> <p>25 (Chorus of ayes.)</p>		<p>1 COMMISSIONER KIMBLE: Thank you. I just</p> <p>2 want to be clear.</p> <p>3 So by being excised from the bill, that</p> <p>4 means that judges have no authority to reduce the Clean</p> <p>5 Elections surcharge?</p> <p>6 MR. COLLINS: Yes. The exact language is</p> <p>7 that the judge shall be able to reduce, this section</p> <p>8 does not apply to 16-954(A).</p> <p>9 COMMISSIONER KIMBLE: Okay.</p> <p>10 MR. COLLINS: So it excludes us from the</p> <p>11 reduction.</p> <p>12 COMMISSIONER PATON: That's what we wanted.</p> <p>13 MR. COLLINS: Correct. We still have some</p> <p>14 other issues with the court as we've talked about --</p> <p>15 and I don't want to get into it in public session --</p> <p>16 that we'll be working on, but that one is resolved --</p> <p>17 at least apparently resolved. It got out of the Senate</p> <p>18 yesterday. It moves to the House, and that's where we</p> <p>19 are on that.</p> <p>20 The other one we need to talk about which</p> <p>21 has kind of gotten complicated, there's a bill called</p> <p>22 HB 2403 -- 2304, right? 2304 which was introduced by</p> <p>23 Representative Kern, and it had a sentence in it that</p> <p>24 said -- that amended 16-956 of the Clean Elections Act</p> <p>25 that said, you know, deliver to household or, at the</p>	
11:19:19-11:20:28	Page 79	11:21:36-11:22:46	Page 81
<p>1 CHAIRMAN TITLA: Opposed?</p> <p>2 (No response.)</p> <p>3 CHAIRMAN TITLA: Abstained?</p> <p>4 (No response.)</p> <p>5 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>6 Next we have Item VII, which is discussion</p> <p>7 and possible action on 2017 legislative agenda and</p> <p>8 items including update on bills affecting clean</p> <p>9 elections -- elections general, and administrative law.</p> <p>10 Director Collins?</p> <p>11 MR. COLLINS: Yes. Mr. Chairman,</p> <p>12 Commissioners, I really want to focus on two bills</p> <p>13 principally we're tracking a lot. Right now there's</p> <p>14 not an active repealer, although that could change.</p> <p>15 The two bills we're focused on right now are 1158 which</p> <p>16 is the issue we dealt with in the emergency meeting</p> <p>17 related to the court. We still have issues with the</p> <p>18 court that we will be dealing with with Mr. Canefield</p> <p>19 on a legal basis, but we were excised from the bill.</p> <p>20 And that passed out of the Senate yesterday with us</p> <p>21 excised out of it. It simply occluded our surcharge</p> <p>22 from the bill. So that was a -- that was -- that's a</p> <p>23 good thing.</p> <p>24 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>25 CHAIRMAN TITLA: Commissioner Kimble.</p>		<p>1 voter's option, send by email. And we flagged that for</p> <p>2 Representative Kern right up front and said, look, we</p> <p>3 deliver to the household. We don't have the ability to</p> <p>4 go backfill in voters and pull them out of the system</p> <p>5 the way we do the printing and mailing.</p> <p>6 He worked with us on that, and we had an</p> <p>7 amendment that -- we had two amendments, one that took</p> <p>8 that language out of the section and put it in a new</p> <p>9 section that worked and the second one that just took</p> <p>10 us all the way out of the bill. Along the lines, one</p> <p>11 of the Democratic members of the House who's active on</p> <p>12 election issues, Representative Clark, got involved and</p> <p>13 rewrote the amendments.</p> <p>14 And, unfortunately, despite my consistent</p> <p>15 urging that it was a -- it was, in my view, a</p> <p>16 nonstarter to amend the Clean Elections Act and</p> <p>17 certainly not to rewrite it to the extent I showed you</p> <p>18 in the email you received yesterday, I didn't have</p> <p>19 authority to sign off on that. So long story short,</p> <p>20 you know, we opposed that, but, you know, I told</p> <p>21 Mr. Clark that I would try to work with him on that</p> <p>22 depending upon the feedback I got -- I get from you.</p> <p>23 The way the bill passed out of the House --</p> <p>24 and it did get a three-quarter vote -- we have two</p> <p>25 principal problems. One, this household versus voter</p>	

11:22:51-11:23:57	Page 82	11:25:24-11:26:21	Page 84
<p>1 issue is not resolved, and so we're not clear how we're</p> <p>2 supposed to comply with the statute and still meet our</p> <p>3 deadline to get the pamphlet to people before early</p> <p>4 voting. Frankly, what it would result in us doing is</p> <p>5 if we got an electronic request, we would send it</p> <p>6 electronically and send in the book anyway because</p> <p>7 there's no other way to guarantee that we actually</p> <p>8 comply with the statutory requirement.</p> <p>9 Second, the language is written in a way</p> <p>10 where it says that the Commission shall do this in</p> <p>11 cooperation with the Secretary of State's office and</p> <p>12 MVD, and the problem we have with that language is, as</p> <p>13 we've seen in the GRRRC situation, wherever there is</p> <p>14 language that calls for cooperation, the Secretary of</p> <p>15 State's office uses that as veto language and that's</p> <p>16 unacceptable to us. So if we can get those two</p> <p>17 things -- we think -- overall, we think this is</p> <p>18 unnecessary.</p> <p>19 And I wrote a lengthy email to the</p> <p>20 Democratic caucus yesterday saying that this is -- this</p> <p>21 is an unnecessary mandate. This is a 21st Century --</p> <p>22 this is a 20th Century solution to a 21st Century</p> <p>23 problem. We're already far, far exceeding email of the</p> <p>24 book with our app. We're meeting people with mobile,</p> <p>25 social. We're out there everywhere. This is a -- this</p>		<p>1 that, but I wanted to fill you in and kind of get your</p> <p>2 sense of that.</p> <p>3 If that's a fast enough summary and</p> <p>4 assuming you guys read my email yesterday.</p> <p>5 CHAIRMAN TITLA: Any questions by the</p> <p>6 commissioners?</p> <p>7 Tom, do we need to take any action on this?</p> <p>8 MR. COLLINS: Not necessarily other than --</p> <p>9 I mean, if you want me -- if you -- the real question</p> <p>10 is do you authorize me to work with Mr. -- you know, if</p> <p>11 you want me to tell Mr. Clark that you do not want this</p> <p>12 mandate placed on us and you want me to tell him that,</p> <p>13 you know, we're not going to work on the bill; we want</p> <p>14 it -- we want it to go away, I would need to hear that</p> <p>15 from you. Otherwise, my plan is to work with Mr. Clark</p> <p>16 as best I can to get language we can live with even</p> <p>17 though, you know, I'm uncomfortable with the fact that</p> <p>18 this mandate is being placed on the Commission without</p> <p>19 the Commission's request and over the Commission's</p> <p>20 objections.</p> <p>21 COMMISSIONER MEYER: Mr. Chairman?</p> <p>22 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>23 COMMISSIONER MEYER: Tom, thanks for your</p> <p>24 thoughts on that. I appreciate and understand where</p> <p>25 you're coming from. Any cooperation should be</p>	
11:23:59-11:25:21	Page 83	11:26:25-11:27:04	Page 85
<p>1 is a retrograde solution in search of a problem.</p> <p>2 However, if they insist on doing it, which we're going</p> <p>3 to try to meet them halfway on, the cooperation</p> <p>4 language has to be changed or altered in a way that</p> <p>5 ensures that the Secretary of State cannot ever use it</p> <p>6 as a veto on our voter education materials.</p> <p>7 And that absolutely is a -- that's our</p> <p>8 absolute recommendation. And we'd like them to make</p> <p>9 the voter household language clarified so that we don't</p> <p>10 end up with redundancy, but I will say for the record</p> <p>11 this mandate is absolutely unnecessary. It is -- it is</p> <p>12 regardless -- and, you know, we're going to work with</p> <p>13 Mr. Clark on it, but -- but this was -- none of this</p> <p>14 was necessary. We are already far beyond where this</p> <p>15 bill is in terms of our voter outreach, well beyond.</p> <p>16 And so the idea that we'd be left behind if</p> <p>17 we didn't email the folks is just false because we are</p> <p>18 the only, you know, multi-platform, multilingual,</p> <p>19 multi-ability voter education program in the entire</p> <p>20 state and -- at the state level. And no one does it</p> <p>21 better than we do and putting new mandates on us is not</p> <p>22 necessary, but as I said, I've given my commitment to</p> <p>23 Mr. Clark to try to work on this. And he understands</p> <p>24 my caveats about cooperation, that language, and the</p> <p>25 voter -- and the voter issue. So we can work on him on</p>		<p>1 mutual --</p> <p>2 MR. COLLINS: Right. Right.</p> <p>3 COMMISSIONER MEYER: -- in my opinion in</p> <p>4 that we should be able to achieve that result somehow</p> <p>5 in the language.</p> <p>6 MR. COLLINS: Yeah. Yeah.</p> <p>7 COMMISSIONER MEYER: Either it comes out or</p> <p>8 there should be a mutual cooperation. I agree with you</p> <p>9 on the -- I guess I'd call it the de facto veto</p> <p>10 power --</p> <p>11 MR. COLLINS: Right.</p> <p>12 COMMISSIONER MEYER: -- that would be given</p> <p>13 to the Secretary of State. I don't think that's in the</p> <p>14 Commission's interest. I don't think that's in the</p> <p>15 interest of our mandate, and I recommend the Commission</p> <p>16 authorize you to work toward that objective of getting</p> <p>17 that mandate out of the -- out of the bill.</p> <p>18 COMMISSIONER KIMBLE: I would second that.</p> <p>19 COMMISSIONER MEYER: That's a motion, I</p> <p>20 guess.</p> <p>21 MR. COLLINS: So the cooperation mandate or</p> <p>22 the entire mandate?</p> <p>23 COMMISSIONER MEYER: Well, the -- the</p> <p>24 mandate, yeah, getting the mandate out of there,</p> <p>25 specifically the cooperation.</p>	


11:27:06-11:27:49	Page 86	11:29:01-11:30:03	Page 88
<p>1 MR. COLLINS: Okay. Okay. I got you. So</p> <p>2 a little flexibility.</p> <p>3 CHAIRMAN TITLA: Motion by Commissioner</p> <p>4 Meyer to authorize the director to work on HB 2304 on</p> <p>5 the emails and to strike the language "in cooperation</p> <p>6 with." Second by Commissioner Kimble.</p> <p>7 Any more comments?</p> <p>8 COMMISSIONER MEYER: Just to -- just to</p> <p>9 clarify, I'm not opposed to cooperation as long as it's</p> <p>10 mutual corporation. I just don't want there to be a</p> <p>11 veto power by the Secretary of State over what we are</p> <p>12 trying to accomplish.</p> <p>13 MR. COLLINS: Right. Okay.</p> <p>14 CHAIRMAN TITLA: Is that okay, Tom?</p> <p>15 MR. COLLINS: Yeah.</p> <p>16 CHAIRMAN TITLA: We got a second.</p> <p>17 All in favor say aye.</p> <p>18 (Chorus of ayes.)</p> <p>19 CHAIRMAN TITLA: Opposed?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN TITLA: Abstained?</p> <p>22 (No response.)</p> <p>23 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>24 Okay. Let's go to the next one, Item VIII,</p> <p>25 discussion and possible action on the 2016 Commission's</p>		<p>1 there, rulemaking and legislation, and then a</p> <p>2 looking-forward page for what's to come in this next</p> <p>3 year.</p> <p>4 All right. That is the letter from the</p> <p>5 Chairman that I was mentioning. So it's pretty much</p> <p>6 from Mr. Titla here, Chairman Titla, going to Governor</p> <p>7 Ducey just explaining that we have this report and that</p> <p>8 we're obligated under that statute to give it to them.</p> <p>9 The act was passed in '98 so this is over 18 years</p> <p>10 later.</p> <p>11 This is the voter and public education</p> <p>12 page. So this kind of goes over what our efforts were</p> <p>13 for this last year in regards to voter education. We</p> <p>14 had the continuation of our Vote Informed campaign. We</p> <p>15 launched our Candidate Compass tool which I'll go over.</p> <p>16 We have a smart device application that you can</p> <p>17 download currently for iOS devices, candidate training</p> <p>18 classes that we host. We also have debates that we put</p> <p>19 on throughout the state, the candidate statement</p> <p>20 pamphlet, grassroots outreach and then research in our</p> <p>21 website. So that will be coming up.</p> <p>22 This is the Vote Informed campaign. This</p> <p>23 is a campaign that we've had running for a little bit</p> <p>24 now. Mainly the main focus of the campaign is to</p> <p>25 educate voters on the tools that we provide and how you</p>	
11:27:53-11:28:58	Page 87	11:30:06-11:31:01	Page 89
<p>1 Annual Report. I think everybody has a copy of the</p> <p>2 report.</p> <p>3 MR. SHAFFER: Bear with me one second.</p> <p>4 MR. COLLINS: Would you introduce yourself</p> <p>5 for the record?</p> <p>6 MR. SHAFFER: If I can get somewhere.</p> <p>7 MS. THOMAS: Name for the record, please.</p> <p>8 MR. SHAFFER: All right. Chairman,</p> <p>9 Commissioners, I'm Alec Shaffer. This is my first time</p> <p>10 presenting in front of the Commission, although I've</p> <p>11 worked here a little over two years. So bear with me.</p> <p>12 And it's kind of poetic as well. I used to work at the</p> <p>13 Secretary of State's office and Amy -- Commissioner</p> <p>14 Chan was my boss over there. So it's been a full</p> <p>15 circle now, but let's just jump into this.</p> <p>16 This is the 2016 annual report, and that's</p> <p>17 the cover page for you. That blurb there just pretty</p> <p>18 much states that we're going to be giving this report</p> <p>19 to the Governor's office, the Secretary -- or the</p> <p>20 Senate and the House of Representatives.</p> <p>21 Here is the table of contents. Going over</p> <p>22 it really quickly, we have the letter from the</p> <p>23 Chairman, then we have our section on voter and public</p> <p>24 education, financial info, enforcement stuff. Then</p> <p>25 we've got some candidates' synopsis stuff for you</p>		<p>1 can vote informed is kind of the idea behind it so that</p> <p>2 you can find out details about candidates, how to vote,</p> <p>3 the deadlines and stuff like that. There's a couple of</p> <p>4 pictures there for you from some of the stuff that</p> <p>5 we've had running throughout that campaign.</p> <p>6 This is the Candidate Compass tool page.</p> <p>7 So the Candidate Compass tool was something that we --</p> <p>8 it was brand new. It was debuted in 2016. It's</p> <p>9 available on our website and you can also -- it's</p> <p>10 mobile accessible as well. So you can get it from your</p> <p>11 phone, but basically the idea behind it is that</p> <p>12 candidates have different stances on issues and voters</p> <p>13 have stances on issues as well. And it would be</p> <p>14 cool -- it was a cool idea if we could match those up</p> <p>15 and see what people agree with, what you don't agree</p> <p>16 with, what you align and don't align with certain</p> <p>17 candidates with.</p> <p>18 And we had kind of a soft launch with this.</p> <p>19 So this is something we're looking to have more</p> <p>20 involvement in with -- in the future, but yeah, it was</p> <p>21 a cool new tool and something that we saw from our</p> <p>22 research that voters wanted. So it was something that</p> <p>23 we thought was beneficial.</p> <p>24 This is the page about our smart device</p> <p>25 application that I mentioned. So we do have a -- it is</p>	

11:31:04-11:32:00	Page 90	11:33:02-11:34:02	Page 92
<p>1 available for iOS devices right now, and we're working</p> <p>2 on the Android version. So that's forthcoming, but the</p> <p>3 app is kind of, like, a voter resource that has</p> <p>4 deadlines in it, guides. You can find information on</p> <p>5 candidates. We've linked up -- one of the cool</p> <p>6 features that we had on it was if you were interested</p> <p>7 in debates. So whatever legislative district you were</p> <p>8 in for the debate for that district, you could submit a</p> <p>9 question through the app and we would receive it and</p> <p>10 then proceed to ask it at the debate. So that was a</p> <p>11 cool piece of functionality that was -- well, the whole</p> <p>12 app was brand new, but that was something we were</p> <p>13 excited about.</p> <p>14 And, also, it had -- it had a lot of</p> <p>15 different things in it, and we're looking to improve it</p> <p>16 going forward, but basically it was, like, a one-stop</p> <p>17 shop for the information you need on where to vote. We</p> <p>18 also had a polling place locator built into it so it</p> <p>19 would reach out to there and you could find out where</p> <p>20 to vote actually.</p> <p>21 A little bit about training and guides. So</p> <p>22 we host training here for all our Clean Elections</p> <p>23 candidate and -- candidates and their treasurers and</p> <p>24 it's open to the public as well so anyone could attend,</p> <p>25 but in 2016 we had 14 candidate workshops. Some of</p>	<p>1 Corporation Commission debate which we held at one of</p> <p>2 ASU's studios here in downtown which was really cool.</p> <p>3 I actually got to go to that personally, and to be on</p> <p>4 set and see everyone get ready was really cool. So</p> <p>5 it's a really cool thing. And it's informational too.</p> <p>6 They actually talk about the issues, and the moderator</p> <p>7 handled it very well going through the questions and</p> <p>8 the issues that voters want to talk about.</p> <p>9 This is the page about the candidate</p> <p>10 statement pamphlet. So this is the guide that we send</p> <p>11 out. We send one out for both the primary and the</p> <p>12 general, and that's what the cover of it looked like</p> <p>13 this year. A little bit of information for you,</p> <p>14 candidates submit 200-word statements. It's their</p> <p>15 choice whether they want to, but the participation rate</p> <p>16 is very high. We get nearly all candidates submitting</p> <p>17 a photo and a statement to be included here.</p> <p>18 They go -- they are sent out to over 1.9</p> <p>19 million households -- or 1.9 million copies and more</p> <p>20 are sent out. So they are sent to every registered</p> <p>21 voter. They're sent overseas as well to UNOCAVA voters</p> <p>22 so anyone that's on the military or on active duty,</p> <p>23 they receive one too. And like I was saying, we make</p> <p>24 two, so one for the primary and the general. So it has</p> <p>25 all the -- all the candidates' names that will appear</p>		
11:32:04-11:33:00	Page 91	11:34:04-11:35:00	Page 93
<p>1 them being online; some of them being in person. And</p> <p>2 we had 96 attendees total. So we have a guide as well.</p> <p>3 We make a book, and it's pretty much a candidate</p> <p>4 training guide. It goes through -- Sara does a really</p> <p>5 good job in creating it.</p> <p>6 It goes through the entire process of how</p> <p>7 to get funding, how to apply, what you can do with your</p> <p>8 funding, when you need to return it and kind of the</p> <p>9 whole kind of area of the whole process for you. And</p> <p>10 participating candidates -- it's worth mentioning --</p> <p>11 are required to attend. So everyone that receives</p> <p>12 Clean Elections funding, you have to come to one of our</p> <p>13 trainings.</p> <p>14 We also host debates in election years. We</p> <p>15 host debates for statewide and legislative candidates.</p> <p>16 So the stats on how many we had are at the bottom</p> <p>17 there. We had 12 primary election debates and 24</p> <p>18 general election debates. We had some nice feedback</p> <p>19 this time too. We take surveys at those events to see</p> <p>20 if we can improve, and some of the quotes are up there</p> <p>21 for you. So we had someone say it was an excellent</p> <p>22 program, that they've learned a lot of information.</p> <p>23 Someone else said, please don't change it and that it's</p> <p>24 the best debate for politicians.</p> <p>25 The picture there is the picture from the</p>	<p>1 on the primary ballot are on your primary version and</p> <p>2 then the same for the general.</p> <p>3 Our percents are there for you. So you can</p> <p>4 see we had a 98 and a 99 percent participation rate.</p> <p>5 So it's really high, so that's cool. And this was the</p> <p>6 first time that we were actually ever to make -- able</p> <p>7 to make a district-specific pamphlet. So instead of --</p> <p>8 normally in the past, you would receive a pamphlet that</p> <p>9 had all 30 legislative districts in it and the voter</p> <p>10 would have to find their own and see what candidates</p> <p>11 are applicable to them. This time we were able to</p> <p>12 condense it.</p> <p>13 It was a little more work on our end, but</p> <p>14 it was cool. It was worth it because the voter --</p> <p>15 every name you saw in your guide this time was on your</p> <p>16 ballot. So there wasn't a bunch of extraneous names</p> <p>17 that kind of bogged it down. And it was actually</p> <p>18 really efficient for cost savings as well. So we were</p> <p>19 able to save over -- around \$930,000 on that. So that</p> <p>20 was something we're very proud of and Gina worked very</p> <p>21 hard on.</p> <p>22 This is our grassroots efforts outreach</p> <p>23 page. So we do -- we tend to be more active in</p> <p>24 off-election years. We do like to get into the</p> <p>25 community, though. We help with voter registration</p>		

11:35:03-11:36:03	Page 94	11:37:14-11:38:10	Page 96
<p>1 drive events when we're offered or when there's a</p> <p>2 really good opportunity that arises, and here's a</p> <p>3 couple for you.</p> <p>4 So we also presented at Election Officials</p> <p>5 of Arizona meetings, at Municipal Clerks Association</p> <p>6 meetings. We partnered with Apache, Coconino and</p> <p>7 Navajo County Recorder's office to go to the Rural</p> <p>8 Addressing Conference. Me and Tom went to that which</p> <p>9 was really cool. We went to the Celebrate Mesa Event</p> <p>10 which is down in Mesa. It's in one of the parks there,</p> <p>11 and they had -- the attendance for that event was</p> <p>12 crazy. There were thousands of people there, and we're</p> <p>13 going this year as well. So we'll be back there to</p> <p>14 register and pass out information on Clean Elections.</p> <p>15 And then we also went to a registration drive on the</p> <p>16 Native American Salt River Pima-Maricopa Indian</p> <p>17 community tribe. So that was really cool. We actually</p> <p>18 got to go out to the tribe and partner with them and</p> <p>19 get some people registered.</p> <p>20 Research, so we do conduct research after</p> <p>21 our campaigns going forward to see how to best educate</p> <p>22 voters. So key findings for you, we found that most</p> <p>23 voters -- I'm sorry. We also conduct this research</p> <p>24 after the election. So it was conducted after the</p> <p>25 general and then we compared that to our research from</p>		<p>1 stats for you. We have gained a much larger presence</p> <p>2 on social media than we have in the past. You can see</p> <p>3 our numbers comparatively there as well. So in 2016,</p> <p>4 we had over a million followers on Twitter. Our</p> <p>5 Facebook page has grown significantly as well. You can</p> <p>6 see the percentage increase on the right there. It</p> <p>7 looks like it went up 41 percent this last calendar</p> <p>8 year. And then we have our traffic listed below as</p> <p>9 well. So you can see that in 2016, we had 640,000 and</p> <p>10 more page views on our website.</p> <p>11 So that's something that we update</p> <p>12 constantly. My title is actually the web content</p> <p>13 manager, so I look at the website a lot. We're</p> <p>14 constantly making improvements, and it's really cool</p> <p>15 too. We also have our elections inbox. So if anyone</p> <p>16 notices something on our website, they can send it in,</p> <p>17 and we're constantly posting more and more information</p> <p>18 there.</p> <p>19 And if anyone has a question too, you can</p> <p>20 jump in and cut me off, by the way.</p> <p>21 COMMISSIONER KIMBLE: You know what?</p> <p>22 MR. SHAFFER: Yeah.</p> <p>23 COMMISSIONER KIMBLE: I do have one. You</p> <p>24 said we have more than a million followers on Twitter?</p> <p>25 MR. SHAFFER: On Twitter we have -- in</p>	
11:36:06-11:37:10	Page 95	11:38:12-11:38:57	Page 97
<p>1 2015.</p> <p>2 Voter -- some of the key findings for you,</p> <p>3 we saw that voters agree that voting is important, but</p> <p>4 a lot of them are not recognizing their influence in</p> <p>5 local elections. A lot of people don't see the</p> <p>6 importance of voting in local elections. So that was</p> <p>7 something that we found and we're going to try to</p> <p>8 target specifically going forward so we can address</p> <p>9 that.</p> <p>10 We saw that the debates are the most used</p> <p>11 asset that we have for helping someone decide how</p> <p>12 they're going to vote in elections. The Voter</p> <p>13 Education Guide is also considered -- was considered</p> <p>14 the number 1 unbiased resource for information. And we</p> <p>15 also partnered with the ASU Morrison Institute to host</p> <p>16 the State of Our State which was really cool. And so</p> <p>17 we have a picture included there. We got to listen to</p> <p>18 former U.S. Senator John Kyle, Rep Ed Pastor, and Grady</p> <p>19 Gammage was the moderator. And it was a really</p> <p>20 enlightening discussion. There were a lot of different</p> <p>21 people at that event, but -- and I think the Holbrook</p> <p>22 commissioners attended as well, but it was cool to see</p> <p>23 what worked in the 2016 election cycle and what didn't</p> <p>24 and going forward, what we can improve.</p> <p>25 Website and social media, so here's some</p>		<p>1 2016, we had one million -- oh, no. That was -- I</p> <p>2 guess I misread the number. I'm sorry.</p> <p>3 COMMISSIONER KIMBLE: Okay. Just trying to</p> <p>4 make sure that that number wasn't wrong.</p> <p>5 MR. SHAFFER: So it looks like on Twitter</p> <p>6 we had, in 2016, 1,270. Sorry about that.</p> <p>7 COMMISSIONER MEYER: That's okay.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman, that</p> <p>9 would be Lady Gaga numbers if we had over a million.</p> <p>10 MR. SHAFFER: But that's a good goal in the</p> <p>11 future so -- to keep in mind.</p> <p>12 Was that your only question, Commissioner</p> <p>13 Kimble?</p> <p>14 COMMISSIONER KIMBLE: Yes.</p> <p>15 MR. SHAFFER: So here is the financial</p> <p>16 information page. You can see our funding sources</p> <p>17 listed at the top. Our biggest source of funding, as</p> <p>18 you guys know, is the surcharge that we receive from</p> <p>19 civil penalties and criminal fines. Those are the</p> <p>20 amounts throughout the calendar year you have listed</p> <p>21 there, and then below we have the caps and the controls</p> <p>22 on spending. So there's a certain amount that we can</p> <p>23 spend on voter education and administration and so on</p> <p>24 and so forth.</p> <p>25 The column on the right is pretty much some</p>	

11:38:59-11:40:02	Page 98	11:41:06-11:42:09	Page 100
<p>1 background information for you on some of the stuff</p> <p>2 that's happened in the past as well. We used to have a</p> <p>3 tax credit that was available. That went away in 2012,</p> <p>4 but that's something we still get lingering -- a</p> <p>5 lingering amount. It's very rare, though, but that's</p> <p>6 some background for you if you want to go ahead and</p> <p>7 read that.</p> <p>8 I'll go to the next page which is on</p> <p>9 enforcement audits and litigation. So this goes over</p> <p>10 the past enforcement throughout the 2016 calendar year</p> <p>11 and our audits as well and litigation so what you guys</p> <p>12 have kind of heard throughout the year. We received</p> <p>13 three complaints in 2016 that arose from the 2016</p> <p>14 cycle, and we anticipate that the six remaining matters</p> <p>15 from 2016 will be concluded in this year. So we're</p> <p>16 hoping to wrap those up.</p> <p>17 We also conduct audits after each election</p> <p>18 cycle. They're random. And so we're getting back the</p> <p>19 results of those and going through those, but we had 29</p> <p>20 candidate audits, it looks like, total and it included</p> <p>21 26 legislative ones and three statewide audits.</p> <p>22 All right. This is the 2016 candidate</p> <p>23 summary. So during the 2016 cycle, we had 178</p> <p>24 candidates seeking statewide and legislative office and</p> <p>25 41 of those were participating in the Clean Elections</p>	<p>1 candidate, you receive \$16,000 of funding in the</p> <p>2 primary and \$24,000, about, in the general. And if you</p> <p>3 have a contested primary, if you live in one of these</p> <p>4 party-dominant districts, you can switch the amount.</p> <p>5 So you can receive the 24,000 for the primary and then</p> <p>6 the 16 for the -- for the general.</p> <p>7 That goes over the more specific language</p> <p>8 of how it works, and if you have any questions, you're</p> <p>9 welcome to ask, but the next page is, like, if you</p> <p>10 notice, I believe -- like, Representative Noel Campbell</p> <p>11 here in District 1, he received 24,000 for the primary,</p> <p>12 whereas other candidates received 60,000. So that's an</p> <p>13 example for you.</p> <p>14 I'll kind of just go through these slides.</p> <p>15 You're welcome to look through that stuff. These are</p> <p>16 all the candidates for the primary and then the next</p> <p>17 section we'll have is on the general, so pretty much</p> <p>18 the same thing but for the general.</p> <p>19 All right. And then this is our rulemaking</p> <p>20 and legislation page. So this kind of gives a synopsis</p> <p>21 of the rules and any legislation that we've had</p> <p>22 throughout this last year. We did amend or renumber a</p> <p>23 few rules so they're listed at the bottom there for</p> <p>24 your reference, and then we have a little bit</p> <p>25 mentioning the 5-Year Review Report, too, how we've</p>		
11:40:05-11:41:03	Page 99	11:42:12-11:43:18	Page 101
<p>1 system. During the general election, we had 144 and of</p> <p>2 which 37 were participating candidates, and it kind of</p> <p>3 goes on just to show you some statistics there. In</p> <p>4 2016, we a total of more than 2.1 million distributed</p> <p>5 in funding to candidates from the Commission's --</p> <p>6 Commission's fund.</p> <p>7 And in the following pages we'll list all</p> <p>8 the candidates too. So you'll have the spreadsheet and</p> <p>9 breakdown district by district and whatever office they</p> <p>10 were seeking of all the candidates that were running.</p> <p>11 All right. We included this year right</p> <p>12 before the candidate listing a little blurb about the</p> <p>13 reallocation notice. So some candidates, if you live</p> <p>14 in a district that has a dominant party and you're</p> <p>15 within the dominant party running, the idea behind that</p> <p>16 is is that you're going to have a more contested</p> <p>17 primary. That's where the more competition is fierce</p> <p>18 for you kind of thing.</p> <p>19 There are statistics that you have -- and,</p> <p>20 like, criteria you have to meet to do that, though.</p> <p>21 You have to be within the dominant party. You have to</p> <p>22 have a contested primary. So you can't be running</p> <p>23 unopposed in your primary, but you're able, if you so</p> <p>24 choose and you meet the qualifications, to switch your</p> <p>25 funding amount. So normally as a legislative</p>	<p>1 submitted that. Rules don't take effect until</p> <p>2 January 1st of the next year unless they were a</p> <p>3 unanimous vote, so that's a good note for you.</p> <p>4 This is our 2016 legislation page. It kind</p> <p>5 of just gives a summary of what our legislative goals</p> <p>6 and priorities were for that year. As always, we want</p> <p>7 to oppose any efforts that propose to defund or</p> <p>8 eliminate the Clean Elections Act. So that's there.</p> <p>9 We also support election law reforms if we deem them to</p> <p>10 be helpful to the current election law, and then we</p> <p>11 also support improvements to the voter education</p> <p>12 access. So any bills that would look to improve voter</p> <p>13 education would be something that the Commission would</p> <p>14 support.</p> <p>15 This is our looking forward to 2017 page,</p> <p>16 what we have planned so far. So we will be holding a</p> <p>17 roundtable event which is similar to the roundtable</p> <p>18 event we held in 2015. This is kind of an opportunity</p> <p>19 to get election officials together and stakeholders and</p> <p>20 community organizations that all deal with elections</p> <p>21 together in one room and talk about what went well in</p> <p>22 that election year, what didn't go well, what you can</p> <p>23 improve on, and going forward what kind of improvements</p> <p>24 you can make in general.</p> <p>25 The roundtable will be focusing on</p>		

11:43:20-11:44:19	Page 102	11:45:15-11:45:51	Page 104
<p>1 data-driven decision making and technology which is</p> <p>2 huge, review of our past year, voter trends and</p> <p>3 educational opportunities for 2018. I also have a</p> <p>4 blurb detailing the education plan going forward. So</p> <p>5 we have a couple of tool assets that we're focusing on</p> <p>6 as well that we've covered, like our smart device</p> <p>7 application, find my polling place. We have find my</p> <p>8 elected officials tool, and you can contact them</p> <p>9 through our website. So if you wanted to get in touch</p> <p>10 with your local lawmakers, that's something that can</p> <p>11 help you out.</p> <p>12 And then the last section here we have is</p> <p>13 the candidate information for the 2018 cycle, and they</p> <p>14 changed a little bit. So in the past, we've just</p> <p>15 reverted to the original amounts of -- amount of 5s</p> <p>16 that you need to submit to receive funding. So, like,</p> <p>17 last year, the amount of 5s that a candidate had to</p> <p>18 submit was 250. If you'll notice from the legislature,</p> <p>19 it's 200 now. So they've been reduced a little bit,</p> <p>20 but those numbers are there for you. And candidates</p> <p>21 can begin collecting 5s, can begin collecting these</p> <p>22 amounts on August 1st of this year until August -- I</p> <p>23 believe it's 23rd of the next year, but it's a little</p> <p>24 over a year of timeframe that they have to collect</p> <p>25 these 5s.</p>		<p>1 COMMISSIONER MEYER: I was looking on</p> <p>2 page 41 there might be a spacing issue --</p> <p>3 MR. SHAFFER: Okay.</p> <p>4 COMMISSIONER MEYER: -- with the bullet</p> <p>5 points.</p> <p>6 Do you see that?</p> <p>7 MR. SHAFFER: Oh, the -- is that the</p> <p>8 looking forward page? I noticed that as well. I</p> <p>9 will -- I will fix them before I post that online.</p> <p>10 COMMISSIONER MEYER: Okay.</p> <p>11 CHAIRMAN TITLA: Okay. Any further</p> <p>12 comments?</p> <p>13 (No response.)</p> <p>14 CHAIRMAN TITLA: Is there a motion to</p> <p>15 approve the report?</p> <p>16 COMMISSIONER MEYER: I move that we approve</p> <p>17 the 2016 annual report.</p> <p>18 CHAIRPERSON TITLA: Motion by Commissioner</p> <p>19 Meyer to approve the report.</p> <p>20 Second?</p> <p>21 COMMISSIONER KIMBLE: Second.</p> <p>22 CHAIRMAN TITLA: Commissioner Kimble</p> <p>23 seconds the report.</p> <p>24 All in favor say aye.</p> <p>25 (Chorus of ayes.)</p>	
11:44:20-11:45:14	Page 103	11:45:52-11:46:34	Page 105
<p>1 This page just lists our commissioners for</p> <p>2 the calendar year. So this was past year's</p> <p>3 commissioners and chairman and staff at the bottom and</p> <p>4 then a little bit about of our mission and mission</p> <p>5 statement on the left there. And then these are just</p> <p>6 your biographies which you're -- which you're aware of</p> <p>7 since they're your biographies.</p> <p>8 And that concludes the annual report. So</p> <p>9 if you guys have any questions, I'm here to answer and</p> <p>10 happy to answer any of them.</p> <p>11 CHAIRMAN TITLA: Questions by</p> <p>12 commissioners?</p> <p>13 COMMISSIONER PATON: Well done.</p> <p>14 CHAIRMAN TITLA: Do we need any action with</p> <p>15 this?</p> <p>16 MR. COLLINS: Mr. Chairman -- Mr. Chairman,</p> <p>17 if you would move the approval of the annual report. I</p> <p>18 guess the only caveat would be if we find any typos and</p> <p>19 stuff like that, we'll clean those up, but -- but if</p> <p>20 you would move to approve the annual report for</p> <p>21 submission by the March deadline, that would be</p> <p>22 appreciated and if someone -- and took a vote on that.</p> <p>23 COMMISSIONER MEYER: Mr. Chairman, real</p> <p>24 quick.</p> <p>25 CHAIRMAN TITLA: Commissioner Meyer.</p>		<p>1 CHAIRMAN TITLA: Opposed?</p> <p>2 (No response.)</p> <p>3 CHAIRMAN TITLA: Abstained?</p> <p>4 (No response.)</p> <p>5 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>6 MR. SHAFFER: Thank you, Chairman.</p> <p>7 CHAIRPERSON TITLA: Good work. I'd like to</p> <p>8 commend Director Collins and the gentleman and</p> <p>9 everybody else for doing a good job with this report.</p> <p>10 Continue the good work this year and also next year.</p> <p>11 Thank you.</p> <p>12 MR. COLLINS: It's also Alec's birthday</p> <p>13 today.</p> <p>14 COMMISSIONER MEYER: Happy birthday --</p> <p>15 MR. SHAFFER: Thank you.</p> <p>16 COMMISSIONER MEYER: -- Alex.</p> <p>17 CHAIRMAN TITLA: Alex, happy birthday.</p> <p>18 MR. SHAFFER: Thank you.</p> <p>19 CHAIRMAN TITLA: What they used to do -- I</p> <p>20 was in the Marine Corp, and in the Marine Corp, what</p> <p>21 they used to do with the company on your birthday, they</p> <p>22 would bake a cake. The cook would bake a cake and</p> <p>23 present it to you, but unfortunately, we don't do that</p> <p>24 here.</p> <p>25 MR. COLLINS: I don't know. Did someone</p>	

11:46:36-11:47:27	Page 106	11:48:28-11:48:37	Page 108
<p>1 bake a cake?</p> <p>2 MR. SHAFFER: They're taking me out to</p> <p>3 lunch so we're good.</p> <p>4 CHAIRMAN TITLA: Okay. Good. Very good.</p> <p>5 Yeah.</p> <p>6 Okay. Let's see. We have IX, public</p> <p>7 comment.</p> <p>8 Any public here to comment?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN TITLA: No public comment?</p> <p>11 MR. COLLINS: Rivko, do you want to -- do</p> <p>12 you have anything to add today? We're at public</p> <p>13 comment. I don't know if you want anything to --</p> <p>14 MS. KNOX: Oh, well, never miss an</p> <p>15 opportunity. I'm here as always on behalf of the</p> <p>16 League of Women Voters of Arizona. Very, very excited</p> <p>17 about the annual report. As a matter of fact, I've</p> <p>18 been thinking of asking -- I don't know. I don't want</p> <p>19 to charge you more than you -- or make you pay more</p> <p>20 than you already do, but it would be great to</p> <p>21 distribute the report. We're going to be having a big</p> <p>22 annual convention of the league from all over the</p> <p>23 state, and we'd love to be able to maybe have copies.</p> <p>24 And we'd love to sit in on your roundtable.</p> <p>25 And more than anything else, I just want to say that it</p>		<p>1 COMMISSIONER CHAN: Second.</p> <p>2 CHAIRMAN TITLA: Commissioner Chan seconds.</p> <p>3 All in favor say aye?</p> <p>4 (Chorus of ayes.)</p> <p>5 CHAIRMAN TITLA: Opposed?</p> <p>6 (No response.)</p> <p>7 CHAIRMAN TITLA: Abstained?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>10 We are adjourned.</p> <p>11 (Whereupon, the proceedings concluded at</p> <p>12 11:48 a.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	
11:47:31-11:48:27	Page 107		Page 109
<p>1 was a pleasure to be able to, very briefly, speak on</p> <p>2 behalf of the -- or speak to try to kill and succeed at</p> <p>3 least temporarily in killing the bill to repeal Clean</p> <p>4 Elections. It really felt good to be able to say that</p> <p>5 all in one minute. That was okay. What was it? 10:00</p> <p>6 o'clock and participated at 7:00 o'clock at night or</p> <p>7 something like that.</p> <p>8 MR. COLLINS: Right.</p> <p>9 MS. KNOX: I'm thrilled that the league was</p> <p>10 able to help create the Clean Elections Commission, and</p> <p>11 the Staff is really carrying out its mission. And it</p> <p>12 gives me great pleasure to be -- to participate in a</p> <p>13 small way.</p> <p>14 Thank you.</p> <p>15 CHAIRMAN TITLA: Thank you, ma'am, for your</p> <p>16 good comments and all of the good work that you do and</p> <p>17 your company. Thank you. We appreciate it.</p> <p>18 Any more comments from the public?</p> <p>19 (No response.)</p> <p>20 CHAIRMAN TITLA: If not, do we have a</p> <p>21 motion to adjourn?</p> <p>22 COMMISSIONER KIMBLE: I move we adjourn.</p> <p>23 CHAIRMAN TITLA: Motion to adjourn by</p> <p>24 Commissioner Kimble.</p> <p>25 Second?</p>		<p>1 STATE OF ARIZONA)</p> <p>2 COUNTY OF MARICOPA)</p> <p>3 BE IT KNOWN the foregoing proceedings were</p> <p>4 taken by me; that I was then and there a Certified</p> <p>5 Reporter of the State of Arizona; that the proceedings</p> <p>6 were taken down by me in shorthand and thereafter</p> <p>7 transcribed into typewriting under my direction; that</p> <p>8 the foregoing pages are a full, true, and accurate</p> <p>9 transcript of all proceedings and testimony had and</p> <p>10 adduced upon the taking of said proceedings, all done to</p> <p>11 the best of my skill and ability.</p> <p>12 I FURTHER CERTIFY that I am in no way</p> <p>13 related to nor employed by any of the parties thereto</p> <p>14 nor am I in any way interested in the outcome hereof.</p> <p>15 DATED at Phoenix, Arizona, this 25th day of</p> <p>16 February, 2017.</p> <p>17 </p> <p>18 LILIA MONARREZ, RPR, CR #50699</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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<p>Y</p> <p>year (30) 9:1;10:25; 11:15;29:7;33:20;35:9; 41:12;55:2;88:3,13; 92:13;94:13;96:8; 97:20;98:10,12,15; 99:11;100:22;101:2,6, 22;102:2,17,22,23,24; 103:2;105:10,10 years (14) 3:20,23; 11:3,18,18,18;13:2,2,2; 18:5;87:11;88:9;91:14; 93:24 year's (1) 103:2 yesterday (5) 79:20;</p>	<p>2</p> <p>2 (8) 42:7;50:10;55:9, 22;56:1,6;60:7;71:2 2.1 (1) 99:4 200 (2) 40:12;102:19 2000 (2) 43:16,17 2005 (2) 43:16,17 2006 (1) 19:4 200-word (1) 92:14 2010 (2) 43:16,17 2012 (1) 98:3 2013 (1) 12:14 2014 (1) 7:15 2015 (4) 42:16;55:13; 95:1;101:18</p>	<p>4</p> <p>4 (7) 8:10;17:20;31:22; 33:2;67:3,10,17 41 (3) 96:7;98:25; 104:2 41-1056 (2) 40:19;41:8</p>	<p>5</p> <p>5 (5) 33:2;41:18;42:20, 23,24 5/Article (1) 42:18 500 (1) 72:25 5s (4) 102:15,17,21,25 5-Year (11) 28:22; 29:19;35:6,23;36:14; 39:7;43:1,12;46:19; 50:9;100:25</p>	<p>9</p> <p>9:30 (1) 3:5 90 (1) 7:25 941D (2) 13:9;14:7 96 (1) 91:2 98 (2) 88:9;93:4 99 (1) 93:4</p>
			<p>6</p> <p>60,000 (1) 100:12 60-day (1) 73:20 640,000 (1) 96:9</p>	

CITIZENS CLEAN ELECTIONS COMMISSION

EXECUTIVE DIRECTOR REPORT

March 23, 2017

Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.
- Congratulations to:
 - Gina Roberts, who has been promoted to Director of Voter Education effective January 28 and
 - Alec Shaffer, who has been promoted to Web Content Manager, effective January 28.

These promotions recognize and reward the leadership and hard work of Gina and Alec, as well as the growing importance and workload associated with the Commission's voter education efforts as we provide quality unbiased information to voters around the state and form new partnerships with election officials and others to promote participation, as the Act requires.

Voter Education:

- March 14, 2017 was Election day for the cities of Phoenix, Holbrook, and Goodyear
- Gina presented at the Inspire Arizona Day at the Capitol to encourage youth participation in the political process.
- RIESTER and staff will conduct focus groups with voters the first week of April. This research will help identify education needs for 2017/2018.
- Sara and Gina will attend the Election Officials of Arizona Spring Workshop on April 12th and 13th, presenting on Clean Elections and hosting a Social Media 101 training session.

Enforcement – 2016 Election Cycle:

- All 2016 pending complaints have been closed.

Enforcement – 2014 Election Cycle:

- Complaints Pending: 3
 - MUR 14-006, -015 (consolidated/conciliated): Horne - pending completion of items in conciliation agreement.
 - MUR 14-007: Legacy Foundation Action Fund (LFAF)
 - Petition for Review pending with Arizona Supreme Court
 - MUR 14-027: Veterans for a Strong America (VSA)

Budget:

The first quarter budget update will be available for the April 2017 meeting.

We remain in correspondence with the Arizona Administrative Office of the Courts.

PROJECT MANAGEMENT PLAN

SEE THE MONEY – CAMPAIGN FINANCE PUBLIC REPORTING APPLICATION

ARIZONA SECRETARY OF STATE

1700 WEST WASHINGTON

PHOENIX, ARIZONA 85007

03/17/2017

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PURPOSE

This Project Management Plan (PMP) establishes specific strategies and milestones for executing the See The Money project for the Office of the Arizona Secretary of State. The objective of this project is to build and implement a new application that will streamline and modernize the Campaign Finance reporting process

BACKGROUND

Arizona was one of the first states to adopt electronic filing procedures for the purpose of Campaign Finance. The first iteration of the Campaign Finance Public Reporting Application (CFA 1) was built and deployed in 2000. This was a distributed system with committees operating the software locally and then submitting data to the Secretary of State's office to be compiled and aggregated. The reports were then displayed on a public facing website that required the user to fill out either a committee ID or specific text fields to retrieve data.

Figure 1 – Campaign Finance Reporting Application Version 1

The screenshot displays the 'CAMPAIGN FINANCE' section of the Arizona Secretary of State's website. At the top, the logo for Jan Brewer, Secretary of State, is visible. Below the logo, there are navigation links for HOME, ELECTION SERVICES, BUSINESS SERVICES, and PUBLIC SERVICES. A disclaimer states: 'The Campaign Finance information published here is from the original reports filed by political committees. In some cases there may be slight differences in cumulative totals due to the ongoing reconciliation between the Secretary of State and those committees. In order copies of original reports, please call (602) 542-8883 or email elec@sos.az.gov.' The main interface is divided into two sections: 'Committee ID Lookup' and 'Committee Searching'. The 'Committee ID Lookup' section has a 'Find' button and a text input field for 'Committee ID'. The 'Committee Searching' section includes a 'Start Search' button and a 'Reset Search' button. It features several input fields: 'Committee Name', 'Chairman Name', 'Treasurer Name', and 'Candidate Name'. Below these are dropdown menus for 'Committee Types' (with options: Candidate's Campaign Committee, Separate Designated Fund, Ballot Measure Committee, Recall/Petition Committee) and 'Office Codes' (with options: Other, Governor, Secretary of State, Attorney General). There are also checkboxes for 'Status' (Active, Inactive, Suspended) and a 'Sort by' dropdown (with options: Committee, File ID). A note at the bottom of the search section reads: 'NOTE: Users of versions of Internet Explorer 3.02 and below may notice that the dropdowns have the first item selected by default. This is a bug in those versions of the browser. We suggest you update your browser to the latest version to get the best results. In the mean time, you will have to make sure that the search criteria are correct by selecting or deselecting the appropriate items as described above.'

In 2008 a new public facing Campaign Finance System was released. This version left many of the input fields from CFA 1 intact but presented a cleaner, more modern interface. The user was able to search for names associated with a particular committee, the committee type by election year or by office.

Figure 2 – Campaign Finance Reporting Application Version 2

Although the core functionality of the Campaign Finance Public Reporting Application has not changed much since the deployment of CFA 2 the public facing website has seen some upgrades to its user experience. The current iteration of the public facing site prominently features a data panel and a series of check box objects that allows the end user to filter the panel based upon the selected criteria. It also adds a statistics tab that aggregates contributor/expense values by type.

Figure 3 – Campaign Finance Reporting Application Version 3

Name	Office	Party	Funding	Income	Expense	IE Supp	IE Opp
ABLETT, EDWARD F.	Senator Dist 28	Dem	Public	\$62,686	\$62,686	\$0	\$0
ACKERLEY, JOHN CHRISTOPHER	Rep Dist 2	Rep	Public	\$38,781	\$38,781	\$0	\$0
ADAMS, BILL	Rep Dist 30	Rep	Private	\$13,009	\$13,009	\$4,654	\$17,371
ADAMS, KIRK D.	Rep Dist 19	Rep	Private	\$789	\$3,620	\$0	\$0
ALLEN, JOHN M.	Rep Dist 15	Rep	Private	\$22,371	\$12,184	\$0	\$0
ALLEN, SILVIA TENNEY	Senator Dist 6	Rep	Private	\$52,998	\$48,187	\$95,612	\$50,476
ALONSO, MIKE L.	Governor	Rep	Private	\$9,200	\$3,741	\$0	\$0
ALTON, LELA	Rep Dist 24	Dem	Private	\$124,867	\$97,135	\$4,452	\$0
ANDRADE, RICHARD C.	Rep Dist 29	Dem	Private	\$20,280	\$10,196	\$0	\$0
ANTONIO, FRANK B.	Senator Dist 10	Rep	Private	\$818	\$2,098	\$0	\$0
ALONSO, JOHN THOMAS KAS	Rep Dist 20	Rep	Private	\$18,085	\$18,141	\$0	\$0
BACHMANN, WAITE DENNIS	Rep Dist 8	Rep	Public	\$1,885	\$1,547	\$0	\$0
BALDUSO, SALOMONILE	Senator Dist 3	Dem	Public	\$27,894	\$27,894	\$0	\$0
BAPTISTE, CERRA DAMIAN MATTHEW	Senator Dist 12	Dem	Public	\$325	\$325	\$0	\$0
BARTLE, SCOTT	Senator Dist 11	Rep	Private	\$58,438	\$52,898	\$77,472	\$15,934
BARTON, NANCY K.	Senator Dist 15	Rep	Private	\$55,678	\$54,560	\$7,768	\$0
BARTON, BRENDA	Rep Dist 6	Rep	Private	\$48,045	\$18,393	\$200	\$0
BARTON, BRENDA	Rep Dist 6	Rep	Private	\$48,262	\$43,312	\$33,328	\$0
BAUER, RICHARD J. JIM	Rep Dist 24	Dem	Private	\$65,464	\$64,468	\$35,545	\$0
BEGAY, CARLYLE MRS.	Senator Dist 7	Dem	Private	\$29,024	\$27,474	\$50,203	\$0

While the most recent iteration of CFA 2 adds some ability for the user to isolate and filter committees to look for comparative purposes or interesting information, it still lacks the ability to interrelate committee and contributing entities in such a manner that would allow a user to find contributors that may have donated to more than one committee in more than one given election cycle.

In 2017, there is a sustained and growing demand from the public and interested parties to make government data as accessible and transparent as possible. The project team decided that a new Campaign Finance Public Reporting Application (herein as See The Money) that uses the most up to date best practices for site user experience is the most effective way for the state of Arizona's elections agencies to answer that demand.

PROJECT MANAGEMENT APPROACH

The Project Manager has the overall authority and responsibility for managing and executing this project according to this Project Plan and any Subsidiary Management Plans. The Project Team will consist of IT group team members and business team members. Business team members are Stakeholders from the Executive division. The Project Manager will work with all resources to perform project planning. All plans will be reviewed and approved by the Project Sponsor. All funding decisions will be made by and approved by the Project Sponsor in conjunction with the Project Stakeholders, when necessary.

The Project Team will be a matrix of team members from each organization who continue to report to their organizational management throughout the duration of this project. The Project Manager is responsible for communicating with organizational managers on the progress and performance of each project resource

PROJECT SCOPE

The scope of the Campaign Finance Reporting project includes the planning, design, development, testing, deployment, support and transition to the new application. Project completion will occur when the software has been successfully completed and meets the quality baseline.

The scope of this project also includes identifying, documenting and planning for any future phases of the See The Money.

PROJECT SCHEDULE

The See The Money Project schedule was derived from input from all Project Team members. The schedule was completed, reviewed by the Project Sponsor, approved and base-lined. The schedule will be maintained as a Microsoft Project Gantt Chart by the Project Manager. Any proposed changes to the schedule will follow the Change Control Process. If established boundary controls may be exceeded, a change request will be submitted to the Project Manager. The Project Manager and Change Management Team will determine the impact of the change on the schedule, cost, resources, and risks. If it is determined that the impacts will exceed the boundary conditions (see Figure 9 - Boundary Conditions), the change will be forwarded to the Project Stakeholders for review and approval.

If the change is approved by the Project Stakeholders, it will be implemented by the Project Manager who will update the schedule and documentation. The change will then be communicated to all Stakeholders in accordance with the Change Control Process.

Figure 4 - Project Schedule

Project Phase	Begin Date	End Date
Analysis, Design, Business Requirements	February 14, 2017	March 31, 2017
Application Development	April 1, 2017	October 2, 2017
Testing	October 2, 2017	October 31, 2017
Public Beta Release	October 2, 2017	January 2, 2018
Go Live		January 2, 2018
Support & Maintenance	January 2, 2018	March 30, 2018

Figure 5 - Fiscal Year 2017 Resource Calendar

Resource	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
Programmer									100%	100%	100%	100%
Programmer									100%	100%	25%	100%
Project Manager									20%	20%	20%	5%
IT Analyst									20%	30%	30%	20%
IT Stakeholder									20%	30%	30%	20%
IT Systems									0%	0%	0%	0%
Programmer									0%	0%	20%	10%
Sponsor									20%	10%	5%	5%
Programmer											100%	100%

Figure 6 - Fiscal Year 2018 Resource Calendar

Resource	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18
Programmer	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		
Programmer	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%		
Project Manager	5%	5%	10%	20%	20%	20%	20%	5%	5%	5%		
IT Analyst	10%	10%	10%	10%	10%	10%	25%	25%	5%	5%		
IT Stakeholder	10%	10%	10%	10%	10%	10%	25%	25%	5%	5%		
IT Systems	0%	0%	20%	5%	0%	0%	5%	0%	0%	0%		
Programmer	10%	0%	0%	0%	0%	5%	0%	0%	0%	0%		
Sponsor	0%	0%	0%	5%	5%	5%	5%	0%	0%	0%		
Programmer	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		

PROJECT COSTS

The Project Manager will be responsible for managing and reporting the project's cost throughout the duration of the project. The Project Manager will present and review the project's cost performance during the monthly project status meeting. The Project Manager is responsible for accounting for cost deviations and presenting the Project Sponsor with options for getting the project back on budget. All budget authority and decisions, to include budget changes, reside with the See The Money Project Sponsor.

Cost and Schedule Performance Index (CPI and SPI respectively) will be reported on at the monthly meeting. Any corrective actions will require a project change request and be must approved by the CCB before it can be implemented.

If there are indications that cost deviations of more than +10% or schedule deviations impacting major milestones will occur before a subsequent meeting, the Project Manager will communicate this to the Project Sponsor immediately.

Figure 7 - Project Cost Baseline

Item	Fiscal Year 2017	Fiscal Year 2018	Total
Dedicated Staff	\$62,214	\$121,092	\$183,306
Other Staff	\$17,826	\$22,985	\$40,812
Contractors	\$34,000	\$174,000	\$208,800
Software	\$27,000	0	\$27,000
Testing	0	\$1,600	\$1,600
Totals	\$141,840	\$319,677	\$461,517

PROJECT MILESTONES

The charts below list the major milestones for the See The Money Project. There may be smaller milestones which are not included on this chart but are included in the project schedule. If there are any scheduling delays which may impact a milestone or delivery date, the Project Manager must be notified immediately so proactive measures may be taken to mitigate any delays in scheduled dates. Any approved changes to these milestones or dates will be communicated to the Project Team by the Project Manager.

Figure 8 –Major Milestones

Project	Milestone	Description	End Date
See The Money	Design: Wireframes and Data	Design all wireframes and data design diagrams	Fri 3/31/2017
See The Money	Proof of Concept	Provide functional proof of concept that includes core business requirements	Wed /28/2017
See The Money	Public Beta Release	Release Minimum Viable Product release into public beta	Mon 10/2/2017
See The Money	Go Live	Move all Tested and Signed-off deliverables from beta testing environment to General Availability	Tue 1/2/2018

CHANGE MANAGEMENT

The following steps comprise the See The Money Change Control Process (CCP):

STEP #1: IDENTIFY THE NEED FOR A CHANGE (ANY STAKEHOLDER)

- ✓ Requestor will submit a completed change request form to the Project Manager

STEP #2: LOG CHANGE IN THE CHANGE REQUEST SOFTWARE (PROJECT MANAGER)

- ✓ The Project Manager will maintain a log of all change requests for the duration of the project

STEP #3: CONDUCT AN EVALUATION OF THE CHANGE (CHANGE CONTROL TEAM)

- ✓ The Change Control Team will conduct an evaluation of the impact of the change to cost, risk, resources and schedule and decide whether or not it will be approved based on all submitted information

STEP #4: IMPLEMENT CHANGE (PROJECT MANAGER)

- ✓ If a change is approved by the CCTM, the Project Manager will update and re-baseline project documentation as necessary as well as ensure any changes are communicated to the Team and Stakeholders

Any Team member or Stakeholder may submit a change request for the See The Money Project. The See The Money Project Sponsor will chair the CCMT and any changes to project scope, cost, or schedule must meet their approval. All change requests, whether approved or not, will be logged in the change control software by the Project Manager and tracked through to completion.

BOUNDARY CONDITIONS

In any project plan, changes are sure to occur. Change must be managed in such a way that when certain conditions are met, the Project Team will be alerted so that they may deal with the issue. Generally, changes or impediments to the project's schedule, cost, resources, or risk may cause a boundary action if they meet certain conditions. Figure 9 - Boundary Conditions lists the conditions that may trigger a boundary action.

When changes are proposed, the Team will determine if they may exceed any boundary condition. If established boundary controls may be exceeded, a change request will be submitted to the Project Manager. The Project Manager and Change Management Team will determine the impact of the change on the schedule, cost, resources, and risks. Likewise, if any Team Member determines that a boundary condition may be exceeded for any other reason, they will notify the Project Manager who will communicate the impact to the Team for review. If it is determined that the impacts will exceed the boundary conditions, the change will be forwarded to the Project Stakeholders for review and approval.

Figure 9 - Boundary Conditions

Boundary Conditions	
Schedule	If a change in <u>schedule</u> of a Critical Path Milestone is required, then a Boundary Condition exists.
Costs	If an increase in <u>cost</u> of more than 10% above the baseline cost for any single project item is discovered, then a Boundary Condition exists.
Resources	If a reduction in <u>resources</u> occurs, or resource utilization above 20% of the baseline Resource Calendar is proposed, then a Boundary Condition exists.
Risks	If new <u>risks</u> are discovered, or an escalation in risks occurs, then a Boundary Condition exists.

COMMUNICATIONS MANAGEMENT

The Communications Management Plan sets the communications framework for this project. It will serve as a guide for communications throughout the life of the project and will be updated as communication requirements change. This plan identifies and defines the roles of the See The Money Project Team members as they pertain to communications. It also includes a communications matrix which maps the communication requirements of this project, and communication conduct for meetings and other forms of communication. A Project Team directory is also included to provide contact information for all Stakeholders directly involved in the project.

The Project Manager will take the lead role in ensuring effective communications on this project. The communications requirements are documented in the Communications Matrix below. The Communications Matrix will be used as the guide for what information to communicate, who is to do the communicating, when to communicate it, and to whom to communicate.

Figure 10 - Communications Schedule

Communication Type	Description	Frequency	Format	Participants/ Distribution	Deliverable	Owner
Bi-Weekly Status Report	Email summary of project status	Bi-Weekly	Email	Project Sponsor, Team and Stakeholders	Status Report	Project Manager
Weekly or Bi-Weekly Project Team Meeting	Meeting to review actions and status	Bi-Weekly	In Person	Project Team	Updated Action Register	Project Manager
Project Monthly Update	Present Project Status to Stakeholders	Monthly	In Person	Project Sponsor, Team, and Stakeholders	Status Presentation	Project Team
Project Phase Reviews	Present closeout of project stages and kickoff next stage	As Needed	In Person	Project Sponsor, Team and Stakeholders	Phase completion report and phase kickoff	Project Team
Technical Design Review	Review of any technical designs or work associated with the project	As Needed	In Person	Project Team	Technical Design Package	Project Team
Software Demonstrations	Show Software Features	As Needed	In Person	Project Sponsor, Team, and Stakeholders	Software Demo	Project Team

Figure 11 - Project Team Contacts

Name	Roles	Other Role(s)	Change Control Board	E mail	Office Phone	Cell Phone
Michele Reagan	Project Sponsor, Stakeholder		X	mreagan@azsos.gov		
Bill Maaske	IT Stakeholder	QA	X	bmaaske@azsos.gov	602-926-3603	602-361-2938
Garrett Archer	Project Manager	QA		garcher@azsos.gov	602-364-3222	480-338-8594
Ken Matta	IT Analyst	QA		kmatta@azsos.gov	602-926-3738	602-513-3945
Tony Baker	Programmer	QA	X	tbaker@azsos.gov	602-926-3608	
Sara Muth	Programmer	QA		smuth@azlibrary.gov	602-926-3933	480-544-2500
Frank Brotz	IT Systems			fjbrotz@azsos.gov	602-926-3829	623-826-5061
Lee Miller	Project Stakeholder		X	lmiller@azsos.gov	602-542-4919	602-291-4489
Liz Atkinson	Project Stakeholder, CFO		X	latkinson@azsos.gov	602-542-6171	480-231-9114
Matt Roberts	Project Stakeholder			mroberts@azsos.gov	602-542-2228	
Sara Larsen	Project Stakeholder	QA	X	Sara.larsen@azcleaselections.gov	602-584-3477	

MEETINGS

The Project Manager will distribute a meeting agenda at least one day prior to any scheduled meeting and all participants are expected to review the agenda prior to the meeting. During all project meetings, the Project Manager will ensure that the group adheres to the times stated in the agenda and will take all notes for distribution to the Team upon completion of the meeting. It is imperative that all participants arrive to each meeting on time and all cell phones should be turned off or set to vibrate mode to minimize distractions. Meeting minutes will be distributed no later than 24 hours after each meeting is completed.

EMAIL

All email pertaining to the See The Money Project should be professional, free of errors, and provide brief

communication. Email should be distributed to the correct project participants in accordance with the communication matrix above based on its content. If the email is to bring an issue forward then it should discuss what the issue is, provide a brief background on the issue, and provide a recommendation to correct the issue. The Project Manager should be included on any email pertaining to the See The Money Project.

INFORMAL COMMUNICATIONS

While informal communication is a part of every project and is necessary for successful project completion, any issues, concerns, or updates that arise from informal discussion between Team members must be communicated to the Project Manager so the appropriate action may be taken.

PROCUREMENT MANAGEMENT

Any procurement actions exceeding the budgeted amount by more than +10%, must be approved by the Project Sponsor and Chief Financial Officer.

While this project requires minimal procurement, the Project Manager will work with the Project Team to identify all items or services to be procured for the successful completion of the project.

The Project Manager will be responsible for management of any selected vendor or external resource. The Project Manager will also measure performance as it relates to the vendor providing necessary goods and/or services and communicate this to IT Management.

EXTERNAL RESOURCE MANAGEMENT

The Project Manager will be responsible for management of any selected external resource or vendor.

OUTSIDE CONTRACTORS

The Team has identified that accomplishing the project deliverables on the projected timeline can be more readily accomplished with outside assistance. The high-level project plan lists this resource as a single contract programmer. This position may be filled by separate resources, depending on skillsets and project needs. As the project progresses, the best use of outside resources will be split amongst the following three tasks:

- 1) Business Logic – This would be a contract programmer position that would assist the lead programmer in developing the business logic used by the Campaign Finance management Application so that data driven visual elements can be interactive and inter-relational for the end user. It is anticipated that this resource is required for less than 12 months.
- 2) Front End Design – This would be a contract web designer position that would help to make the Campaign Finance Reporting website as attractive and functionally presentable as possible. It is anticipated that this resource is required for one month.
- 3) End User Documentation – This position may be filled by a contract position or an internal position. Their responsibility would be to develop all end-user documentation for the application, including writing all the manuals and help screens. It is anticipated that this resource is required for less than 2 months.

PROJECT SCOPE MANAGEMENT

Scope management for the See The Money Project will be the sole responsibility of the Project Manager. The scope for this project is defined by the design documentation and project plan. The Project Manager, Sponsor, and Stakeholders will establish and approve documentation for measuring deliverables based on quality and work performance measurements.

Proposed scope changes may be initiated by the Project Manager, Stakeholders, or any member of the Project Team. All change requests will be submitted to the Project Manager who will then evaluate the requested scope change. Upon acceptance of the scope change request, the Project Manager will submit the scope change request to the Change Control Board and Project Sponsor for acceptance. Upon approval of scope changes by the Change Control Board and Project Sponsor, the Project Manager will update all project documents and communicate the scope change to all Stakeholders. Based on feedback and input from the Project Manager and Stakeholders, the Project Sponsor is responsible for the acceptance of the final project deliverables and project scope.

Acceptance will be based on a review of all project documentation, functionality, testing results, and completion of all tasks/work packages.

SCHEDULE MANAGEMENT

Project schedules for the See The Money Project will be created using Microsoft Project . Activity definition will identify the specific work packages which must be performed to complete each deliverable. Activity sequencing will be used to determine the order of work packages and assign relationships between project activities. Activity duration estimating will be used to calculate the number of work periods required to complete work packages. Resources will be assigned to work packages in order to complete schedule development.

Once a preliminary schedule has been developed, it will be reviewed by the Project Team and any resources tentatively assigned to project tasks. The Project Team and resources must agree to the proposed work package assignments, durations, and schedule. Once this is achieved the Project Sponsor will review and approve the schedule and it will then be base lined.

The following will be included in all project schedules:

- ✓ Completion of scope statement
- ✓ Baselined project schedule
- ✓ Approval of final project budget
- ✓ Project kick-off
- ✓ Approval of roles and responsibilities
- ✓ Business Requirements definition approval
- ✓ Wireframe design sign-offs
- ✓ Completion of data mapping/inventory
- ✓ Project implementation
- ✓ Acceptance of final deliverables

Roles and responsibilities for schedule development are as follows:

The Project Manager will be responsible for facilitating work package definition, sequencing, and estimating duration and resources with the Project Team. The Project Manager will also create the project schedule using Microsoft Project and validate the schedule with the Project Team, Stakeholders, and the Project Sponsor. The Project Manager will obtain schedule approval from the Project Sponsor and baseline the schedule.

The Project Team is responsible for participating in work package definition, sequencing, duration, and resource estimating. The Project Team will also review and validate the proposed schedule and perform assigned activities once the schedule is approved.

The Project Sponsor will participate in reviews of the proposed schedule and approve the final schedule before it is baselined.

The Project Stakeholders will participate in reviews of the proposed schedule and assist in its validation.

QUALITY MANAGEMENT

All members of the See The Money Project Team will play a role in quality management. Employing both IT acceptance testing and Business acceptance testing results in high quality products.

The Project Sponsor is responsible for approving all quality standards for the See The Money Project. The Project Sponsor will review all project tasks and deliverables to ensure compliance with established and approved quality standards. The Project Manager is responsible for quality management throughout the duration of the project. The Project Manager is responsible for implementing the Quality Management Plan and ensuring all tasks, processes, and documentation are compliant with the plan. The Project Manager will work with the Project Sponsor to establish acceptable quality standards. The Project Manager is also responsible for communicating all quality standards to the Project Team and Stakeholders.

The Project Team and Stakeholders will be responsible for assisting the Project Manager in the establishment of acceptable quality standards. They will also work to ensure that all quality standards are met and communicate any concerns regarding quality to the Project Manager.

Quality control for the See The Money Project will utilize tools and methodologies for ensuring that all project deliverables comply with approved quality standards. To meet deliverable requirements and expectations, we must implement a formal process in which quality standards are measured and accepted.

The See The Money Project must meet the quality standards established in the quality baseline. The quality baseline provides the acceptable quality levels of the Project. The Project must meet or exceed the quality baseline criterion in order to achieve success.

Figure 12 – See The Money Quality Baseline

Item	Quality Criterion
See The Money Landing page	User is able to navigate to all of the Campaign Finance Reporting entity pages
Elections Overview	User is able to see and interactive with filtering and visual objects. User can share content on various common standard platforms
Candidate Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Candidate Detail Data Panel	User is able to select either contributions or expenditures. User can apply faceted filtering objects to populate and slice transaction level data. User can remove a filter by removing facet. User can export data panel in common formats. User can share content on various common standard platforms
Candidate Detail Panel	User is able to view information pertinent to the selected committee. User can download filed Campaign Finance reports in a PDF format. User can share content on various common standard platforms

Political Action Committee Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Political Action Committee Detail Panel	User is able to view information pertinent to the selected committee. User can download filed Campaign Finance reports in a PDF format. User can share content on various common standard platforms
Party Committee Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Party Committee Detail Panel	User is able to view information pertinent to the selected committee. User can download filed Campaign Finance reports in a PDF format. User can share content on various common standard platforms
Organization Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Organization Detail Panel	User is able to view information pertinent to the selected organization, including contributions made to all other committees and expenditures made in support of or in opposition to entity types. User can download filed Campaign Finance Reports in a PDF format. User can share content on various common standard platforms
Ballot Measure Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Ballot Measure Detail Panel	User is able to view information pertinent to the selected ballot measure. User can share content on various common standard platforms
Contributor Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Contributor Detail Panel	User is able to view data on the selected contributor Including donations made to all committees. User can share content on various common standard platforms
Expense/Vendor Search	User is able to see and interact with filtering, visual, and data objects. User can execute 3-character autocomplete search using dedicated input box. User can share content on various common standard platforms
Expense/Vendor Detail Panel	User is able to view data on the selected vendor, including all payments made from other committees. User can share content on various common standard platforms

Advanced Search	User is able to select either contributions or expenditures. User can apply faceted filtering objects to populate and slice transaction level data. User can remove a filter by removing facet. User can export data panel in common formats. User can share content on various common standard platforms
Compare Panel	User is able to compare up to 4 related entity types using either the provided input objects or using a temporary save procedure similar to an e-commerce shopping cart.

RISK MANAGEMENT

The approach for managing risks for the Campaign Management and Reporting Project includes a methodical process by which the Project Team identifies, scores, and ranks the various risks. Every effort will be made to proactively identify risks ahead of time in order to implement a mitigation strategy from the project's onset. The most likely and highest impact risks were added to the project schedule to ensure that the assigned risk managers take the necessary steps to implement the mitigation response at the appropriate time during the schedule. The Project Manager will provide status updates on their assigned risks in the Project Team meetings.

Upon the completion of the project, during the closing process, the Project Manager will analyze each risk as well as the risk management process. Based on this analysis, the Project Manager will identify any improvements that can be made to the risk management process for future projects. These improvements will be captured as part of the lessons learned knowledge base.

The risks identified for this project are detailed in Figure 13 - Risk Register.

Figure 23 - Risk Register

Risk	Probability	Impact	Action to Prevent
On-Site Network or Server Disruption in Service	Very Low	Critical	Seek outside vendor for hosting
Events Impacting Timeline	Low	High	Proactive management
Changes in Project Scope	Medium	High	Proactive management
Statutory Changes	Low	Unknown	None

STAFFING MANAGEMENT

The Project Team will consist of a matrix management structure with support from various internal organizations. All work will be performed internally. Staffing requirements for the See The Money Project include the following:

Project Sponsor (1 position) - responsible for providing clear direction for the project and how it will meet the overall goals of the administration. This role will ensure that the project meets milestones on time, on budget and within scope. Also, this role will provide feedback to the necessary Stakeholders and champion the project to the administration to maintain their investment and keep them aligned with the vision of the project throughout its life cycle.

Project Manager (1 position) – responsible for all management for the See The Money Project. The Project Manager is responsible for planning, creating, and/or managing all work activities, variances, tracking, reporting, communication, performance evaluations, staffing, and internal coordination with functional managers.

Architect / Programmer (1 position) – Responsible for the See The Money Project architecture, definition, organization, add estimation of development tasks, identification of technical project risks, defining and developing application framework, coding and programming. The architect is also responsible for quality assurance and testing, and status updates to the Project Manager.

Programmer (3 positions) – responsible for coding and programming for the See The Money Project. Coding and programming tasks prior to implementation will be discussed and approved upon within group session(s). Responsibilities also include assisting with risk identification, determining impacts of change requests, and status updates to the Project Manager. The Programmer will be managed and appraised by the Project Manager.

Quality Testers (1 to 3 positions) – responsible for executing testing scripts, determining if the application is functioning correctly, and communicating their results to the Project Team.

Technical Writer (1 position) – responsible for producing all product documentation and help screens. The Technical Writer will be managed by the Project Manager.

Front-End Programmer (1 position) – response for defining and implementing a clean, professional, artistic and user friendly web page experience for all users. The Front-End Programmer will be managed by the Project Manager who will also provide feedback to other programmers on the Team.

The Project Manager will negotiate with all Team members in order to identify and assign resources for this project. All resources must be approved by the appropriate personnel before the resource may begin any project work. The Project Team will not be co-located for this project and all resources will remain in their current workspace.

SPONSOR ACCEPTANCE

Approved by the Project Sponsor and IT Sponsor:

Michele Reagan

Project Sponsor

Date: _____

Bill Maaske

IT Sponsor

Date: _____

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Steve M. Titla
Chair

Damien R. Meyer
Mark S. Kimble
Galen D. Paton
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcanelections.gov

MEMORANDUM

To: Commissioners

From: Thomas Collins

Date: 3/20/17

Subject: Secretary of State “See the Money” Proposal and Related Issues

Background

As discussed at the February meeting, the Secretary of State proposes the Commission enter into an Interagency Service Agreement (ISA) related to the “See the Money” Campaign Finance Public Reporting Application¹ that will provide the public easier access to information related to campaign contributions and expenditures on a state-wide basis. State statute provides that ISAs “entered into between budget units may provide for reimbursement for services performed or advancement of funds for services to be performed.” A.R.S. § 35-148(A). “[M]onies received by the budget unit performing the services shall be credited to its appropriation account for its use in performing the services.” *Id.*

Proposal

In this instance, the Secretary of State proposes that the Commission agree to an expenditure to accelerate the development of the system. The Secretary of State has funds to cover additional expenses associated with the project. With the funds from the Commission, the changes will be able to go to public beta on October 2, 2017 and live on January 2, 2018, when the next election cycle begins in earnest.²

The current system, which the Commission funded in part, improved the old site by allowing users to more easily drill into campaign finance data. The new iteration aims to increase public

¹ The See the Money application is the public face of the campaign finance reporting system.

The Secretary’s office is also working its latest of the back end, data entry side of the system, known Campaign Finance System 4 (CFS4), additional the Secretary is responsible for the E-Equal system for participating candidates which is housed in the current campaign finance system).

² Participating Candidates may begin collecting qualifying contributions August 1, 2017.

access and transparency in campaign finance. First, as noted, it will have the capability (eventually) of housing all state and local information. Second, it is intended to have a more intuitive design and permit users to follow the flow of money from any link on the site. Users should be able to identify contributors or vendors and their multi-directional relationships to the different types of committees. For example, users should be able to see:

- all the committees that have made expenditures to a specific vendor
- all the contributors that have made contributions to a specific committee and;
- all the committees that have received contributions from a specific donor.

By comparison, the current system only allows users to look into a specific committee's expenses and contributions, the new system allows them to move up-down-and-across campaign finance information, including donors, vendors and other entities which supports the education of all voters.

We anticipate users will be able to download their results in a tabular format, run summaries of committee and other entity activity, and have access to a regularly updated copy of the entire database via the web. Additional features are to include trending reports on spending and searches as well as mobile compatibility.³

In addition, the Secretary and her staff agree that the system will identify participating candidates, identify the date of transactions and the date reported, provide the Commission complete access to all data [in perpetuity], provide access to quality assurance testing to allow for the Commission staff to assist customers, and provide the CCEC a seat on the steering committee for the project as well as CEC business analyst or developer access to the See the Money project. The Secretary is meanwhile also working on the underlying campaign finance system that committees and other entities use to file reports (CFS4).

Finally, all Commission reports, including those participants by participating candidates, PACs and other 16-941(D) filers will be available and the Commission will be provided a means within the system to contact these entities about Commission filing requirements. We anticipate participating candidates should be able to electronically apply for certification. The description of the reports required by 16-941(D) will reflect the Commission's view of that statute to avoid any confusion.⁴

The Secretary's Office proposed a \$200,000 expenditure and desire for two separate ISAs. On Monday, March 20, 2017 the Secretary of State clarified that the first ISA, as we understand it, would encompass the "See the Money" project. The Secretary's Office informed Commission staff that a second ISA would be necessary for the following services:

- 1) SOS will continue support and maintenance of the Campaign Finance and See the Money applications
- 2) Read only access for CCEC to raw database records for filed transactions and all other CFS data
- 3) CCEC incremental reports as required
- 4) 16-941D independent expenditure reports

³ The Secretary's Project Proposal is attached as Exhibit 1.

⁴ These items are not included in the attached Project Proposal.

- 5) Access for CCEC to QA system for CFS
- 6) Emails from CFS sent as CCEC

Those services would be provided for an *additional* \$50,000 per year for an indefinite number of years. The Secretary proposes that “[t]he exact details of the continuing maintenance and support will be clearly defined, yet including the above items, in the secondary ISA to ensure no confusion of responsibilities of either SOS or CCEC. The term of the ISA will be discussed and in enough length to ensure coverage during high peak seasons and renegotiated during off election years.”

Funds will be used exclusively for the purposes identified in a formal ISA.

Recommendation

We recommend authorizing staff to negotiate an ISA or ISAs with the Secretary of State.

The matters addressed above will still need to be developed into a formal ISA document with both agencies. Commission staff will work to ensure that the agreement is fair and protects the Commission’s financial, educational and enforcement interests before returning to the Commission for final approval to authorize signature. There is no agreement prior to the Commission’s final approval of the ISA. The ISA or ISAs will supersede any proposals or descriptions provided.

Commission staff at this point does not see the need for two ISAs, but does not see this as an impediment to negotiation on an agreement or agreements.

Commission staff likewise does not recommend accepting the payment terms and amounts proposed by the Secretary of State, but believes that those numbers should be subject to the negotiation, should the Commission authorize it.

The total cost of the Secretary’s proposal to the Commission is unknown at this point, because the term of the second ISA is unknown. The Secretary has not identified an endpoint.

In addition, we will request that the Secretary of State provide to Commission staff a breakdown of all of the campaign finance applications (for example, See the Money, CFS4, and the E-Qual system), costs, and work completed to date.

Assuming a 5-year term on the second ISA, the total cost is **\$450,000**.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Brandon Dwyer
Participating Candidate for
State Representative – District No. 15
General Election 2016**

**Independent Accountants' Report on
Applying Agreed-Upon Procedures**

Chairman and Members of the Commission
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Dwyer for Arizona (the Candidate) Campaign Finance Reports for both the Pre-General (September 20, 2016 to October 27, 2016) and the Post-General (October 28, 2016 to November 28, 2016) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Pre-General and Post-General Campaign Finance Reports. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the Pre-General (September 20, 2016 to October 27, 2016) and Post-General (October 28, 2016 to November 28, 2016) Campaign Finance Reports from the Arizona Secretary of State's website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- c) Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d) Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates chosen for a General Election Audit shall provide records from the Pre-General Election Report and the Post-General Election Report.

Finding

Commission staff sent an initial notice of general random audit selection to the Candidate and informed the Candidate that we would be contacting him. We then communicated to the Candidate in a written request, the purpose of the engagement, agreed-upon procedures to be performed, documentation needed and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The Contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the campaign committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, spouse, children, siblings and a parent or spouse of any of those persons.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected ten withdrawals (no deposits noted) from the bank statements for the periods reviewed and determined that they appeared to be properly recorded in the Candidate's campaign finance reports with no exceptions noted.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (i) For other types of cash receipts reported in the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation and to the Candidate's finance report, with no exceptions noted.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address and nature of goods or services provided to the information reported in the Candidate's campaign finance report, with one exception noted. The name and address for one expenditure totaling \$174.00 included in the Campaign finance report did not agree to the supporting documentation provided.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes, with one exception noted. The name and address for one expenditure totaling \$174.00 included in the Campaign finance report did not agree to the supporting documentation provided, and therefore we were unable to determine if the expenditure was made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,420.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- (i) If applicable, judgmentally select a sample of expenditures made from the Candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- (i) If a legal defense fund was established, how were these funds accounted for?

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- h) Contact the Candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the Candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the Pre-General and Post-General Campaign Finance Reports of Dwyer for Arizona. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Citizens Clean Elections Commission, and is not intended to be and should not be used by anyone other than this specified party.

Foster & Chapman P.C.

March 15, 2017

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Rosanna Gabaldon
Participating Candidate for
State Representative – District No. 2
General Election 2016**

**Independent Accountants' Report on
Applying Agreed-Upon Procedures**

Chairman and Members of the Commission
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Elect Gabaldon 2016 (the Candidate) Campaign Finance Reports for both the Pre-General (September 20, 2016 to October 27, 2016) and the Post-General (October 28, 2016 to November 28, 2016) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Pre-General and Post-General Campaign Finance Reports. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the Pre-General (September 20, 2016 to October 27, 2016) and Post-General (October 28, 2016 to November 28, 2016) Campaign Finance Reports from the Arizona Secretary of State's website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- c) Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d) Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates chosen for a General Election Audit shall provide records from the Pre-General Election Report and the Post-General Election Report.

Finding

Commission staff sent an initial notice of general random audit selection to the Candidate and informed the Candidate that we would be contacting her. We then communicated to the Candidate in a written request, the purpose of the engagement, agreed-upon procedures to be performed, documentation needed and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The Contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the campaign committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, spouse, children, siblings and a parent or spouse of any of those persons.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected ten withdrawals (there were no deposits noted) from the bank statements for the periods reviewed and determined that they appeared to be properly recorded in the Candidate's campaign finance reports with no exceptions noted.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (i) For other types of cash receipts reported in the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation and to the Candidate's finance report, with no exceptions noted.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address and nature of goods or services provided to the information reported in the Candidate's campaign finance report without exception.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,420.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- (i) If applicable, judgmentally select a sample of expenditures made from the Candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- (i) If a legal defense fund was established, how were these funds accounted for?

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- h) Contact the Candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the Candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the Pre-General and Post-General Campaign Finance Reports of Elect Gabaldon 2016 Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Citizens Clean Elections Commission, and is not intended to be and should not be used by anyone other than this specified party.

Hester & Chapman P.C.

March 2, 2017

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Jason Lindstrom
Participating Candidate for
State Representative – District No. 14
General Election 2016**

**Independent Accountants' Report on
Applying Agreed-Upon Procedures**

Chairman and Members of the Commission
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Committee to Elect Jason Lindstrom (the Candidate) Campaign Finance Reports for both the Pre-General (September 20, 2016 to October 27, 2016) and the Post-General (October 28, 2016 to November 28, 2016) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Pre-General and Post-General Campaign Finance Reports. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the Pre-General (September 20, 2016 to October 27, 2016) and Post-General (October 28, 2016 to November 28, 2016) Campaign Finance Reports from the Arizona Secretary of State's website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- c) Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d) Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates chosen for a General Election Audit shall provide records from the Pre-General Election Report and the Post-General Election Report.

Finding

Commission staff sent an initial notice of general random audit selection to the Candidate and informed the Candidate that we would be contacting him. We then communicated to the Candidate in a written request, the purpose of the engagement, agreed-upon procedures to be performed, documentation needed and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The Contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the campaign committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, spouse, children, siblings and a parent or spouse of any of those persons.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected ten withdrawals (no deposits noted) from the bank statements for the periods reviewed and determined that they appeared to be properly recorded in the Candidate's campaign finance reports with no exceptions noted.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (i) For other types of cash receipts reported in the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's campaign finance report during the periods reviewed.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:
 - (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation and to the Candidate's finance report, with one exception noted. The Campaign finance report included a \$127.50 expenditure on 10/13/16 for food and refreshments at a campaign event, however no supporting documentation was retained by the Candidate. Per the Citizens Clean Elections Act & Rule Manual rule R2-20-703(A)(2), all participating candidates shall retain records with respect to each expenditure and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years, and shall present these records to the Commission on request.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address and nature of goods or services provided to the information reported in the Candidate's campaign finance report, with one exception noted. The Campaign finance report included a \$127.50 expenditure on 10/13/16 for food and refreshments at a campaign event, however no supporting documentation was retained by the Candidate. Per the Citizens Clean Elections Act & Rule Manual rule R2-20-703(A)(2), all participating candidates shall retain records with respect to each expenditure and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years, and shall present these records to the Commission on request.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes, with one exception noted. The Campaign finance report included a \$127.50 expenditure on 10/13/16 for food and refreshments at a campaign event, however no supporting documentation was retained by the Candidate. Per the Citizens Clean Elections Act & Rule Manual rule R2-20-703(A)(2), all participating candidates shall retain records with respect to each expenditure and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years, and shall present these records to the Commission on request.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,420.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- (i) If applicable, judgmentally select a sample of expenditures made from the Candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- (i) If a legal defense fund was established, how were these funds accounted for?

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- h) Contact the Candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor

anticipates presenting to the CCEC. During this conference, the Contractor will advise the Candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the Pre-General and Post-General Campaign Finance Reports of Committee to Elect Jason Lindstrom. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Citizens Clean Elections Commission, and is not intended to be and should not be used by anyone other than this specified party.

Foster & Chapman P.C.

March 15, 2017

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Barbara McGuire
Participating Candidate for
State Senator – District No. 8
General Election 2016**

**Independent Accountants' Report on
Applying Agreed-Upon Procedures**

Chairman and Members of the Commission
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Committee to Elect Barbara McGuire (the Candidate) Campaign Finance Reports for both the Pre-General (September 20, 2016 to October 27, 2016) and the Post-General (October 28, 2016 to November 28, 2016) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Pre-General and Post-General Campaign Finance Reports. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the Pre-General (September 20, 2016 to October 27, 2016) and Post-General (October 28, 2016 to November 28, 2016) Campaign Finance Reports from the Arizona Secretary of State's website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- c) Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d) Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates chosen for a General Election Audit shall provide records from the Pre-General Election Report and the Post-General Election Report.

Finding

Commission staff sent an initial notice of general random audit selection to the Candidate and informed the Candidate that we would be contacting her. We then communicated to the Candidate in a written request, the purpose of the engagement, agreed-upon procedures to be performed, documentation needed and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The Contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the campaign committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, spouse, children, siblings and a parent or spouse of any of those persons.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected ten withdrawals (there were no deposits noted) from the bank statements for the periods reviewed and determined that they appeared to be properly recorded in the Candidate's campaign finance reports with no exceptions noted.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (i) For other types of cash receipts reported in the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation and to the Candidate's finance report, with no exceptions noted.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address and nature of goods or services provided to the information reported in the Candidate's campaign finance report without exception.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the campaign bank account without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes, with the following reporting error noted. One expenditure totaling \$1,482.90 tested was for a mileage reimbursement to the Candidate. \$700.00 of the mileage expenditures were incurred during the Post-Primary period and \$782.90 of the mileage expenditures were incurred during the Pre-General period. Per the Citizens Clean Elections Act & Rules Manual rule R2-20-109(D)(2)(a), use campaign funds to reimburse the owner of the automobile at a rate not to exceed the state mileage reimbursement rate in which event the reimbursement shall be considered a direct campaign expense and shall be reported as an expenditure and reported in the reporting period in which the expenditure was incurred.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,420.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- (i) If applicable, judgmentally select a sample of expenditures made from the Candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- (i) If a legal defense fund was established, how were these funds accounted for?

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- h) Contact the Candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the Candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the Pre-General and Post-General Campaign Finance Reports of Committee to Elect Barbara McGuire. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Citizens Clean Elections Commission, and is not intended to be and should not be used by anyone other than this specified party.

Foster & Chapman P.C.

March 8, 2017

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Jennifer Pawlik
Participating Candidate for
State Representative – District No. 17
General Election 2016**

**Independent Accountants' Report on
Applying Agreed-Upon Procedures**

Chairman and Members of the Commission
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Jennifer Pawlik for AZ (the Candidate) Campaign Finance Reports for both the Pre-General (September 20, 2016 to October 27, 2016) and the Post-General (October 28, 2016 to November 28, 2016) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Pre-General and Post-General Campaign Finance Reports. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the Pre-General (September 20, 2016 to October 27, 2016) and Post-General (October 28, 2016 to November 28, 2016) Campaign Finance Reports from the Arizona Secretary of State's website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- c) Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d) Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates chosen for a General Election Audit shall provide records from the Pre-General Election Report and the Post-General Election Report.

Finding

Commission staff sent an initial notice of general random audit selection to the Candidate and informed the Candidate that we would be contacting her. We then communicated to the Candidate in a written request, the purpose of the engagement, agreed-upon procedures to be performed, documentation needed and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The Contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the campaign committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, spouse, children, siblings and a parent or spouse of any of those persons.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected nine withdrawals and one deposit (entire population) from the bank statements for the periods reviewed and determined that they appeared to be properly recorded in the Candidate's campaign finance reports with no exceptions noted.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted, however during this testwork it was noted that the Campaign had a Post-General Election Report balance of \$127.78. Per discussion with the Candidate, it was determined that this amount was remitted to the Commission, and was reported on the 2017 1st Report.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (i) For other types of cash receipts reported in the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:
- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation and to the Candidate's finance report, with no exceptions noted.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address and nature of goods or services provided to the information reported in the Candidate's campaign finance report without exception.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

Two expenditures we tested appeared to be for joint expenditures made in conjunction with another campaign. The amounts paid appear to represent the Candidate's proportionate share of the total cost.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,420.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- (i) If applicable, judgmentally select a sample of expenditures made from the Candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- (i) If a legal defense fund was established, how were these funds accounted for?

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- h) Contact the Candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the Candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the Pre-General and Post-General Campaign Finance Reports of Jennifer Pawlik for AZ Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Citizens Clean Elections Commission, and is not intended to be and should not be used by anyone other than this specified party.

Foster & Chapman P.C.

March 9, 2017

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Cara Prior
Participating Candidate for
State Representative – District No. 16
General Election 2016**

**Independent Accountants' Report on
Applying Agreed-Upon Procedures**

Chairman and Members of the Commission
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Cara for AZ House (the Candidate) Campaign Finance Reports for both the Pre-General (September 20, 2016 to October 27, 2016) and the Post-General (October 28, 2016 to November 28, 2016) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Pre-General and Post-General Campaign Finance Reports. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the Pre-General (September 20, 2016 to October 27, 2016) and Post-General (October 28, 2016 to November 28, 2016) Campaign Finance Reports from the Arizona Secretary of State's website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- c) Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d) Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates chosen for a General Election Audit shall provide records from the Pre-General Election Report and the Post-General Election Report.

Finding

Commission staff sent an initial notice of general random audit selection to the Candidate and informed the Candidate that we would be contacting her. We then communicated to the Candidate in a written request, the purpose of the engagement, agreed-upon procedures to be performed, documentation needed and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The Contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the campaign committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, spouse, children, siblings and a parent or spouse of any of those persons.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected eight withdrawals and one deposit (entire population) from the bank statements for the periods reviewed and determined that they appeared to be properly recorded in the Candidate's campaign finance reports, with the following exceptions. Three withdrawals tested were determined to be for personal purchases, totaling \$85.28. Per discussion with the Campaign Treasurer, the Campaign believed the balance of funds in the Campaign bank account were available unused funds, and therefore used the funds for personal purchases. The total amount of these purchases has been reimbursed by the Candidate to the Commission.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

- (i) For other types of cash receipts reported in the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's campaign finance reports during the periods reviewed.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's campaign finance reports during the periods reviewed.

e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation and to the Candidate's finance report, with no exceptions noted.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address and nature of goods or services provided to the information reported in the Candidate's campaign finance report without exception.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

One expenditure we tested appeared to be for joint expenditure made in conjunction with another campaign. The amount paid appears to represent the Candidate's proportionate share of the total cost.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,420.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- (i) If applicable, judgmentally select a sample of expenditures made from the Candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods reviewed.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- (i) If a legal defense fund was established, how were these funds accounted for?

Finding

Based on inquiry of the Candidate, the campaign did not establish a legal defense fund.

- h) Contact the Candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the Candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the Pre-General and Post-General Campaign Finance Reports of Cara for AZ House Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Citizens Clean Elections Commission, and is not intended to be and should not be used by anyone other than this specified party.

Foster & Chapman P.C.

March 2, 2017

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome	COW Date	COW Outcome	1st Read	2nd Read	Vote Committee As	Date for Vote2	Vote Outcome2	COW Date	COW Outcome	3rd Read	3rd Rea	3rd Rea
HCR 2004	Clean Elections; Education Funding	Rep. Leach	Would place a repeal of the Clean Elections Act on the November 2018 ballot and divert the funds to the Dept. of Education to be given to school districts and charter schools	Would eliminate the Commission and Act.	House Approps	Oppose	15-Feb	Failed 6-7												
HCR 2002	Repeal 1998 Prop. 105	Rep. Ugenti-Rita	Would place on the November 2018 ballot the question of whether to repeal or keep Prop 105. Passed in 1998 Prop 105 requires the legislature to pass any laws effecting items passed by the voters to receive a 3/4 vote and to further the purpose of the item	Would allow the Legislature to make changes to the Act	House Gov	Oppose	9-Feb	Passed 5-3	23-Feb	Received a Do Pass as Amended recommendation	23-Feb	Passed 35-25	Senate Jud							
HB 2026	Secretary of State; Omnibus	Rep. Coleman	Changes how the SOS handles certain aspects of public notices being displayed on their website. Removes them from having to be a source for information regarding other agencies and commissions. Gives the SOS full discretion over rules regarding form and style for filing the rule	Minimal. Concerning that the SOS would want to have full discretion over rules	House Gov	Neutral	19-Jan	Passed 8-0	2-Feb	Received a Do Pass as Amended recommendation	6-Feb	Passed 57-3 as amended and was transmitted to the Senate.	Senate Gov	1-Mar	7-0-0					
HB 2304	Voter Guide; Publicity Pamphlet; E-mail	Rep. Kern	Would allow voters to opt out of receiving the CSP by mail and receive it by email.	Would add additional cost and time to the process. The CSP is mail to households and not voters. The Commission would not be able to stop a mailing to a household as we would have no way to know how many voters are in the household and if all of them were opting out.	House Gov	Neutral	2-Feb	Passed 7-1	22-Feb	Received a Do Pass as Amended recommendation	22-Feb	Passed 45-14 and was transmitted to the Senate. Received the 3/4 vote needed.	Senate Jud	23-Mar	Held on 3/18					
HCR 2007	Proposition 105; Exempt Referenda	Rep. Ugenti-Rita	Would place on the November ballot the question to remove referendum from under the Prop 105 clause. This would give the Legislature the ability to change referendum with a simple majority vote.	Would open the door for more attempts to change the Clean Elections Act.	House Gov	Oppose	9-Feb	Passed 5-3 Held in Rules	23-Feb	Received a Do Pass Recommendation	23-Feb	Passed 35-25	Senate Jud							

[illegible]

[illegible]

"ORIGINAL" -
D. Ruiz

ISA-505
F/Y 14

**Interagency Service Agreement Between
Citizens Clean Elections Commission and
The Office of the Secretary of State**

THIS INTERAGENCY SERVICE AGREEMENT (Agreement) IS MADE AS OF THE 2nd day of July, 2013, between the CITIZENS CLEAN ELECTIONS COMMISSION (hereinafter referred to as the Commission) and the OFFICE OF THE SECRETARY OF STATE (hereinafter referred to as the Secretary), pursuant to A.R.S. § 35-148.

WHEREAS,

- A. The Commission has a duty to enforce the provisions of Title 16, Chapter 6, Article 2, Arizona Revised Statutes and to exercise the powers granted to it under that Article.
- B. The Commission has the authority to pay reasonable and necessary expenses of administration and enforcement, to make expenditures for public education and voter education and the make expenditures to implement the Citizens Clean Elections Act thereof pursuant to A.R.S. § 16-949.
- C. The Commission has the duty to prescribe forms for reports, statements, and notices to be filed through a reporting system jointly approved by the Commission and the Secretary of State pursuant to A.R.S. § 16-956(A)(3). The Commission also has authority to adopt rules to implement the reporting requirements of A.R.S. § 16-958(D)-(E) and to adopt rules to carry out the purposes of Title 16, Chapter 6, Article 2. A.R.S. §§ 16-956(A)6); -956(B).
- D. The Secretary of State has the duty to accommodate electronic collection, filing and dissemination of statements of campaign contributions and expenditures pursuant to A.R.S. §§ 16-916, -916.01, and -958.
- E. The Commission and the Secretary of State desire to increase voter education and transparency and improve the electronic, web-based, filing system prescribed by A.R.S. § 16-958(E).

THEREFORE, the Secretary of State and the Commission agree as follows:

1. Agreement Term

The term of this agreement shall begin on July 1, 2013 and shall remain in effect until the agreement is modified by both parties.

2. Definitions

"System" means the World Wide Web-based reporting system for the reporting of campaign-related information and the display of such information to the public.

"Authorized" or "authorization" means a request, requirement or other authorization by the Commission pursuant to Title 16, Chapter 6, Arizona Revised Statutes, or Arizona Administrative Code, Title 2, Chapter 20, made of any reporting party or the Secretary.

"Filing(s)" means any report, statement, notice or other document authorized by the Commission.

“Administrated” means the act of technically operating a Web-based reporting system, including the provisions of access to reporting parties and the provisions of public access to filings. Administrated does not include the authority, power, or jurisdiction to supersede, alter or amend the Commission’s jurisdiction, authority and powers or the authority, power or jurisdiction to decline, reject, or alter a Commission authorization.

“Reporting Party” means a person authorized to file reports related to campaigns and includes a corporation, company, partnership, firm, association or society, as well as a natural person.

3. Responsibilities

The Secretary shall:

- a. Develop improvements to the system that provide the public with a graphical, easy to use user experience that includes:
 - i. The identification of a contributor and all contributions made by that contributor to all reporting parties.
 - ii. Identifies a reporting party and show all contributors, the amount and date of the contribution.
 - iii. Identify all reporting parties that have made filings respecting particular candidates for statewide and legislative office.

This responsibility shall be completed by December 31, 2013.

- b. Ensure that the system provides the means for any authorized filing by a reporting party. This responsibility begins July 1, 2013.
- c. Develop a universal log in for reporting parties that permits them to make authorized or voluntary filings on demand. This responsibility shall be completed by December 31, 2013.
- d. Provide access to the Commission and its staff to any data, filing, or other information the Commission or its staff deem necessary to the execution of any duty. This responsibility begins July 1, 2013.
- e. Provide quality assurance access to the Commission and its staff for training and research purposes. Such access shall include the ability to illustrate filings by reporting parties. This responsibility begins July 1, 2013.
- f. Ensure that the system shall include an introductory page that includes representation of both the Commission and the Secretary of State’s logos in equal proportion and placement and that shall be accessible from the Commission’s designated Web sites. This responsibility shall be completed by December 31, 2013.
- g. Administrate the system for the Commission. This responsibility begins July 1, 2013.

In addition, the Secretary:

- h. Agrees that an authorization does not require or represent the endorsement of the Secretary of any Commission action, and further consents and agrees that the Secretary and the Commission determine their own jurisdiction. This responsibility begins July 1, 2013.

The Commission shall:

- i. Pay \$175,000 to the Secretary of State. The Commission shall advance to the Secretary of State one-half of the funds (\$87,500) within 30 days after execution of this Agreement, and one-half of the funds on or before February 1, 2014.

4. Miscellaneous Provisions

A. The Secretary warrants that in undertaking and completing the responsibilities prescribed by Section 3(a)-(g) of this agreement that any work product does not and will not infringe upon, violate, or misappropriate any patent, copyright, trade secret, trademark, contract or proprietary right of any third party.

B. The Secretary may use the system to provide filings by reporting parties as it deems appropriate provided the Secretary is in compliance with this Agreement, but may not prevent, obstruct or alter any authorization.

C. Every payment of obligation of the Commission under this Agreement is conditioned upon the availability of funds allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this agreement, this Agreement may be terminated by the Commission or any other agency of State of Arizona at the end of the period for which funds are available. No liability shall accrue to the Commission nor any other agency of the State of Arizona in the event this provision is exercised, and neither the Commission nor any other agency of the State of Arizona shall be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

D. Pursuant to A.R.S. § 35-148(A), the Secretary of State shall make an accounting of expenditures and return any advance not used to the Commission. The Secretary shall provide updates to the Commission staff at regular intervals, not to exceed 90 days, of progress respecting the responsibilities prescribed in Section 3(a)-(g). Upon the demand of the Commission, the Secretary shall provide reports on progress as requested by the Commission, but the Commission shall grant the Secretary 14 days to respond to such requests.

E. Pursuant to A.R.S. § 35-148, this interagency service agreement is for the advancement and/or payment from the Commission's resources to the Secretary of State for the provision of goods and services. The Commission shall be the owner of the system, which is licensed to the Secretary and administrated by the Secretary for use by reporting parties and the public. All materials related to the system, including without limitation documents, copyrights, drawings, drafts, notes, designs, computer media, electronic files and lists, include deletions from, alterations of and revisions in the forgoing are the property of the Commission. In the event of a material breach, the Secretary's license to use and administrate the system shall expire and all copies of material shall be returned to the Commission. Breach of any of the provisions of Section 3(a)-(h) of this agreement shall be deemed material. Declining, refusing or altering a Commission authorization shall be deemed a breach of Section 3. Failure to respond to a Commission authorization provided in writing to the Secretary, the Assistant Secretary of State or the Director of Computer Services within 14 days shall be deemed a material breach of this agreement. Failure to accommodate a Commission authorization within 30 days after written notice shall be

deemed a material breach, but such time may be extended by the Commission's Executive Director in writing.

F. Pursuant to A.R.S. §§ 35-214 and 35-215, both parties shall retain all data, books, and other records ("records") relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to the inspection and audit by the State of Arizona at reasonable times. Upon request, either party shall produce the original of any or all such records to the other.

G. The parties shall comply with Executive Order 2009-9 which mandates that all persons, regardless of race, color religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable state and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

H. This agreement may be amended or modified at any time by mutual agreement. No agent, employee or other representative of either party is empowered to alter any of the terms of the agreement, unless done in writing and signed by the authorized representative of the respective parties.

I. This agreement contains all of the agreements of the parties and no other agreements or oral representations from any party are binding.

J. The parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

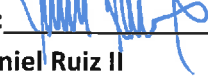
K. This agreement shall be construed in accordance with the laws of the State of Arizona.

L. This agreement is subject to cancellation pursuant to A.R.S. § 38-511. In such event, Section 4(A) shall apply.

M. This agreement shall take effect on July 1, 2013.

IN WITNESS WHEREOF, the parties have executed this Interagency Service Agreement under the Authority of A.R.S. § 35-148(A) as of the date first above written.

CITIZENS CLEAN
ELECTIONS COMMISSION

By:  7/3/2013
Daniel Ruiz II
Interim Executive Director

ARIZONA OFFICE OF
THE SECRETARY OF STATE

By: 
Jim Drake
Assistant Secretary of State

Interagency Service Agreement Between
Citizens Clean Elections Commission and
The Office of the Secretary of State

* *Revised by TC*
Amended *rec'd*
NA - SOS *5/21/14*
Original ISA
signed
by Daniel on
7/3/13

THIS INTERAGENCY SERVICE AGREEMENT (Agreement) IS MADE AS OF THE 3rd day of July, 2013, as modified April 24, 2014, between the CITIZENS CLEAN ELECTIONS COMMISSION (hereinafter referred to as the Commission) and the OFFICE OF THE SECRETARY OF STATE (hereinafter referred to as the Secretary), pursuant to A.R.S. § 35-148.

14 MAY 21 PM 4:10 CCEC

WHEREAS,

- A. The Commission has a duty to enforce the provisions of Title 16, Chapter 6, Article 2, Arizona Revised Statutes and to exercise the powers granted to it under that Article.
- B. The Commission has the authority to pay reasonable and necessary expenses of administration and enforcement, to make expenditures for public education and voter education and the make expenditures to implement the Citizens Clean Elections Act thereof pursuant to A.R.S. § 16-949 and subject to A.R.S. § 16-956(A)(7).
- C. The Commission has the duty to prescribe forms for reports, statements, and notices to be filed through a reporting system jointly approved by the Commission and the Secretary of State pursuant to A.R.S. § 16-956(A)(3). The Commission also has authority to adopt rules to implement the reporting requirements of A.R.S. § 16-958(D)-(E) and to adopt rules to carry out the purposes of Title 16, Chapter 6, Article 2. A.R.S. §§ 16-956(A)(6); -956(B).
- D. The Secretary of State has the duty to accommodate electronic collection, filing, and dissemination of statements of campaign contributions and expenditures pursuant to A.R.S. §§ 16-916, -916.01, and -958.
- E. The Commission and the Secretary of State desire to increase voter education and transparency and improve the electronic, web-based, filing system prescribed by A.R.S. § 16-958(E).

THEREFORE, the Secretary of State and the Commission agree as follows:

1. Agreement Term

The term of this agreement shall begin on July 1, 2013 and shall remain in effect until the agreement is modified by both parties. This agreement has been modified by amendments taking effect on April 24, 2014, and this agreement as amended supersedes the original ISA signed in July 2013.

2. Definitions

- A. "System" means the modifications to computer programs, displays, and interfaces, funded by this ISA, as a World Wide Web-based reporting system for the reporting of campaign-related information and for the display of such information to the public.
- B. "Authorized" or "authorization" means a request, requirement, or other authorization by the Commission pursuant to Title 16, Chapter 6, Arizona Revised

Statutes, or Arizona Administrative Code, Title 2, Chapter 20, made of any reporting party or the Secretary.

C. "Filing(s)" means any report, statement, notice, or other document authorized by the Commission.

D. "Administrated" means the act of technically operating a Web-based reporting system, including the provisions of access to reporting parties and the provisions of public access to filings. Administrated does not include the authority, power, or jurisdiction to supersede, alter or amend the Commission's jurisdiction, authority, and powers or the authority, power, or jurisdiction to decline, reject, or alter a Commission authorization.

E. "Reporting Party" means a person authorized to file reports related to campaigns and includes a corporation, company, partnership, firm, association, or society, as well as a natural person.

3. Responsibilities

The Secretary shall:

- a. Develop improvements that provide the public with a graphical, easy-to-use user experience that includes:
 - i. The identification of a contributor and all contributions made by that contributor to all reporting parties.
 - ii. Identifies a reporting party and show all contributors and the amount and date of the contribution.
 - iii. Identify all reporting parties that have made filings respecting particular candidates for statewide and legislative office.

This responsibility shall be completed by May 1, 2014.

- b. Ensure that the System provides the means for any authorized filing by a reporting party. This responsibility begins April 24, 2014.
- c. Develop a universal log-in for reporting parties that permits them to make authorized or voluntary filings on demand. This responsibility shall be completed by December 31, 2013.
- d. Provide access to the Commission and its staff to any data, filing, or other information the Commission or its staff deem necessary to the execution of any duty. This responsibility begins July 1, 2013.
- e. Provide quality assurance access to the Commission and its staff for training and research purposes. Such access shall include the ability to illustrate filings by reporting parties. This responsibility begins July 1, 2013.
- f. Ensure that the System shall include an introductory page that includes representation of both the Commission and the Secretary of State's logos in equal proportion and placement and that shall be accessible from the Commission's designated Web sites. This responsibility shall be completed by May 1, 2014.
- g. Administrate the System for the Commission. This responsibility begins July 1, 2013.

In addition, the Secretary:

- The Commission shall:**

- #### 4. Other Provisions

E. Pursuant to A.R.S. § 35-148, this interagency service agreement is for the advancement and/or payment from the Commission's resources to the Secretary of State for the provision of goods and services. The goods and services provided here include the graphical displays outlined in Section 3(a) hereof, the computer access capabilities for Commission filers described in Sections 3(b) and 3(c) hereof, the access services in Section 3(d) hereof, the training services in Section 3(e), and the administration services in Section 3(g).

- F. Absent material breach, the Secretary of State may permit others to use the System under administration of the Secretary of State and retain any benefits or revenues from such uses of the System without accounting to the Commission.
- G. The Commission has an interest in any modifications to the display of campaign finance data, and the Secretary of State shall not materially modify the display produced by the System except after consultation with and approval of the Commission. Subject to force majeure and maintenance matters, the Secretary of State shall not bar the Commission or any reporting party from accessing any function necessary to make reports requested or required by the Commission.
- H. In the event of a material breach, (i) the Secretary shall return all funding to the Commission, and (ii) the Secretary shall provide to the Commission a single copy, in electronic form, of the computer programs making up the entire campaign finance system. Additionally, the Secretary of State warrants that access by the Commission to the database for public data and Commission-specific data will not be restricted. Breach of any of the provisions of Section 3(a)-(h) of this agreement shall be deemed material. Declining, refusing, or altering a Commission authorization shall be deemed a breach of Section 3. Failure to respond to a Commission authorization provided in writing to the Secretary, the Assistant Secretary of State or the Director of Computer Services within 14 days shall be deemed a material breach of this agreement. Failure to accommodate a Commission authorization within 30 days after written notice shall be deemed a material breach, but such time may be extended by the Commission's Executive Director in writing.
- I. This interagency services agreement does not alter the authority or duties of the Secretary of State or of the Commission with respect to campaign finance data.
- J. Pursuant to A.R.S. §§ 35-214 and 35-215, both parties shall retain all data, books, and other records ("records") relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to the inspection and audit by the State of Arizona at reasonable times. Upon request, either party shall produce the original of any or all such records to the other.
- K. The parties shall comply with Executive Order 2009-9 which mandates that all persons, regardless of race, color religion, sex, age, national origin, or political affiliation, shall have equal access to employment opportunities, and all other applicable state and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin, or disability.
- L. This agreement may be amended or modified at any time by mutual agreement. No agent, employee, or other representative of either party is empowered to alter any of the terms of the agreement, unless done in writing and signed by the authorized representative of the respective parties.
- M. This agreement contains all of the agreements of the parties and no other agreements or oral representations from any party are binding.
- N. The parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to

the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

O. This agreement shall be construed in accordance with the laws of the State of Arizona.

P. This agreement is subject to cancellation pursuant to A.R.S. § 38-511. In such event, Section 4(H) shall apply. ADDITIONALLY, THE SECRETARY OF STATE'S OFFICE IS NOT RESPONSIBLE FOR FAILURE TO PERFORM OBLIGATIONS PURSUANT TO THIS AGREEMENT IF SUCH FAILURE IS AS A RESULT OF ACTS OF GOD (INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, EARTHQUAKE, STORM, HURRICANE, HABOOB, OR OTHER NATURAL DISASTER), WAR, INVASION, ACT OF FOREIGN ENEMIES, HOSTILITIES (REGARDLESS OF WHETHER WAR IS DECLARED), CIVIL WAR, REBELLION, REVOLUTION, INSURRECTION, MILITARY OR USURPED POWER OR CONFISCATION, TERRORIST ACTIVITIES, NATIONALIZATION, GOVERNMENT SANCTION, BLOCKAGE, EMBARGO, LABOR DISPUTE, STRIKE, LOCKOUT, OR INTERRUPTION, OR FAILURE OF ELECTRICITY OR TELEPHONE SERVICE. NEITHER THE SECRETARY OF STATE NOR THE CITIZENS CLEAN ELECTIONS COMMISSION IS ENTITLED TO TERMINATE THIS AGREEMENT UNDER THESE CIRCUMSTANCES. IF THE SECRETARY OF STATE ASSERTS FORCE MAJEURE AS AN EXCUSE FOR FAILURE TO PERFORM THE SECRETARY OF STATE'S OBLIGATION, THEN THE SECRETARY OF STATE MUST DEMONSTRATE THAT THE OFFICE TOOK REASONABLE STEPS TO MINIMIZE DELAY OR DAMAGES CAUSED BY FORESEEABLE EVENTS (IF ANY), THAT THE OFFICE SUBSTANTIALLY FULFILLED ALL NON-EXCUSED OBLIGATIONS, AND THAT CITIZENS CLEAN ELECTION COMMISSION WAS TIMELY NOTIFIED OF THE LIKELIHOOD OR ACTUAL OCCURRENCE OF AN EVENT DESCRIBED IN THIS CLAUSE.

Q. This agreement shall take effect on July 1, 2013, and the amendments take effect on April 24, 2014.

IN WITNESS WHEREOF, the parties have executed this Interagency Service Agreement under the Authority of A.R.S. § 35-148(A) as of the date first above written.

CITIZENS CLEAN
ELECTIONS COMMISSION

By: _____

Thomas Collins
Executive Director

ARIZONA OFFICE OF
THE SECRETARY OF STATE

By: _____

Jim Drake
Assistant Secretary of State



MICHELE REAGAN
Secretary of State
State of Arizona

March 6, 2017

17 MAR 9 PM 6:00 CCEC

Thomas M. Collins
Executive Director, Arizona Citizens Clean Election Commission
1616 West Adams Street, Suite 110
Phoenix, Arizona 85007

Re: Termination of 2014 Campaign Finance Software ISA

Dear Mr. Collins:

During the meeting on January 27, 2017, the termination of the 2014 ISA for upgrades to the campaign finance software was brought up as unfinished business. We are in agreement and would like to finalize the termination. To accomplish that we are sending you a copy of the Campaign Finance Software. We also enclose a printout from AFIS with the required ITI/ITA payment information to terminate the original agreement.

While we regret the need to terminate the 2014 ISA for non-completion, it is the correct response to ensure that the conversations occurring now are not impacted. We are very excited and cautiously optimistic that the new campaign finance software, still currently in the planning phases, will provide not only the candidate greater functionality but the public the ability to more easily gather information.

The partnership between our offices is in the best interest of the State of Arizona and we look forward to continuing the dialogue to move campaign finance forward, together.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee Miller", written over a large, stylized blue circular stamp or seal.

Lee Miller
Deputy Secretary of State

Enclosures

1700 West Washington Street, Floor 7
Phoenix, Arizona 85007-2808
Telephone (602) 542-4285 Fax (602) 542-1575
www.azsos.gov

Internal Transaction Agreement(ITA) Dept: ECA ID: 2014 ISA Ver.: 1 Function: New Phase: Draft

Modified by 63995 , 03/08/2017

Initiator Reference		Total Lines: 1		Vendor Line: 1			
Vendor Line	Initiator Doc Code	Initiator Doc Dept	Initiator Doc ID	Initiator Vendor Line	Initiator Accounting Line	Line Amount	Event
1	ITI	STA	2014 ISA	1	1	\$87,500.00	INZ3
From 1 to 1 Total: 1							

Initiator Reference General Information 2nd Party Information 1st Party Reference 1st Party Fund Accounting

1st Party Detail Accounting 1st Party Service Dates

Event Type ID:	Budget FY:
INZ3	
Accounting Template:	Fiscal Year:
Line Amount:	Period:
\$87,500.00	
Line Actual Amount:	Bank:
\$0.00	BK01

17MAR 9 PM 6:01 CCEC

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Steve M. Titla
Chair

Damien R. Meyer
Mark S. Kimble
Galen D. Paton
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

MEMORANDUM

To: Commissioners

From: Commission Staff

Date: 3/22/17

Subject: Supplemental Information on IT issues related to Item IV

In order to better background the Commission for the discussion of the Secretary of State's proposal, Staff has worked with the Commission's IT consultant to take a look at some rough numbers for the cost of a campaign finance system, both for the public side and the backend filing side.

Additionally, our IT consultant offered some observations about the maintenance costs that are relevant to the Secretary's request on Monday for an additional \$50,000 a year.

Finally, you will find two exhibits. The first is our total IT costs for all our systems for last calendar year. Exhibit 1. The second is an Arizona Capitol Times article related to Secretary Reagan's "See the Money" program from November of 2015, which, according to the article, was to be online by May 2016 "at the latest." Exhibit 2.

Staff still recommends proceeding to authorize a negotiation. But these numbers should be helpful to you and staff in moving forward, should you so authorize.

"Best guess" estimate from CEC IT consultant:

Campaign Finance System						External Resources	
	All	Backend	Officer	Candidate	Public	Dev Tools (reporting/charts)	
Gather Requirements	60					UI Look/Feel	\$2,000
Mockups / UI Design	80						\$5,000
Database Design	80						
Project Setup		20	20	20	40		
Coding		400	120	40	300		
Testing		80	20	20	80		
Reporting		60	16	0	40		
Post-Deployment		150	50	20	100		
	220	710	226	100	560		
						1,816 Hours	
						\$227,000 Cost @ \$125/hr	

** All estimates are best-guess until requirements are fully gathered

Our consultant notes that you might cushion the estimate by 50-100% for budgeting purposes. Even at 100% cushion the entire Campaign Finance project (not just "See the Money") comes in at less than \$200,000 plus a \$50,000 obligation with no specified end date and less than the entire cost of the project to SOS.

Maintenance:

CEC's consultant notes that ongoing maintenance might be 100 hours a year, or a \$1,000/month. He indicates that most software maintenance contracts are a profit center, and used to fund future versions. Thus, in his experience private companies require more money for requested changes even though they have maintenance contracts. Consequently, if CEC goes agrees to a maintenance amount it should state that includes X hours of work/month, in case CEC-specific changes are needed.

The Secretary's office has informed CEC staff in a meeting that maintenance would be handled by SOS staff internally, not on a contract basis. Therefore, our consultant's point about using this as a profit center seem to apply, given those maintenance will already be accounted for in employee salaries to operate the entire system. While contributing to maintenance is one thing, fully funding essential an FTE is another. That is why the recommendation memo does not recommend embracing the maintenance price identified by SOS this week. We have not been provided any estimate of the man hours or what maintenance entails.

Additionally, the SOS plan is to offer the system to cities, towns, counties and other jurisdictions that hold elections, at a subscription fee. According to the attached Capitol Times story, Elections Director Eric Spencer said SOS "likely won't require other government entities to help for the cost of developing the new website, but will require them to pay a pro rata share of the ongoing maintenance costs." Exhibit 2 at 2. That is additional revenue that should be taken into account, but is not in the current SOS proposal. Hence, the main recommendation includes CEC Staff obtaining more information on the actual costs of SOS IT services.

Exhibit 1



STATE OF ARIZONA
CLEAN ELECTIONS COMMISSION
PURCHASE ORDER

PURCHASE ORDER

ECA17017



AGENCY: CLEAN ELECTIONS - ECA	AUTHORIZED BY:	VENDOR NO (11) MC(3) V#13519344490
PREPARED BY: Paula	ENTERED BY:	PURCHASING OFFICER NAME & PHONE NO. Paula Thomas, Executive Officer (602) 364-3484
DATE 12-30-16	DIVISION Administration & Voter Education	REQUISITION OFFICER & PHONE NO. Sara Larsen, Financial Affairs Officer Gina Roberts, Voter Education Manager
VENDOR Guidesoft Inc DBA Knowledge Services 5875 Castle Creek Parkway, Suite 400 Indianapolis, IN 46250 Samantha Alcocer, Program Manager (602) 385-2163		SHIP TO CITIZENS CLEAN ELECTIONS COMMISSION 1616 W. ADAMS, SUITE 110 PHOENIX, ARIZONA 85007 (602) 364-3477

Rec'd by & Date	Qty	Unit	Supplier or Subcontractor	Description	Unit Price	Extended Price
				2017 Software & Network Services		
				<i>Pursuant to AZ State Contract #ADSP012-031581</i>		
			<i>Sam Casias, PDS Manager</i>	Weekly/Monthly IT Consultant Services		
	1	hourly	PDS TECH, Inc	Terry Crane, Security Engineer, Software Services	hourly	\$ 140.00
	1	hourly	PDS TECH, Inc	Jason Miles, Security Engineer, Software Services	hourly	140.00
	1	hourly	PDS TECH, Inc	Charles Pippin, Security Engineer, Network Services	hourly	110.00
	1	hourly	KHI	Craig Stender, Database Analyst, as needed for VE Projects	hourly	88.00
				****Effective: January 1, 2017 thru December 31, 2017****		
				ALL SERVICES Requires Pre-Approval from Agency Mgmt.		
				<i>See attach approved 2017 Projects, Estimated Services & Hours</i>		
				In order to track project/service hours, customized time sheet requested as per attached billing project/service categories		
				All changes to Vendor Admn & Sub-contractors must be Pre-approved by CCEC Mgmt.		
				Agency reserves the right to request/make changes to IT Consultant, Sub-Contractors, Projects & Services.		

Bill To: SAME AS "SHIP TO" EXCEPT ATTN: ACCOUNTING SECTION	DELIVERY REQUIRED: Weekly/Monthly Services as pre-approved, required & requested by CCEC Mgmt.	SUB TOTAL>	*NTE Total
	TERMS NET 30 DAY	TAX>	tbd
		FREIGHT>	
(RECEIVING EMPLOYEE: SIGN & DATE RECEIVING COPY)	F.O.B.	*TOTAL>	\$ 165,000.00
I CERTIFY THIS ORDER RECEIVED EXCEPT AS NOTED ABOVE		 AUTHORIZED AGENT SIGNATURE AND DATE 12/30/16	

JST Technologies / PDS Tech
Software and Network Services Proposal

Citizens Clean Elections Commission
2017

Network Services Proposal

1. Ongoing Maintenance in 2017

- a. Network Monitoring and Support – 15 hours per month

2. Projects in 2017

- a. Email Protection Software License (replace McAfee)
- b. Anti-Virus for Servers (Cylance (approx. \$55/server per year, 10 servers)
- c. NAS for file share (\$1,600) - 10 hours
- d. Backups Server (\$3,000) – 20 hours
- e. External Domain Controller Server (\$3,000) – 20 hours
- f. Workstation Upgrades / OS Upgrades – As needed

Software Services Proposal

1. Continuous Improvement in 2017

- a. Miscellaneous Requests – up to 30 hours per month
- b. Check error logs, database backups –1 hour per month

2. Projects in 2017

- a. Licensing
 - i. Update PDF4NET License (\$600)
 - ii. Update Winnovative License (\$750)
- b. Public Website
 - i. Improvements: Voting Dashboard, ID at the Polls, Legislator Portal, Calendar Widgets, County/City/Town Info – 90 hours
 - ii. CMS Improvements: Cloud Storage (\$50), HTML editor, enhanced Language support, validation – 40 hours
- c. Mobile Applications
 - i. Improvements: Elected Officials, Dynamic Content, Push Notifications, Redesign
 - ii. Android, Kindle Fire – 100 hours
 - iii. iOS (iPhone, iPad) – 100 hours
 - iv. Live Election Results import and processing – 40 hours
- d. Intranet Enhancements
 - i. Secretary of State / Campaign Finance – 40 hours
 - ii. Debates – Integrate with live site, enhancements – 20 hours

PDS

Proposal Overview

	2017 MAINTENANCE	2017 PROJECTS	2017 PURCHASES
NETWORK	15 per month	50	\$8,150
SOFTWARE	30 per month	430	\$1,400
TOTAL HOURS	540	0	\$9,550

Disclaimer

All estimates are based on high-level requirements, and therefore are a "best-guess" value based on the current level of understanding. More accurate estimates can be provided with more detailed requirements.

In cases where anticipated effort changes significantly due to new requirements or previously unknown circumstances, the customer will be notified of the new estimate and we will await their permission to proceed.

All work is billed weekly as hours are accrued, regardless of correspondence to the estimate, over or under.

Paula Thomas

From: Paula Thomas
Sent: Friday, December 30, 2016 2:40 PM
To: 'Samantha Alcocer'
Cc: Allie Damron
Subject: AZClean Elections dotStaff - 2017 Project Service Categories for Consultant Time Cards & PO#

Hi Samantha,

For 2017 IT Services, please use PO# is ECA17017 to cover all billable services from the following consultants via PDS Tech Bill Rate & KHI Bill Rate for Craig Stender:

Terry Crane, Security Engineer, Software Services , \$140/hr, PDS
Jason Miles, Security Engineer, Network & Software Services , \$140/hr, PDS
Charles Pippin, Security Engineer, Network Services , \$110/hr, PDS
Craig Stender, Database Analyst, Software Services , \$88/hr, KHI, as needed for VE

Also, I need to update DotStaff Timecards to reflect the following 2017 Service Project Categories, (9 categories), effective 1/1/17 thru 12/31/17:

Network - Ongoing Maint, Monitoring & Support
Network - Server Configuration
Network - Workstation Upgrades/OS Upgrades

Software - Meetings
Software - Continuous Improvements
Software - Public Website / CMS
Software - Mobile Applications
Software - Intranet
***Software - KHI Database Analyst, Craig**

*Craig Stender, KHI, is used on an as needed basis for Voter Education projects that occur mainly during an election year. We may not need Craig until the 2018 election cycle, however in the event advance preparation projects occur in 2017 for 2018 election related services, I want to include Craig. Please update above categories into DotStaff timecards by week of January 2, 2017, so IT personnel can enter time accordingly. I will also need to continue receiving the AZClean Elections dotStaff Reports on regular basis, every 2-3 weeks to assist us in tracking & managing 2017 project budgets.

In addition, please **include PO #ECA17017 on all 2017 billing invoices and mail to my attention**. Let me know if you need a hard copy of PO for 2017 services and once timecard projects have been updated into DotStaff. We look forward to working w/KS & all of our contracted consultants. Wishing you a Happy & Prosperous New Year! Thank you!

*Paula Thomas, Executive Officer
Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Direct (602) 364-3484*

Exhibit 2

Reagan expects revolutionary new campaign finance website by May

By: Jeremy Duda November 24, 2015 , 3:40 pm



By May, the Secretary of State's Office expects to officially unveil a new online system that it says will revolutionize the way people can search and sort through campaign finance data, from the state level down to Arizona's smallest counties and towns.

The new website will include campaign finance information from cities and counties, as well as the state-level campaigns regulated by the Secretary of State's Office, and will allow people to sort through data in ways not previously possible.

If an individual contribution to a political action committee gets contributed to an independent expenditure, someone will be able to track it from the original donor to the campaign in which it's ultimately spent. If people want to find out how much money was contributed by employees or a particular company or members of a certain industry, they can easily determine how much was contributed and which candidates it benefited. And that information will be available for races from the state, county and municipal levels.

"Every single data point that's in the system, you'll be able to use that as a search term," said state Elections Director Eric Spencer.

Spencer said the new system will replace the secretary of state's recently implemented website, which was the product of an agreement between former Secretary of State Ken Bennett and the Citizens Clean Elections Commission. Spencer described the current website as a "beta test."

"It's completely different generations of products," he said. "The one that we unveil by next May will look as sophisticated as any private website on the market. No one looking at it will think it was designed by the government and put out by the government. It will blow away every other secretary of state website in the country."

Spencer said Secretary of State Michele Reagan plans to have the website online by May, at the latest, but that it will likely be ready before then.

The new system is the product of HB2589, which the Legislature passed in 2015 at Reagan's urging. The law allowed the Secretary of State's Office to create a new online campaign finance system and gives cities and counties the option of participating in it.

Cities and counties won't be required to opt into the secretary of state's system, but Spencer said he expects most to do so. The office has been making the rounds with city and county officials and has

received a lot of positive feedback, he said.

Spencer said Tempe and Maricopa and Pima counties will join the system, and that the office has had conversations with Glendale, Peoria and Scottsdale. He also said he expects Phoenix to take part.

"We really haven't had much pushback at all," Spencer said.

Maricopa County Recorder Helen Purcell said she expects her office to partake in the new system.

"We're trying to make our records as open as possible and I think that's a really good way to do it," she said. "I think this will make it easier for everybody."

Spencer said he doesn't expect many commitments until the Secretary of State's Office has a demo program to show municipal and county governments, as well as information about how much it will cost for them to participate in the system. He said the office likely won't require other government entities to help pay for the cost of developing the new website, but will require them to pay a pro-rata share of the ongoing maintenance costs. The office is spending between \$400,000 and \$500,000 on the site.

The Secretary of State's Office has already unveiled a prototype of the system to handful of Arizona's most prolific campaign treasurers, and is planning to demonstrate the new portal to members of the media before the end of the year. After that, the office will show it to local and county government entities.

"But we think that when everybody sees what we've got here, they will strongly request entry," Spencer said.

HB2589 was a one of Reagan's top priorities during the 2015 legislative session.

YOU MIGHT ALSO LIKE



Miles and spending still riding high even as House road trips



ACC vote leaves Burns to fend for himself in legal fight



Board vacancies put public worker pension fund in neutral

⌚ March 14, 2017 , 12:40 pm



House Republicans join Dems in killing ADOT omnibus bill — for now

⌚ March 10, 2017 , 4:20 am



Democrats fail to modify 'harsh' sanctions in cash assistance bill

⌚ March 9, 2017 , 10:44 am



Senate minority leader aiming for Secretary of State

⌚ March 8, 2017 , 9:45 am



roger

November 25, 2015 , 10:28 am at 10:28 am

Sounds good. Article mentions "If people want to find out how much money was contributed by employees or a particular company or members of a certain industry, they can easily determine how much was contributed and which candidates it benefited." But how about unions? How about out-of-state contributors? Will it reveal the source of the money behind future campaigns such as the 2014 CorpComm election? This is what residents want, and hopefully it will deliver on these very important requirements.

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Steve M. Titla
Chair

Damien R. Meyer
Mark S. Kimble
Galen D. Paton
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcanelections.gov

MEMORANDUM

From: Sara A. Larsen, Financial Affairs & Compliance Officer and Amy Jicha, Legal Intern

Date: March 23, 2017

Subject: General Election Candidate Audits - Findings Summary

On October 27, 2016, the following candidates were selected for random audits for the general election period. The auditors reviewed candidates' bank statements, receipts and records, and campaign finance reports for the reporting period. There were no significant findings regarding violations of the Clean Elections Act or Rules. The results yield the following:

- A. Brandon Dwyer
 - a. There was one noted exception for an expenditure of \$174.00 had non-agreeing supporting documentation.
- B. Rosanna Gabaldon – No findings.
- C. Jason Lindstrom
 - a. There was a noted exception for an expenditure equaling \$127.50 for a campaign event. The candidate failed to retain sufficient supporting documentation as required by R2-20-703(A)(2).
- D. Barbara McGuire
 - a. One expenditure for 1,482.90 was comprised of separate mileage expenditures incurred during different reporting periods and should have been reported accordingly.
- E. Jennifer Pawlik – No findings.
- F. Cara Prior
 - a. Three withdrawals equaling \$85.28 were mistakenly utilized but were later reimbursed to the Commission.

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Steve M. Titla
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MEMORANDUM

To: Commissioners

From: Tom Collins, Executive Director

Date: 3/22/17

Subject: HB2304

This memorandum follows up on the Commission's vote to oppose the House Engrossed Version of HB2304. As you know that measure included language that impinged on the Commission's authority and created issues for the delivery of the Candidate Statement Pamphlet (CSP). Late yesterday, March 21, 2017, a committee amendment was posted, which, if attached, purports to remove the Clean Elections Act from the bill. *See Proposed Committee Amendment available at <https://apps.azleg.gov/BillStatus/GetDocumentPdf/451619>.*

Nevertheless, the Commission should continue to oppose the measure for two reasons. No action is required to continue this position.

First, tactically, nothing guarantees this proposed amendment is placed on the bill in Committee (which meets at the same time as the Commission tomorrow). Nor does anything guarantee that the amendment will be attached on the floor in Committee of the Whole, or else substituted with worse language. Finally, because a Senate amendment will have been added, the House sponsor has an opportunity to refuse to concur, which could set up a conference committee where more unknowns could arise. Given these further proceedings it is *less confusing to the Legislature* to maintain our opposition rather than switch to neutral and back depending on late or unnoticed floor and conference amendments that may harm CEC interests.

Second, the bill, as amended by the proposed committee amendment, still has very broad language relating to emails that raise substantial questions for the Commission. Specifically the bill would provide that "[n]otwithstanding any other law, a voter's email may not be released for any purpose." *See House Engrossed Version at page 4, lines 20-21, available at <https://apps.azleg.gov/BillStatus/GetDocumentPdf/449580>.*

Three issues arise. First, it is not clear what the implications of this are for CEC's interaction with voters. Does this only apply to emails obtained through the Service Arizona

portal¹ for voter registration described in the bill, for example? The notwithstanding clause indicates that is not the limit of this provision.

Second, the bar on release seems to run contrary to the policy of the public records law in Arizona which “defines ‘public records’ broadly and creates a presumption requiring the disclosure of public documents.” *Lake v. City of Phoenix*, 218 P.3d 1004, 1006, ¶ 8 (Ariz. 2009) (quoting *Griffis v. Pinal County*, 156 P.3d 418, 421, ¶ 8 (Ariz. 2007)).

Finally, because the bill sets up a process inside of the voter registration system on Service Arizona to obtain the emails, the bar on release appears to be in tension with federal law. According to the U.S. Department of Justice:

Section 8 of the NVRA [National Voter Registration Act] requires that States keep and *make available for public inspection, for a period of at least two years, all records* concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

See U.S. Department of Justice, Questions and Answers on NVRA, *available at* <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (emphasis added).

Although the intention of this provision may be to allow voters to avoid spam, there are narrower means to achieve this end. For example, Service Arizona’s driver’s license section permits drivers opt into having their records released. There is a potential question whether that would comply with NVRA, but at least it would reduce the seeming tension with federal law.

Accordingly, given the legal questions and remaining tactical problems our position as opposed should remain unchanged. **No action by the Commission is required.**

¹ ServiceArizona.com is the web portal maintained by MVD that allows voters to register and drivers to update their car and drivers license information among other things.